These transcripts are not individually reviewed and approved for accuracy.

COMMITTEE MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

SUSTAINABILITY AND MARKET DEVELOPMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

COASTAL HEARING ROOM

SACRAMENTO, CALIFORNIA

TUESDAY, AUGUST 9, 2005

10:00 A.M.

TIFFANY C. KRAFT, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

These transcripts are not individually reviewed and approved for accuracy.

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosario Marin, Chair

Ms. Cheryl Peace

Mr. Carl Washington

STAFF

Ms. Julie Nauman, Chief Deputy Director

Ms. Marie Carter, Chief Counsel

Ms. Jeannine Bakulich, Executive Assistant

Mr. Elliot Block, Staff Counsel

Ms. Deborah Borzelleri, Staff Counsel

Ms. Rebecca Brown, Staff

Ms. Bonnie Bruce, Board Advisor, Chief Deputy Directors Office

Ms. Kaora Cruz, Supervisor, South Section

Ms. Kathy Davis, Staff

Mr. John Duke, Staff

Mr. Tom Estes, Deputy Director, Administration & Finance Division

Ms. Marshalle Graham, Staff

Ms. Terri Gray, Staff

Ms. Sue Ingle, Staff

Mr. Jim La Tanner, Supervisor, Loan Program

Mr. Mike Leaon, Supervisor, Plastic Recycling Technologies

Ms. Nikki Mizwinski, Staff

These transcripts are not individually reviewed and approved for accuracy.

APPEARANCES CONTINUED

STAFF

Mr. Phil Moralez, Branch Manager, State and Local Assistance Branch

Ms. Cara Morgan, Branch Manager, Office of Local Assistance

Mr. Bill Orr, Branch Manager, Recycling Technologies

Mr. Kyle Pogue, Staff

Mr. Pat Schiavo, Deputy Director

Mr. Steve Sorelle, Supervisor, Office of Local Assistance, North Section

Ms. Melissa Vargas, Staff

Ms. Joanne Vorhies, Assistant Director, Office of Education and the Environment

Ms. Patty Wohl, Deputy Director

ALSO PRESENT

Mr. Bill Bartels, City of Fillmore

Ms. Ester Beatty, City of Oceanside

Mr. Gordan Beers, Palo Verde Disposal Service

Mr. Steve Brown, Director of Neighborhood Services, City of Coachella

Mr. Paul Cayler, Deputy Director of Transportation, County of Mendocino

Mr. Tim Chapa, Deputy Public Works Director, City of Sanger

Ms. Susan Collins, City of Imperial Beach

These transcripts are not individually reviewed and approved for accuracy.

APPEARANCES CONTINUED

ALSO PRESENT

Mr. John Davis, City of San Bernardino

Mr. Frank Farrell, Stockton Chamber of Commerce

Mr. Eduardo Garcia, COUNCIL MEMBER, City of Coachella

Mr. Mike Glasson, Burtec, City of Yucaipa

Ms. Laurie Hanson, Pactiv Corporation

Ms. Tracy Harper, Nevada County

Ms. Phelicia Haslem, City of Oroville

Ms. Kristen Haynie, California Association of Professional Scientists

Mr. Kenneth Hinett, Pactiv Corporation

Mr. Steve Johnson, City of Soledad

Mr. Steve Jones, Waste Management

Ms. Barbara Kraber, City of Lemon Grove

Ms. Bonnie Low, Solid Waste Supervisor, City of Redding

Mr. Jack Macy, City and County of San Francisco

Ms. Lori Mercado, Administrator, Consolidated Waste Management Authority

Ms. Laurie Nelson, Glad

Mr. Carl Peters, City of Oroville

Mr. Pete Price, Poly-America

Ms. Phyllis Ruse, Deputy Director of Community Services, Temecula

Mr. Jerry Santilan, City Manager, City of Coachella

These transcripts are not individually reviewed and approved for accuracy.

APPEARANCES CONTINUED

ALSO PRESENT

Ms. Monique Sikich, Staff

Mr. Scott Smithline, Californians Against Waste

Mr. Michael Sweeney, Mendocino Solid Waste Management

Mr. Stan Warshaw, Desert Solutions, Inc.

These transcripts are not individually reviewed and approved for accuracy.

INDEX

		PAGE
	Roll Call And Declaration Of Quorum	1
A.	Diversion, Planning And Local Assistance Deputy Director's Report	2
B.	Consideration Of A Request To Change The Base Year To 2003 For The Previously Approved Source Reduction And Recycling Element; And Consideration Of The Petition For Sludge Diversion Credit, For The Sonoma County Waste Management Agency -- (August Board Item 3)	10
C.	Consideration Of A Second SB1066 Alternative Diversion Requirement Application By The Unincorporated Area Of Nevada County -- (August Board Item 4)	10
	Motion	36
	Vote	36
D.	Consideration Of A Request To Change The Base Year To 2003 For The Previously Approved Source Reduction And Recycling Element For The City Of Fillmore, Ventura County -- (August Board Item 5)	37
	Motion	46
	Vote	46
E.	Consideration Of A Request To Change The Base Year To 2003 For The Previously Approved Source Reduction and Recycling Element For The City of Temecula, Riverside County -- (August Board Item 6)	37
	Motion	46
	Vote	46
F.	Consideration Of A Second SB1066 Time Extension Application By The Following Jurisdictions: Blythe, Riverside County; Fillmore, Ventura County; Loma Linda, San Bernardino County; Lemon Grove, Oceanside, San Diego County; Oroville, Butte County -- (August Board Item 7)	46
	Motion	86
	Vote	86

These transcripts are not individually reviewed and approved for accuracy.

INDEX CONTINUED

		PAGE
G.	Consideration Of The Application For A SB1066 Time Extension By The City Of Coachella, Riverside County -- (August Board Item 8)	87
	Motion	92
	Vote	92
H.	Consideration Of The Application For A SB1066 Time Extension By The Consolidated Waste Management Authority, Tulare County -- (August Board Item 9)	92
	Motion	98
	Vote	98
I.	Consideration Of The Application For A SB1066 Time Extension By The City Of Imperial Beach, San Diego County -- (August Board Item 10)	98
	Motion	104
	Vote	105
J.	Consideration Of The Application For A SB1066 Time Extension By The City Of Victorville, San Bernardino County -- (August Board Item 11)	105
	Motion	111
	Vote	112
K.	Consideration Of The Application For A SB1066 Time Extension By The City Of Yucaipa, San Bernardino County -- (August Board Item 12)	105
	Motion	115
	Vote	116
L.	Consideration Of The Completion Of Compliance Order IWMA BR03-01, For The City Of McFarland, Kern County -- (August Board Item 13) -- PULLED	
M.	Consideration Of The Application For A SB1066 Alternative Diversion Requirement By The City Of McFarland, Kern County -- (August Board Item 14) -- PULLED	
N.	Consideration Of The Application For A SB1066 Time Extension By The City Of California City, Kern County -- (August Board Item 15) -- PULLED	

These transcripts are not individually reviewed and approved for accuracy.

INDEX CONTINUED

		PAGE
O.	Consideration Of The Amended Nondisposal Facility Element For The Unincorporated Area of Kern County -- (August Board Item 16)	117
	Motion	118
	Vote	118
P.	Consideration Of A Second SB 1066 Time Extension Application By The County of Mendocino -- (August Board Item 17)	118
Q.	Consideration Of The Application For A SB1066 Time Extension By The City Of Ukiah, Mendocino County -- (August Board Item 18)	118
	Motion	129
	Vote	129
R.	Consideration Of A Request To Change The Base Year To 2002 For The Previously Approved Source Reduction And Recycling Element; And Consideration Of The Petition For Sludge Diversion Credit, For The City Of Redding, Shasta County -- (August Board Item 19)	129
	Motion	137
	Vote	137
S.	Consideration Of The Application For A SB1066 Time Extension By The City Of Woodland, Yolo County -- (August Board Item 20)	138
	Motion	145
	Vote	145
T.	Consideration Of The Application For A SB1066 Time Extension By The City Of Davis, Yolo County -- (August Board Item 21) PULLED	
U.	Consideration Of The Application For A SB1066 Time Extension By The City Of Sanger, Fresno County -- (August Board Item 22)	145
	Motion	154
	Vote	154
V.	Consideration Of The Application For A SB1066 Time Extension By The City of Soledad, Monterey County -- (August Board Item 23)	154
	Motion	162
	Vote	163

These transcripts are not individually reviewed and approved for accuracy.

INDEX CONTINUED

		PAGE
W.	Consideration Of The Five Year Review Report Of The Countywide Integrated Waste Management Plan For The City And County Of San Francisco -- (August Board Item 24)	5
	Motion	9
	Vote	10
X.	Waste Prevention And Market Development Deputy Director's Report	163
Y.	Consideration Of The Recycling Market Development Revolving Loan Program Application For Desert Solutions, Inc. (FY 05/06) -- (August Board Item 25)	167
	Motion	172
	Vote	173
A@.	Consideration On A Proposal Regarding The Annual Recycled Product Tradeshow -- (August Board Item 26)	173
	Motion	184
	Vote	184
AA.	Consideration Of Requests By Plastic Trash Bag Manufacturers For Exemption For The Inability To Obtain Sufficient Quality Or Quantities Of Recycled Postconsumer Material To Demonstrate Compliance For The 2004 Reporting Period For: (1) Glad Products Company (dba) Glad Manufacturing Company); (2) Pactiv Corporation; (3) Poly-America, LP; (4) Trans Western Polymers, Inc.; And (5) Republic Bag -- (August Board Item 27)	184
	Motion	234
	Vote	234
	Motion	237
	Vote	237
	Motion	237
	Vote	238
	Vote	238
	Vote	239
	Motion	239
	Vote	239

These transcripts are not individually reviewed and approved for accuracy.

INDEX CONTINUED

		PAGE
AB.	Consideration Of Scope Of Work And Allocation For The Education And The Environment Initiative Education Consultant (FY 2005/2006 & 2006/2007, Integrated Waste Management Account) -- (August Board Item 28)	239
AC.	Consideration Of Scope Of Work And Allocation For Education And The Environment Initiative Writing Teams (FY 2005/2006, Integrated Waste Management Account) -- (August Board Item 29)	249
	Motion	264
	Vote	264
AD.	Adjournment	265
AE.	Reporter's Certificate	266

These transcripts are not individually reviewed and approved for accuracy.

PROCEEDINGS

CHAIRPERSON MARIN: We're going to start now. I understand Mr. Washington is joining us in a few seconds, but it's 10:00, and we're going to call the roll.

EXECUTIVE ASSISTANT BAKULICH: Peace?

COMMITTEE MEMBER PEACE: Here.

EXECUTIVE ASSISTANT BAKULICH: Marin?

CHAIRPERSON MARIN: Here.

Welcome to the Sustainability and Market Development Committee of the California Integrated Waste Management Board. We have a very, very good agenda today. We have a lot of entities, quite a few cities. And we're really looking forward to hearing from you and what your programs are going to be and what you're going to do. So we're very, very excited about that.

Before we -- I thought Mr. Washington was coming. Let me ask everybody to turn off your cell phones or put them on meeting mode. For people that wish to address the Committee, there are speaker slips in the back. And if you give them to our wonderful Committee Secretary, Jeannine, she will make sure that I get them as we're dealing with the agenda.

And in addition to that, we have a special request. We will deal with Item Number 24 when that person arrives. So that's the only thing we're going to

These transcripts are not individually reviewed and approved for accuracy.

take out of order.

When he comes in, I'll ask for ex partes. Do you have any ex partes?

COMMITTEE MEMBER PEACE: I'm up to date.

CHAIRPERSON MARIN: Okay. And so am I. Good.

Is he here? Oh, Mr. Washington is here. Do you have any ex partes?

COMMITTEE MEMBER WASHINGTON: You have eyes behind your head.

No. I'm up to date.

CHAIRPERSON MARIN: Well, you're watching my back, right?

Okay. Mr. Schiavo.

DEPUTY DIRECTOR SCHIAVO: Good morning.

Pat Schiavo, Diversion, Planning, and Local Assistance Diversion. I'll give a brief report. We have a lot of items today.

First of all, staff from DPLA with Markets Division and the Office of Public Affairs was down at the X Games promoting zero waste. There's about 20,000 people that attended both days, and it seemed to go very successfully.

One of the favorite premiums was our "X the Waste" little tattoo, which the kids loved. I'm sure the parent weren't real excited about. But it went across

These transcripts are not individually reviewed and approved for accuracy.

really well. But the event was very successful. We had good coordination with all our staff.

Upcoming in October, October 1st, we have our Best Buddies event, which went really well where we had over 75 percent diversion last year. We're going to try to exceed that this year. We're starting our coordination with that.

A bigger event, October 27th, the Women's Conference, we've been coordinating that with the Governor's Office, as well as contractors, staff from the Long Beach facility, and disposal, as well as the City. That's a big event we've been working on, and we have high expectations for that.

October 30th, in Sacramento and -- sorry. I'm jumping ahead already. August 30th and 31st, we're going to have workshops that deal with alternative measurement. And then based on that and comments we receive back from participants and those who could not attend, we're going to go ahead and bring forward a Board item in October. And then we'll complete a report and submit that over to the Legislature regarding the outcome.

So that completes my report. Any questions?

CHAIRPERSON MARIN: I don't know that I have questions, but I will tell you that my two kids came home with their X, and I had not told them anything, their

These transcripts are not individually reviewed and approved for accuracy.

tattoo. And my daughter comes in and says, "Mom, look at this, x waste." And she was so impressed, all of this activity. She said -- it's a private joke that we have.

She said that she was telling her friends she was with, "Oh, my mom will love this. You know, she's into recycling and there's so much recycling activity here. She would love it." I'm like, "Yeah, I know a little bit about the fact we were going to try to do that." But they were very impressed.

And, yes, it was a huge hit, all the recycling activity that took place with young people. That's what it was. It was for young people. So that was very good.

You wanted to say something. No? I thought you did.

COMMITTEE MEMBER PEACE: I was just wondering what the pink --

CHAIRPERSON MARIN: The pink and white ribbon. Well, Pat Schiavo didn't wear anything pink yesterday from Executive staff. Everybody was wearing, so now he's being punished, and he has to wear that all day today.

(Laughter)

CHAIRPERSON MARIN: They celebrated my birthday yesterday. So thank you, Pat. I thought you were going to put it on your hair.

DEPUTY DIRECTOR SCHIAVO: No. I have my limits.

These transcripts are not individually reviewed and approved for accuracy.

CHAIRPERSON MARIN: You can continue with -- your report is over?

DEPUTY DIRECTOR SCHIAVO: Yeah.

CHAIRPERSON MARIN: Okay. All right. So you want to go with Item Number 3, which is Agenda Item Number 3.

DEPUTY DIRECTOR SCHIAVO: Yes, apparently Jack Macy is here now, if you want to go with San Francisco.

CHAIRPERSON MARIN: He's here already? There he is.

DEPUTY DIRECTOR SCHIAVO: So Item W, which will be presented by -- or in the packet is to be presented by Kathy Davis. And this is Consideration of the Five-Year Review Report for the Countywide Integrated Waste Management Plan for the City and County of San Francisco.

CHAIRPERSON MARIN: Thank you for being here.

MR. MACY: Good morning, Chair and Board members. It's a pleasure to be here.

MS. DAVIS: Good morning. The City and County of San Francisco completed its five-year review of the Countywide Integrated Waste Management Plan and determined that a revision of their plan was not necessary at this time. Board staff has evaluated San Francisco's review report and determined the required elements have been addressed. Therefore, it is staff's recommendation that

These transcripts are not individually reviewed and approved for accuracy.

the Board approve the City and County of San Francisco's assessment that no revision is necessary.

This concludes my presentation. Thank you.

CHAIRPERSON MARIN: That was very fast. I don't know if there are any questions. Are there any questions for the City of San Francisco?

Ms. Peace.

COMMITTEE MEMBER PEACE: Is that correct that the diversion rate is 67 percent?

MR. MACY: For 2003, yes.

COMMITTEE MEMBER PEACE: Good job. I don't have any questions.

CHAIRPERSON MARIN: I don't have a question. But since you traveled so far --

MR. MACY: Please ask a question.

CHAIRPERSON MARIN: More than a question is, you know, I have gone around the state promoting the incredible success that the City of San Francisco has achieved and mostly the attitude that it seems to permeate in the entire City Hall about recycling and, therefore, your success.

I don't know whether you have been talking to other people. We use you as a resource, because it is pretty amazing. And I just wanted to hear from you why do you think you guys have achieved such significant amounts,

These transcripts are not individually reviewed and approved for accuracy.

67 percent, probably more. I know you have your goal set for 75 in four more years. You should be on track to achieve that, and then your goal by 2020.

MR. MACY: Zero waste.

CHAIRPERSON MARIN: Zero waste. Can you just spend a couple of minutes on that?

MR. MACY: Okay. Well, I think that we have good political support. Both we have an Environmental Commission that is very progressive forward leaning, and also a Board of Supervisors that are very supportive. And I think that we also have a good service provider, Norcal Waste Systems, our exclusive permitted hauler.

And one of the things we've done, for example, in the last five years is been able to institutionalize increased diversion incentive for Norcal. They actually get a higher profit rate if they achieve tonnage diversion goals. And that was based on achieving 50 percent and beyond. And we're actually looking at, you know, improving that for the next five years. Starting a year from now, we'll have new rates. It's pay as you throw at the residential and commercial level.

And so incentivizing our primary service provider as well as incentivizing participants in the program, both residents who pay for their trash and businesses, I think is really key, and working to keep the programs simple and

These transcripts are not individually reviewed and approved for accuracy.

clear and doing good outreach, multi-lingual training and outreach. So I think it's just the partnerships we've been able to create with the service provider, the support we have.

As you know, we've gone after our food aggressively, because we didn't have a lot of yard trimmings. We've gone after C&D aggressively, and we actually had a C&D ordinance for mandatory recycling. Everything is voluntary so far. That's been introduced at the Board of Supervisors and hopefully passed shortly. And, you know, setting aggressive goals. So I think we're fortunate to be able to help make it happen. But we know it will be a lot of hard work to get to our future goals, certainly.

CHAIRPERSON MARIN: Well, we really appreciate that and your effort. Did you want to --

COMMITTEE MEMBER PEACE: It's such a wonderful model for the whole state.

MR. MACY: Thank you.

CHAIRPERSON MARIN: I hope you feel your trip was well worth it.

MR. MACY: Well, it's nice to get out of San Francisco and nice to see you again.

CHAIRPERSON MARIN: Thank you so very much.

MR. MACY: We welcome all the Board members to

These transcripts are not individually reviewed and approved for accuracy.

come down and visit. It was great to have you visiting us. And thank you for participating in World Environment Day, and encourage other Board members. Maybe we can have a Board meeting down there some day.

CHAIRPERSON MARIN: Oh, I like that. What kind of food will you have? No. I'm kidding.

MR. MACY: Nothing but the best.

COMMITTEE MEMBER WASHINGTON: If we can go to Pier 39, I'll come.

MR. MACY: Okay.

CHAIRPERSON MARIN: Don't pay any attention to him.

MR. MACY: We have Pier 39 in the Composting Program, so we go kosher now. They have to be in the program, otherwise they can't participate.

CHAIRPERSON MARIN: Jack, thank you so very much.

Is there a motion?

COMMITTEE MEMBER WASHINGTON: Madam Chair, I'd like to move adoption of Resolution 2005-126.

COMMITTEE MEMBER PEACE: 216.

COMMITTEE MEMBER WASHINGTON: 216.

COMMITTEE MEMBER PEACE: Second.

CHAIRPERSON MARIN: Moved and seconded, Washington and Peace.

Call the roll, please.

These transcripts are not individually reviewed and approved for accuracy.

EXECUTIVE ASSISTANT BAKULICH: Peace?

COMMITTEE MEMBER PEACE: Aye.

EXECUTIVE ASSISTANT BAKULICH: Washington?

COMMITTEE MEMBER WASHINGTON: Aye.

EXECUTIVE ASSISTANT BAKULICH: Marin?

CHAIRPERSON MARIN: Aye.

Thank you, Jack.

This should go on consent.

DEPUTY DIRECTOR SCHIAVO: Board Item 3 or Committee B is planned to be heard by the full Board next week in Santa Rosa.

And that takes us to our next item which is Board Item 4 or Committee Item C being presented by Kyle Pogue. And this is Consideration of a Second SB1066 Alternative Diversion Requirement Application by the Unincorporated Area of Nevada County.

MR. POGUE: Good morning, Madam Chair and Committee members. Kyle Pogue with the Office of Local Assistance.

Nevada County has submitted a second SB1066 document in the form of an Alternative Diversion Requirement, ADR, through December 31st, 2005. This County's first time extension has ended. And despite County staff's efforts to meet the time lines in the first Plan of Correction, they will need additional time to

These transcripts are not individually reviewed and approved for accuracy.

implement programs.

Staff's analysis of this request is that it is reasonable, given the barriers the County has faced. Board staff has determined the information submitted in this application has been adequately documented and recommends the Board approve the time extension request for the County.

Representatives from the County, Tracy Harper and Steve Porter, are available to answer any questions you may have. And additionally, Mr. Steve Jones from Waste Management is available, too.

This concludes my presentation. Thank you.

CHAIRPERSON MARIN: Thank you, Mr. Pogue.

Is Tracy Harper here?

Hi, Tracy. How are you?

MS. HARPER: Good morning.

CHAIRPERSON MARIN: Thank you so much for being here and making the small trip. How many hours was that?

MS. HARPER: It's only about an hour and 15 minutes. And I'm just thankful I don't have to do it every day now. I'm happy to be in Nevada County where I live.

CHAIRPERSON MARIN: Good.

I know that if we just look at the numbers, at one point in time you were at 43 percent, and it's been

These transcripts are not individually reviewed and approved for accuracy.

going down. Can you explain to us why in 2000 you were at 43 and in 2003 you're at 30?

I've visited your county. I'm familiar with some of it. But for the enlightenment of my Committee members, would you please explain to us why that is the case?

MS. HARPER: Sure. With a little help from Kyle probably, because in all honestly, we're not exactly positive why that is the case.

I came to the county in fall of 2001. And since that time, we've really set out an aggressive implementation schedule. And we have hired staff and are hiring more and implementing a wide array of programs that are quite comprehensive.

We did do a new base year for the year 2000 that got us at the 43 percent. But as you indicated, it has gone down. We believe there's a number of reasons for this. One is that in Nevada County most -- or not most, but quite a few people leave the county to go purchase materials or goods in Roseville and other places. We don't have big box stores in Nevada County. Also, I think it's upwards of 30 to 40 percent of our workforce leaves the county to go to work. We do have quite a few second homes, so we're not sure if the population factor is taking that into consideration as well. So it has been, quite honestly, very disconcerting to have that number go

These transcripts are not individually reviewed and approved for accuracy.

down as we use the adjustment method.

