Please note: These transcripts are not individually reviewed and approved for accuracy.

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

MONDAY, JANUARY 10, 2005

10:00 A.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

Please note: These transcripts are not individually reviewed and approved for accuracy.

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosalie Mulé, Chairperson

Ms. Rosario Marin

Mr. Michael Paparian

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Ms. Marie Carter, Chief Counsel

Mr. Howard Levenson, Deputy Director

Mr. Michael Bledsoe, Staff Counsel

Mr. John Bell

Mr. Chris Deidrick

Mr. Mark de Bie

Mr. Willy Jenkins

Mr. Jon Whitehill

ALSO PRESENT

Mr. Alan Abbs, Tehama County Local Enforcement Agency

Mr. Evan Edgar, California Refuse Removal Council

Mr. Chuck White, Waste Management

Please note: These transcripts are not individually reviewed and approved for accuracy.

INDEX

	PAGE
A. Deputy Director's Report	1
B. PULLED Consideration Of A Revised Full Solid Waste Facilities Permit (Transfer Processing Station) For The Western El Dorado Recovery Systems Facility, El Dorado County -- (January Board Item 1)	2
C. Consideration Of A Revised Full Solid Waste Facilities Permit (Disposal Facility) For The John Smith Road Landfill, San Benito County -- (January Board Item 2)	18
Motion	22
Vote	22
D. Consideration Of A Revised Full Solid Waste Facilities Permit (Transfer/Processing Station) For The Mission Road Recycling And Transfer Station, City Of Los Angeles -- (January Board Item 3)	22
Motion	24
Vote	24
E. Consideration Of A Revised Solid Waste Facilities Permit (Disposal Facility) For The Tehachapi Sanitary Landfill, Kern County -- (January Board Item 4)	24
Motion	26
Vote	26
F. Public Hearing On Proposed Regulation For Long-Term Gas Violations At Permitted Facilities -- (January Board Item 5)	10
Adjournment	31
Reporter's Certificate	32

Please note: These transcripts are not individually reviewed and approved for accuracy.

PROCEEDINGS

CHAIRPERSON MULÉ: Good morning, everyone. And welcome to the January 10th meeting of the Permitting and Enforcement Committee. There are agendas on the back table, and speaker slips as well. So if anyone would like to speak on an item, please complete a form and bring it up here to Ms. Duclo and she'll bring them up to me, and then you will have an opportunity to address our committee.

Also, I would like to ask everyone to please turn off your cell phones and your pagers. And, Donnell, would you please call the roll.

SECRETARY DUCLO: Good morning. Board Members Marin?

COMMITTEE MEMBER MARIN: Here.

SECRETARY DUCLO: Paparian?

COMMITTEE MEMBER PAPARIAN: Here.

SECRETARY DUCLO: Chair Mulé?

CHAIRPERSON MULÉ: Here.

Thank you.

Members, are there any ex partes?

COMMITTEE MEMBER PAPARIAN: I'm up to date.

COMMITTEE MEMBER MARIN: No, I don't.

CHAIRPERSON MULÉ: I'm up to date as well.

We're going to change the order of our agenda

Please note: These transcripts are not individually reviewed and approved for accuracy.

just a little bit. We are going to have the Deputy Director's report. And then following that report we are going to open the public hearing on Item F on the proposed regulation for long-term gas violations at permitted facilities. Item B has been pulled. And so we will then, after Item F, hear Items C, D and E. And so with that, Howard, would you please give us your report.

Thank you.

DEPUTY DIRECTOR LEVENSON: Thank you, Madam Chair. Good morning, board members. I have a number of items I'd like to report to you this month.

First of all, progress on La Montana. As you know in mid-November we started moving the mountain. And as of a week ago, we had removed 35 percent of the material with over 2,000 trucks going out of the site. So it's a massive project. We've obviously been slowed to some extent by the holidays and by all the rain down there. But we've still been able to remove the processed material pile much faster than we anticipated.

That material is being used for a large end-use project in Long Beach that's in need of that material. And that's proving to be less costly because it's closer. We haven't had any significant adverse incidents to date or comments or complaints from the public. And if we can get a good stretch of weather conditions, it's conceivable

Please note: These transcripts are not individually reviewed and approved for accuracy.

that removal could be complete or essentially complete by the end of February. So we're really on track. And Jeff Cornette, and of course Wes and Scott really deserve a lot of kudos for keeping this on track.

