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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

COASTAL HEARING ROOM

SACRAMENTO, CALIFORNIA

TUESDAY, JULY 6, 2004

10:00 A.M.

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Ms. Dianne Ohiosumua

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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PROCEEDINGS

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

Would you please call the roll.

SECRETARY JIMENEZ: Mulé.

COMMITTEE MEMBER MULÉ: Here.

SECRETARY JIMENEZ: Paparian?

COMMITTEE MEMBER PAPARIAN: Here.

SECRETARY JIMENEZ: Marin?

CHAIRPERSON MARIN: Here.

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

Do we have any ex partes to report?

COMMITTEE MEMBER MULÉ: None.

COMMITTEE MEMBER PAPARIAN: I'm up to date.

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

The next item is the Deputy Director's report.

Howard, you have a few things to say?

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

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

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

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

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

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

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

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

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

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

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

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

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

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out any information.

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

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

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

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

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CHAIRPERSON MARIN: Okay.

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

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

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

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

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

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

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

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

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

None?

Okay. Thank you, Howard.

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

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

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very, very easy, very fast, painless hopefully.

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

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

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

Howard.

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

Scott Walker will make a short presentation on

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

CHAIRPERSON MARIN: Okay. Scott, go for it.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRPERSON MARIN: Thank you, Scott.

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

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

Chuck.

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

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

Mr. White.

MR. WHITE: Thank you.

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

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

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

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

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

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

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

In summary, there's a lot of substantial

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

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

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

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

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

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

Thank you.

CHAIRPERSON MARIN: Thank you, Mr. White.

Are there any questions to this speaker?

Okay. Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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effects on the organics market.

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

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

So thank you very much.

CHAIRPERSON MARIN: Thank you, Mr. Smithline.

Also supporting this item to go forward is Don Augenstein.

Hello.

MR. AUGENSTEIN: Hi. Thank you. I appreciate

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the chance to speak.

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

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

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

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

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

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

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

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

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

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

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

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

And that's all my comments. Thank you.

CHAIRPERSON MARIN: Thank you Mr. Augenstein.

The next one is Ramin Yazdani.

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

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

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bioreactor rulemaking.

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

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

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

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

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

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

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

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

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

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

Thank you.

CHAIRPERSON MARIN: Thank you.

The next one is Evan Edgar, also supporting this.

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

We have 15 landfills statewide and we support the regulations.

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

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

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

Thank you.

CHAIRPERSON MARIN: Thank you Mr. Edgar.

Chuck Helget.

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

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

Thank you.

CHAIRPERSON MARIN: Thank you very much.

Gary Liss. He's opposed to this.

Mr. Liss.

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

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

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

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

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

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

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

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

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Thank you for your time.

CHAIRPERSON MARIN: Thank you.

Thank you for your comments?

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

Mr. Paparian.

COMMITTEE MEMBER PAPARIAN: Thank you, Madam Chair.

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

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

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

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

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

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

CHAIRPERSON MARIN: Okay. Ms. Mulé.

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COMMITTEE MEMBER MULÉ: Thank you, Madam Chair.

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

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

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

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

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

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

CHAIRPERSON MARIN: I understand.

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

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

CHAIRPERSON MARIN: Okay.

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

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

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

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

STAFF COUNSEL BLEDSOE: Michael Bledsoe for the Legal Office.

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

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

You want to break ground, Mr. Paparian, here?

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

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

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

CHAIRPERSON MARIN: Okay.

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

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

Okay. So we will have -- without a specific

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

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

Scott.

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

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

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

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

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

CHAIRPERSON MARIN: Scott -- or Howard.

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

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

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rulemaking, correct?

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

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

Okay. That's it?

COMMITTEE MEMBER PAPARIAN: Yeah.

CHAIRPERSON MARIN: Okay. Going once, going twice.

Call the roll on that please.

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

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

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

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

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

CHAIRPERSON MARIN: Right.

DEPUTY DIRECTOR LEVENSON: Potential placeholder

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

CHAIRPERSON MARIN: Correct.

DEPUTY DIRECTOR LEVENSON: Okay. Thank you.

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

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

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

CHAIRPERSON MARIN: No shorthand, Howard.

(Thereupon an overhead presentation was Presented as follows.)

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

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

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Wochnick from P&E and others.

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

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

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

--o0o--

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

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

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

--o0o--

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

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

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

--o0o--

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

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

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

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

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

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

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

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

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

Post-closure maintenance issues.

Rad waste. What's our rule on illegal dumping,

What about fires and stored piles of materials? We're working with LEAs on that, and we'll be coming back to you on that.

--o0o--

DEPUTY DIRECTOR LEVENSON: And then specifically related to landfills:

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

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

I mentioned the gas violation regs and

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post-closure maintenance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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back an item to that. And it may be that there are some gaps that you may wish to close with further work on that.

Also discussed last month was the issue of state minimum standards in other states at landfills. This is a tough one to do. It's very difficult to even plow our regulations and figure out what some of the state minimum standards are. So it would be hard to survey other states comprehensively without having some further direction on the focus that we should take and the problem. We could do some initial work, pick a few standards in a couple of states and do some initial scoping. But it may be that we need to work through an association such as ASTSWMO, Association of State and Territorial Solid Waste Managers, which typically does do surveys of all 50 states and territories. And it may be something that we could consider contracting with them for a quick and dirty survey to get some additional information.

--o0o--

DEPUTY DIRECTOR LEVENSON: And lastly -- the last couple slides, I just want to point out that the -- both in the last item and in the Geosyntec study the issue of gas monitoring keeps coming up and we, staff, feel that this is a very important issue that we're going to have to start addressing really over the long term. We don't have established procedures to assess when wells are too old or

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

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

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

--o0o--

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

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

We will explore, you know, additional enforcement

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tools.