We do know, however, that if we did a waste generation study, we're pretty confident our number would be much higher. And I think our discussions with the Waste Board staff, they've agreed as well.

We would like to not have to do waste generation studies every year in order to have our number more accurately reflect the effort that we're going through. But quite honestly, we are probably going to be doing that probably in the '07 year after our construction/demolition infrastructure is fully in place to get a better gauge of how it's going, as well as to do waste characterization study at our transfer station.

But at this point in time, we are a smaller jurisdiction. It would take a lot of time. We went through this once already. And probably upwards of 20 to $30,000 to do a waste generation study to get a better more accurate number. And that really honestly comes out of my time that it would take to implement new programs.

We actually started to go down that path with a hired consultant, and it really got to the point where I could either go through this list of things and gather data for the consultant, or I could implement programs. And we decided to stop the waste generation study and instead implement programs at that time. But I think we

These transcripts are not individually reviewed and approved for accuracy.

will probably do that in the year '07.

CHAIRPERSON MARIN: It is a challenge for our Committee, and I know there's a number of jurisdictions that are facing very similar situations. And hopefully as we look at the opportunity to revise our method, you know, our alternative method, that maybe some of these counties will be done justice.

It must be very frustrating, you know, because you are implementing. And as I remember when I visited your county, you have excellent programs. And the fact that no matter what they do, the trend is going down. It must be very frustrating. I've visited enough counties to appreciate the fact that they're doing everything they can, you know, and the numbers just do not represent that.

So it's very, very frustrating for us as well. Because, you know, the people in the Legislature will just look at the numbers and say, "What is wrong with this county?"

MS. HARPER: And quite honestly, the reason we'll probably do a waste generation study is two fold. One of which, of course, is to let you know in a more accurate fashion what our diversion rate is. But also because when the number comes out and it's continuing to trend downward, it really erodes the basis of support that we have for our program. So that's why we actually started

These transcripts are not individually reviewed and approved for accuracy.

down that path to do a generation study and then realized we honestly didn't have the time to do it if we were going to implement our programs that we committed to in our Plan of Correction. It was just going to take too much time.

So we really -- in our county when people ask about the number, we kind of do a side step and talk about our programs and how comprehensive our program is and how we would really like to get the participation rates up for all of the programs. So it would be nice, though, to come out with a system that could acknowledge the program implementation that we have and somewhat not focus as much on that number. That would just be helpful for us.

CHAIRPERSON MARIN: You know, Tracy, the challenge for all of us -- and I know that many of you out there are experiencing a similar situation. And I'll just say it once. The challenge for us as a Board is that, you know, the Legislature also looks at us by the numbers, you know. And the reality is that we are measured, our success is measured very clearly and directly to that number. And whatever collectively all of the counties or cities do, it reflects on the job of the Board.

Therefore, you know, our desire to somewhere, somehow adjust, if you will, the way that we are measuring the success of some of these programs -- because I know for a fact in talking to a number of counties the absolute

These transcripts are not individually reviewed and approved for accuracy.

frustration when the numbers come back. And, in fact, it does have an effect of, why are we working so hard? So it's actually a worse situation.

But I appreciate, staff assures me -- and I don't know if I can trust Mr. Kyle Pogue. But he assures me that you guys are doing everything that you can. You're going to continue, and you're going to do a little bit more. So we appreciate that.

I know that there are some questions that my colleagues have. But what I'm saying right now to you is I don't have to repeat it to everybody else that some are facing the same situation.

Go ahead, Ms. Peace.

COMMITTEE MEMBER PEACE: When was your first 1066?

MS. HARPER: I believe our first 1066 was '02. Is that correct, Kyle?

MR. POGUE: Yeah. I think that is a correct date. And it ended at the end of '04.

MS. HARPER: Right.

COMMITTEE MEMBER PEACE: So it ended in '04. And you're still only at 30 percent. And what really disturbs me, of that 30 percent, 10 percent is biomass. So you're really only at 20 percent diversion.

And, yeah, you mentioned some things that you're

These transcripts are not individually reviewed and approved for accuracy.

having trouble with. Maybe people shopping out of the county or a lot of second homes. There's jurisdictions all over the state that have those same problems.

Let me ask you a few questions here. Do you have mandatory curbside green waste collection?

MS. HARPER: No, we don't. We have a subscription service for our green waste.

COMMITTEE MEMBER PEACE: Do you have curbside recycling?

MS. HARPER: We do have curbside recycling.

COMMITTEE MEMBER PEACE: Is it mandatory?

MS. HARPER: No, it is not. It comes free with service.

If I can speak to that. In terms of green waste, we have a lot of large acreage and lots of folks that do composting. So we have an integrated organics program where we hired on the U.C. Master Gardeners to do the master composting program. We also have a demonstration garden at the Administration Center where we show folks how to compost in a variety of methods as well as using worms. And we also have what we call the Larger Acreage On-Site Composting Program, and that's where we've hired a consultant, Marnie Blair, who implemented the program for San Francisco at the Presidio. And free of charge, she goes out and does one-on-one consultations with -- whether

These transcripts are not individually reviewed and approved for accuracy.

it's a homeowner or winery or whatever agricultural interest they might have, she engages them and helps them to start a composting program.

We have NevCo Max. We're about the first jurisdiction to partner with the Waste Board with a CalMAX-like program. And one of the ways we really use that is for, oddly enough, it's called a manure exchange. And that accounts for quite a bit of tonnage. So what we try to do is partner up the generators, if you will, of the manure, whether they're large equestrian facilities or what have you, and partner them up with folks who are composting and use it. We have quite a few organic farmers in our area. So while we don't have a mandatory curbside green waste collection program, we feel we have a very strong organics program in our community.

COMMITTEE MEMBER PEACE: It says here you have your McCourtney Road Transfer Station is going to be redesigned to improve the traffic flow. So when is that planned to be redesigned?

MS. HARPER: We're working on the redesign this winter. We've been working on it for probably six months or so. We have certain construction seasons in Nevada County. We do get snow and quite a bit of rain. So we have a smaller window of opportunity to begin construction and make sure we have all phases completed prior to the

These transcripts are not individually reviewed and approved for accuracy.

weather. So we're finalizing our designs over this winter, and we'll be doing that this spring, all the improvements out there.

COMMITTEE MEMBER PEACE: This sounds like a lot of your diversion is based on redesigning this transfer station and having the green waste go there and C&D. I'm just wondering if your first 1066 was in 2002, why just now in 2005 you're redesigning this. Why wasn't that thought of earlier?

MS. HARPER: Well, in fact, I know it can seem somewhat puzzling. Although, to develop infrastructure for a smaller county like ours, you know, we have to take into consideration how much money it's going to cost to do those things and do quite a lot of studies and analysis to determine what the most effective way to divert this material is.

And so we've actually gone through several iterations to come to the conclusion that, in fact, we should have a drop-off construction/demolition materials area and then take that material to a permitted facility that's actually outside of our county. We've debated whether we should do it ourselves, whether we should ship it, where we should take that material. And we are in negotiations with the facility that will be hopefully taking the material. And we are working with them since

These transcripts are not individually reviewed and approved for accuracy.

they have the expertise in designing our C&D materials drop-off area.

So we're feeling pretty confident at this point this is really what's going to happen, that we are going to be developing that. And it's very important for our county, too. What we found through the waste characterization study that actually your Board supported, put the statewide waste characterization database together -- we are fortunate enough to be chosen randomly every time. So we're able to -- while it's not 100 percent statistically relevant, it is anecdotally at least. We found out that we're around 27 to 32 percent construction and demolition materials. So that's why we're really focusing hard on those materials.

And also we work with our local Contractors Association. One of the first things I did when I came to the county is called them up and had lunch with the executive director. And we've been partnering and talking about this ever since. And she is an avid recycler.

So when we're talking about putting these improvements in for the C&D alone, it's hundreds and thousands of dollars. So we have to make sure that when we answer to our Board, you know, why it's costing so much money, that we've really done a complete and thorough analysis. And our Waste Management hauler does have a

These transcripts are not individually reviewed and approved for accuracy.

wood and cardboard recycling service available on site for them as well.

And in Nevada County, unlike some other jurisdictions, we don't have a lot of subdivisions. So it's not as easy in terms of the economy of scale to get at that C&D on site. We have a lot of custom home builds in our area. So we're taking all that into consideration when we're coming up with our infrastructure. And we're also working with them to develop our C&D ordinance.

So we'd like to incentivize our contractors to utilize the infrastructure once we get that in place. And if they're not seeing the light, if you will, through the incentives to recycle that material, then we're going to come up with a backstop measure that will essentially require their performance that they do go out and use those facilities. We are the only facility in the area, and we plan on, once this ordinance is adopted, to direct the contractors to that area. They basically won't have too much of a choice about what they do with their materials at that point.

COMMITTEE MEMBER PEACE: When do you expect the C&D ordinance to be implemented?

MS. HARPER: Once we issue the RFP and figure out our construction schedule, then we will take the ordinance to our Board of Supervisors so it's in place prior to the

These transcripts are not individually reviewed and approved for accuracy.

infrastructure being on the ground. It will follow in terms of all of our paperwork that we have to do to get this going.

We've actually -- quite honestly, about two-and-a-half or three years ago, I started the ordinance. So we're actually pretty ready for it. It's just a matter of making sure that the timing is going to be appropriate.

And we do have the support of our Contractors Association, which is very nice. So we're actually --

CHAIRPERSON MARIN: And unusual, actually.

MS. HARPER: Very unusual. And actually working with their Board as well. And a lot of our big builders up there are very excited about this, quite honestly.

CHAIRPERSON MARIN: When will that be adopted?

MS. HARPER: The ordinance should be adopted in the spring. And that will be just ahead of the infrastructure being available for them to use.

COMMITTEE MEMBER PEACE: You want to make sure that the ordinance is in place so when your new facility opens that it will already be in place?

MS. HARPER: Correct.

CHAIRPERSON MARIN: Any further questions?

Do you have any questions, Mr. Washington? No.

COMMITTEE MEMBER PEACE: I guess I'm just having

These transcripts are not individually reviewed and approved for accuracy.

a really hard time with this. We put someone on a Compliance Order last month that was doing better than you.

CHAIRPERSON MARIN: Let me ask you this. Do you have a rural exemption? You're considered rural?

MS. HARPER: Yes, we are. We're considered a rural jurisdiction. So prior to applying for a Petition for Reduction, we went this route. And, quite honestly, a lot of the obstacles and barriers we're facing are because we're rural.

DEPUTY DIRECTOR SCHIAVO: There is a big difference from the jurisdiction last month in that the issue with the jurisdiction last month had to do with the lack of program implementation. Staff feels pretty comfortable with what's been going on here in Nevada County.

The issue with the numbers, over the last three years, the disposal number in 2004 has decreased from 2003. But one of the problems we have with the existing law is the numbers are published in 2003. You don't realize what's happening until 2005. You have to react in arrears.

In this particular case, in 2001, which they wouldn't have known anything about until a year-and-a-half ago, it looked like they were sitting pretty nicely. They

These transcripts are not individually reviewed and approved for accuracy.

were doing a good job program implementation-wise, according to staff who's been out in field with them and having discussions. And all of a sudden you find out we've dropped down to 32 percent. What are we going to do? And they reacted pretty quickly by getting a 1066 application in place.

That's one of the perils of the rurals, is their numbers are going to bounce around because of disposal reporting issues as well as adjustment factors. As Tracy mentioned, you don't have economies of scale when you put programs in place, and it's a very expensive proposition. So, again, the issues are different. They are doing a good job programmatically.

COMMITTEE MEMBER PEACE: There's a lot of rural counties that aren't this low, that aren't at 20 percent.

DEPUTY DIRECTOR SCHIAVO: But the Board has approved jurisdictions as low as 13 percent diversion because the program implementation was in place. But because of the spiking, because the adjustment factors don't take into account construction and demolition, which is a huge piece of what's going on here, they're all different.

COMMITTEE MEMBER PEACE: So when they say there's no mandatory green waste recycling, there's no mandatory curbside recycling, those aren't programs that you think

These transcripts are not individually reviewed and approved for accuracy.

are important to have?

DEPUTY DIRECTOR SCHIAVO: It depends on the situation. And in this particular situation, it's not really suitable.

CHAIRPERSON MARIN: It has to do with the layout and the geography of the place.

I'm going to take you with me to some of these rural counties.

If you were to mandate -- it is possible that there is a home here, and there is not another home for another ten miles. So it's not like in an urban setting.

And, actually, Mr. Steve Jones, he's ready to come in and jump in. He's a former colleague at the Board level. And he's now in charge, and it's all your fault, as I understand, that Nevada County is not doing as well as they should.

All kidding aside, you might want to explain the challenges for your company itself, why this doesn't make sense.

MR. JONES: Thanks, Madam Chair and Board members. Steve Jones, for the record, representing Waste Management.

You're very right on some of our routing issues. I mean, I went on a route -- believe it or not, I'm 55 years old and I'm throwing garbage every once in a while.

These transcripts are not individually reviewed and approved for accuracy.

I had to go on a route 4th of July week. And 138 miles, seven tons, and at least 60 percent of the homes that I picked up had garbage at the curbside set out. Now, I didn't pick up every house that we drove by, because approximately 55 percent have subscription service. Forty-five percent chose to do self-haul to the transfer station. And it is a function of living in rural California is that people almost take that on as an event to take their stuff to the local transfer station.

But at the same time, the programs that are instituted in Nevada County, two weekends ago, our buy-back center at the transfer station, we burned through $1500 in two-and-a-half hours paying people for CRV type materials to come to our facility. In two-and-a-half hours, 1500 bucks. I mean, that is an amazing amount of material to be brought in. And I ended up having to go back and get more money for these guys so they could keep operating for the rest of the day.

That shows in my mind that those self-haulers that are going to the transfer station and bringing their loads of waste, bringing yard waste, and also bringing recycling are taking advantage of the infrastructure that's in place. Because the way the county has it set up is if they come in with a full truck, they can stop at our facility first, do all of their recycling, all the paper

These transcripts are not individually reviewed and approved for accuracy.

products, all the CRV material, steel, tin, aluminum, all those types of materials, drop them off. Go to the yard waste area, drop off their yard waste. And then go back through and get weighed for how much garbage they're going to pay for to dump at the transfer station. You see an awful lot of vehicles doing that. They don't all do that. I mean, they don't all do that. A lot of people just drive in. They don't care what they throw away.

But the infrastructure is in place. And people are recycling. And this County is working awfully hard to make sure we continue to improve what we're doing. I'm putting in some new equipment into Nevada County that I'm hoping will start triggering a lot of the people that have moved to that area from urban San Francisco, Los Angeles, Southern Cal, whatever, to start demanding different types of service levels. That's one way we're going to try to grow this thing. But this County is working hard to try to meet the number.

And I think the key thing here is disposal tonnage is going down in an area that is increasing, the revenue is going up, the building is going up, and the diversion -- I mean, well, the diversion has gone down, but so is the landfilled material is going down. That tells me, anyway, that that's a positive program in an area that everywhere else it's going up.

These transcripts are not individually reviewed and approved for accuracy.

COMMITTEE MEMBER PEACE: So still you're only going to be at 35 percent, you say, by the end of the year with this alternative diversion rate. So when do you expect to be 50?

MR. JONES: I think once we have our infrastructure in place for the construction and demolition materials drop-off and the facility that we're talking with gets upwards of 80-something percent diversion, if you look and see that perhaps 30 percent of our waste stream is C&D and we can get -- let's say we only get half of that, that's another 15 percent. That's why we're really focusing on that this winter.

If I can, I'd like to speak to our county just so you know that we walk the talk. One of the first things that we did when I got to the county is look at our sustainable practices policy and realized it was somewhat weak. And we developed a policy. And, in fact, it's actually a policy that you have posted on your website as an example and a model policy. Not only do we have recycled content paper in every Xerox machine, we have recycling bins made from recycled content plastic lumber. We have benches. We have a verma compost system which is adjacent to our Administrative Center where all the trustees empty 100, 150 pounds of food straps and feed them to our worms.

These transcripts are not individually reviewed and approved for accuracy.

All of our fleet uses re-refined oil. They all have bumper stickers or license plate frames with that on. We also collect the used oil at our own stations as well. And we also have a curbside used oil collection program. And we're one of the first, if not -- we were the only one for a while that had a granulator program wherein we collect the quart oil containers and granulate those and recycle that plastic and collect the oil that, in fact, is very usable that's remaining in your quart oil container when you empty it.

So I think that we're also very strong in leading by example. And we did that because we also go out to all the businesses within Grass Valley, Nevada City, ask the Unincorporated area. We implement the programs for all. And every single business that we have visited has either expanded or begun a recycling program by virtue of our visit.

And one of the other things this leads me to is that Grass Valley and Nevada City have diversion rates above ours, and we implement their programs. So I think that speaks to a number issue as well. They don't have staff. We implement all the programs for them. We are funded through partial charges largely, so we collect that from Grass Valley and Nevada City as well as Unincorporated County. We implement all their programs

These transcripts are not individually reviewed and approved for accuracy.

for them, and they are above 50 percent and have been.

CHAIRPERSON MARIN: They're in a peculiar situation. We're actually going to have the opportunity to discuss this situation with the rural counties as we discuss more the alternative method, the reporting method.

COMMITTEE MEMBER PEACE: There's so many rural counties, though, that are complying with the law and a lot of rural counties that have big language barriers and have, you know, 20, 30, 40, 50 percent of their population below the poverty level. And this one, there shouldn't be any language barrier. Very few people below the poverty level. I guess I still can't understand why it's so hard for this particular rural jurisdiction not to get to -- when so many other ones have.

DEPUTY DIRECTOR SCHIAVO: They are very much in compliance with the program implementation side of the equation. Again, with the rurals, they vary quite a bit. And by happenstance, they may get the benefit of some disposal tons being sent out of county. They may get the benefit of the adjustment factors for whatever reason.

The rural communities -- and this has always been an issue. And this is what is found in the SB 2202 report. That's why the Board approved the recommendation that the focus should be on program implementation and secondarily the numbers because it was recognized by the

These transcripts are not individually reviewed and approved for accuracy.

affected community -- not just the rurals, but even the people representing urban communities also agreed with the findings that the numbers have too much variability with these rurals. We tried to make them as true as possible, but it's just not possible under the current scheme of the law. So there will be a lot of variability. And that's why the Board in the past has recognized that with approving some jurisdictions with relatively low percentage rates, and there's some that have been pretty outrageously high on the other side of the spectrum, maybe 80, 90 percent with no more programs being implemented. Again, it's more happenstance with the rurals.

COMMITTEE MEMBER WASHINGTON: I think it's great. They have great programs. It just seems to me the County has to just go back and figure out some type of mechanism. The excellent program, superb programs they have in place at this county, and she just named off all of what they're meeting the county. It just seems to me they need to go back and figure out and perhaps take a look at what Ms. Peace is, sounds like to me, suggesting that something might need to be mandated to raise the number or whatever area you can do that in. You just need to go back.

But I think the County is doing an excellent job with the programs that you have. And it is kind of difficult to sit here and hear the numbers and to see the

These transcripts are not individually reviewed and approved for accuracy.

programs are going so well and the superb programs you have in place, and the numbers don't come out the same. It is kind of difficult. But I do understand that rural counties are in a difficult situation, and I think you're doing a wonderful job. And, again, you just probably need to go back and take a look at what they can do different.

CHAIRPERSON MARIN: I think that the challenge for us is trying to be as fair and as objective as we can, understanding that in some instances -- and I don't know how many rural counties we visited. I have made it a point before the end of September I would have visited every single rural county. I'm almost there.

But not every single rural county -- Ms. Peace is correct. Not every single rural county has the challenges that you do and, therefore, the numbers look very different. But when you go in and visit the specific counties and you see the challenges, but more importantly the ones that are, in fact, implementing the programs, you know, you have to be able to accommodate for that. And that's what our program is doing. Because they are doing everything they can possibly do. But they don't have the numbers, the retail number, the dollars that unfortunately we use in our formula to allocate the rate, you know, the diversion rate. And so they're always going to be at a loss. And that's why we need to redo this method, because

These transcripts are not individually reviewed and approved for accuracy.

it's very unjust to some counties. Not to all of them. And so I think that we have beaten this horse to death.

COMMITTEE MEMBER PEACE: Let me ask staff, are there any programs staff thinks they should be doing that they're not doing or that they should plan to do?

MR. POGUE: I feel the programs they've incorporated into this second request tackle that issue. They're focusing on construction and demolition, which is a large portion of their waste stream and also tackling self-haul, which we heard is approximately --

COMMITTEE MEMBER PEACE: Was C&D a large portion of their waste stream when they got their first 1066?

MR. POGUE: Yes.

COMMITTEE MEMBER PEACE: What did they do about it in three years? Why is it just now in 2006 they're going to start constructing a C&D facility?

MR. POGUE: Maybe Tracy can answer that.

MS. HARPER: Actually, we do take wood waste from construction already, and we take metals. The only thing that we're talking about now is having a more integrated program where we take a wide variety of materials, not just the wood waste, cardboard, metal, things of that nature.

And, actually, we knew that we had a pretty good percentage of construction and demolition materials. But

These transcripts are not individually reviewed and approved for accuracy.

the latest statewide waste characterization that was done actually increased that significantly. I think it went up by right around eight points. So that was a lot. And that was enough for us to realize that -- we already were working on that path, but we re-prioritized and put C&D at the top of the list.

COMMITTEE MEMBER PEACE: Would a Compliance Order help you to get the political support you need to get the C&D ordinance passed and to do some of these other things? Do you need political support?

MS. HARPER: Well, it can be a two-edged sword, if you will. Because it could look like why do we have this program when we're just getting in trouble again with the State. We've talked about how we have this integrated program and we've left no stone unturned.

And I've actually talked to them about the numbers on our Commission. We have Board members that sit on that Board of Supervisors. And they've been very willing to go along with the infrastructure that we recommend. We've had to do quite a bit of analysis and number crunching, because it's very expensive.

So I would say that that's probably a little different in our community in a rural county than it is in some other areas. So that could explain a little bit why it took a little bit longer.

These transcripts are not individually reviewed and approved for accuracy.

But, actually, when I've actually asked Waste Board staff what they think about how long it takes to get infrastructure going, they've said they believe it takes at least three years. And I think that's actually true, that from the time at which we moved in earnest and did analysis, it's about three years that we're going to have an infrastructure in place. So I don't think we're beyond, you know, what could be expected. We certainly haven't been resting on our laurels. I do think a Compliance Order could -- you know, it could add negativity to the program, quite honestly.

CHAIRPERSON MARIN: Actually, I wouldn't really go on a Compliance Order with Nevada County. And I know you might want to consider that. But I am not ready to consider that just yet. I feel they are doing -- and I have been to this county. They're doing everything they can. I visited some of their programs. I visited their facility where they had the recycled oil. And they're doing everything they can. So I'm not ready to even consider that. They have done a very good job.