Secondly, I want to report to you about the Ridgecrest Sanitary Landfill, which you heard last month. You concurred in a revised permit for that landfill in Kern county, but you also noted that there was a long history of violations of State minimum standards at that site, and a lack of follow-up enforcement action by the LEA.

The Board asked staff to conduct an additional unannounced inspection, which Chris Deidrick did on January 6th, last week. He noted a violation for inadequate lighting conditions for early work. And areas of concern for a washout on the perimeter road, a depression in intermediate cover that could lead to ponding and some other minor ponding and erosion incidents.

After the inspection, he did have an exit interview with the contractor/operator at the landfill, and then with the LEA and the operator at their offices to discuss these findings. So the LEA does plan to increase the number of inspections until the grading and erosion issues are settled and to follow up on the lighting

Please note: These transcripts are not individually reviewed and approved for accuracy.

violation. So we will keep track of progress at that site.

Thirdly, as in the Board's role as an enforcement agency, I reported last month that we had issued a cease and desist order to A Plus Materials Recycling in Stockton to immediately cease accepting contaminated green waste at its site and to remove the existing pile by the end of the year. I'm happy to report that the mixed C&D debris pile was indeed removed in response to our enforcement order.

Then, 4th, as Chair Mulé noted, the proposed permit for Western El Dorado Recovery Systems has been pulled until next month. And I just want to indicate -- provide you a little bit of information on that. At our pre-permit inspection last week, we were unable to ascertain separate reporting for the 3 permitted operations, and thus, were unable to determine whether the tonnage at the transfer station was in compliance with the proposed permit conditions.

The operator is in the process of transitioning their record-keeping practices for one permitted facility to three separate permitted operations. And they're also transitioning from a quarterly reporting frequency to monthly reports.

The operator had not yet completed its 4th quarter report for 2004. These are due January 15th. And

Please note: These transcripts are not individually reviewed and approved for accuracy.

they've requested that the proposed permit for the transfer station be pulled from this agenda -- this months's agenda, so they can get their paperwork in order prior to going forward with the proposed permit. We did receive letters from both the operator and the LEA waiving the statutory timeframes, and requesting that the proposed permit be pulled until the February Board meeting. So we expect to see that back next month.

And then lastly, a note of sadness -- you know, as we're all overwhelmed by the tragedy in southeast Asia, with the Tsunamis, we had concerns one of our staff people, Jeff Hackett, was actually visiting in-laws in Malasia and was on a beach the day before the Tsunami hit. He and his family are okay. But clearly, that's an enormous tragedy for all of us around the world.

Internally, we've had our own tragedy. As most of you are aware, it's with great sadness that we -- that See Chuan -- we learned that See Chuan Lee of our solid waste cleanup program passed away last month. And some of us went to his memorial service last week, the funeral service with the family and then a memorial service over the weekend. And it was quite amazing, there were over 200 people at the memorial service, and talked about See Chuan's compassion and kindness. And his kind and quiet way of being a gentleman and holding everybody together.

Please note: These transcripts are not individually reviewed and approved for accuracy.

And it was a real testimony to him. So I want to just keep him in our memory.

And that is the end of my report for this month.

CHAIRPERSON MULÉ: Thank you, Howard.

COMMITTEE MEMBER MARIN: Madam Chair, I just have a small question regarding the site visit -- the unscheduled -- or what do you call it? Unannounced -- thank you -- inspection. The violations that were found, they're minor violations. I mean, these are not something that will trigger another --

DEPUTY DIRECTOR LEVENSON: These are correctable violations, yes.

COMMITTEE MEMBER MARIN: Okay. And did the weather in any shape or form have anything to do with them --

DEPUTY DIRECTOR LEVENSON: I could ask Chris Deidrick who did the inspection?

COMMITTEE MEMBER MARIN: -- or aggravated the situation?

DEPUTY DIRECTOR LEVENSON: Chris, if you wouldn't mind coming up and talking a little bit about the inspection. I think it was raining at the time, so it's certainly part of those kind of circumstance.

MR. DEIDRICK: Good morning. Yeah, the week prior and also the day before, there was some

Please note: These transcripts are not individually reviewed and approved for accuracy.

precipitation in the area. And some of the minor areas of concern that were found had to do with some erosion channels, which in some cases were deep, but there was no waste exposed. And they were on slopes that were newly installed. And sometimes you can have these expectations, where water runoff will result in some erosion in these areas.