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

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

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

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

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

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

COMMITTEE MEMBER PAPARIAN: No.

CHAIRPERSON MARIN: No?

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

(Laughter.)

COMMITTEE MEMBER PAPARIAN: And I think -- I mean

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

DEPUTY DIRECTOR LEVENSON: Happy surfing for all of us.

CHAIRPERSON MARIN: Who can get to the Internet first.

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

Gary Liss.

Welcome again.

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

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

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

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

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

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

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

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

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

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

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

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

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

Those are the key points.

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

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

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

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

Thank you.

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

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

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

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

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Okay. What's the pleasure of the Committee?

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

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

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

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

Any more comments? Okay.

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

Howard.

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

CHAIRPERSON MARIN: -- E.

DEPUTY DIRECTOR LEVENSON: I can't read.

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

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

CHAIRPERSON MARIN: Thank you.

MS. HAMBLETON: Good morning.

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

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

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it will add four additional permit conditions.

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

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

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

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

So go ahead, make your recommendation.

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

CHAIRPERSON MARIN: Okay.

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

CHAIRPERSON MARIN: Okay. Mr. Paparian.

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

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

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

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

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

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

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

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

Do you have a comment regarding this particular item?

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

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

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

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

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

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

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

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

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

CHAIRPERSON MARIN: Not to disclose it. Okay.

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

CHAIRPERSON MARIN: Okay.

DEPUTY DIRECTOR LEVENSON: -- below that number. So --

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CHAIRPERSON MARIN: Do other LEAs include that information?

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

CHAIRPERSON MARIN: Excellent.

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

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

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

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

Okay. Thank you.

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

Mr. Paparian, is that your --

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

COMMITTEE MEMBER MULÉ: Second.

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CHAIRPERSON MARIN: Okay. Moved and seconded.

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

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

CHAIRPERSON MARIN: Without objection -- yes.

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

CHAIRPERSON MARIN: That's good with me then.

Perfect. We'll follow tradition.

Okay. The next item then.

DEPUTY DIRECTOR LEVENSON: That's fine.

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

CHAIRPERSON MARIN: -- F.

-- Item F. Thank you.

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

Diana Ohiosumua will be presenting this item.

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

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

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

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

That concludes staff's presentation.

CHAIRPERSON MARIN: Okay. Thank you.

Does the Committee have any questions? Mr. Paparian.

COMMITTEE MEMBER PAPARIAN: Yeah. Thank you,

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Madam Chair. Just briefly.

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

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

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

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STAFF COUNSEL BLEDSOE: Thank you.

CHAIRPERSON MARIN: Staff.

STAFF COUNSEL BLEDSOE: Yes

CHAIRPERSON MARIN: All right.

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

CHAIRPERSON MARIN: Yeah. Okay. That's good.

Ms. Mulé.

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

CHAIRPERSON MARIN: Oh, make your motion.

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

COMMITTEE MEMBER PAPARIAN: Second.

CHAIRPERSON MARIN: Moved and seconded.

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

Okay. Item No. G.

Howard.

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

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

CHAIRPERSON MARIN: Excellent.

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

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

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

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

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

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

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

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

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

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

CHAIRPERSON MARIN: Thank you, Carla.

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

Who's going to make the motion?

Ms. Mulé.

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

COMMITTEE MEMBER PAPARIAN: Second.

CHAIRPERSON MARIN: Mr. Paparian seconds it.

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

Thank you.

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

EXECUTIVE DIRECTOR LEARY: Madam Chair --

COMMITTEE MEMBER PAPARIAN: We have one more.

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

CHAIRPERSON MARIN: Go ahead, do that.

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(Laughter.)

EXECUTIVE DIRECTOR LEARY: Thank you.

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

And now the last one, Item H.

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

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

CHAIRPERSON MARIN: Excellent.

Wes.

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

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

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

--o0o--

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

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

--o0o--

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

--o0o--

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

That concludes my presentation.

CHAIRPERSON MARIN: Thank you, Wes.

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

First is Marty Strouse from the City of Sacramento.

Please come forward.

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

Marty.

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

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

CHAIRPERSON MARIN: Thank you.

Mr. Paparian.

COMMITTEE MEMBER PAPARIAN: Just a quick one.

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

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

COMMITTEE MEMBER PAPARIAN: Okay. So then now there's a high school --

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

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

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

COMMITTEE MEMBER PAPARIAN: Okay. Are you getting --

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

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

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

COMMITTEE MEMBER PAPARIAN: They found it inside buildings?

MR. STROUSE: Yes, inside the buildings.

COMMITTEE MEMBER PAPARIAN: Okay. Thank you.

CHAIRPERSON MARIN: Thank you.

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Okay. Mr. Tsuda.

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

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

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

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

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

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

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

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

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

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

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kind of reinforcing the technical aspects of the project. And I'd like to give that to you.

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

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

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

CHAIRPERSON MARIN: Excellent.

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

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future.

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

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

Ms. Mulé.

COMMITTEE MEMBER MULÉ: Thank you, Madam Chair.

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

COMMITTEE MEMBER PAPARIAN: Second.

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

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

Are there any further questions, comments?

Mr. Leary, anything further?

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

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

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

Agenda Item C will go to the full Board because

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

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

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

Agenda Item G will be proposed for consent.

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

CHAIRPERSON MARIN: Those are all my comments. Okay.

Anybody else?

No.

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

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

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CERTIFICATE OF REPORTER

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

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

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

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

JAMES F. PETERS, CSR, RPR
Certified Shorthand Reporter
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