COMMITTEE MEMBER PEACE: They're doing some things now. I'm just wondering why they weren't doing these things before like the drop-off at the McCourtney Road Transfer Station. They say they're improving that facility and the traffic flow, and they're going to put in

These transcripts are not individually reviewed and approved for accuracy.

a C&D facility. Why are they just talking about this now? And why wasn't it talked about three years ago so it would already be in place?

MS. HARPER: Well, if you remember way back when we started the discussion that actually we were under the impression that our diversion rate was 43 percent. So that gives you a different sense of urgency of program implementation and the types of programs that you would do versus now that we have fallen off -- although, we think our '04 rate is going to swing back up again because our tonnage has dropped and our population has increased. So we think that our '04 rate is going to come out better.

CHAIRPERSON MARIN: Most likely when you do the characterization study.

Is there a motion to approve Resolution 2005-212?

COMMITTEE MEMBER WASHINGTON: I'd like to move adoption of Resolution 2005-212.

CHAIRPERSON MARIN: Okay. I'll second that.

Call the roll.

EXECUTIVE ASSISTANT BAKULICH: Peace?

COMMITTEE MEMBER PEACE: I'm still not real comfortable with this. But if staff is telling me this is the way to go, I'll say aye.

EXECUTIVE ASSISTANT BAKULICH: Washington?

COMMITTEE MEMBER WASHINGTON: Aye.

These transcripts are not individually reviewed and approved for accuracy.

EXECUTIVE ASSISTANT BAKULICH: Marin?

CHAIRPERSON MARIN: Aye.

Thank you, Ms. Peace.

Thank you, Kathy. Thank you, Steve.

This will go on consent. Thank you.

DEPUTY DIRECTOR SCHIAVO: We'd like to combine those in the presentation D and E. And these are Consideration of Request to Change the Base Years to 2003 for the Cities of Fillmore in Ventura County and Temecula in Riverside County. And Kaora Cruz will present these items.

SUPERVISOR CRUZ: Good morning, Committee members.

The City of Fillmore has requested to change its base year to 2003. Board staff has reviewed and verified the study and recommends the Board to approve staff suggested modification. The City's 2003 diversion rate is 31 percent. And the City has submitted a time extension which will be presented separately during this Committee meeting.

The City of Temecula requested to change its base year to 2003. Board staff has reviewed and verified the study and recommends the Board to approve the staff suggested modifications. With the staff recommended new base year and the biomass diversion, the City's 2000

These transcripts are not individually reviewed and approved for accuracy.

diversion rate will be 53 percent, of which 2 percent is from biomass diversion.

A representative from the City of Fillmore is here to answer any questions, and representatives from the City of Temecula are here to answer any questions. This concludes my presentation.

CHAIRPERSON MARIN: Thank you so very much.

Okay. Let's see. Bill Bartels from the city of Fillmore. Thank you so very much for making -- was it a long driving trip or a short one-hour flight?

MR. BARTELS: A short one-hour flight.

CHAIRPERSON MARIN: Excellent. Thank you so much for taking the time.

So you need to change your base year. And staff is ready to give it to you. Why should we give it to you?

MR. BARTELS: We're ready to do more than change our base year.

If I can respond to Committee Member Peace's issue. Fillmore has been at this for a long time. We also have seen a basic degradation of our tonnage. The only way to update the political arm -- and in this case it is not the City Council. It is the School Board, because the schools of Fillmore -- the Unified School District has always used our service, is part of our tonnage, and is building new schools like crazy. You'll

These transcripts are not individually reviewed and approved for accuracy.

see a spike in the third quarter of 2004 for our basic tonnages. Without being able to do the generation study to request the new base year, those tons just went someplace else. They were a different agency.

We've now had a long-standing dialogue about the fact that our schools do not do a very good job of recycling. And that in all of the C&D the City is doing, we will report 6,000 tons of diversion. We have 275 new homes, first phase of a very large project for Fillmore, population 14,000, where our diversion requirement can be documented. The schools have built a new school site and upgraded three of their old school sites. None of that C&D tonnage was diverted. In many cases, it was just hauled off. It wasn't until our fire department started to work with the schools to do practice burns that we actually got them to begin this process. So the new base year is critical, because it opens the doors to continue the dialog.

The other thing it does is allows the new staff, the entire upper management of the district along with, frankly, the entire upper management staff of the City of Fillmore, is turning over the next three months; the City Manager and Public Works Superintendent, Chief Financial Officer in 18 months. And we have a new Chief Financial Officer for the school district who has borrowed me to

These transcripts are not individually reviewed and approved for accuracy.

rebuild their recycling programs.

So our new base year gives us a better basis for dialogue. It shows where things are falling through the holes. And also it demonstrates industries -- we have very few industries. We have a lot of mom and pop stuff. Our ag recycling is very good. We only have one packing house. Those tons are lovely.

So I feel like a ping-pong ball trying to coordinate this right now. The political support is in place from the School Board. It's always been in place from the Council. I have a new Council Subcommittee, been doing this for ten years. And as a result of this new Subcommittee, they're saying we need to incentivize our contract with our waste hauler. And hearing San Francisco has already done it, that makes it easier to say, okay, in September we are looking at our contract with our waste hauler. Instead of demanding performance, let's incentivize performance.

Thank you. Long answer to a short question.

CHAIRPERSON MARIN: That's usually the case. Thank you so very much. I know Ms. Peace will have a question for you. She doesn't. Okay. Oh, she does.

COMMITTEE MEMBER PEACE: This isn't an item talking about an extension. This is just changing the base year. So change your base year --

These transcripts are not individually reviewed and approved for accuracy.

DEPUTY DIRECTOR SCHIAVO: The next item actually. This is correcting the numbers. The next item deals with the programs.

MR. BARTELS: And if I could just speak to that. One of the things that -- working in real time and working three or four years behind is what we do all the time in the waste business. So anticipating a mess is easy to talk about. But when you talk about incentivizing compliance -- if I walk out of here with a Compliance Order or if I walk out of here with a denial for a new base year, I go back to my political constituency and say, here's where we are. Here's what we have to play with. And what do you want to do? I will have some recommendations about that.

But we have raised the financial incentives. We have good programs in a very poor community with a transitional situation in our economy and a school district that is in a state of disaster. And I'm trying to have that disaster not continue to increase our numbers.

CHAIRPERSON MARIN: Okay. Well, I think that we will have a motion to change the base year, and we'll take both 2005-196 and 197 for the changing of the base year. The discussion will probably be on Item Number 7, unless there are any questions for the City of Temecula changing

These transcripts are not individually reviewed and approved for accuracy.

their base year. Who's here? Is anybody here from Temecula?

MS. RUSE: Yes.

CHAIRPERSON MARIN: I want to thank them. Hi. State your name for the record.

MS. RUSE: Good morning. My name is Phyllis Ruse. I'm the Deputy Director of Community Services for the City of Temecula. Thank you for having us this morning, Board members.

The City of Temecula has worked with Board staff in the completion of this report. We support it wholeheartedly and request your approval on it.

CHAIRPERSON MARIN: Thank you. You're at 51 percent. This will be 53, is it?

MS. RUSE: Yes, with our biomass.

CHAIRPERSON MARIN: Yeah, with the biomass.

COMMITTEE MEMBER PEACE: I know Temecula is booming also. There's all sorts of building going on in Temecula. So how are you dealing with your C&D so your diversion rate can be so high?

MS. RUSE: Actually, the City of Temecula has always taken our recycling and our AB 939 responsibilities very seriously. I have a City Manager who watches those numbers and always wants to make sure that we are in compliance.

These transcripts are not individually reviewed and approved for accuracy.

In the last few years, we have been struggling a little bit with our numbers. We think there's a couple of reasons for that. Our programs we feel are excellent, and we stay on top of them. Our hauler is vigilant in that as well.

We think we've kind of slipped in the last few years, because when we incorporated -- we incorporated in December of '89, and of course our base year then was 1990. We ended up taking numbers from the county that were sort of pro rated and kind of guessing where the boundaries were and that sort of thing. So we've never been 100 percent confident that the base year was accurate in the first place.

Secondly, with our tremendous growth -- I believe our population was about 21,000 people in 1990. It's now about 92,000, 15 years later. With that tremendous growth, we feel the adjustment formula has not always played to our favor. While our programs might reflect a higher recycling and diversion, that it hasn't necessarily played out that way in the formula. So we're really excited to have a new base year that we feel more accurately reflects what's really happening in Temecula.

Now to your specific question. About three years ago our hauler, who as I say is vigilant, came to us and said, "You know, the commercial developers are following

These transcripts are not individually reviewed and approved for accuracy.

our Municipal Code, following our franchise, and using us as their hauler and we're able to pull that material out. However, the residential developers don't use us. They have a whole different system."

So we started looking at that. And rather than going to a C&D ordinance, we actually went to a procedure whereby every developer, as a condition of approval of their project, has to use the City's franchised waste hauler for their diversion and for their C&D. They come in to get their permit, and our department has to sign off on that permit. They have to have already made their arrangements with our hauler, and the hauler then lets us know that that arrangement has been made. The requirement is also that they're serviced at least once a week. If our hauler sees they're going and not calling for service, we can withhold permits. We can withhold inspections.

In the beginning, we had a lot of difficulty with them. They argued with us. They didn't like this idea. And now three years later, everybody is pretty much using the process and we have definitely seen our C&D diversion go up over the last couple of years.

CHAIRPERSON MARIN: I didn't know. Is that something that a lot of jurisdictions -- not to you, but is that something a lot of jurisdictions do? I really like that. It actually for accountability purposes holds

These transcripts are not individually reviewed and approved for accuracy.

the hauler accountable, and I mean --

MS. RUSE: And the developer.

CHAIRPERSON MARIN: Probably for competition purposes it's not very good. But for accountability purposes, it's rather remarkable.

MS. RUSE: Well, and if it has to do with trash, we're not looking for competition. We have a Municipal Code and a franchise agreement that says the waste needs to go through the hauler so we have some control over what's going to the landfill.

CHAIRPERSON MARIN: I like that. I was just going to ask staff if that's something that we see pretty much so throughout the state.

BRANCH MANAGER MORGAN: Cara Morgan, Office of Local Assistance.

We're seeing it more, because we've been promoting the C&D ordinances and requirements that Temecula has. And we've been utilizing Temecula as a model, because we think they have a terrific program. And we've really appreciated sharing what they're doing as a success story.

CHAIRPERSON MARIN: That's very, very good. No wonder you're at 51 percent, and now you're going to be at 53 percent.

MS. RUSE: And we're going to do our best to stay

These transcripts are not individually reviewed and approved for accuracy.

there.

CHAIRPERSON MARIN: Well, no.

MS. RUSE: And higher.

CHAIRPERSON MARIN: We don't like status quo. We like improvement. Thank you so very much. And thank you for serving as a model. So I'm going --

MS. RUSE: Thank you.

CHAIRPERSON MARIN: So I'm going to take both 196 and 197 at the same time. Is there a motion for that?

COMMITTEE MEMBER PEACE: I'd like to move Resolution 2005-196 and 2005-197.

COMMITTEE MEMBER WASHINGTON: Second.

CHAIRPERSON MARIN: Moved and seconded. We will substitute the previous roll call and put it on consent.

The next item, that's the Item Number 7.

DEPUTY DIRECTOR SCHIAVO: Item 7, Committee Item F will be presented by Melissa Vargas. This is consideration of a second SB1066 for a number of different cities.

I would like to point out that the City of Loma Linda has requested that their item be pulled from this group. And we are amending the item in the Resolution as we speak, actually. That will be available in time for the Board meeting.

CHAIRPERSON MARIN: Okay. Actually, I did get a

These transcripts are not individually reviewed and approved for accuracy.

letter from their waste hauler, Waste Management, but we'll deal with this next month.

BRANCH MANAGER MORGAN: September.

CHAIRPERSON MARIN: So Loma Linda has been pulled. So you're going to make a full presentation on all of them, and then we'll take -- go ahead.

MS. VARGAS: Good morning, Committee members.

These jurisdictions' first time extensions have ended. And despite their efforts to meet the time lines in the first Plans of Corrections, they need additional time to implement their programs. These cities include Blythe in Riverside County; Fillmore from Ventura County; Lemon Grove and Oceanside from San Diego County; and Oroville from Butte County.

Board staff has reviewed and verified the Cities' request for a second time extension to meet their AB 939 goal and are recommending approval of this agenda item. Representatives from the Cities are here to answer any questions.

This concludes my presentation.

CHAIRPERSON MARIN: Thank you. Let's start with the City of Blythe. We'll just call them in the order we have them before us.

Please state your name for the record. And thank you very much for being here today.

These transcripts are not individually reviewed and approved for accuracy.

MR. JIM RODKY: My name is Jim Rodky. I'm with the City of Blythe. Jim Rodky. I ask you to excuse me. I have a little bit of a cold so --

CHAIRPERSON MARIN: That's okay. We'll make it fast so you can take your germs with you somewhere else.

MR. RODKY: First of all, Chairman and Board members, thank you for hearing us. We're really excited to be here, in spite of the request for the second extension.

We've had meetings with the prisons, and institutional barriers are being worked out as it relates to the prisons and their packaging and their recycling that they have.

As it relates to the C&D ordinance, we, like Temecula, are putting it in the conditions. And we're able to capture a lot of waste there. Plus, with our franchise hauler, he has the exclusivity within the city limits to put those roll-offs at those projects. So we have the ability to capture the waste that way, too.

And then we take it a little further is in public projects -- I'm also the Public Works Director. So we put everything out in the specs where we can capture the C&D waste, and likewise on the public projects.

So we're really excited. We think our numbers certainly after the next reporting period are going to

These transcripts are not individually reviewed and approved for accuracy.

definitely be higher.

So I'd be happy to answer any questions. And if we get too technical, I'll need to call my waste hauler up, Palo Verde Disposal Service.

CHAIRPERSON MARIN: Okay. Well, I know that we will have a couple of questions. And Ms. Peace will start firing them off for us.

COMMITTEE MEMBER PEACE: Curbside collection, is that just voluntary?

MR. RODKY: Yes, it is voluntary. We have carts at every curbside location. And we did some public service announcements, and we've been to the schools and talked with the kids, and the kids are really good at encouraging the parents to recycle. But in our community, we have a large poverty level income rate. And we're also 150 miles from the nearest recycling market. So what we've learned is that our recyclables were in many cases commingled, in spite of our outreach programs.

So what we did, and the City Council is really excited about this, is we bit the bullet and we said we're not capturing our waste with curbside. We already pick up the green waste in the alleys for free. People bundle it up, put it out, and we pick it up. And then we've dealt with the C&D. So we saw we were having problems with the recyclables and the residential, and we opted to go ahead

These transcripts are not individually reviewed and approved for accuracy.

and bite the bullet for a MRF.

So now there is a MRF station up and operating where the city's residential waste is going. It's a dirty MRF, but nonetheless, it's a MRF. And we also had barriers there. Because of the permitting with Riverside County, we would have been two to three years in delays and a significant amount of money to get the facility up and running. So Palo Verde Disposal had some property across the river in Courtside, Arizona. And so what they do is haul the recyclables over there, and it's run through the MRF, and then we're able to capture the recyclables and get them to market.

CHAIRPERSON MARIN: I don't like dirty MRFs, personally. They're dirty. What can I say?

All kidding aside, I have visited probably 100 programs, and I know that on dirty MRFs the percentage that gets captured for recycling is far lower than the ones that actually do have the recycling programs, the curbside recycling programs. And maybe this question is -- well, it's both for you and for your hauler. But do you see a transition from a dirty MRF to a cleaner MRF?

MR. RODKY: I believe any agency to responsibly approach the recycling and capturing the waste -- our community is getting ready to grow. As it grows, we will bring a different element into it. And I'm certain --

These transcripts are not individually reviewed and approved for accuracy.

CHAIRPERSON MARIN: What is your population right now?

MR. RODKY: Right now the population is 21,000; 8,000 of which are prison inmates from two institutions.

But to answer your question, as the community grows and evolves and public information gets out there and we get our community to buy into this recycling and diversion more so than they are now, certainly that's a possibility.

CHAIRPERSON MARIN: You're going to expand your outreach efforts. I see that as a condition. But if people -- see, what we have learned is that if I'm going to throw a bottle and there are two cans, one is for recyclables and the other one is for non-recyclables, I'm going to -- if I have this bottle, I'm going to put it in the recyclables, than if there is just one can; right? It's at the point of going to the trash. If there is no curbside recycling, if people --

MR. RODKY: We have curb side.

CHAIRPERSON MARIN: But it's --

MR. RODKY: They commingle it. They just throw everything in the trash. And we have twice a week collection. But so what we're doing is targeting --

CHAIRPERSON MARIN: I don't understand. So when people -- is it curbside recycling and you have two cans?

These transcripts are not individually reviewed and approved for accuracy.

So why does it go to a dirty MRF?

MR. RODKY: The MRF is dirty in that they commingle everything in the trash. So we just take everything to the MRF.

Let me let Gordan speak to that a little bit. Technically, it's a dirty MRF.

MR. BEERS: Madam Chair, members of the Board, Gordan Beers, Palo Verde Disposal Service.

We have a portion of the city, more than half of the city, has curbside collection. And so those that have curbside carts, they have a blue cart and a trash collection cart. They throw commingled recyclables in the one. We still have the curbside. So we still collect those separately.

We really went to the MRF in order to capture the residential, because they have alley service with bins, four-yard bins, and the commercial. So we looked at there's limited space for a lot of containers at the businesses, so we felt that in order to maximize our diversion, we would capture the commercial and the balance of the city through the dirty MRF. But we still have the curbside collection, commingled recyclables.

CHAIRPERSON MARIN: So what are you going to do to improve that? It seems to me that -- is there something else? Is there another component to increase

These transcripts are not individually reviewed and approved for accuracy.

the amount of trash that is actually collected that can be recycled?

MR. BEERS: Well, we'll be processing all the waste that's generated within the city. And based on our diversion numbers currently with what we are already based on the 2003, we're already going to be over 50 percent. And we're expanding the concrete and C&D programs, so we feel we're in a good position that we've met the goal. Okay.

So we added the MRF to make sure we were able to capture all the material we possibly could. Instead of implementing a source-separated program throughout the city with the balance of the residential or the commercial, we maintained the curbside where we have curbside service. And then we wanted to capture and take the rest of the material to the MRF.

CHAIRPERSON MARIN: All right. Okay. Ms. Peace.

COMMITTEE MEMBER PEACE: When you said that over a third of your population are inmates, is there any recycling at the prison?

MR. RODKY: Yes. We just had a meeting with both institutions. One is Ironwood State Prison. The other one is Chuckwalla Valley State Prison. And we have certain institutional barriers. There used to be some metal recyclables. But Prison Industries has gone to this

These transcripts are not individually reviewed and approved for accuracy.

plastic packaging and these little condiment containers which they're having difficulty getting into the markets. Right now, their diversion rates are I believe 50 and 51 percent. But they see this as a trend that's going to create problems for them in the future.

We've looked at our individual resources and how we can aid one another, and we will continue to do so for sure.

CHAIRPERSON MARIN: Pat, doesn't the prison because it's a State facility, their numbers are separate from the jurisdiction?

DEPUTY DIRECTOR SCHIAVO: No. They count as part of it. But they also count under the purview of AB 75, our State program. So they do submit reports to us every year.

CHAIRPERSON MARIN: But that's separate from this program?

DEPUTY DIRECTOR SCHIAVO: It's part of this program. That's a subset of it.

CHAIRPERSON MARIN: Okay. Yes.

MR. BEERS: However, I just wanted to note it's been our indication in working with the prisons that no matter what their recycling diversion numbers are, the residue waste still gets attributed to Blythe. And we have no jurisdiction over that.

These transcripts are not individually reviewed and approved for accuracy.

CHAIRPERSON MARIN: So the prison itself is at over 51 percent or something like that? But you think that -- are there leftovers? Have they been increasing, is that what has happened?

MR. RODKY: They indicated to us that because the packaging has changed through Prison Industries -- like their food containers come in these plastic containers, where they used to be in tin cans and five gallon plastic bails, so now they need to be landfilled, because it's contaminated.

MR. BEERS: They used to bail tin cans and other materials, and now the packaging is more uniform. That's one small item. It's just that the city of Blythe jurisdiction itself is targeted -- not targeted, but they are the result of whatever the residue waste coming from the wraps centers go to the landfill still reported as disposal for the city of Blythe.

CHAIRPERSON MARIN: But then also their numbers should be going up.

DEPUTY DIRECTOR SCHIAVO: I can't answer that. Their report -- we get the annual reports from them. They have a goal of 50 percent, and the jurisdiction -- maybe Phil knows a little bit more.

CHAIRPERSON MARIN: Their numbers should be going down.

These transcripts are not individually reviewed and approved for accuracy.

DEPUTY DIRECTOR SCHIAVO: They should be going down if that's the case. But if they're staying at 51 percent, I can't answer. Phil has --

BRANCH MANAGER MORALEZ: Phil Moralez with the State and Local Assistance Branch.

Institutions pretty much -- in meeting with staff, they had gone, and with the OLA staff to meet with the City. And, essentially, the prisons -- what you're looking at in terms of, for example, the packaging, when you're talking about the condiment package, you're talking about the little mini packages you get at Taco Bell and those kind of things. Those in terms of volume and numbers are really insignificant as far as the waste stream is concerned. Granted, they're not recyclable. But there are issues regarding safety and health in terms of the inmates as well as the correctional officers.

The programs they have implemented are pretty significant. They have both the green waste programs. They package everything they can sell, they do sell. Because it's money making for the prison. Many of their support services for inmates and staff come out of whatever they're able to recycle and obviously make revenue with.

The one item they are working with the City and is a concern has to do with denim. There's a lot of used

These transcripts are not individually reviewed and approved for accuracy.

denim in sheets and materials. The problem is that the market is so far away. To get the materials to market has been a real issue, and to find a market that wants to buy used denim. They generate about 500 pounds a month of used denim. And so what they're trying to do, and they've talked with the City and they will continue to explore, is there some other way to get that material to market. That would have a significant positive impact for the city, as well as for the institutions. But right now the institutions are sitting at over 50 percent. And, you know, I can take into consideration health and safety issues. They couldn't do much more at this point.

I think the other thing is that, you know, the institutions have always been -- and Corrections' philosophy has always been when they're in a community, they're part of the community. So I think the dialogue, as long as it continues between the prison and the City, you know, should have some positive effects.

BRANCH MANAGER MORGAN: Madam Chair, I'd also like to add that our plan, OLA staff, as well as AB 75 staff and the City, met with the prison. And we're developing a plan of action with them, because we really want to target food waste. We've talked about some of the materials, but they're real small. Food waste is the thing we're going to go after with the prison, heavy, a

These transcripts are not individually reviewed and approved for accuracy.

lot of tonnage. And it's really going to help the City reach their goal. So that's going to be our plan of attack.