There was a bit of ponding but that was -- here again, that was -- one of the berms had collapsed when it was raining really heavily, and the operator was in the process of cleaning that up. And the only violation found at that time was that lack of lighting when the tarps were being pulled. A couple of the contract operator employee's were pulling tarps, and they should have had the light standard on at that point, and that wasn't done.

But the erosion and drainage areas of concern were due to the weather.

COMMITTEE MEMBER MARIN: Well, the reason why I asked is because oftentimes if it had been any other time, that probably wouldn't have been a problem. And just because we are looking at these people and scrutinizing them, then the magnifying glass, it's bigger. But I think that we just need to -- I think we're doing a great job. And I'm glad you did it. And I'm glad it was unannounced. But I just think that we -- how can I put it? We take

Please note: These transcripts are not individually reviewed and approved for accuracy.

into consideration every other landfill would probably be facing the same situation if it was with rainy conditions.

So just -- let's not put even the magnifying glass even bigger than we need. We do a great job, but we need to work with them. So thank you very much.

COMMITTEE MEMBER PAPARIAN: I think in this case in the past there's been some sloppiness to their operation. And in some ways going there during adverse conditions is probably better, because I mean that's when you are -- that's when you want to make sure that they're operating as cleanly and efficiently as possible.

The berms, these other things are meant to help in the event of a lot of rain or in the event of adverse conditions. And they should be operating well and or they should be able to respond very quickly if anything arises.

COMMITTEE MEMBER MARIN: Yeah, I do appreciate that.

COMMITTEE MEMBER PAPARIAN: I think they probably know that they could be -- you know, they could be scrutinized on an unannounced basis. Hopefully, they'll be more on their toes to get on top of these things.

COMMITTEE MEMBER MARIN: I think we get them on their toes, though. You know, I just -- I think that there's a balance where I'm sure they're already trying to do everything they can. And extreme weather conditions

Please note: These transcripts are not individually reviewed and approved for accuracy.

make it a little bit more difficult. We do our job. We're on it. We call them. They respond. They're doing everything they can. I think that the response time for them now is probably going to be much faster than it ever was. So while the light is shining on them, let's not make it so severe that we blind them by it.

COMMITTEE MEMBER PAPARIAN: Could I just ask a quick question on La Montana. Just in the material that's been removed so far, presumably there's been nothing unusual found? It's just what was expected.

DEPUTY DIRECTOR LEVENSON: It's been what's expected. And we've also had all the air monitoring systems functional, haven't had anything that's been, you know, out of the ordinary at the site.

COMMITTEE MEMBER PAPARIAN: Thanks.

CHAIRPERSON MULÉ: Thank you, Howard.

Let's move to Item F.

CHIEF COUNSEL CARTER: Madam Chair. Marie Carter. You might want to take ex partes at this point.

CHAIRPERSON MULÉ: We did.

CHIEF COUNSEL CARTER: Did you? I'm sorry. I missed that.

CHAIRPERSON MULÉ: Yeah, we did.

DEPUTY DIRECTOR LEVENSON: Okay. Item F is a public hearing on the proposed regulations for long-term

Please note: These transcripts are not individually reviewed and approved for accuracy.

gas violations at permitted facilities. That presentation is going to be made by John Bell who will provide you a little bit of history on this, and also indicate at the end that we do plan to meet with various commenters before bringing a consideration item back to the Committee and the Board.

MR. BELL: Madam Chair and committee members, this agenda item serves as the public hearing on the long-term gas violation regulations.

The purpose today is to accept additional comments over those already received during the formal 45-day comment period.

Just to give you a brief history, this practice began in 1994. Then in December of 2000, the California State Auditor published a report with the finding that the practice was inconsistent with State law. As a result, at its January 2001 meeting, the Board directed staff to work with 2 board member offices to develop regulatory concepts in bringing them to the Board for consideration.

The Permitting and Enforcement Committee further discussed this at its August 2002 meeting. Also, to help provide guidance on this issue, Board staff convened a panel of technical landfill gas experts. We refer to it as the Technical Advisory Group.

In September 2003, the Permitting and Enforcement

Please note: These transcripts are not individually reviewed and approved for accuracy.