CHAIRPERSON MARIN: Okay. Any further?

COMMITTEE MEMBER PEACE: You said you are working on a C&D policy?

MR. RODKY: Yes. What I stated earlier, what we do when we have a project review committee meeting where the developer comes in and meets with the building staff and the public works staff, before they go to the planning commission, is a condition of improvement for that project, whether it be a 100-home development or a commercial building facility or an individual, we condition them to go ahead and get ahold of Palo Verde Disposal. And we capture that waste with their roll-off. Or in public projects, like road projects where there's demolition of curb, gutter, and sidewalk, we make the contractor load it and takes it over to Palo Verde Disposal Service's certified scale. They go ahead and load it, and we dispose of it. And we're going to make Class III base out of that to use as shoulder dressing within the city limits.

MR. BEER: Also, if I might say, part of the permitting process is that there's an actual form that has to be filled out. And the project comes to my office. I

These transcripts are not individually reviewed and approved for accuracy.

have to locate where this site is going to be, what materials could be available for diversion, mainly the concrete asphalt, and then they have to have a plan and report that material if I'm hauling or if someone else is haling, has to be weighed on a scale and goes to a recycling facility. So that's part of it. And I have to sign that off before they can go back and get a permit.

COMMITTEE MEMBER PEACE: I also read that you do have a recycling product procurement policy.

MR. RODKY: We're working on implementing that better. But we just have an internal policy with procurement, and we've got some really good draft procurement policies from Board staff. And we're reviewing those, and we're getting ready to formalize that now.

COMMITTEE MEMBER PEACE: Thank you.

CHAIRPERSON MARIN: Okay. Thank you so very much. We appreciate you being here, and we appreciate your answers. We wish that you go out there and get 51 -- is that it, 51?

MR. BEERS: Or more.

CHAIRPERSON MARIN: Or more. You better do it. I'm going to have you here two years from now.

You can leave. Go ahead. Take your germs somewhere else.

These transcripts are not individually reviewed and approved for accuracy.

The next is Fillmore. And I know Mr. Bartels -- I just wonder, that's the item that I know Ms. Peace was going to have a question on.

So we have you at 31 percent. And if we provide you with a second 1066, you're sure you're going to get the 51 percent?

MR. BARTELS: I would be a fool to sit here and say anything is for sure.

CHAIRPERSON MARIN: Okay.

MR. BARTELS: I believe that with staff changes and with the diversion documentation that we stand a very good chance of coming up. I also believe that the continuing dialogue with Board staff about taking very small segments and connecting them throughout the city for rendering recycling for identifying and making those systems sustainable, which is what this is all about.

CHAIRPERSON MARIN: Right.

MR. BARTELS: Fillmore is the lowest per capita City in Ventura County. So we have a lot of issues about people using recyclables to collect for people to live on. And the Council will not adopt an anti-scavaging ordinance which then promotes a very interesting dialogue with our waste hauler. Because they're saying, "We're loosing material." Well, it's being recycled. It's just not being recycled to defer their costs.

These transcripts are not individually reviewed and approved for accuracy.

CHAIRPERSON MARIN: That is a challenge. Believe me, I come from a city that has that same challenge. And we'll see what happens.

I know you have a question, Ms. Peace.

COMMITTEE MEMBER PEACE: It says you're working an curbside collection. It's voluntary now?

MR. BARTELS: No. We've had mandatory curbside collection. We've had a mandatory ordinance since late '99. We are increasing our curbside collection. We've done a green waste since '93. We've done curbside citywide since October of '93. So our residential numbers are okay.

Where we fall down is that we do not have heavy recycling. And our product base, our ag product base, which is our one heavy industry -- everyone is required under ordinance to recycle any of their waste stream which is recyclable.

We also require in the planning process development of a resource recovery recycling plan. We have one large contractor who goes through that process. I'm part of that review. Where I think our numbers fall down, quite frankly, is in the renewal of business licenses each year triggers the inspection for all businesses. Because of staff changes, because of major shifts in our financial department, that business license

These transcripts are not individually reviewed and approved for accuracy.

trigger has not been linked to building and safety and the other inspection and fire and the other inspections. Part of the request is to allow the completion of rebuilding that process. And we are actively doing that. We are in the middle of business license inspections right now.

COMMITTEE MEMBER PEACE: So you don't have a formal C&D policy at this point?

MR. BARTELS: We have a mandatory re -- every parcel in the city which generates a stream is required to plan how to manage it. So if you come in with a C&D -- if you are a C&D project, your unique stream must be managed. The easiest way to do that is to use the waste hauler. Our city attorney believes we cannot mandate private distribution. So we can't cause a self-hauler to not self-haul. But we can cause a self-hauler who is getting a discretionary permit to report accurately with weigh tickets for where that material went. It's an argument I've had back and forth with our city attorney.

CHAIRPERSON MARIN: Well, that's a very interesting point, because you expect to have a 14 percent increase by doing the C&D.

MR. BARTELS: I have 6,000 tons on one project. And I'm not worried about that contractor or that project. I believe ultimately the 14 percent is probably low. But I also don't have a lot of illusions about the economy of

These transcripts are not individually reviewed and approved for accuracy.

the state. And if the economy collapses, then that C&D diversion will go away because of those houses will not be built.

CHAIRPERSON MARIN: Is this a good number to shoot for? Do you think it is reachable, this 14 percent?

BRANCH MANAGER MORGAN: Madam Chair, I think with respect to some of the tonnages that the City has already provided us, with respect to, for example, what they're seeing with their C&D efforts, we're very encouraged. We do think that the staffing the City is experiencing is a really important piece of this, because those projects really do need to be monitored. So we do feel strongly that's an important piece of them realizing success of this program.

COMMITTEE MEMBER PEACE: So what were you saying before when you were -- the last time you were up here talking about schools' construction and remodeling and that was not being diverted? Have you taken care of that problem?

MR. BARTELS: Yes.

COMMITTEE MEMBER PEACE: So they're all --

MR. BARTELS: I now am the schools' recycling coordinator.

CHAIRPERSON MARIN: He has, in fact, taken care of that. Okay. Well --

These transcripts are not individually reviewed and approved for accuracy.

COMMITTEE MEMBER PEACE: It also says you're working on a recycled product procurement policy.

MR. BARTELS: We have the procurement policy. We have the initial listing and --

CHAIRPERSON MARIN: Is it in effect?

MR. BARTELS: Yes.

COMMITTEE MEMBER PEACE: Can you tell me what things you buy than other paper?

MR. BARTELS: Rubberized asphalt, which actually has been a requirement of our spec for three years now. Rubberized asphalt, lower hazard materials for doing weed abatement and stuff with public works. We have a toner recycling program. We require all of our -- we have a deal with our waste hauler to recycle all of our electronics. And we have had that deal for a period of time. It is now officially the policy of the City, not just something that happened.

The biggest problem we have is we do nice programs. We've been doing green waste since '93 as a curbside program. But institutionalizing it or letting anybody else know about it has been a problem. So there's now the political will to make that move forward.

COMMITTEE MEMBER PEACE: Thank you.

CHAIRPERSON MARIN: Thank you, Mr. Bartels. Thank you very much for being here. And you don't have to

These transcripts are not individually reviewed and approved for accuracy.

leave.

City of Oceanside, do we have anybody here from the City of Oceanside?

I think I skipped Lemon Grove. But don't worry, Lemon Grove, we'll get to you.

MS. BEATTY: I have gifts for you.

CHAIRPERSON MARIN: Oh, bearing gifts. We like you.

MS. BEATTY: Bearing gifts. My name is Ester Beatty. I'm the Senior Management Analyst for the City of Oceanside. I work out of Public Works. Actually, I came from operations from the field.

I think I better wait for Zane first. Is it okay? Okay.

CHAIRPERSON MARIN: He's getting ready for another one.

MS. BEATTY: I came from the field from operations being the superintendent monitoring field operations. So now I'm up in the office trying to get all the numbers and the programs to work. So I've seen both sides of this. So you may hear a little bit more from me from operations side while actually working in the field with the hauler and on-site inspections.

We are asking for a second extension. We've had a tremendous amount of growth in Oceanside. We had 54,000

These transcripts are not individually reviewed and approved for accuracy.

population increase in just ten years. It's phenomenal. I've spoken with our development director, redevelopment director, our planning directors, city manager, the mayor, everybody. We will be moving forward with a -- we already have a draft C&D policy. We have all the procurement policies. We have everything. We've just got this tremendous growth going on right now.

CHAIRPERSON MARIN: When is your C&D going to take effect?

MS. BEATTY: It's a draft. We have yet to -- we're actually waiting for the rest of the county -- San Diego County to institute a policy.

We don't have a mixed facility. Right now we have a place called Moody's. That's where all of the inerts -- the City has taken over 45,000 tons of concrete, asphalt, and dirt, all of the brick, all the inerts that we produce, and then we recycle and use that in road base that Fillmore was talking about.

We also are pretty much a regional area, because the other cities in the area, the Try-City, Vista, San Marcos, sometimes Carlsbad, they bring their material up. And there's been over 181,000 tons of material that's been taken at that facility. That's just inerts. That's the C&D portion of it.

CHAIRPERSON MARIN: But are you saying you're

These transcripts are not individually reviewed and approved for accuracy.

waiting for all the other cities to adopt a policy? I don't understand that.

MS. BEATTY: No. We have a draft ordinance. And right now we have a review process in the planning process that people are required to subscribe to certain types of services. Again, we have a mandatory solid waste recycling ordinance in our city. And construction and demolition material is identified in our ordinance. So right now we are capturing a lot of the concrete, dirt, asphalt, inerts in the lumber. We have Moody's is the concrete, asphalt. And then we have Agra Service, which is run by Mary Matava. And Mary is doing an excellent job. She takes all the wood -- the clean wood from these facilities. So that is turned into compost.

CHAIRPERSON MARIN: So if you already are doing that, then why would you need a policy?

MS. BEATTY: We need an ordinance.

CHAIRPERSON MARIN: Right.

MS. BEATTY: Exactly.

CHAIRPERSON MARIN: Right.

MS. BEATTY: We've had mandatory ordinances since '90, and we've had mandatory curbside recycling, green waste pickup. We have excellent programs. But with the growth, we need ordinances to encourage --

CHAIRPERSON MARIN: We definitely agree. We want

These transcripts are not individually reviewed and approved for accuracy.

you to do that. And my first question was when will you have that? And I know it's a draft. But I want a commitment.

MS. BEATTY: I have been instructed by my political base, my people taller than me, that when I come back, we will be having a workshop with our City Council and impressing upon them the importance of doing this. Because of the growth that we have in the city, we have a bit of a stand back attitude from the building industry. There is nowhere in north county right now to take a mixed use facility material -- to take material from a mixed use collection. If you were to drop a 40-yard or 20-yard box on site and you had mixed material, there is no place close within 40, 45, 50 miles to take that for construction.

CHAIRPERSON MARIN: Who's your hauler?

MS. BEATTY: Waste Management. And we need cooperation from our waste hauler, too.

CHAIRPERSON MARIN: I'm sure the representatives from Waste Management who are here today or listening through the many different mediums that we have are taking note of your request.

I would love to have the City Council adopt a policy as soon as possible. And I know your mayors and your Council members, when explained correctly, I'm sure

These transcripts are not individually reviewed and approved for accuracy.

that they will be very, very happy to oblige. I will be more than happy to explain it correctly to them.

MS. BEATTY: Thank you.

CHAIRPERSON MARIN: So do you have some questions?

COMMITTEE MEMBER PEACE: I guess if you can explain to me, I keep hearing about a San Diego countywide C&D ordinance. Is that something they've come up with and each City Council needs to approve the countywide C&D ordinance they came up with?

MS. BEATTY: I believe that would be one step -- Zane, did you want to --

MR. POULSON: As a county, they had developed a draft model for the entire county. And they're trying to put that forward so that as the County adopts it, as each City adopts it, they'll have a very similar ordinance so they'll focus on the same thing, same types of goals. So when contractors go from city to city, they're not looking at completely different ordinances.

That model has been drafted, and it has been adopted by -- the San Diego Association of Governments has adopted that model. That has not yet been adopted by any Cities, though. It's out there and Cities have that. Many Cities are working on adopting that or something very similar to that, but it's not yet been adopted.

These transcripts are not individually reviewed and approved for accuracy.

CHAIRPERSON MARIN: Are they using Temecula as a model?

MR. POULSON: No. They've developed their own model. They used a lot of the Board resources off of our website and our Board's draft models to develop their own model.

CHAIRPERSON MARIN: But Temecula is in our Board, isn't it? No.

BRANCH MANAGER MORGAN: Temecula's is a little bit different in that theirs is a requirement for an ordinance. San Diego County jurisdictions took it to a different level with going with the ordinance. So they're using some other model jurisdictions for that.

CHAIRPERSON MARIN: I think I like Temecula's. Is Temecula still here? No. They're gone. Good. I'm saying their name in vain. Good. Okay.

Well, we would like to see the C&D ASAP as an ordinance. We'd really appreciate it. It would look really nice for this Board if your City Council would take the lead.

MS. BEATTY: We are additionally working on a new base year study right now. We are currently about two-thirds of the way through with a new base year study.

CHAIRPERSON MARIN: Excellent. Your numbers should go up then.

These transcripts are not individually reviewed and approved for accuracy.

MS. BEATTY: Hopefully.

CHAIRPERSON MARIN: Ms. Peace, are you ready to hear Lemon Grove?

Thank you so very much for taking the time to be here with us. Give us your goody before you leave. Make sure they're less than $10. I don't want my attorney to tell us we have to report it.

Okay. Lemon Grove. Who do we have from the beautiful city of Lemon Grove?

MS. KRABER: Good morning, Madam Chair and Board members.

CHAIRPERSON MARIN: You thought you were going to get lucky and not come before us.

MS. KRABER: Well, we were hoping.

CHAIRPERSON MARIN: Well, you're at 40 percent or so our figures tell us.

MS. KRABER: Forty-six. You're right. It's 46.

CHAIRPERSON MARIN: I'm so sorry. I was looking at Oceanside. I'm sorry. You're right, 46 percent. State your name for the record.

MS. KRABER: Barbara Kraber, Management Analyst for the City.

And we have an exclusive franchise hauler in Lemon Grove, and they have supported us to a very large degree in our program implementation in helping us figure

These transcripts are not individually reviewed and approved for accuracy.

out where to find that other 4 percent. So those are the things we're currently working on.

COMMITTEE MEMBER PEACE: But you're also waiting for your City Council to approve the San Diego County C&D ordinance?

MS. KRABER: It is on our agenda for September 6th, our first meeting in September, as a discussion item hoping to get some direction from the Council.

Our staff has been reduced to such a degree over the last three or four years. We're down to about 25 percent across the board. And during the year the solid waste tact in the county worked on putting together this model ordinance, quite frankly, we were not really an integral part of that process.

So several weeks ago we started moving down the road toward putting together our application for the time extension and so forth, I started doing some analysis of that model ordinance and became more than a little bit concerned about the level of staff it would take to implement that ordinance. So we did start looking at some other models. Used the Board website extensively.

And so we will move -- as much as we would like to keep that continuity in San Diego County, Lemon Grove needs something we can live with internally. So not that we want to gut that or anything of that nature, but I

These transcripts are not individually reviewed and approved for accuracy.

think that it will be similar. But it's not going to be at that same level. We just simply don't have the staff to do it. We have contract building inspectors. Like I say, most people are doing two and three and four jobs at this point. But we're very comfortable with the -- we know we need one. While Lemon Grove is a built-out city, redevelopment is on the horizon. Demolition will be a very big issue in the coming years. And so we need a mechanism to deal with those kinds of things.

CHAIRPERSON MARIN: I know the bigger issue for the entire county of San Diego is whether this policy should be one that is mandatory versus voluntary. What is your staff recommendation going to be? Not to put you on the spot or anything like that.

MS. KRABER: As Ester was saying, that's above my pay grade as well. We would like to see it mandatory.

CHAIRPERSON MARIN: We would, too.

MS. KRABER: I'm not sure that we've got enough of a read on that yet. But that's our hope at this point.

CHAIRPERSON MARIN: Good.

MS. KRABER: We think that's the thing that works best.

CHAIRPERSON MARIN: Okay. I think you will have absolutely nothing but praise from this Board if that would be what the Council agrees to do. And if we need

These transcripts are not individually reviewed and approved for accuracy.

to, we will be more than happy to call your City Manager or your City Council or your Mayor. I believe --

MS. KRABER: Our City Manager is very much on board with the mandatory ordinance. At this point with him wearing so many hats, I don't know the degree to which conversations have been had with Council so far. So that first meeting in September will give us a lot better idea.

CHAIRPERSON MARIN: Okay. I know Mr. Washington, if he was here, he would be saying, "I will go to your City Council meeting." We may volunteer him to do that.

COMMITTEE MEMBER PEACE: It says staff recommends a procurement policy, recycled content procurement policy. So you don't have one at this point?

MS. KRABER: No. In the last several years, we've done that on more of an informal basis. And I think we do a pretty darn good job at that. But it's one of those things, as staff is reduced, some of those kinds of things have just simply not gotten done. But it is -- I came up here with a commitment to get that done by November of this year. So I think the two things, the C&D ordinance and the procurement policy, will be in kind of that mid fourth quarter.

CHAIRPERSON MARIN: You know, I know that you've been here for the entire time of this Committee. Even with some of the best programs in place, sometimes the

These transcripts are not individually reviewed and approved for accuracy.

numbers are not there for some jurisdictions. But we do know what works. And we do know that if you have some of these policies, just by the shear fact that you have them, the numbers do go up. In some rare instances for other reasons, that is not necessarily the case, in some institutions. But for the most part, we know what works. And that is why we really encourage jurisdictions to adopt these policies.

And from our perspective here, we know a C&D ordinance works in cities. We know a procurement policy works, definitely. We know if you use RAC, your diversion rate is going to go up. And we know that. That's why we encourage that.

So you're at a good place. I wish you were at 50 already. But this should get you there.

Any further questions for Lemon Grove?

COMMITTEE MEMBER PEACE: My husband and I bought our first home in Lemon Grove.

CHAIRPERSON MARIN: Did you recycle at that time, Ms. Peace?

COMMITTEE MEMBER PEACE: No. There wasn't any recycling.

CHAIRPERSON MARIN: Okay. Well, thank you very much, Barbara, for being here with us today. We really appreciate it. We'd like to see that ordinance as soon as

These transcripts are not individually reviewed and approved for accuracy.

possible.

Okay. Oroville, anybody here from Oroville? And just state your names for the record.

MR. PETERS: Yes. Carl Peters.

MS. HASLEM: Phelicia Haslem, City of Oroville.

CHAIRPERSON MARIN: I didn't get the name.

MS. HASLEM: Phelicia.

CHAIRPERSON MARIN: Okay. Go ahead.

MR. PETERS: We wanted to first thank the Chair and the Board members for allowing us to be here today.

CHAIRPERSON MARIN: I visited your county.

MR. PETERS: Have you? How long ago?

CHAIRPERSON MARIN: About a month and a half ago, two months ago.

MR. PETERS: Did you enjoy it?

CHAIRPERSON MARIN: Of course. I love visiting all the counties. So far I've visited 42.

MR. PETERS: I've visited three, but I've been there six years.

Again, we're here today to answer any questions that you have, as well as to talk about what we've accomplished, what we hope to accomplish, and the means to those ends to accomplish those things.

In '94, the City of Oroville undertook a progressive step in addressing AB 939 by constructing and

These transcripts are not individually reviewed and approved for accuracy.

siting the only MRF in Butte County. Still to this date it is the only MRF in Butte County. At this facility, both clean and dirty materials are processed. The City offers comprehensive programs to all residents and businesses, including, but not limited to, residential -- there's mandatory service, which includes mandatory curbside, which was implemented during the last time extension. Mandatory curbside yard waste, waste processing, meaning that even after we have those programs, the residual garbage that we're collecting, we're processing that regardless also. Free green waste drop-off, free household hazardous waste drop-off, materials exchange included with household drop-off, construction and demolition recycling, buy-back centers, commercially and industrially mandatory service again, including waste processing.

Again, the dirty word coming in there again. But we're trying to do both things. We actually switch back and forth from dirty to clean processing. Commingled recycling pickup, white office paper pickup, cardboard service, wood recycling, inert recycling, plastic recycling, and of course construction and demolition recycling, which again during the last extension we made significant improvements to, also.

In addition, at the City level, ongoing

These transcripts are not individually reviewed and approved for accuracy.

procurement programs are going from more in-house programs to adopted ordinances to help strengthen those. Again, the standard things that you see at most places, recycled paper content. The things you would expect to see on there into more things of the fact we use re-refined oil on all City equipment, reclamation of concrete for use as base fill or on public road projects, reuse and blending of paints for different City projects.

So in spite of all these really aggressive and thorough programs, we're still working on achieving that 50 percent. And we feel there's no question that the extension will allow us to continue to move forward and make those improvements. One of the first things we want to do and go back to is to stiffen the already existing ordinance we have for delivery of all the material to the materials recovery facility.

And the first reason is that we want to reduce the amount of material being hauled out in violation of the ordinance requiring they come to the facility. You have an issue of a landfill in the county where you're sitting at $23 a ton versus $40 a ton for the processing. There's an issue of economics there where people will try to shoot it out of our facility and shoot over to the county and, of course, save them money.

Again, we always try to make sure people

These transcripts are not individually reviewed and approved for accuracy.

understand you're bidding apples to apples, because everybody is supposed to be processing. And we know it happens, that the material is getting out. So that's one of the first things we want to do is recapture that material which generally runs anywhere from 40 to 60 percent recoverable material that they're shooting out.

This will be accomplished by requiring submittal of recycling plans, along with the permit process as well as the requirement of processing, which already exists. So, again, we're trying to do more things to tie up people to make sure we can get them to bring it to the facility where it can be processed.

And to further ensure that's what's happening, in November 2004, the City added a code enforcement officer to help with that process. Because we had a part-time person. Person left. Replaced the part-time person with a full-time person, because there are so many mom and pop roofers, construction guys that set up shop, tear off a roof, tear down a building, tear down a wall, and take it out to the landfill. So we're trying to make sure we can get our hands around all these people to make -- and, again, the City is looking at even adding an additional enforcement officer to help control that outflow of material.

School recycling. The schools figured out, gosh,

These transcripts are not individually reviewed and approved for accuracy.

about four or five years ago that they weren't tied to the jurisdictional requirements of the City's franchise and says, "We put our stuff out to bid, we can probably save a lot of money by not having all these programs." That's exactly what happened. And working with the City, we've run and run and run again at the schools trying to get them to implement programs with all the time -- you know, understand with staffing, cost issues, not wanting to get into it.