Committee directed staff to develop a new Regulation that codifies the existing long-term gas violation practice, including the ten concepts and a provision for civil administrative penalties.

In November 2003, Board staff held an informal workshop on the draft regulations. And then at its April 2004 meeting, the Board directed staff to put this practice into regulations and Notice of Proposed Regulations.

It's extremely important to notice that staff was also directed to continue to implement the existing practice until the new regulations become law. To briefly explain the practice itself, it allows the Board to concur with the solid waste facility permit revision for a landfill that, at the time, has a long-term gas violation in effect. This practice is limited in scope, extremely limited.

It only applies to disposal sites in the revision process, with violations that take longer than 90 days to correct, and with no imminent threat to public health, safety or the environment and which are under a Notice and Order from the EA, and are which in compliance with that Notice and Order.

Over the past 10 years, the practice has been applied at only 21 facilities, to give you an idea of the

Please note: These transcripts are not individually reviewed and approved for accuracy.

scope of it.

Where there's no imminent threat allowing a landfill to operate with a landfill gas violation has to date created no known health or environmental problems.

For landfills under the practice, the in-place waste mass will continue to produce about the same levels of gas at the property boundary whether or not waste is accepted.

This draft regulation has been written to include more than just existing practice, at P&E Committee direction staff has added the 10 regulatory concepts and a reference for civil administrative penalties. During the 45-day comment period, which ended December 22nd of last month, comments were received from 4 parties, from the Glenn County Environmental Services Agency, from Orange County Health Care Agency, from Waste Management and from the Rural Counties Environmental Services Joint Powers Authority. We've already had informal discussions with several of these stakeholders.

So, in conclusion, staff plans, as Howard said, later this month to have a meeting and/or conference call with all concerned parties to go over their concerns in detail before returning to Committee for either an additional 15-day comment period or adoption.

CHAIRPERSON MULÉ: Thank you, John. We do have 3

Please note: These transcripts are not individually reviewed and approved for accuracy.

speakers signed up. And, again, I just want to remind everyone that if you do want to speak on this topic, please fill out a form and bring it up to Donnell.

Our first speaker is Mr. Alan Abbs.

MR. ABBS: Good morning, Madam chair and members of the Committee. My name is Alan Abbs. I'm the solid waste director for Tehama County. And I'm also here representing the Rural Counties Environmental Services Joint Powers Authority, and my comments are very brief.

And what I'd like to stay, first of all, is that the ESJPA supports the concept of these long-term gas violation regulations. And as an example, Tehama County recently went through a permit process for a new landfill, which took several years to get through the process, but eventually we did.

And I think the overall, not to say that Tehama County was ahead of its time, but a lot of these concepts were probably put into place in going through this permit for Tehama County. And as part of that, I'd like to also acknowledge the support we received from Christy Karl, Sue O'Leary, and Mark De bie in helping us get through the problem.

So overall we do support the concept. We do have some concerns about what seems to be some harsh language that's in the proposed regulations. And as Mr. Bell

Please note: These transcripts are not individually reviewed and approved for accuracy.

mentioned, Jim Hemminger has discussed these concerns with members of staff and has been assured that they'll be contacting him in the future to I guess further address these concerns.

And so overall we're hopeful that either within the Statement of Reasons or within the regulations itself, that we can, I guess, continue the spirit of the long-term gas violation regulations that were put in place in going through the Tehama county permit process.

And that's all I have to say.

COMMITTEE MEMBER MARIN: What's the specific harsh language that you're referring to?

MR. ABBS: Let me -- it mostly has to do with the acquisition of buffer property. And in rural counties, the acquisition of buffer property is a legitimate way to mitigate some gas problems. And a lot of the rural county landfills do have large amounts of open space that separate those landfills from residential areas. And so in that case, the purchase of property could be a good fix for problems that they're having.

But at the same time, the regulations imply that the counties could have to go through a process of determining further air and water impacts due to that buffer acquisition, which could end up slowing up the process making it not as advantageous to go through the

Please note: These transcripts are not individually reviewed and approved for accuracy.

buffer acquisition process as other methods.

COMMITTEE MEMBER MARIN: And do you have specific language that you have submitted for consideration?

MR. ABBS: We have submitted a letter. It was December 22nd of last year, submitted to John Bell. And they have received it, and have said that they would be meeting with us to discuss that.

COMMITTEE MEMBER MARIN: Okay.

MR. ABBS: Thank you.

CHAIRPERSON MULÉ: Thank you.

Our next speaker is Chuck White.

MR. WHITE: Thank you, Madam Chair and members of the Committee. Chuck White representing Waste Management. We, likewise, support the thrust and intent of these regulations to provide a structure for permitting of solid waste landfills in the event that there is long-term gas violations.

Our only concern, which we have provided written comments, is that the language could be construed to mean that if there is a compliance order that all provisions of the compliance order have to be complied with and completed prior to the permitting. And we would like to have that language clarified, such that only those portions of the compliance order that are required to be in effect at the time that the permit action is taken,

Please note: These transcripts are not individually reviewed and approved for accuracy.

have to be complied with.

We have submitted some suggested language that we think would address that, but we're open to whatever way the staff would believe most appropriate to address this particular concern. We look forward to the stakeholder meeting that I believe is going to be scheduled for later in the month. And we had a very cooperative working relationship so far, and we anticipate that to continue.

So thank you very much.

CHAIRPERSON MULÉ: Thank you.

Any questions?

COMMITTEE MEMBER MARIN: You're already working on that, right?

DEPUTY DIRECTOR LEVENSON: Yeah. We have that letter from Mr. White, and we'll be addressing that in the meeting.

CHAIRPERSON MULÉ: Our next speaker is Evan Edgar.

MR. EDGAR: Good morning, Madam Chair and Board members. My name is Evan Edgar representing the California Refuse Removal Council. I'm their engineer. And we support the concepts that Waste Management put forth in that letter and look forward to being a stakeholder in that process.

Thank you.

Please note: These transcripts are not individually reviewed and approved for accuracy.

CHAIRPERSON MULÉ: Thank you.

Are there any other speakers in the audience?

No?

With that, I guess we can close the public hearing. And I just want to reiterate what Howard had said earlier that staff is planning on meeting with the stakeholders, particularly those that have already submitted comments and address those to the best that we can.

So with that, any other questions or comments?

COMMITTEE MEMBER MARIN: Then after that, it will be -- if we decide to change the language, should we change the language, at that point in time, then it would be 15 more days?

DEPUTY DIRECTOR LEVENSON: Correct. Unless, we determine that they're insubstantial changes, but probably we'll have to go out for another 15 days.

COMMITTEE MEMBER MARIN: Thank you.

COMMITTEE MEMBER PAPARIAN: Just a tiny bit on the history of this. We have in place a policy, which I'm not supposed to call an underground regulation, but it feels like an underground regulation. It's something that allows people to do things in a way that, you know -- in certain ways. And it kind of has the look and feel of a regulation. So this is a way of being a little more

Please note: These transcripts are not individually reviewed and approved for accuracy.

upfront and legitimate about what we're doing with long-term gas violations.

It's the result of kind of a delicate dance and compromise. We had a lot of discussions between industry and environmental folks. And I think staff has done a very good job of trying to come up with something that addresses the concerns that were raised.

I know Mr. Roberti and Mr. Jones at the time, I think, came up with the initial outline of what would meet some environmental and public needs and industry needs at the same time in a balanced way. So keeping the balance as we go forward I think will be important.

CHAIRPERSON MULÉ: Thank you.

Thank you all.

Our next item is Item C.

DEPUTY DIRECTOR LEVENSON: Item C is consideration of a revised full solid waste facilities permit for the John Smith Road Landfill in San Benito County. And one of the reasons why we changed the order in the agenda was because this landfill has a long-term gas violation. And so it falls under, at this point, the existing policy. So we wanted to also provide a little context through the public hearing.

Jon Whitehill is going to provide a presentation on this permit.

Please note: These transcripts are not individually reviewed and approved for accuracy.

MR. WHITEHILL: Hello, is this microphone on? Good. I didn't see the light.

Good morning. The John Smith Road Landfill is an existing landfill located about 5 miles southeast of the City of Hollister in San Benito county. It's owned and operated by the County Integrated Waste Management Department. The landfill is currently permitted for a peak of 500 tons per day. And they're also permitted for a monthly average of 250 tons per day. However, the landfill currently receives an average of less than about 200 tons per day.