And so, finally, again, myself and the recycling coordinator met with all the schools and said, "Tell you what. We'll implement the programs. You set up the meeting. Let us introduce ourselves to the principals, and we'll go school by school by school and we'll re-implement programs." About three months ago, we met with the superintendent and all the principals. And, interesting, because, you know, you deal with things on a high level and you keep hearing nobody wants to do it, nobody wants to do it. And then you sit there with all these principals -- and I think part of it is we are saying, look, we'll carry the cost. We'll implement the programs. They love the idea and think it's great. So starting this fall when the schools come back in, we're going to go school by school by school starting with the high schools, going to elementary schools to implement

These transcripts are not individually reviewed and approved for accuracy.

programs.

CHAIRPERSON MARIN: You know, we have excellent programs that we can help you. We can help you with the technical assistance. We have an entire department that works with schools. And as a matter of fact, later on we're going to talk about something --

MR. PETERS: And we are excited about that, too. It's just something that got away from us. And, again, we have to do it. So we're going to do that.

One of the other things also I think is a very good effective program, about three years back -- and we had a different recycling coordinator at the city at the time who we lost him. He was in a devastating accident. He had started these waste audits and just actually done a great job of getting businesses to work with businesses to recognize, hey, you need this kind of material. Well, this guy generates that kind of material. And he started getting all these businesses sort of like a remax thing where they're just bang, bang, bang. Everybody is trading waste.

And also what he found out is despite all the constant monthly bombardment of you can get additional white paper at no extra charge, you can get cardboard programs no charge, people weren't doing it. And so what the waste audits always allowed him to do at that time,

These transcripts are not individually reviewed and approved for accuracy.

and we see us re-implementing, is getting these people, making sure that they understand what they have and what can be recovered. I heard you talk about the fact if it goes in the garbage, it's dirty. And you lose so much of it to contamination, one of the reasons we said we want to put in curbside recycling for the residents.

So, again, we feel like going back to the program, looking at some of these drywall programs that are out there, we're seeing some carpet padding people coming in and a lot of people doing remodelings, so we can grab some of that material.

And probably the last and most important thing we want to do is a review of the base year tonnage and also to see if a generation-based method would be a better idea for the City of Oroville. We think so, given the fact that every program that we come up with, we've implemented, and we're still not where we want to be. We've plateaued, and we should be further along, given what we accomplished with the last extension. There's still something out there we've missed that's just not allowing the City to get to where it needs, which is beyond and over 50 percent.

And Phelicia and I talked about it. We think we can hit zero by the year 3000. And we look forward to that meeting with you guys.

These transcripts are not individually reviewed and approved for accuracy.

And then the other thing, too, is to look at this disposal reporting accuracy, which we think we've missed something there, too, talking with the County and looking at self-haul numbers. There's some things that aren't jiving right. And we know that the County is now moving towards ongoing real time, where is your stuff coming from, as opposed to looking at survey weeks. And we think there's a lot to be said for that, too.

And having looked at just the last quarter where Oroville looked at live numbers of where every bit is coming from instead of survey weeks, we think we're going to see some tonnage shift back out over into the county as well, which would be a pretty accurate assessment. And to accomplish that task, the City has passed a fee that will pass on which will allow us to hire an additional staff person.

Because, again, looking at doing all of these things requires a lot of time and patience and somebody that can get ahold of people, especially when you start talking about generation based studies. There's so much involved to get to everybody and reintroduce ourselves and figure out is this the way we want to report the tonnage. Not only are we putting in what we think are the plans to do it, but we're getting the mechanisms in place to accomplish those things. That's what we feel this

These transcripts are not individually reviewed and approved for accuracy.

extension is going to do, tweak those last things out of it.

CHAIRPERSON MARIN: You're at 44. So I know that one of the items here that you have is your C&D and hopefully if you enforce it -- I'd like to see it's more than the 3 percent. I would hope it would be more than 3 percent.

MS. HASLEM: We recently increased our -- beefed up our ordinance we previously had. Now we do require -- we actually have a C&D ordinance all by itself to require anyone that pulls a building permit over 100 square feet, they have to give us what they're going to do and show us the receipts they actually brought it to Norcal. Because we do feel that was a big part of what we were missing. People were getting out. So now if they pull a building permit, they must show us they took it there and give us a receipt.

MR. PETERS: Very similar to the program one of the folks presented where they have to resubmit after the project is completed that the material has been submitted for processing. We can't tell you how many times that, you know, at 6:00 in the morning you see a guy with an end dump shooting out seven trucks real fast. And we look at the self-haul numbers going into the landfill. Phelicia and I will sit there and look at the numbers and go, where

These transcripts are not individually reviewed and approved for accuracy.

did that 900 tons come from? And, you know, we could sit there and do the math, well, let's see. If a stream of 150 pickup trucks on Saturday and Sunday drove over to the landfill, maybe they could get 900 tons.

So that tells us there's something wrong there. It's either a disposal accuracy issue or an issue where some of these big projects with the heavy weights, these land clearing companies, are popping the stuff out. And, again, with the addition of the code enforcement guy, which is getting under everybody's skin, but that's what he should do, is really getting his hands around it. And he's doing a great job.

MS. HASLEM: And our Council is on board, and they are planning to have an auditor look at all of our programs and to go out and do the waste audits.

CHAIRPERSON MARIN: Excellent. Excellent. Thank you.

Any questions for them?

COMMITTEE MEMBER WASHINGTON: Joanne Vorhies, raise your hand. You guys see her? They have an excellent Ambassadors Program through the schools that you guys will find very beneficial.

CHAIRPERSON MARIN: Just so that you know, Mr. Washington, we volunteered you to go to the city of Lemon Grove.

These transcripts are not individually reviewed and approved for accuracy.

COMMITTEE MEMBER WASHINGTON: Okay. No problem. I will go. If it's going to help their numbers, I'll go.

CHAIRPERSON MARIN: See. I told you. He will be the first one to say, "I will go and meet were your City Council."

COMMITTEE MEMBER WASHINGTON: Oh, yeah, specially those City Councils.

CHAIRPERSON MARIN: I don't know if you want him there, Barbara.

COMMITTEE MEMBER WASHINGTON: Be glad to.

COMMITTEE MEMBER PEACE: So do we have a new revised Resolution, or you just want me to improvise?

DEPUTY DIRECTOR SCHIAVO: We'll have it for the Board meeting, the revised one, but you can go ahead.

COMMITTEE MEMBER PEACE: I'd like -- should I say move Resolution 2005-198 Revised?

DEPUTY DIRECTOR SCHIAVO: Revised.

COMMITTEE MEMBER PEACE: Consideration of the Second SB1066 Time Extension and Application for the Following Jurisdictions: Blythe, Riverside County; Fillmore, Ventura County; Lemon Grove, Oceanside, San Diego; Oroville, Butte County.

CHAIRPERSON MARIN: Second, Mr. Washington?

COMMITTEE MEMBER WASHINGTON: Second.

What about Loma Linda?

These transcripts are not individually reviewed and approved for accuracy.

CHAIRPERSON MARIN: That's coming next month.

COMMITTEE MEMBER WASHINGTON: Second.

CHAIRPERSON MARIN: Moved and second. Without objection, that will be the order. And we will place this on consent and substitute the previous roll call.

Let me see it. It's noon. Let me ask -- I thought we were going to be over. Let me ask my colleagues what they want to do. Does anybody need a lunch break? They're all passing out before us. There's one request. Only one person. We'll keep going.

Don't ask any more questions, Ms. Peace. You'll have one question to ask per jurisdiction, so ask it well. But don't ask all the questions in the first question.

Okay. The next item will be Item Number 8, the City of Coachella.

DEPUTY DIRECTOR SCHIAVO: Melissa Vargas will present.

MS. VARGAS: Good morning, Committee members, afternoon.

Board staff has reviewed and verified the City of Coachella's request for a first time extension to meet their AB 939 goal. And we are recommending approval of this agenda item. Representatives from the City are here to answer any questions you may have.

This concludes my presentation.

These transcripts are not individually reviewed and approved for accuracy.

CHAIRPERSON MARIN: Thank you. I don't know if I should have Mr. Santilan come. All the driving. I remember you.

MR. SANTILAN: Well, thank you very much, Madam Chair. Felíz cumpleaos.

Cheryl, very good to see you again.

COMMITTEE MEMBER PEACE: So good to see you again, Jerry.

MR. SANTILAN: And, Carl, thank you very much for having us out there.

COMMITTEE MEMBER WASHINGTON: Oh, hi, Jerry.

COMMITTEE MEMBER PEACE: You were hiding over there.

MR. SANTILAN: I was. I was hoping you'd take one more item. But thanks very much.

Melissa, thank you very much for recommending the forward action the Council is taking on.

Let me introduce to you our COUNCIL MEMBER Eduardo Garcia, who's here with us, and also Steve Brown, who really knows what's going on. I just sit up here and try to act like I do.

Over the last couple of years, Coachella has maintained a steady growth. In 2002 to 2003, every single year since then we have increased our population by about 25 percent. I started at Coachella about two years, three

These transcripts are not individually reviewed and approved for accuracy.

months ago at approximately 21,000. We're at 36,000 today. I'm considering a proposal this week that will triple increase our population and build-out 300 percent from today. So we're growing at a little over 25 percent annually compounded. And again, we're taking these things.

So this growth has taken us by surprise where we have implemented the ordinances as you can see and have developed our construction draft recycling ordinance. But we've also put in an urgency procedure where not only are we bonding -- asking those folks to bond recycling for each subdivision, but we're now considering a per unit cost on each house. So if they don't meet it, they don't get their money back. So we're going from a $50,000 bond they have to give us up front to do this mandate, we're now increasing it. And it may end up being a per unit cost which could be 2- to 300,000, depending on the number of units that's going on.

So we're getting the grasp of it and meeting the needs. We're at 46 percent with the green waste residential recycling program and implementing. All the materials are coming out in bilingual. As you know, our community is 96 percent Mexican or Latino. We're going door to door and also with our water bills putting these materials out.

These transcripts are not individually reviewed and approved for accuracy.

It's an exciting time to be in Coachella. But with this unprecedented growth that we have, we are up to the challenges, also increasing our staff to bring all these programs today.

Steve, is there anything else that you want to add? By the way, it's good to see you all.

CHAIRPERSON MARIN: Thank you, Jerry. Thank you for being here. We really appreciate it. We noticed that you were at 52, 52 percent, and then just the last few years we had was 46 percent. And so as you can tell, we wouldn't like that trend. We want to do everything you can to go beyond the 52 percent. You are going to say something about how you're going to get that done.

MR. BROWN: Absolutely. Thank you, Madam Chair and members of the Commission and Melissa.

CHAIRPERSON MARIN: Steve Brown.

MR. BROWN: I'm sorry. My name is Steve Brown. I'm the Director of Neighborhood Services for City of Coachella.

And the City is always very proud to be at above 50 percent and maintaining that diversion rate, and we were very concerned, the staff, the City Manager, and the City Council, when we dropped down to 46 percent. We have as of last year implemented mandatory curbside recycling for recyclables, and we are now instituting green waste --

These transcripts are not individually reviewed and approved for accuracy.

mandatory green waste recycling, and that's beginning next month. I'm currently reviewing the brochures that are going out bilingually with Waste Management to make sure they include all the information.

Additionally, the Coachella Valley Association of Governments did do a model ordinance for the valley similar to what San Diego County is doing. And we have reviewed it, our city attorney has reviewed it and approved it. As Jerry was saying, we weren't happy with the deposit rate and the Council and wanted to up it. And we revised it, and it will hopefully go to the August 24th meeting for approval. If not, certainly no later than the meeting in September, and we'll be implementing that.

CHAIRPERSON MARIN: And we have Council Member Ed who will attest to that. And you're going to be the leader.

COUNCIL MEMBER GARCIA: Absolutely.

Thank you, Madam Chair, members of the Board.

We are making every effort to comply with the State's AB 939 requirement. The Council is on board with this, and we're looking forward to coming back here and reporting that we did exceed the 50 percent requirement.

A side note, want to thank you for coming out to Coachella Valley High School last year and speaking to our young students there. I think you were very motivational

These transcripts are not individually reviewed and approved for accuracy.

for many of our young women, as well as our young men there at the high school. So thank you.

If you have any questions, I'd be more than happy to answer them.

CHAIRPERSON MARIN: We appreciate the work that you guys are doing. I know that your community has some of the language barriers that Ms. Peace has spoken about, and you guys are doing a very, very good job in bridging that gap. So we congratulate you. We want you to get to over 52 percent. And with your waste hauler, I'm sure you'll do that. But please send a message to your Council that we'd love to see the adoption of the ordinance as soon as possible.

COUNCIL MEMBER GARCIA: Absolutely.

CHAIRPERSON MARIN: Thank you.

COMMITTEE MEMBER PEACE: I just want to say with the language barrier that you have, the poverty level at almost 29 percent, those are some big barriers. And for you to have the diversion rate this high and have all the programs that you do, that's wonderful. You're doing a great job.

CHAIRPERSON MARIN: Thank you.

COMMITTEE MEMBER WASHINGTON: I'd like to move adoption of Resolution 2005-199.

COMMITTEE MEMBER PEACE: Second.

These transcripts are not individually reviewed and approved for accuracy.

CHAIRPERSON MARIN: Moved and seconded. We will substitute the previous roll call and put this item on consent.

Thank you. Now you can go.

Okay. The next item is Item Number 9.

DEPUTY DIRECTOR SCHIAVO: This has to deal with the SB1066 Time Extension for Tulare County, and Zane Poulson will present this item.

MR. POULSON: Good afternoon, Madam Chair and Committee members.

Board staff has reviewed and verified the Consolidated Waste Management Authority's request for a time extension to meet their AB 939 goal and are recommending approval of this agenda item. The representative from the Consolidated Waste Management Authority is here to answer any questions.

This concludes my presentation.

CHAIRPERSON MARIN: Thank you.

And who's here from beautiful Tulare County? State your name for the record.

MS. MERCADO: I'm Lori Mercado. I'm the Administrator of the Consolidated Waste Management Authority. And I would like to say good afternoon and thank you for hearing a second item so I can get home, too.

These transcripts are not individually reviewed and approved for accuracy.

Consolidated Waste Management Authority is a regional agency that represents the eight incorporated cities in Tulare County. Unfortunately, it does not include Tulare County, although we've been working with them to get them included in our Authority. That makes it a little difficult, as Tulare County has control over the landfills and much of the waste stream.

We were very pleased from 1997 to 2001 to have met or exceeded the 50 percent goal. In 2002, we dropped to 49 percent and understood that was probably based on the diversion calculation. We were very surprised in 2003 to have dropped to 44 percent.

In identifying the numbers, the tonnages coming out of the cities and from the city programs didn't raise significantly at all. The vast majority of that increase was from self-haul to the county landfills, which again we have very little control over. And looking at the county's numbers, their numbers dropped in the same year that ours increased substantially. So there are some allocation issues that we've had in the past and that we are trying to address.

We also had significant growth, so we're looking at a C&D ordinance that's going to be placed -- it's a model ordinance that will be placed before our Board on the 25th of this month. The anticipated adoption by our

These transcripts are not individually reviewed and approved for accuracy.

Waste Board on the 25th. And it will go to all of the eight cities before the 31st of October. We can't guarantee that they will have adopted it by the 31st, but it will at least be presented to the eight cities. It's currently modeled on the County of Los Angeles draft ordinance. It will include a set requirement. We're looking at approximately 50 percent for most C&D and 75 percent for inerts. There will be a penalty involved for non-complying organizations. So we're taking that very seriously.

We're also looking -- we've started sending things to transformation. That began in May of this year. Our Board is behind transformation but doesn't want to see it as a long-term solution. It is at somewhat of a stop-gap until we can get C&D going good and strong and hopefully address the self-haul issues. We're increasing commercial green waste in all of the eight cities.

We've also addressed the issue of staffing. It's been a problem in the past. The eight cities have all donated staff to the Authority. There hasn't been an actual identified staff person. That changed at the July meeting where the Board addressed that need and has agreed to fund a full-time person, which is me, started July 1st. I've been doing the job for one of the member agencies, and it's going to be specified that's the only job I do,

These transcripts are not individually reviewed and approved for accuracy.

which will give me an opportunity to work with the eight cities a lot more closely.

We also do -- even though Tulare County is not part of our agency, we work very closely with them, especially on outreach to try to get the cooperation going. We see that as a partner for us. We do a lot of outreach in English and in Spanish.

CHAIRPERSON MARIN: Well, you are doing everything that you need to be doing. Now the only question is -- I really appreciate the fact that you're going to go to all of the eight cities. And some cities, because of their calendars, the best guess if all of them were to adopt it by the end of the year, all eight cities --

MS. MERCADO: We're hoping to adopt it by the end of the year. We are at the mercy of the eight cities and their Councils. And we're trying to do a lot of front end work with the cities so they understand it before it comes before them.

We also have scheduled meetings with our Building Association to try to get their buy-in on it so they understand that, you know, the intention is not to collect penalties. The intention is to get that waste stream diverted. And many of our builders are already doing it. And we want them to understand that, you know, we just

These transcripts are not individually reviewed and approved for accuracy.

need you to continue to do what you're doing and addressing the builders who aren't, so there's equity for all of them. There's a lot of issues with the cities wanting to make sure the ordinances are the same or reasonably the same for everybody so there's not any preference with the cities.

CHAIRPERSON MARIN: Good. That's good. That's one of the good things about an Authority, where everybody comes in, and they're not concerned -- in other areas of the state, some cities feel if they pass this ordinance, that it will be detrimental and that other cities and other developers will want to develop somewhere else where there's not an ordinance.

MS. MERCADO: Right. And that has been an issue with some of the individual cities in the past. But now that we have the buy-in from our Board, who strongly supports the ordinance, a model ordinance in each of the cities, we anticipate them going smoothly.

CHAIRPERSON MARIN: Excellent.

Ms. Peace, you have a question.

COMMITTEE MEMBER PEACE: My standard question, do you have recycled content procurement policy?

MS. MERCADO: We do in seven of the eight cities. And I'll be honest. We didn't realize the city of Dinuba had not adopted one. They are putting one before their

These transcripts are not individually reviewed and approved for accuracy.

Board on September 13th.

COMMITTEE MEMBER PEACE: Do you know what you encourage them to buy other than paper and toner cartridges?

MS. MERCADO: I would have to look at the actual policy. They based it off of one of the other city's policies which is based on the Board's policy. I think it requires procurement for city contracts -- I'm sorry -- building -- I'm losing my train of thought. Sorry about that. It requires recycled content for any city contracts. It also requires a certain recycled content or preference for recycled content for any purchasing, not just for paper.

COMMITTEE MEMBER PEACE: That's what we need to see, not only paper and toner cartridges, but rubberized asphalt concrete, recyclable air filters or re-refined oil for your city and county vehicles, the re-recycled paint that you can use on City offices and schools. Purchasing all those things keeps stuff out of the landfills.

MS. MERCADO: And the Authority itself, we do minimal purchasing because we are more of a co-op. But at least 75 percent, if not more, of our purchasing has been recycled content. We take that very seriously. And I know that at least three of the cities in the Authority are currently looking at rubberized asphalt and

These transcripts are not individually reviewed and approved for accuracy.

potentially using that in the next year.

COMMITTEE MEMBER PEACE: Thank you.

CHAIRPERSON MARIN: Thank you so very much for coming. And now you can go home.

MS. MERCADO: Thank you.

CHAIRPERSON MARIN: City of Tulare, is there a motion?

COMMITTEE MEMBER WASHINGTON: I move adoption of Resolution 2005-201.

COMMITTEE MEMBER PEACE: Second.

CHAIRPERSON MARIN: Okay. We will substitute the previous roll call. And we will put this item on consent. Okay.

DEPUTY DIRECTOR SCHIAVO: Item I will be also presented by Zane, and this is Consideration of Application for an SB1066 Time Extension by the City of Imperial Beach.

CHAIRPERSON MARIN: Go ahead. Make your presentation.

MR. POULSON: Board staff have reviewed and verified the City of Imperial Beach's request for a time extension to meet their AB 939 goal and are recommending approval of this agenda item. Representatives from the City are here to answer any questions.

This concludes my presentation.

These transcripts are not individually reviewed and approved for accuracy.

CHAIRPERSON MARIN: Thank you.

And we have Susan Collins representing the City. Thank you very much for being here. I know the City has gone from 50 to 48 to 45 now or something like that. And it concerns us. You realize that; right?

MS. COLLINS: Right. And I've been listening very carefully to all of the questions this morning as we've merged into the afternoon here, and I know mine will not be the only rumbling stomach in the next few minutes. So I've taken notes on your questions, and I've organized a series of comments that I think will address at least the majority of them, so I can run through that very quickly. And any other questions that you have, I'll be happy to answer it. The City's hauler is also here.

CHAIRPERSON MARIN: Who's the City's hauler?

MS. COLLINS: It is Edco.

CHAIRPERSON MARIN: The good people from Edco.

MS. COLLINS: So between the two of us, we should be able to answer any questions that you have. And Zane has been working very closely with the City for a number of years, too, and was very actively involved in putting together the City's SB1066 time extension.

So the overall story is that the city was at 50 percent in the year 2000, and that had followed on an upward trend of diversion rates. But then it dropped to

These transcripts are not individually reviewed and approved for accuracy.

45, then went back up to 48, then came back to 45. So now we're in the position of asking for a time extension, finding out in 2005 what the 2003 diversion rate was.

And the one key to this City's diversion rates going up and down is that it's a very small jurisdiction. A reduction of only 1,910 tons in 2003 was the difference between them being at 45 percent and 50 percent. I mean, in some jurisdictions, they can do that in a day. In some jurisdictions, in a lot of jurisdictions, they can do that much waste in a week. But for this city, it was the difference between 45 and 50 for the whole year.

So, generally, the City is very pleased with the progress of its programs. Its current plans I'm going to break down into two areas: The things under the City's and hauler's control, and the things not under the City's and hauler's.

The City is planning to look at the single family and multi-family residential programs that have been in place at least through this current contract, which is 1999. The challenge there is that there's a very transient population, because there's a lot of navy families. The City is constantly reeducating the family. The City has had some good luck working with multi-family, because at least 50 percent of the population lives in multi-family dwellings. There have been some terrific

These transcripts are not individually reviewed and approved for accuracy.

cooperation with a lot of the apartment complex owners, and then there's been some not so terrific cooperation. So the City is going to be working on the parts that aren't working.

The things that are not under the City's control: First of all, C&D, although the City worked very hard with Edco to bring that under control doing sort of a hybrid of what you guys heard about in Temecula. It's not quite as rigorous on the paperwork process where it requires the paperwork saying you must sign off on this requirement when you get a building permit. But everyone who does construction in the city must use Edco as their hauler for that roll-off construction. And Edco is recycling it. And they have places to take source separated materials. However, there's not good infrastructure in that part of the county for mixed C&D. So if it's mixed, that presents far more of a challenge to the City.