The proposed changes associated with this permit revision include changing the permitted average tonnage from a monthly average to an annual average of 250 tons. This is to better accommodate seasonal fluctuations in the waste stream. Also, the permitted peak tonnage will not change in this case. It will remain at 500 tons per day.

The other change is the LEA is striking the specific operating hours from the permit, and instead referencing the hours specified in the RDSI The permit will continue to restrict the landfill to the daylight hours between sunrise and sunset to be consistent with CEQA.

Also, the landfill is implementing a permanent public Household Hazardous Waste collection facility.

Please note: These transcripts are not individually reviewed and approved for accuracy.

At the time that the LEA submitted the proposed permit, ongoing permit or gas violations were not yet corrected. And as you know from the previous item, the Board currently provides a procedure, which is soon to be regulations, that addresses such long-term violations during the permit process.

The LEA issued the compliance schedule when the landfill was added to the inventory and has since incorporated that compliance schedule into a Notice and Order.

And with the issuance of that Notice and Order on January 4th, Board staff can now make the 4 findings of the Board's long-term gas violation procedure. Those are covered in detail on page 4 of the agenda item.

And incidentally, that facility and the proposed permit are also essentially consistent with the proposed regulations as they're written today.

So in summary, Board staff have concluded that all the requirements have been fulfilled. And Board staff recommend that the Board adopt Board Resolution number 2005-24, concurring with the issuance of Solid Waste Facilities Permit Number 35-AA0001. The LEA and operator are both here in case you have any additional questions.

Thank you.

CHAIRPERSON MULÉ: Thank you. Are there any

Please note: These transcripts are not individually reviewed and approved for accuracy.

questions for staff from any of our Committee Members?

COMMITTEE MEMBER PAPARIAN: I'll ask a quick one. So the revisions that we got in the last few days indicate the Notice and Order was issued on January 4th.

MR. WHITEHILL: Correct.

COMMITTEE MEMBER PAPARIAN: And what are the -- remind me of the deadlines in the Notice and Order. When are things going to be happening?

MR. WHITEHILL: Well, the first deadline is 6 months from now. And the first deadline says that if they haven't made substantial progress towards getting the one last remaining well below 5 percent, then they need to come up with a secondary plan -- a contingency plan. And then the second deadline after that is at the very latest, they have to be in compliance one year from the date that the -- they were added to the inventory, which will be October of 2005. So that's --

COMMITTEE MEMBER PAPARIAN: By October 2005 that the hot well needs to be down below the standards?

MR. WHITEHILL: Correct.

COMMITTEE MEMBER PAPARIAN: And if it's not, at that point?

MR. WHITEHILL: The Notice and Order allows for the LEA to take civil penalties and fines, et cetera.

COMMITTEE MEMBER PAPARIAN: Okay.

Please note: These transcripts are not individually reviewed and approved for accuracy.

CHAIRPERSON MULÉ: Thank you.

Do I have a motion?

COMMITTEE MEMBER MARIN: I'll move approval of Resolution 2005-24.

COMMITTEE MEMBER PAPARIAN: Second.

CHAIRPERSON MULÉ: So we have a motion from Board Member Marin to move approval, seconded by Board Member Paparian?

Could you call the roll?

SECRETARY DUCLO: Certainly?

Members Paparian?

COMMITTEE MEMBER PAPARIAN: Aye.

SECRETARY DUCLO: Marin?

COMMITTEE MEMBER MARIN: Aye.

SECRETARY DUCLO: Chair Mulé?

CHAIRPERSON MULÉ: Aye.

DEPUTY DIRECTOR LEVENSON: Can we place that on consent, Madam Chair?

CHAIRPERSON MULÉ: Yes, place this one on consent.

DEPUTY DIRECTOR LEVENSON: Thank you.

CHAIRPERSON MULÉ: Okay, the next item.

DEPUTY DIRECTOR LEVENSON: Item D is consideration of a revised full solid waste facilities permit for the Mission Road Recycling and Transfer Station

Please note: These transcripts are not individually reviewed and approved for accuracy.

in the City of Los Angeles.

Willy Jenkins will present that item.

MR. JENKINS: Good morning, Madam chair and committee members. Agenda Item 3 is for consideration of a revised solid waste facilities permit for Mission Road Recycling and Transfer Station in the City of Los Angeles.

The proposed permit would allow the following 3 changes:

Increase in tonnage from 1,500 tons per day to 1,785 tons per day; allow the receipt of self-haul waste loads outside the transfer station building; and change the traffic volume accounting method without changing the total permitted traffic volume.

Board staff has determined all the requirements for the proposed revised permit have been fulfilled. Therefore, staff recommends the Board adopt Board Resolution number 2005-25, concurring with the issuance with Solid Waste Facility Permit number 19-AR1183.

This concludes staff's presentation. I can answer any questions.

CHAIRPERSON MULÉ: Thank you very much.

Do we have any questions for staff?

COMMITTEE MEMBER PAPARIAN: No, I actually was curious where this was? I actually drove -- I was going through downtown LA the other day. First of all, it's

Please note: These transcripts are not individually reviewed and approved for accuracy.

kind of hard to find, but it is in an industrial area that's very appropriate for this sort of facility.

COMMITTEE MEMBER MARIN: Move approval of Resolution 2005-25.

CHAIRPERSON MULÉ: We have a motion.

COMMITTEE MEMBER PAPARIAN: Second.

CHAIRPERSON MULÉ: Second by Board Member Paparian.

Could we substitute the previous roll?

Thank you.

And, Howard, this can go on consent as well.

DEPUTY DIRECTOR LEVENSON: Thank you.

CHAIRPERSON MULÉ: Great, thank you.

Next item.

DEPUTY DIRECTOR LEVENSON: Our last item, Item E, is consideration of a revised solid waste facilities permit for the Tehachapi Sanitary Landfill in Kern county. Chris Deidrick will present that item.

MR. DEIDRICK: Good morning again. The Tehachapi Sanitary Landfill was last issued a permit on September 21st, 2001. The facility is open to both franchise and public haulers. And it has a permitted tonnage of 370 tons per day. The facility is owned and operated by the Kern County Waste Management Department.

The operator is requesting the following 4

Please note: These transcripts are not individually reviewed and approved for accuracy.

changes to the current solid waste facilities permit:

Delete references to the holidays that were in the permitted hours of operation section of the permit. This will now be in the RDSI or the Reported Disposal Site Information only. Increase the tonnage volume from 125 to 400 vehicles per day. I mean -- did I say tonnage? I meant traffic volume. Pardon me.

Clarify universal waste in the prohibition section of the permit to include the acceptance of motor oil and cathode ray tube devices. And then some cleanup language in the enforcement agency conditions section of the permit.

At the time the agenda item was prepared by Board staff, they had not determined if the design and the operation of the landfill was consistent with State minimum standards, and if the preliminary closure, post-closure maintenance plan was complete.

Since that time, Board staff have determined that the requirements for the proposed permit have been met. And for your information, the inspection that was conducted on January 5th was unannounced to both the LEA and the operator.

In conclusion, board staff recommends that the Board adopt Board Resolution number 2005-26 concurring with the issuance of solid waste facility permit number

Please note: These transcripts are not individually reviewed and approved for accuracy.

15AA-0062. And here today are the Kern county Local Enforcement Agency representative and representatives from the operator.

DEPUTY DIRECTOR LEVENSON: Madam Chair, I just want to note for the record that we will change the resolution to reflect the recommendation to concur as this was written before we had sufficient information.

CHAIRPERSON MULÉ: Right.

Okay, thank you, Howard.

Are there any questions of staff?

COMMITTEE MEMBER MARIN: No.

CHAIRPERSON MULÉ: Okay. So do we have a motion to approve?

COMMITTEE MEMBER MARIN: Move approval of Resolution 2005-26.

COMMITTEE MEMBER PAPARIAN: Second.

CHAIRPERSON MULÉ: Moved by Chairwoman Marin and seconded by Board Member Paparian. Substitute the previous roll.

Thank you.

And, Howard, this can go on consent as well.

DEPUTY DIRECTOR LEVENSON: Thank you, Madam Chair.

CHAIRPERSON MULÉ: Howard, I do have a question going back to, I believe it's Item 2 for the John Smith

Please note: These transcripts are not individually reviewed and approved for accuracy.

Landfill. That is one of the landfills that is on our inventory of facilities that violate State minimum standards. And I know that a few months ago we had talked about getting that list to go live so to speak. And I was just wondering what the status of that is.