So what the City is doing now with C&D is it has a draft C&D ordinance. The plan is to have a meeting with the contractors in September, because that was a requirement of the City Manager. He wanted there to be a public meeting, and then have it go forward to the Council in October after the comments from the public meeting have been received.

The other two things that are not under the

These transcripts are not individually reviewed and approved for accuracy.

City's control are the school district. And it's strange for as small a jurisdiction as it is, they have eight schools. I think they have six elementary schools and a middle school and a high school. They have more schools than you would expect in a very small jurisdiction.

And then the other thing they have is a small naval facility in their jurisdiction. And there's some recycling going on at those two facilities. It's not all within the City's control. But the Integrated Waste Management Board through Zane has offered to be sort of a liaison to work with those two other agencies. So I think that shows a lot of promise.

And the other thing we're doing right now is with these five programs, all of them could require a little bit of effort or a lot of effort. There's a lot of different ways you could go with these five programs. And what we're doing right now is a five-year trend analysis in looking at the tonnage trying to identify the tonnage from every single one of these programs. So if the Navy is the biggest problem, that's where we're going to focus the most effort. If C&D waste has gotten completely out of hand and we didn't know about it, that's where we'll focus the most effort. We're prioritizing based on the basis of tonnage.

And the last thing I want to bring up is

These transcripts are not individually reviewed and approved for accuracy.

procurement. The City has had a policy in place since 1998. It's a standard policy across all materials. It doesn't focus on materials. It just says, you know, thou shalt buy recycled. But the City has never gone back and looked at how it actually works in practice. And I'm not sure to what extent they're purchasing this type of material or that type of material, especially RAC. So the City has asked us to do a review of the policy, number one, to make sure the policy is state of the art, and to get some feedback on how it's actually working in practice.

CHAIRPERSON MARIN: You answered all of her questions. So now what do we do? I'm shocked.

MS. COLLINS: There's rumbling stomachs out there, and I didn't want to be the one keeping everybody from lunch.

CHAIRPERSON MARIN: No. I like the fact that the City ordinance will take place. I appreciate it.

Mr. Washington, anything?

COMMITTEE MEMBER WASHINGTON: No, Ma'am. I'd like to move adoption of Resolution 2005-202.

COMMITTEE MEMBER PEACE: 01.

CHAIRPERSON MARIN: 01.

COMMITTEE MEMBER PEACE: No. Did I go the wrong way? 201, right? Which are we on? I have the wrong

These transcripts are not individually reviewed and approved for accuracy.

Resolution in my package. I have the wrong Resolution.

CHAIRPERSON MARIN: It's also wrong in the --

COMMITTEE MEMBER WASHINGTON: Resolution 202.

COMMITTEE MEMBER PEACE: I have Resolution 201 in this package.

CHAIRPERSON MARIN: It's misplaced.

COMMITTEE MEMBER WASHINGTON: Resolution 202.

COMMITTEE MEMBER PEACE: Second.

CHAIRPERSON MARIN: All that great presentation was for the wrong city. How's that? The next city is going to come in and thank you very much.

Moved and seconded, Resolution 202, we will substitute the previous roll call and place this item on consent. Thank you very much.

Now for Resolution 203. Okay. Thank you. Give our best to your friends from Edco. Thank you.

City of Victorville, who's going to make the presentation?

DEPUTY DIRECTOR SCHIAVO: Actually, J and K or 11 and 12 we'd like to combine. These are applications for the 1066 time extensions for Victorville and Yucaipa. Rebecca Brown will present these items.

CHAIRPERSON MARIN: Good afternoon, Rebecca.

MS. BROWN: The City of Victorville has requested a first SB1066 time extension through December 31st, 2005,

These transcripts are not individually reviewed and approved for accuracy.

to provide it with additional time to implement the programs in its Plan of Correction. Staff's analysis of their request is that it is reasonable, given the barriers the City is facing.

Also, the City of Yucaipa has requested a first SB1066 time extension through December 31st, 2005, to provide it with additional time to implement the programs in its Plan of Correction. Staff's analysis of the request is it is also reasonable, given the barriers the City is facing.

Board staff has determined the information submitted in these applications has been adequately documented and recommends the Board approve the City's time extension requests. John Davis is here representing the City of Victorville, and Mike Glasson representing the City of Yucaipa. He is with the hauler. So they're also available to answer your questions. Thank you.

CHAIRPERSON MARIN: Thank you, Rebecca.

Okay, Mr. Davis. You've seen the torture we put everybody else through. So avoid it.

MR. DAVIS: I will try to follow Susan Collins' model of anticipating your questions.

My name is John Davis. I administer the Mojave Desert and Mountain Recycling Authority. We're an eight member Joint Powers Authority that includes the City of

These transcripts are not individually reviewed and approved for accuracy.

Victorville. We provide regional programs and assistance for the communities in the high desert and San Bernardino County.

You should know that the City of Adelanto, I think which is one of your compliance cities, City Council approved a budget that includes their participation in the Joint Powers Authority. So we're looking forward to helping them as well.

As far as Victorville, I think the main programs that Victorville is describing in their SB1066 petition, most of that activity is of a regional nature. The largest program is the self-haul diversion program focused at San Bernardino County landfills. I was able to work with San Bernardino County in defining that program. This is something that we encouraged I think for the last 15 years, and it's finally coming to pass. So the first stage of that is underway now. We're hoping that will continue. And we think if it does, it will be a model both in the implementation of diverting material that's delivered to the landfills.

Also, the C&D ordinance that the Joint Powers Authority has circulated to its members relies on that program. So the implementation of the ordinance and the adoption of the ordinance really is awaiting the roll-out of this C&D program. The first three months of the

These transcripts are not individually reviewed and approved for accuracy.

program are now completed. That was the time to determine the true operating efficiency.

Basically, what's happening is that all self-haul vehicles, including roll-offs, dump trucks, pickup trucks, everything that is not a packer truck comes to the landfill. If it's coming from a construction site, if it's coming from a landscaper, it goes into a self-haul point where it's then handled. Most of the recovery of that is wood, green waste, metal, cardboard, and some asphalt and concrete. There's a lot of dirt that gets delivered. It's laid down on a dirt pad, so we're not sure how to handle that yet. And we're figuring out the cost of rolling it across the system.

The Cascadia study and the analysis study I did for the Cascadia study showed we can expect diversion somewhere in the 5 to 10 percent range of concentrated loads, loads that are 50 percent more of self-haul material. And without going into all the details, we think Victorville's petition for a 4 percent recovery through that program is very doable. In fact, that's probably doable within the parameters of the wood and green waste program, which was already underway when we started the larger programs.

So the other elements of that, as I mentioned, are construction/demolition ordinances. The Joint Powers

These transcripts are not individually reviewed and approved for accuracy.

Authority put together an ordinance that basically has three ways to comply for a builder. They can use the franchise hauler program. The franchise hauler can then deliver the material to the diversion point. The builder can take material themselves to a list -- or a facility that's identified that can handle material. And those facilities do exist in the Victor Valley for source separated wood, drywall, asphalt, and concrete, and certainly metal and cardboard.

The third option would be to take it to a landfill. So you either take it to a recycling facility, you have the franchise hauler deliver it to the appropriate facility, or you take it to the landfill where it would be recycled. We think that pretty well closes the loop, because that's all that's left is, take it out in the ravine and dump it. And we'd like to know who those people are, and that would help us identify them. So the C&D ordinance and the efficacy of that ordinance relies upon this landfill-based diversion plan.

The Joint Powers Authority also manages a material recovery facility in Victorville. It's owned by Victorville in Apple Valley. They issue bonds through the Joint Powers Authority. They are the security for those bonds. Burtec designed, built, and operates the facility. Burtec is also the hauler. So we've got a synergy in that

These transcripts are not individually reviewed and approved for accuracy.

facility that lets us continue to improve the operations.

We're underway now with an expansion, about a $3 million upgrade and expansion. And we think that's going to recover a lot more material that's now lost, particularly the broken glass. We're also going to improve the economics of this system substantially by the upgrade. And the economics really drive our potential to do other things.

One of the programs that we did put in place was a green waste, food waste, and liquid waste compost facility, one of three in Southern California. California Biomass, it's located in Victorville. That was an RMDZ project. I spent almost ten years identifying and recruiting someone to come in. And so now we're hoping we'll be in a position to utilize that facility. We're in discussions to begin delivering food waste loads, which are not a part of the petition, but we recognize that in the high desert, green waste is a premium. It's difficult to find. The places that put it in typically tear it out. So we have to rely on the food waste. So that's the crux of the petition for Victorville.

They do go back -- 65 percent of the commercial accounts receive recycling either directly or through a select program. The City staff is going back now on the remaining 35 percent that are too isolated to be part of a

These transcripts are not individually reviewed and approved for accuracy.

select program, working with them to bring them on board. And the City Council in 1990 adopted a recycled procurement policy. That policy has been in effect for the last 15 years. And all the paper at the City is recycled content and has been. They also have done asphalt concrete I think for the last six years.

CHAIRPERSON MARIN: I think you answered all of the questions. I would like to say that you're facing the same situation with the City of San Francisco, because there's very little green spaces. They've actually created this wonderful program for food recycling, composting actually, huge, huge. Really successful.

MR. DAVIS: As part of the RMDZ program, I mean, I attended national biocycle conferences. We spent a lot of time. I probably talked to a dozen different operators trying to find someone whose business model fit the needs of the area. And so we were fortunate to get California Biomass. And then we put them next to a wastewater treatment plant so they're using the reclaimed waste water as the water source for their facility.

CHAIRPERSON MARIN: You know, I'm supposed to be in Victorville very, very soon. Couple weeks or something like that. So I'm going to stop by those facilities, because it's truly amazing.

MR. DAVIS: Great. We'll show you around.

These transcripts are not individually reviewed and approved for accuracy.

CHAIRPERSON MARIN: Any further questions? Any further questions? Okay.

I know the presentation was for two, but why don't we just take 2005-03. Is there a motion for that?

COMMITTEE MEMBER WASHINGTON: I'd like to move adoption of Resolution 2005-203.

COMMITTEE MEMBER PEACE: This is Victorville? This is 203?

COMMITTEE MEMBER WASHINGTON: 203.

COMMITTEE MEMBER PEACE: Okay. I'm sorry. I thought you said 202. I go, no. We just went through that.

Resolution 2005-203, second.

CHAIRPERSON MARIN: Okay. Moved and seconded. And we will substitute the previous roll and we'll put this on consent.

And now the city of Yucaipa. Let me see after -- we need a break. But we're going to take the City of Yucaipa.

And then just for everybody that is listening, because they're all for the next section, we're going to take a small break and a small lunch break of 30 minutes. One of the most beautiful rising stars of CIWMB requires -- they tell me requires a lunch break. So that's Kyle Pogue. So per his request, we're going to

These transcripts are not individually reviewed and approved for accuracy.

take a half an hour lunch break. And then we will take all the rest of the agenda. He turned red. But we will take Yucaipa first.

MS. BROWN: That will be Mike Glasson from Burtec.

CHAIRPERSON MARIN: Thank you so very much, Mike, for being here. And after this lunch break, you can go to Yucaipa.

MR. GLASSON: Thank you very much. My name is Mike Glasson. I'm with Burtec Waste. I'm representing the City of Yucaipa.

And as John alluded to, the C&D program that is put together by the County of San Bernardino and is administered by Burtec Waste at the county landfills for mixed C&D, the City of Yucaipa is relying heavily on that one also. If you look at the performance for the programs for the City of Yucaipa in the last several years, they were at 60 percent in 2000. When the construction boom hit, a lot of that material that was going to the landfill destroyed the numbers that they were seeing. It went down to 45 percent and 41 percent this last year.

However, the City of Yucaipa is not relying too heavily on that program. They are addressing several other programs that will shore up the diversion rate. In the event there's a turn in the construction industry,

These transcripts are not individually reviewed and approved for accuracy.

which there may be, the other programs that are administered in the city there will hold that diversion rate up.

Those are the change in their rate structure and the elimination of some of their current carts. They have the 90-gallon solid waste cart right now. They're going to eliminate that. They're going to restructure the rates to support 60-gallon and 30-gallon solid waste carts and reduce the rates on their recycling carts. They're also going to a manure program. Right now one of the locations they have for their green waste disposal or green waste diversion will not take green waste that has animal waste in any manure. That's going to be changed. And the Burtec Waste will move the green waste to aa Adelanto MRF, and they will take the green waste with the animal waste in it. So that will no longer be landfilled. There's several programs that will shore up their diversion rate in the event there's a change in that construction and, therefore, diminishes the C&D tonnage.

CHAIRPERSON MARIN: You know, even on a national level, your per person waste stream, it's much higher than even the national average. Is there any reason why?

MR. GLASSON: In the city?

CHAIRPERSON MARIN: In the city of Yucaipa, 7.7 percent versus nationally 6.6, something like that.

These transcripts are not individually reviewed and approved for accuracy.

MR. GLASSON: I don't have an answer for that. I don't believe that the -- well, there's a very high population of mobile home park and multi-family in the city of Yucaipa. And the commingled recycled programs in those facilities are not as aggressive as they should be. There's a program here that will be implemented to shore up the commingled recyclables in the mobile home parks and the multi-family facilities.

CHAIRPERSON MARIN: Well, you know, we went through the city was doing very, very well, and then it's just been declining. So does everybody feel comfortable?

COMMITTEE MEMBER PEACE: I was just going to ask, when do you expect your City Council to go ahead and formally approve your C&D ordinance?

MR. GLASSON: The City has had an informal C&D policy within the City for a couple of years. However, it did not have an ordinance. The City moved forward and asked the Council to accept an ordinance, and they have been granted permission to draft an ordinance and present it to the City Council. And I feel certain that will be done in the next couple of months. It will certainly be done by the end of the year.

CHAIRPERSON MARIN: Please let the Council know that this Board will look very favorably upon that.

Okay, 2005-204, is there a motion? Moved by Ms.

These transcripts are not individually reviewed and approved for accuracy.

Peace, seconded by Mr. Washington. We'll substitute the previous roll call, and this item will go on consent.

Now it will be a 28-minute lunch break. And we'll be right back. Thank you so much.

(Thereupon a lunch recess was taken.)

CHAIRPERSON MARIN: Call the roll, please.

EXECUTIVE ASSISTANT BAKULICH: Peace?

COMMITTEE MEMBER PEACE: Here.

EXECUTIVE ASSISTANT BAKULICH: Washington?

COMMITTEE MEMBER WASHINGTON: Here.

EXECUTIVE ASSISTANT BAKULICH: Marin?

CHAIRPERSON MARIN: Here.

Any ex partes, Ms. Peace?

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

CHAIRPERSON MARIN: Mr. Washington?

COMMITTEE MEMBER WASHINGTON: I'm up to date.

CHAIRPERSON MARIN: And I'm up to date, too. I didn't talk to anybody. I was eating my lunch very fast. All by myself.

We're going to try to get this done rather quickly. Some people have to catch planes later on. So I'm encouraged that the jurisdictions that we still haven't seen, now they know the drill, and they're going to come in and respond to all the questions in anticipation of what the questions will be. And so we

These transcripts are not individually reviewed and approved for accuracy.

start with the Unincorporated area of Kern County. This is the amended nondisposal facility element. That's the next item, Item 16.

DEPUTY DIRECTOR SCHIAVO: And Nikki Mizwinski will present this item.

MS. MIZWINSKI: Good afternoon, Chairman, Committee members. The County of Kern is amending its nondisposal facility element by identifying and describing the Kern County Recycling and Transfer Station. The City has submitted all required documentation for this facility. And, therefore, staff recommends approval of this amendment to the county of Kern's NDFE.

This concludes my presentation. Thank you.

CHAIRPERSON MARIN: Are there any questions regarding this? Anybody from Kern here?

MS. MIZWINSKI: No.

CHAIRPERSON MARIN: Nobody from Kern.

COMMITTEE MEMBER WASHINGTON: Madam Chair, weren't they here yesterday for this item? Was Kern County here yesterday for this?

DEPUTY DIRECTOR SCHIAVO: From the P&E Committee.

CHAIRPERSON MARIN: We have to approve this first.

DEPUTY DIRECTOR SCHIAVO: So if this is on consent, that takes care of that.

These transcripts are not individually reviewed and approved for accuracy.

CHAIRPERSON MARIN: We will place this item on consent. No. We can't until there is a motion.

COMMITTEE MEMBER PEACE: I'd like to move Resolution 2005-217.

COMMITTEE MEMBER WASHINGTON: Second.

CHAIRPERSON MARIN: Moved and seconded.

Call the roll again, please.

EXECUTIVE ASSISTANT BAKULICH: Peace?

COMMITTEE MEMBER PEACE: Aye.

EXECUTIVE ASSISTANT BAKULICH: Washington?

COMMITTEE MEMBER WASHINGTON: Aye.

EXECUTIVE ASSISTANT BAKULICH: Marin?

CHAIRPERSON MARIN: Aye. Okay.

DEPUTY DIRECTOR SCHIAVO: Items 17 and 18 are Consideration of Time Extension for the County of Mendocino and Ukiah. And Steve Sorelle will present.

SUPERVISOR SORELLE: Good afternoon, Committee members.

Mendocino County has requested a second SB1066 time extension through December 31st, 2005. The County's first time extension has ended. And despite the County's efforts to attain the 50 percent diversion goal of the first Plan of Correction, they need additional time to implement and enhance programs and conduct a new base year study.

These transcripts are not individually reviewed and approved for accuracy.

The City of Ukiah has requested a first SB1066 time extension through December 31st, 2005, to provide additional time to implement programs in its Plan of Correction and conduct a new base year study as well.

Staff analyses of these requests is they are reasonable, given the barriers the City and the County are facing. And staff recommends the Board approve the time extension requests for this County and City. The representative from the County, Paul Cayler, is available to answer questions, the City of Ukiah following up with Mike Sweeney. Thank you.

CHAIRPERSON MARIN: Okay. Paul.

MR. CAYLER: Good afternoon.

CHAIRPERSON MARIN: You've been so patiently waiting. Thank you for being here.

MR. CAYLER: Madam Chair, my name is Paul Cayler. I'm the Deputy Director of Transportation for the County of Mendocino. I know we want to be brief and your Board members want to proceed, but a few comments in anticipation of the questions I heard this morning.

I want to first thank the staff for preparing this item. I think Bob and Steve did an excellent job and were very thorough. Just briefly talk about my county. We are a very rural area. Approximately in the entire county about 85,000 people. It's rural, mountainous. And

These transcripts are not individually reviewed and approved for accuracy.

transportation through the county is difficult because the coastal area is separated from the inland area by some very challenging geography. We have many small population centers, and growth is slow due to our economies based on resource extraction.

Our first 1066 was focused on no charge single stream recycling in residential and commercial sectors. That has been fully implemented through the entire county. We do have single stream in some of the most remote areas of California. I don't know if you're familiar with Covelo, California, but it is a very remote area. We have single stream there. Throughout the entire rural Mendocino County, except for some very rugged areas, single stream is implemented and being offered to subscription customers.

We have an excellent network of rural recycling centers in the Boonville, Potter Valley, Casper, Covelo areas that offer to our self-haul population full scale recycling, including waste motor oil. And what we're up against is similar to what you've discussed earlier with the other rural counties, is the reporting and calculation system doesn't reflect the work we've done in terms of implementing programs. A preliminary report that was done for 2003 actually showed our diversion rate was around 36 percent, and that was even before we had fully implemented

These transcripts are not individually reviewed and approved for accuracy.

single stream recycling.

So I'm here today to support what staff has requested of this Committee. We're looking towards conducting a waste generation study for 2005 to get a better grasp of where we stand. This will allow us to fully implement our single stream recycling program, especially focusing on our Spanish outreach program. And I believe that once we collect that data, we will have a much better diversion rate that's reflected in the records and using the formulas.

I'm glad to hear the Board emphasizing for rural counties the programs rather than -- programs rather than numbers. Because just especially in a very large county like we have, it's spread out over a large area whose economy is not growing very fast, the system just doesn't work very well.

So like I said, staff supports the recommendation. The recommendation has us looking towards before the end of the year presenting a construction/demolition ordinance. And myself as the solid waste diversion director, I support that and I will do my best to have that presented. We have one City who has already presented and past the ordinance, and we'll be looking to that City as a model to move forward. That ordinance was reviewed by your staff, and so I'm hopeful

These transcripts are not individually reviewed and approved for accuracy.

we'll be able to present something that works. But construction and demolition is not a sector that's really taking hold in our area. But I do agree with your staff recommendation.

In terms of procurement, I discussed this with our procurement specialist at the County. He is operating under the recycling procurement direction policy. All paper products pretty much that are being purchased have recycled content are 100 percent recycling. And most recently under the Parks Bond Act of 2000, all the new playground equipment is being purchased with recycled content plastic. And I know from purchasing recycling and litter containers under the Department of Conservation's Program that I'm insisting that we try to have recycled content in those containers that the community selects.

So, once again, I want to thank the staff. Steve and Bob made numerous -- well, at least a couple field trips to our area. We really did appreciate their time. And I'd be open to questions.

And one thing. Madam Chair, I understand you're visiting all the counties, and I would hope you come to Mendocino County. I'll leave my card. I would be glad to be your personal tour guide, and we can go see the transfer station and go taste some wine and look at the redwood trees.

These transcripts are not individually reviewed and approved for accuracy.

CHAIRPERSON MARIN: I will pay for the wine. Carl is --

COMMITTEE MEMBER WASHINGTON: He sure didn't invite me to come.

CHAIRPERSON MARIN: Actually, I think I already have a date for when we're going to Mendocino. We already have a date.

MR. CAYLER: So I hope you would be in contact with me --

COMMITTEE MEMBER WASHINGTON: You all showed me the landfills and sent her to drink wine. Thanks a lot.

MR. CAYLER: We'll go to the transfer station first. We're proud of our Willits Transfer Station. And, absolutely, we do have some of the best champaign and Pinot Noir in the state so you're very welcome.

CHAIRPERSON MARIN: Well, maybe Mr. Washington can join me.

COMMITTEE MEMBER WASHINGTON: I can join you.

CHAIRPERSON MARIN: Thank you very much. We already have a date. So if you ask my secretary, she'll tell you exactly when we're there. We're going to take a tour of about four counties in that area. So thank you. I accept the invitation for the facility. I don't know about the wine, but we'll come to Mendocino.

I have to commend you, because even though the

These transcripts are not individually reviewed and approved for accuracy.

numbers are not where we desired, when you look at the trend, it's pretty significant what you have done over the years, even though at one point in time this was 13 percent. It seems like you're moving up. I really appreciate that, especially knowing what the rural counties are facing. So we want you to 50 percent.