DEPUTY DIRECTOR LEVENSON: Thank you for bringing that up, Madam Chair. That is something that we are trying very hard to get live. We've been working with our information management branch. So that it would be live reporting of any facilities that go on the inventory, and we wouldn't have to just come to you in kind of a static reporting role every 6 months or have a static stable on the web site. It would be updated as soon as they go on.

So I appreciate your concern about that. And we will continue to work with IMB to get that up as soon as possible.

CHAIRPERSON MULÉ: Do we have a time line?

DEPUTY DIRECTOR LEVENSON: It should be hopefully within the next few weeks, I believe. But I need to confirm that.

CHAIRPERSON MULÉ: Thank you.

COMMITTEE MEMBER PAPARIAN: So there's no confusion, I know the people from San Benito County are still here. This isn't specifically to the John Smith Landfill. This is related to any facility that would --

Please note: These transcripts are not individually reviewed and approved for accuracy.

CHAIRPERSON MULÉ: Right.

COMMITTEE MEMBER PAPARIAN: -- come up in violation.

CHAIRPERSON MULÉ: Yes.

COMMITTEE MEMBER MARIN: I have one more question regarding the unannounced visits. Now, as a matter of rule, all of our visits are supposed to be unannounced, correct?

Or how does it work? Because I want to have as many unannounced visits as possible.

DEPUTY DIRECTOR LEVENSON: That's certainly is our --

COMMITTEE MEMBER MARIN: That is a general rule.

DEPUTY DIRECTOR LEVENSON: Yeah. It certainly is the general practice that LEAs conduct in terms of unannounced visits. It's certainly what we try to do.

Often though in terms of coordinating, we do let the LEA know that we're going to be going to a particular site.

MR. de BIE: If I may. Mark de Bie with Permitting and Inspection. Board staff does various types of inspections of facilities. And one of the main mandated inspections we do is what we refer to as 18-month inspection of landfills. And that's in statute.

And that inspection is really designed as a tool

Please note: These transcripts are not individually reviewed and approved for accuracy.

to evaluate the LEA. It factors a lot into the LEA evaluation. And it's a side-by-side inspection with the LEA.

So for those, we make an effort to ensure the LEA is present, because that's why we're there. So those have to be announced at least to the LEA and then we encourage them not to inform the operator. We certainly don't inform the operator. Pre-permit inspections are ones that we do per the request of the Board to independently evaluate compliance status of the site, when the permit is coming up. And so those can be unannounced when feasible. So we'll make an effort to, you know, look at the situation. If there aren't any issues relative to the site in terms of doing an unannounced, we'll endeavor to do that.

Again, we would like to have the LEA present because any follow up that might result from that inspection would be something the LEA needs to address. And so we'll, you know, as Chris has done with his inspections, is call the LEA and try to get them there, at least afterwards, you know, follow up with them and that sort of thing.

So I guess what I'm saying is some we need to have announced at some level and others we don't. So we'll look for opportunities to do the unannounced,

Please note: These transcripts are not individually reviewed and approved for accuracy.

because we do see the value in that coming up and just seeing it raw, if you will.

COMMITTEE MEMBER MARIN: Well, for some of the enforcement procedures, and for the enforcement practice more than anything else, it would seem to me that to make it as legitimate as possible that an unannounced visit carries far more weight than letting everybody know that the inspectors are coming you know.

On an 18 month, I mean, if they know -- you know, I choose to believe that most businesses are conducted well and in line and legally. But for those that do not, and they choose not to carry out what is prescribed by law, unannounced inspections are really the best way. And they validate all the other inspections.

So I just -- you know, I know that there is -- that there might have been, at one point in time, some criticism of our enforcement practices, but, you know, this would certainly take out that -- I think we do a great job. But to further that, I think that that legitimizes even more the work that we do.

CHAIRPERSON MULÉ: Thank you, Chair Marin.

Any other comments?

Are there any other comments from the public?

Seeing none, this meeting is adjourned.

Thank you all.

Please note: These transcripts are not individually reviewed and approved for accuracy.

(Thereupon the California Integrated Waste Management Board, Permitting and Enforcement Committee meeting adjourned at 10:40 a.m.)

Please note: These transcripts are not individually reviewed and approved for accuracy.

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 10th day of January, 2005.

JAMES F. PETERS, CSR, RPR
Certified Shorthand Reporter
License No. 10063