MR. CAYLER: We desire that also. There has been some, I should say, geography, some -- we had to change our ordinance to allow longer franchise term links. There was quite some discussion around that. But once we have passed that hurdle and with the support of the Waste Management Board's staff, we were able to restructure franchise agreements that were able to bring some very modern services to a remote part of the state. So we hope to be there, too.

I think that when we redo our 2005 waste generation study that you'll be very happy that we will cease the productivity of single steam recycling. I know the customers like it. In terms of our largest franchisee, subscriptions for residential service were up over 150 new subscriptions. So people are moving towards the service away from self hauling, and that's really a strategy we've been pursuing for probably about ten years now. So thank you.

CHAIRPERSON MARIN: Ms. Peace, no questions for

These transcripts are not individually reviewed and approved for accuracy.

you. Okay. I think she sees the trend going up and likes that.

Is there a motion for --

COMMITTEE MEMBER WASHINGTON: Do you want to do the other one?

CHAIRPERSON MARIN: Well, they're separate motions.

COMMITTEE MEMBER WASHINGTON: I move adoption of Resolution 2005-208.

COMMITTEE MEMBER PEACE: Second.

CHAIRPERSON MARIN: Moved and seconded. We will substitute the previous roll call, and we will put this on consent.

Okay. Now somebody -- a representative of the City of Ukiah -- I've been there. It's right next to the border of Oregon. It's the last one, isn't it?

MR. SWEENEY: That's Yreka. We're Ukiah.

CHAIRPERSON MARIN: Where is Ukiah?

MR. SWEENEY: Ukiah is the county seat of Mendocino County, 150 miles north of --

CHAIRPERSON MARIN: That's the one I'm going to. I'm sorry. That's right. Many of these, Ukiah, Yreka. Yreka, I went to that one. That's -- you're right.

MR. SWEENEY: Well, I hope you come to Ukiah. My name is Mike Sweeney. I'm the manager of Solid Waste

These transcripts are not individually reviewed and approved for accuracy.

Management Authority. I'm here on behalf of the City.

CHAIRPERSON MARIN: Can I tell you a story? Let me just tell you a story, because this just happened a couple of years ago. I'll tell you a story.

We traveled from California to Virginia, and we visited 14 states in seven days. And I was just ranting and raving about how fabulous it is to visit all of these states, and I was telling the world how fabulous, you know, what a great country we have. And, you know, visit all these different states, and you visit the valleys and the mountains and the river and you cross all of this. And your history is improved dramatically. Your geography is increased and improved dramatically when you visit so many states.

And I'm doing this whole spiel to a high school group of students in Washington, D.C. And I'm just encouraging them all because you're travelling, you really improve your geography and your history. And when you visit the Golden Arch -- what is that arch in the state of Nevada? It's so beautiful. And it was the state of Missouri. I'm talking to them about how great your geography is. And people go, "Isn't that Missouri?" I'm like, "Oh, yeah. Forget about what I said about geography."

So it's the same thing. I have visited all these

These transcripts are not individually reviewed and approved for accuracy.

beautiful cities and counties. And it was Yreka, and you are from Ukiah. Well, if you were from Yreka, I would have voted for you immediately. But since you are from Ukiah, I have to listen to everything you have to say.

MR. SWEENEY: It will be real short.

CHAIRPERSON MARIN: Okay.

MR. SWEENEY: This is Ukiah's first request for a time extension. It might not really even be necessary. We are conducting on behalf of Ukiah a waste generation study for '05, which in all likelihood will show there's already 50 percent. But, nevertheless, for paperwork purposes, they are requesting this time extension for the remainder of this year.

The city has a lot to be proud of. It's moving ahead with a full spectrum of diversion programs, as it has consistently through the '90s. It has now had single stream recycling collection for all the residential and commercial generators since '02. And we are very proud of the outreach. We currently have underway to extend the reach of that with multi-family, the most difficult residential sector. We have a full-time bilingual canvasser who's actually going door to door throughout our multi-family sector. Not only in Ukiah, but also in the unincorporated other cities. And as noted in your report, the City staff will present a proposed C&D recycling

These transcripts are not individually reviewed and approved for accuracy.

ordinance to the Council before the end of this year.

So I hope that you will give favorable consideration to the time extension request. And I'd be happy to answer any questions you have.

CHAIRPERSON MARIN: I don't have any questions. I believe that you have been doing a pretty good job.

Ms. Peace, do you have a question?

COMMITTEE MEMBER PEACE: We're not recommending that they do a C&D policy because it's not that big of a problem?

MR. SWEENEY: Sorry, I didn't hear.

COMMITTEE MEMBER PEACE: The C&D ordinance, you don't have one. Are you recommending that?

MR. SWEENEY: The City will be preparing that for consideration for the Council before the end of the year.

COMMITTEE MEMBER PEACE: How much trouble do you think you are going to have convincing the local leaders that you need one?

MR. SWEENEY: I would hesitate to make a prediction there. For a small city like this, one thing you should keep in mind is in addition to the contractors and other people who will have to pull the permit, you're also looking at an administrative burden for a very small City Planning and Building Development staff, Services staff. So that's another obstacle that has to be

These transcripts are not individually reviewed and approved for accuracy.

overcome. And at this time of increased pressure on municipalities, it becomes a significant factor. But with your support -- and I commend the emphasis that you place on this issue -- with your support and pressure from the Waste Board, we will make progress.

CHAIRPERSON MARIN: Excellent. Thank you so very much, Mike Sweeney, for being here with us. And I believe we will be stopping by your county.

Okay. Is there a motion for Resolution 2005-209?

COMMITTEE MEMBER PEACE: I'll move Resolution 2005-209.

COMMITTEE MEMBER WASHINGTON: Second.

CHAIRPERSON MARIN: Moved and seconded. We will substitute the previous roll call, and we'll put this on consent as well.

Okay. Next item.

DEPUTY DIRECTOR SCHIAVO: Item 19 is a Request to Change the Base Year to 2002 for the City of Redding. And Marshalle Graham will present this item.

CHAIRPERSON MARIN: Hello.

MS. GRAHAM: Good afternoon, Committee members.

The City of Redding requests to change its base year to 2002. The City originally submitted its new base year request with the diversion rate of 55 percent for 2002. As a result of staff's verification of the base

These transcripts are not individually reviewed and approved for accuracy.

year, staff is recommending changes to the base year. Based on these changes, the base year diversion rate was determined to be 52 percent. The City's request also includes a petition for sludge diversion as well as biomass diversion claim, both of which account for 1 percent of the total diversion.

Board staff has determined that the information for the City's new base year, its petition for sludge diversion credit, as well as its biomass diversion claim are adequately documented. Therefore, Board staff is recommending Option 4 of the agenda item. Representatives from the City, both Bonnie Low and Larry Moralez, are present to answer any questions.

And that does conclude my presentation.

CHAIRPERSON MARIN: Thank you.

I actually have been to Redding. How are you?

MS. LOW: Very good. Thank you. Thank you for having us today.

CHAIRPERSON MARIN: Just for the record, she needs your name.

MS. LOW: Bonnie Low. I'm a Solid Waste Supervisor for the City of Redding.

I'd like to just talk briefly about our history and why we're here today. We've been in the garbage business a long, long time. The City of Redding doesn't

These transcripts are not individually reviewed and approved for accuracy.

have franchise haulers. We are the hauler. We've been doing this since 1944, so I think that's about 61 years in this business. And we've got some great old archival photos of that.

We began our first formal recycling program in 1989. We progressed to a blue bin, like the 18 gallon, I call them laundry basket, blue bin source separated system. That changed in 01/02 to our current system, which is a fully automated curbside recycling single stream and also automated green waste. And that has done a lot for the city of Redding. And it's really helped make our programs very complete for our residents.

We do provide all solid waste recycling services for both the residential and the commercial sector. So anything that has to do with garbage or recycling in Redding, we are directly involved with.

We also provide the drop box service. We operate the transfer station and a material recovery facility, which we're finding is becoming more of a regional material recovery facility. We are now servicing several of the Indian tribes in the area that have begun to implement recycling programs on their own but need a place to process their materials, and also some of the marinas on Shasta Lake because of their location having a difficult time getting their haulers to recycle for them.

These transcripts are not individually reviewed and approved for accuracy.

So they're bringing their material to us, and we're happy to process that at our facility.

We also have a four-and-a-half acre compost facility, a permanent household hazardous waste facility that's open three days a week to all Shasta County residents, not just City of Redding residents. We have drop off recycling for everything under the sun, including appliances. And we offer free recycling to businesses, which is why we think we're able to make such a big impact to our business community. We don't charge them for any of the recycling services, including our curbside recycling and cardboard, newspaper, office paper, so on, so forth.

And we also have a lot of programs. If you look at our PARIS report, we now have 44 programs that we are very, very proud of, which kind of brings us to why we're here today. We started noticing in about 1998/99 that our numbers based on the adjustment method really were not reflective of the programs that we have implemented, the costs that we've undertaken, the infrastructure that we have built to support those programs. So we started looking at where we could make a difference and really reflect what we're doing in Redding. We tried to work with those numbers. We tried to focus on program implementation, which you see based on the number of

These transcripts are not individually reviewed and approved for accuracy.

programs. And you've been to our facility. You see how complete our service is.

But by 2002, it was real obvious that our numbers just weren't reflecting what we were doing. I think we were at 36 percent.

Does that sound right; Marshalle?

So we did go ahead and undertake a new base year study, which is what you see before you today. And we do think it is reflective of what we do, and yet it is still very conservative, primarily because we were unfortunate in not being able to get any data or cooperation from our single largest C&D processing facility.

So that kind of brings me to one of the questions I'm anticipating you're going to ask, which is, do you have a C&D ordinance? And the answer is no, we don't currently. Through guidance from our staff, you know, we realize in solid waste how important C&D is to our overall diversion progress. But we've preferred to take the soft sell approach up to the point and try to get everybody on board and voluntarily participate.

But doing this new base year study was very valuable, not just in improving our numbers, but also showing the powers that be that, look, we probably have to have something that has more teeth in it to get compliance from the industry that's actually responsible for these

These transcripts are not individually reviewed and approved for accuracy.

numbers. And so now I think that we have that support that we need to do that.

As an aside to that, we have a program that's very unique in Redding. We are the first community in California to do this. I don't know if you're familiar with the Portland Earth Advantage from the city of Portland. We actually purchased that trademark program from them. And the whole idea is that this is a sustainable building program.

So we've gone out and recruited some of our largest developers in Redding to participate in this program. It's completely voluntary. It's called Redding Earth Advantage. And it's kind of a branding or labeling program, if you will. And the idea is they are developing homes. Some of these are stick houses, if you will, subdivisions. Some of them are custom homes that are being built. So it's all income levels that are sustainably built. They're using products that are sustainably harvested products, sustainable manufactured products. They're focusing on energy conservation, water conservation, and they have a solid waste management element.

And in order to be certified as an Earth Advantage builder, they have to have a minimum number of points in each one of those categories. So some of the

These transcripts are not individually reviewed and approved for accuracy.

things that they can do in terms of solid waste management are like voluntarily separating their job site waste so it can be reclaimed. That's just one example.

At first we weren't sure what the reception was going to be in Redding, but it's turned out to be astounding. And we're braking ground on our first development near the Clover Creek Preserve. And there's 72 up-scale homes that are being built there and they'll all be Earth Advantage homes. It's something that's very marketable to our community.

We have a lot of retirees and people moving up from the Bay Area, Southern California where these aren't foreign concepts. These are grounded principles at that point. So people in Redding are very responsive to the program. We're extremely proud of this program. So I think having the mandatory C&D ordinance and coupling that with this very positive building program we're promoting is going to do a lot for Redding.

And then the next thing I know you're going to ask is about procurement. We don't have a formal procurement policy at this time. But we are developing one to basically ratify the purchasing procedures that we've been doing for years now. And we can go through the list of products that we already purchase. Of course, paper products are an obvious one. We have been using

These transcripts are not individually reviewed and approved for accuracy.

re-refined oil in our fleet vehicles for five or six years now.

You know, as I mentioned, we have our own compost facility. We use compost on city landscape projects. We just did a huge development project at City Hall. And we have a sports park. It's called Field of Dreams. It's like Big League Dreams in Southern California. And I think -- is that 2500 -- 2500 yards of compost that they purchase from the City's compost facility to do the sports fields there. And that's misleading to say sports fields, because the actual ball fields are made out of what's called field turf, which is the kind of, you know, Astro-Turf, artificial turf product that has crumb rubber in it. So we are doing a lot of purchasing, and the policy would ratify what we're already doing.

So I can answer any other questions that you might have.

CHAIRPERSON MARIN: Bonnie, I was very impressed. Actually, you should know when I came back from Redding, I told everybody how you kept statistics. And your system that you have developed, she knows exactly how many pounds -- not just tons, but pounds of things she has recycled, no matter what. You ask her how many of this, and she goes into her little computer and figures out for how many years and the trends and all of that. So she's

These transcripts are not individually reviewed and approved for accuracy.

able to make some significant decisions based on the amount of data that you have been able to collect, and we have been able to collect all the time.

MS. LOW: And a lot of that comes from doing this all ourselves and not having to rely on outside sources for data. So we take advantage of that and feel very fortunate.

CHAIRPERSON MARIN: That was very impressive. You make better decisions when you have all the data.

Is there a question?

COMMITTEE MEMBER PEACE: I think it's great the City of Redding has given you the personnel and stuff to be able to do that.

MS. LOW: We're considered one of the City's five utilities. We have an electric utility as well and streets and water and so on and so forth. But having this massive involvement in the solid waste does give us the personnel we need to do the programs.

CHAIRPERSON MARIN: Okay. Thank you, Bonnie. I really appreciate it. Thank you for taking the time to come all the way from Redding. All right.

COMMITTEE MEMBER PEACE: I'd like to move Resolution 2005-210.

COMMITTEE MEMBER WASHINGTON: Second.

CHAIRPERSON MARIN: Moved and seconded. Without

These transcripts are not individually reviewed and approved for accuracy.

objection, that will be the pleasure of this Committee. We will substitute the previous roll call, and we'll put it on consent.

DEPUTY DIRECTOR SCHIAVO: Item Number 20 is Consideration of an Application for an SB1066 Time Extension by the City of Woodland. And this is going to be presented by Mr. Kyle Pogue.

MR. POGUE: Good afternoon. And thank you for the lunch break.

CHAIRPERSON MARIN: Actually, it was Cara who I meant she needed a lunch break.

MR. POGUE: The City of Woodland and Yolo County has requested a first time extension through December 31st, 2005, to provide additional time to implement the programs in their Plan of Correction. Staff's analysis of the City of Woodland's request is that it is reasonable given the barriers the City is facing and recommends the Board approve the City's time extension request.

Christine Engle from the City of Woodland is available to answer any questions. Additionally, Marissa Juhler from Waste Management, the contract hauler, is also here to answer any questions you may have.

That concludes my presentation.

CHAIRPERSON MARIN: Thank you, Mr. Pogue.

Christine.

These transcripts are not individually reviewed and approved for accuracy.

MS. ENGEL: Hi. Thank you for having us here today. Would you like me to go ahead and do a presentation or start with questions?

CHAIRPERSON MARIN: You already know what the questions are going to be.

MS. ENGEL: Yeah. I basically know.

I think some of the things I'd like to focus on since our year 2003 annual report did not meet the 50 percent diversion threshold, I'd like to focus on what we have done and what we're continuing to do in order to hit the 50 percent mark.

Some of the challenges that we did face is in 2000 and part of 2001, there was no staff dedicated to this program. And since that time, there's been a full-time conservation coordinator hired in 2001 of -- July 2001, and then myself being the environmental analyst was hired in 2002. And then Waste Management hired dedicated recycling coordinator, Marissa Juhler, in 2003. So we've added three staff persons that basically it's one-and-a-half FTE for the city of Woodland, and then Marissa being full time with Waste Management. So staffing has increased.

For our residential program, in October 2003, we transitioned from cube recycling, which was just for newspaper, plastic, and aluminum, to a full mixed

These transcripts are not individually reviewed and approved for accuracy.

recycling program for residential customers. For businesses, in 2004, we had approximately 150 businesses recycling of our 900 businesses. And now thanks to Waste Management's efforts really targeting our businesses proactively, we have 400 businesses recycling. And what Waste Management is also doing -- so that, in itself, added 705 yards of recyclable material. And currently we're targeting the apartment complexes and trying to get them on board as well.

So since our 2003 annual report also for schools, we have added a district-wide recycling policy. So all our public schools are recycling. Waste Management has conducted 120 presentations to the elementary schools. And 3100 students have had presentations on Closing the Loop, as well as the City has hired EarthCapades to do environmental presentations that includes recycling, and that has educated approximately 8,000 elementary students.

For construction, it's kind of funny, in '99 and 2000 when we didn't have staff, the environmental impact report for our last largest development included a mitigation measure to recycle construction and demolition debris. So it's timely that we do have staff now to implement this program. So Spring Lake is a development that will add approximately 4,000 dwelling units in the next ten years through 2017, essentially. And what we

These transcripts are not individually reviewed and approved for accuracy.

have done -- and I do have a copy for you. And Kyle Pogue also has this as well. We have a Spring Lake development recycling plan. So as a condition of approval, every project associated with Spring Lake Specific Plan has to implement recycling measures at their site for construction and demolition debris -- or basically construction debris.

So what we have for them to do -- and this is in draft form -- is when the project starts or before they begin the construction, they need to submit a recycling plan information sheet identifying what types of materials they're planning to recycle. And every January 1st and June 1st and at the end of the project, they need to submit a recycling plan update and provide us with the tonnages they are recycling. If they're using Waste Management, Waste Management will provide our staff with that information. If they're not using Waste Management, then that will be our trigger we need to be inspecting their sites routinely to ensure they are recycling. If they're using Waste Management, Waste Management will be monitoring that for us.

So until we have a construction and demolition debris ordinance, which we have included in our 1066 that we will be drafting that this year -- until that time, the largest development is taken care of through our condition

These transcripts are not individually reviewed and approved for accuracy.

of approval for the last remaining large development.

In terms of things that we're doing as a City -- and I'll start wrapping this up. Our City parks, we currently have one park and one park that is under construction soon that will have the rubberized surface. All the parks associated with Spring Lake will have the rubberized surface. For our roadways, last year we completed a police station, and they used recycled aggregate in the parking lot. We also completed a utility repair project in our city, and rubberized asphalt was used for the road surfacing. And we did this year apply for a $100,000 grant for our federal aid projects for the use of rubberized asphalt. Fortunately, we only got $8,000, but we'll be using the rubberized asphalt.

Our fleet service uses refined oil in the weights we can use it for in the vehicles that take that type of weighted oil, as well as we do purchase our recycling and trash containers that are made out of recycled plastic. And we've added recycling containers on our main street and other public locations. And we also do have a toner and battery recycling program.

If there are any questions I can answer for you.

COMMITTEE MEMBER PEACE: So you have recycling containers up and down your main street? Are they right next to a trash container?

These transcripts are not individually reviewed and approved for accuracy.

MS. ENGEL: In a few locations, we do. We have a downtown group that sometimes is challenging to get things through the group. And the containers have to look a certain way. They have to be the black rot iron in order to enhance our historic setting. So next to some trash cans, there's a similar matched recycle container.

COMMITTEE MEMBER PEACE: Have you found people are responsive to that? Are people using them? Do you find a lot of contamination?

MS. ENGEL: I think they're actually picked through. They're being used, but they're self emptied containers.

The other thing I wanted to point out, right now the City of Woodland is trying to get containerized green waste. Our green waste is collected loose in the street. And although our City Council approved this in June, it has been a highly controversial issue. So a lot of staff time has been devoted to trying to get this program accepted by the public, continuing our public outreach, holding public meetings. It's been very controversial.

CHAIRPERSON MARIN: What is controversial about it? I would like to know that.

MS. ENGEL: People would prefer to put their green waste in the street. They feel it's just an inconvenience that they have to put it in a container.

These transcripts are not individually reviewed and approved for accuracy.

And currently they can put out as much as they'd like.

CHAIRPERSON MARIN: And the container will limit --

MS. ENGEL: The container would limit, although we're offering a pretty generous in that we're offering weekly service of 96-gallon containers, coupons to the landfill. We have mulching mower and wood chipper rebate programs. We have composting courses they can attend to get a free composting bin. So we've tried to supplement the program as much as we can. We offer leaf collections, which is a concern in the city because we have such a large tree canopy.

CHAIRPERSON MARIN: Well, I'm sure there have been other cities that have implemented those programs.

MS. ENGEL: All over California.

CHAIRPERSON MARIN: And I'm sure some of them were not met with open arms, you know, welcoming arms. But they're all doing it now. So we have a wonderful staff that can continue to help you implement those programs successfully.

MS. ENGEL: Thank you.

COMMITTEE MEMBER WASHINGTON: Madam Chair, we just had the young lady -- and I can't remember what city she came -- that they were saying they started this thing three years ago. It was a bumpy road, and now everybody

These transcripts are not individually reviewed and approved for accuracy.

loves being on it. So -- Redding. So it does happen. You guys will be in good shape once you get going there.

CHAIRPERSON MARIN: Thank you for what you're doing.

MS. ENGEL: Thank you.

CHAIRPERSON MARIN: Is there a motion?

COMMITTEE MEMBER WASHINGTON: Madam Chair, I'd like to move adoption of Resolution 2005-211.

COMMITTEE MEMBER PEACE: Second.

CHAIRPERSON MARIN: Moved and seconded. And we'll substitute the previous roll call. And it will go on consent.

DEPUTY DIRECTOR SCHIAVO: Item 21 will be pulled. Most likely, we'll hear that in September.

Which takes us to Item Number 22. And this is Consideration of the Application for an SB1066 Time Extension by the City of Sanger in Fresno County. This will be presented by John Duke. And I don't want to jinx John, but this is his first presentation, so be kind.

CHAIRPERSON MARIN: Never.

COMMITTEE MEMBER WASHINGTON: Welcome, John.

CHAIRPERSON MARIN: Baptized by fire. He should not have done that to you.

COMMITTEE MEMBER WASHINGTON: How long have you been at the Board?

These transcripts are not individually reviewed and approved for accuracy.

MR. DUKE: Four years.

COMMITTEE MEMBER WASHINGTON: What did you do before you started coming down here talking to us?

MR. DUKE: Prior to coming to the Board or at the Board?

COMMITTEE MEMBER WASHINGTON: No. At the Board. I've never seen you before. Why?

MR. DUKE: Office technician.

COMMITTEE MEMBER WASHINGTON: What is an office technician?

MR. DUKE: Helping out Ms. Morgan.

COMMITTEE MEMBER WASHINGTON: Do what?

MR. DUKE: Whatever she needs.

BRANCH MANAGER MORGAN: Board Member Washington, he did such a good job helping me out, we promoted him, and now he's here before you. So be kind.

COMMITTEE MEMBER WASHINGTON: Okay. All right.

MR. DUKE: Good afternoon, Committee members.

COMMITTEE MEMBER WASHINGTON: Welcome, John.

MR. DUKE: Board staff has reviewed and verified the City's request for its time extension to meet their AB 939 goal and are recommending approval of the request. Mr. Chapa is here from the City of Sanger to answer any questions.

That concludes my presentation. Thank you.

These transcripts are not individually reviewed and approved for accuracy.

(Applause)

CHAIRPERSON MARIN: Well, actually, I think we did not eat enough today. The lunch break was all too short.

Okay. Now is this the first time you're coming before the Board.

MR. CHAPA: This is the first time I will be attending --

CHAIRPERSON MARIN: And what were you doing --

(Laughter)

CHAIRPERSON MARIN: Oh, my. We're actually really, really nice. It's all Pat Schiavo's fault.

Tell us about the City of Sanger, why should we approve this?

MR. CHAPA: My name is Tim Chapa. I'm the Deputy Public Works Director with the City of Sanger.

And by way of background, the City had consistently met its diversion requirements through our different program implementation since the inception of AB 939. And, in fact, in the last three reporting years, we averaged approximately a 54 percent diversion rate, and our total tonnage averaged about 9400 tons.

One of the things that has happened in Sanger in 2003 is that we started experiencing a housing boom. The cities of Fresno and Clovis were slowing down a little

These transcripts are not individually reviewed and approved for accuracy.

bit. Other cities near us were doing moratoriums, and Sanger became the place for housing.

So in the 2003 reporting year, once we received our reporting, we actually found out our tonnage increased dramatically to about 13,700 tons, thereby reducing our diversion rate to 36 percent. And we've pretty much been meeting the diversion rate of 50 percent. And we understood there was probably some C&D issues going on related to the housing development, but there had to be something else. So we actually met with the County, with the landfill, and a couple of transfer stations. And we ended up identifying some misreporting, misallocations between the City of Sanger and other agencies.

Going through that process, we were actually able to identify about half of that tonnage was due to misreporting. And so in the end, our diversion rate ended up increasing to about 44 percent, still, though, leaving an issue about what started happening in 2003 related to C&D tonnage.

Let me also say that during our process of trying to review what was going on, we also had a concern related to the private hauler reporting. When we met with the County and transfer stations, they had reports, and fairly easily we could identify what the misreporting was. But when you really get into the nuts and bolts about how a

These transcripts are not individually reviewed and approved for accuracy.

private hauler reports, whether they're coming from Selma or Fowler or Sanger, we had some concern there was some issues there. But because of the detail and work involved, we didn't have the time to actually look at that. But it really begged the question about the accountability of the private hauler reporting process.

CHAIRPERSON MARIN: Is your private hauler the same one?

MR. CHAPA: We have a number of contract haulers that could do business in the city of Sanger. We do have an exclusive franchise with a hauler who does our green waste. And what we've implemented effective August 1st is procedurally, just like the City of Temecula has done, is to now require that all of the subdivision developments, all residential/commercial remodels are required to contract through our exclusive franchise hauler.

What that really does for us is, number one, provides us an ability to maintain some accountability. We're only dealing with one business. We have an established relationship with them and we're going to be monitoring reports. And then, secondly, it helps us really to deal with this issue of the C&D tonnage that just started in 2003 continuing in 2004/2005, and we're still the big growth city in Fresno County. So, again, what this procedure does -- and it's not an ordinance.

These transcripts are not individually reviewed and approved for accuracy.

What the procedure does is basically before the developers or someone pulls a building permit, they're required to verify that, in fact, they're doing their hauling through our exclusive franchise hauler.

CHAIRPERSON MARIN: When will that become an ordinance?

MR. CHAPA: We made that effective August 1st. And based on a recommendation from our city attorney, we weren't required to enact an ordinance to do that. We've already enacted it procedurally.

CHAIRPERSON MARIN: Does it have the same teeth, though?

MR. CHAPA: Absolutely. Because if a developer comes up and wants to pull 20 building permits and they haven't complied with our requirement, they don't get the building permit.

CHAIRPERSON MARIN: So let me just ask, will that have the same function as an ordinance?

STAFF COUNSEL BLOCK: Elliot Block with the Legal Office.

It's a little bit difficult to tell just off description today, but it sounds like as a practical matter it will have the same effect. Obviously, procedurally, it's a little bit different.

But, you know, the importance is that it's

These transcripts are not individually reviewed and approved for accuracy.

enforceable in some way. Somebody is going to need to comply with it if they want to get what they want, from the way it sounds like it's been described. I can certainly take a look if you want for the future.

CHAIRPERSON MARIN: That would be nice. If we can somehow follow that up.

What will happen, Mr. Chapa, we want the cities or the counties to have the tools that they need. And what we help with is a lot of assistance, because we know what the ordinances look like, what they do. Many times we help them draft them, if you will, and that we provide what other cities are doing and so forth. But we want you to success with your process. If you are successful and if that is happening, that's fine. But it might be that somebody at some point in time might want to challenge it, because it's not a law the city has adopted. A developer might challenge that. So I don't know.

MR. CHAPA: And so far we've had compliance. The only issue we have with some developers who have a 60-day contract, let's say, and we're allowing them to go ahead and get out of, they may be first phase of three phases of development. So we're allowing them to go ahead and continue with the hauler that they do have. But I had four calls from developers. Once you explain it to them, they pretty much understand. And it's not costing them

These transcripts are not individually reviewed and approved for accuracy.

any more than what we were paying for hauling.

CHAIRPERSON MARIN: I'm concerned with your numbers. And I'm going to ask staff. Concrete, asphalt, rubber, 7 percent diversion, I mean, this is pretty significant, isn't it, for the total? Is that achievable? And then 5 percent for the wood waste.

DEPUTY DIRECTOR SCHIAVO: Just depends on the community. These are best estimates. If you look at the relative values, you know, of what they're currently doing on a per person basis, it's relatively low. It's about half what the statewide average is. These materials being very heavy, it's very possible.

CHAIRPERSON MARIN: It's very possible. All right. I want the reassurance from our staff. They're the experts.

Okay. Any further questions for the City of Sanger?

COMMITTEE MEMBER PEACE: Do you know what question I'm going to ask next?

MR. CHAPA: Procurement policy.

CHAIRPERSON MARIN: C&D procurement policy, everybody should come in with that answer immediately.

MR. CHAPA: Like a lot of other agencies that have presented here today, informally, we've always promoted the purchasing of recycled and usable materials.

These transcripts are not individually reviewed and approved for accuracy.

And a lot of our purchasing is being done by each individual department. We have administrative procurement procedures that all the departments are required to follow. And, again, we added an addendum to those procedures and made those procedures effective to go ahead and formalize what has been an informal process in terms of procuring those types of items.

By example, some of the things we've been doing is, again, the rubberized playground surfaces and rubberized playground equipment, plastic park benches, recycled wood for new office furniture. And then we actually do our own composting and in the city yard that we use at the city parks.

CHAIRPERSON MARIN: Okay, Mr. Chapa. I'll say it. You've hear me say it before. We appreciate all of these informal policies. We'd rather see it in writing. We'd rather see it as an ordinance or that the City Council actually adopts. To us, and you have former elected officials here, we know the value of having that law. And if you can, please go -- would you please go back to your Council and let them know that that would be looked very favorably upon by this Board.

MR. CHAPA: Certainly. We've already enacted them through a certain procedure, but we will take the additional steps.

These transcripts are not individually reviewed and approved for accuracy.

CHAIRPERSON MARIN: Would you, please? Thank you. We appreciate that.

Is there a motion?

COMMITTEE MEMBER PEACE: I'd like to move Resolution 2005-214.

COMMITTEE MEMBER WASHINGTON: Second.

CHAIRPERSON MARIN: Moved and seconded. Without objection, that will be the order. And we will put this item on consent. Thank you.

DEPUTY DIRECTOR SCHIAVO: Item Number 23 is Consideration of the Application for an SB1066 Time Extension by the City of Soledad in Monterey County. And Terry Gray, who has made several presentations, will present this item.

MS. GRAY: Good afternoon, Committee members.

The City of Soledad has requested a first SB1066 time extension through December 31st of 2005 to provide it with additional time to implement the programs in its Plan of Correction. Staff's analysis of the request is that it is reasonable, given the barriers the City is facing. Board staff has determined the information submitted in the application has been adequately documented and recommends the Board approve the City's time extension request.

The City of Soledad's representative, Mr. Steve

These transcripts are not individually reviewed and approved for accuracy.

Johnson, is the General Manager of the Salinas Valley Solid Waste Authority and is here on behalf of the City of Soledad and is available to answer your questions.

This concludes my presentation. Thank you.

CHAIRPERSON MARIN: Okay. Mr. Johnson, you want to tell us why we should grant you this extension?

MR. JOHNSON: If I may, Madam Chair and members of the Committee. My name is Steve Johnson, Salinas Valley Solid Waste Authority, but I'm speaking for the City of Soledad, which is one of our five member agency cities in a small JPA.

And the circumstance that exists with Soledad is beginning to occur with several of other our cities as well in that these are small cities that are growing in leaps and bounds. They're now becoming bedroom communities to both Salinas and San Jose. And because of that, there's been a massive change in population, ergo massive construction projects, in addition to the fact that Soledad is unique in that its city limits annex two State prisons, which we all know the populations of those have increased phenomenally.

And Soledad has been going the wrong direction now for four years. It began at 73 percent, and now it's down to 45 percent. And we, as the Solid Waste Authority, provide what we call AB 939 enhanced services to all of

These transcripts are not individually reviewed and approved for accuracy.

our member agencies. They're still responsible for compliance, but we do their annual reports. We do their public education programs both in Spanish and English. We also do all the household hazardous waste, both collection and used oil advertising, all those pieces, because they don't have anybody on staff to do this stuff.

So when we began looking real hard at these issues, we saw that the actual disposal numbers from year to year, from 2000 up to 2004, are only increasing about 10 percent, 8 percent, 7 percent, whereas the population is increasing much faster than that. So we've looked real hard at all the programs we had in place, and we haven't reduced any programs. And these programs are the same programs as exist in all the other member cities.

We identified clearly the issues that need to be addressed more clearly are construction and demolition programs throughout the Authority area. Now, this becomes a little more difficult than just an ordinance in one city. Because of all of the construction done by like contractors, it only makes sense to have a uniform policy throughout these areas. We've been working on this now about 18 months. Alan Styles, our recycling coordinator, has been the lead on this. We've been working closely with the Waste Board as well. But it's kind of like herding cats in terms of getting five cities to agree on

These transcripts are not individually reviewed and approved for accuracy.

an ordinance that's acceptable. We hope to have a draft ordinance or plan, and it may be someplace closer to the terms of plan, at least initially, so that we can get some action in place by the end of the year.

The procurement processes that we have in place with all of our cities are all 30 percent postconsumer recycled content for paper and copier cartridges and so forth. But also the City of Soledad has purchased a number of recycled plastic park furniture as well as the rubberized areas underneath the park furniture. And that's happened most recently.

The other area that is perhaps unique to the Salinas Valley is we have a lot of multi-family residences where the population increases phenomenally between April and October. And then the workforce following the ag production moves on. So one of the other focuses that we obviously have to get better at is multi-family messaging and cooperation, as well as finally getting the recycling rates to go up on that side.

CHAIRPERSON MARIN: Steve, I would really appreciate it -- I know you guys are not quite yet with the five cities moving to -- you're calling it a plan. I think the message needs to be a lot stronger than that. You know, we really, really appreciate if the entire Authority really pushes the C&D ordinance for all the five

These transcripts are not individually reviewed and approved for accuracy.

cities. And I know it's herding cats and so forth.

But if we need to come in and make a presentation to your Authority, we will gladly do that. And the message cannot be clearer. I mean, this is real important, especially -- and I know you guys do great work. I've visited your county, your cities. This is very concerning. And it's very disconcerting for the City of Soledad that at one point in time it was like 70 percent. You know, to go down all the way to 45 is simply not what we want to see. And I'm sure it doesn't make you proud.

MR. JOHNSON: That's correct.

CHAIRPERSON MARIN: You know, as a matter of fact, can we -- is there any way that we can actually expedite or request that they expedite the adopting of an ordinance?

MR. JOHNSON: Well, we have been trying to do this on an entire county-wide basis with our task force.

CHAIRPERSON MARIN: You know what, Steve Johnson, I think I'm going to request that at least the City of Soledad -- maybe we make them the lead, you know. Maybe by providing that incentive, all the other cities will come along. I'm wondering whether I can make that. Because if nobody is going to do it unless somebody takes the lead and the cities, they should be.

These transcripts are not individually reviewed and approved for accuracy.

MR. JOHNSON: Well, if I can say something, please.

CHAIRPERSON MARIN: Yeah, please.

MR. JOHNSON: We've been working on this for well over a year at the entire County level. And, obviously, there's some real major differences between Pebble Beach and Soledad. Pebble Beach has remodels or single-family homes that are built as custom homes, and Soledad is building 4- or 500 homes at a time. So by the end of probably September, we're going to have a clear indicator whether or not we can even do something on a county-wide basis. And if not, then the Authority would certainly take the lead to get its member agencies to move forward an ordinance.

CHAIRPERSON MARIN: Okay.

COMMITTEE MEMBER WASHINGTON: But it sounds like you probably should do that anyway. It sounds like it's on a city by city basis just based on what you said with Pebble Beach versus Soledad. Maybe you should just do them. To wait around might be a problem, because each city -- sounds like to me, each one of your five cities poses a different issue. Am I correct? Is that the reason why it's taken --

MR. JOHNSON: Not necessarily. Not in the Salinas Valley. The issues are fairly similar in that

These transcripts are not individually reviewed and approved for accuracy.

we're talking about major developments --

COMMITTEE MEMBER WASHINGTON: So what's the problem with getting the Authority to agree then?

MR. JOHNSON: The Authority's issues are more focusable. In most simple terms, there's no room to put three roll-offs in a remodel in Pebble Beach. Whereas, if you're doing a source separated C&D sorting at a construction site, there's plenty of room to do that. So those are the kinds of things that we face.

The real issue here is that, as you mentioned before, Board Member Marin, that each City has to actually enact the ordinance. So before we can begin to take it forward, we have to have some level of consensus among those cities of what will fly. Otherwise, if city three changes the ordinance and we're trying to be uniform, then we created a problem for ourselves.

CHAIRPERSON MARIN: My dilemma is that because the decline has been so steep, and even though it's only 5 percent -- you know, there are 45, you know, in other communities, but we're looking at each one individually. You know, nothing will please me more than to see Soledad at 70 percent. I mean, if they were at 70 percent, you wouldn't be here. But the reality is that because the trend is so steep, I want to do as much as we can to stop that decline. And maybe just for Soledad, we can ask the

These transcripts are not individually reviewed and approved for accuracy.

City Council and the Mayor to adopt the ordinance, the C&D ordinance.

MR. JOHNSON: I'll certainly carry that back. As you see, I'm speaking for them because this is the first flash on their radar that this is an issue, even though I brought it up. It's not until it goes to the Waste Board for a decision that it actually gets their attention.

CHAIRPERSON MARIN: Believe me, we know that.

So what's your pleasure, Committee members?

COMMITTEE MEMBER PEACE: Well, the ordinance is already in the Plan of Correction; right?

MR. JOHNSON: The ordinance --

COMMITTEE MEMBER PEACE: We're already asking them to do that in the Plan of Correction, that they need a C&D ordinance. But it says the City needs to work with the other jurisdictions.

MR. JOHNSON: Yes. We're trying to do an area-wide C&D ordinance.

COMMITTEE MEMBER PEACE: We understand that. But if everybody is not getting on board because there's such -- Pebble Beach is so different than Soledad, how do we --

MR. JOHNSON: We've had a task force for the entire Monterey County, which includes the area serviced by the Regional Waste Management District, as well as the Solid Waste Authority. The attempt was there or is there

These transcripts are not individually reviewed and approved for accuracy.

to get a standard ordinance. At the same time, we're building the language that would work for our area. So it's not like we're not working on it.

COMMITTEE MEMBER WASHINGTON: Let me tell you the problem. The problem is that when you come before our Board, this has nothing to do with your authority. This has to do with the City of --

MR. JOHNSON: That's correct.

COMMITTEE MEMBER WASHINGTON: So whether it's based on you guys working together or not, somewhere you have to move forward so we can base our decisions on individual cities, not the Authority.

MR. JOHNSON: Understood.

CHAIRPERSON MARIN: Go ahead.

DEPUTY DIRECTOR SCHIAVO: You do have the options available in the Item, Number 3 or 4. Number 3 says you can make a recommendation to have it done immediately, put it into the Plan of Correction.

CHAIRPERSON MARIN: I'm going to do that, Steve. And I hope this will actually help you round everybody else up.

MR. JOHNSON: I had nothing to do this fall.

COMMITTEE MEMBER WASHINGTON: Madam Chair, I'd like to move adoption of Resolution 2005-215 with Option 3.

These transcripts are not individually reviewed and approved for accuracy.

CHAIRPERSON MARIN: Okay. Moved.

COMMITTEE MEMBER PEACE: I'll second that.

CHAIRPERSON MARIN: And seconded. And without objection, that will be the order. And we will put this item on consent.

Thank you, Steve. I really appreciate you being here.

Okay, next item.

DEPUTY DIRECTOR SCHIAVO: That's it for us. Abbreviated day.

CHAIRPERSON MARIN: Abbreviated day. Thank you so much.

Ms. Wohl.

DEPUTY DIRECTOR WOHL: I think I like going first better.

CHAIRPERSON MARIN: You only have five items. Let's shoot through this.

DEPUTY DIRECTOR WOHL: Let me start, Patty Wohl from the Waste Prevention and Market Development Division. I've been editing my report as I sat there, so let me just cover a few quick things.

I wanted to mention that staff attended the Hilton Hotels Corporation green lodging press event that was held on Friday. The Hilton family is the first hotel corporation to sign on to the green lodging program.

These transcripts are not individually reviewed and approved for accuracy.

Chair Rosario Marin presented the award and gave a presentation, which was followed by a tour. And we did have some press there, Waste News, the Spanish Channel. And we're excited that Traveler magazine and VIA magazine are both doing articles on that. So that's exciting.

I wanted to give you an update on the residential green building guidelines, because I've seen some letters coming across. I wanted to make sure you understood what was going on there. Staff from the Sustainable Building Program held an interested parties meeting on July 21st in Sacramento to solicit comments and answer questions about the residential guidelines. We had requested the comments be forwarded by last week. But because of the high amount of interest and staff's desire to make sure we gave everyone adequate time, we've informally allowed more time for that. In fact, we have a meeting with manufacturers and other interested parties this Thursday.

This is an item in the green procurement action plan. Staff plans to bring the guidelines to the Board in either September or October. So these really aren't guidelines that we would be following. These would just be another tool in the toolbox that we would give, you know, to the local jurisdictions as another product for them to implement. I think I heard one of the jurisdictions talking about their sustainable buildings.

These transcripts are not individually reviewed and approved for accuracy.

So this would be kind of a tool to help that happen. So you may see some letters on that.

I also wanted to mention that in addition as part of our green procurement action policy, I'm pleased to announce the Compost Solution Workshop will be held on September 12th, 2005, at U.C. Riverside. The workshop will address how to use more recycled organics to solve many of California's environmental landscape, agriculture, and watershed management problems. The session will cover such topics as the benefits, standards, production, types, and uses of compost as well as in-depth suggestions on soil quality, best management practices, and regulatory issues.

And then, lastly, we have an e-waste joint workshop with CIWMB and Toxics coming up on August 23rd. This will be to discuss the emergency regulations and the final rule making. Staff anticipates beginning the formal rule making process this fall with the goal of adopting regulations in the fall of 2006.

So that completes my report. If there are any questions or comments.

CHAIRPERSON MARIN: It was a really great event at the hotels and the greening of hotels in San Diego. That was very nice.

I do have a question. I know you're probably

These transcripts are not individually reviewed and approved for accuracy.

referring to the California Green Builder letter from them regarding the new home construction guidelines. They specifically stated that it appears none of these groups was invited to participate.

DEPUTY DIRECTOR WOHL: We have made an attempt to open it up, and it's been publicly announced. But like I said, we'll continue to kind of add extra time on there to get everyone's comments in there. So we're interested in everyone's participation.

CHAIRPERSON MARIN: We truly are. And I think we really need to make -- as hard as we try -- and I know sometimes we do not succeed, maybe even making phone calls to some of these very important groups. If we know we are going to be mandating something to one industry, it would be really appreciated that they're part of, you know, the very first meeting. I mean, I'm going to be drafting a letter to them encouraging them. We can't expect just because we have put a web page or whatever, this information on, that every other industry group is going to be looking at it. I want to assure the industry that -- Building Industry Institute that we will call upon them and their peers. They claim we didn't invite them. And we need to draft a letter in response to ensure them we will invite them all.

DEPUTY DIRECTOR WOHL: I believe that's the

These transcripts are not individually reviewed and approved for accuracy.

meeting Thursday. We're having a private meeting with them.

CHAIRPERSON MARIN: Good. I may even stop by.

Thank you, Patty. Are we ready for Item Number 25?

DEPUTY DIRECTOR WOHL: We are ready. So Agenda Item 25 is Consideration of the Recycling Market Development Revolving Loan Program Application for Desert Solutions, Inc. And Jim La Tanner will present.

LOAN PROGRAM SUPERVISOR LA TANNER: Good afternoon, Committee members.

Desert Solutions, Inc., is requesting an RMDZ in the amount of $1,312,500 loan to operate an organic recycling and composting facility in Cathedral City, California. This is located within the Riverside recycling market development zone. It's a brand-new start-up company.

As a result of this loan, that will divert an additional 45,000 tons per year and create approximately eight new jobs. The Board's Permitting and Enforcement Division has issued the proper permits for this facility, and the Diversion, Planning, and Local Assistance Division has confirmed that the materials are currently going to a landfill.

The Loan Committee met on August 4th and approved

These transcripts are not individually reviewed and approved for accuracy.

the applicant's ability to repay and collateralize the loan as presented.

Staff recommends adoption of Resolution 2005-220 to approve the RMDZ loan to Desert Solutions, Inc., in the amount of $1,312,500.

Mr. Stan Warshaw, manager of the company, is here to make a presentation.

CHAIRPERSON MARIN: Hello. Welcome.

MR. WARSHAW: Good afternoon, Madam Chair and Committee members. My name is Stan Warshaw. I'm with Desert Solution, Inc. We're working the City of Cathedral City. I'd like to say thank you to them and express that you note that Deana Presgrove has really been a tremendous help for this to happen. Actually, everybody has been a tremendous help. You're very tough to get through on permits. And we're already up to the stage of the building permit. We're ready to go.

It's a unique thing. It's an in-vessel compost facility. It will be the first private one I think in the state. And it will probably be built at a fraction of the cost of anything that's ever been done out here. It was devised by a gentleman, Transform Compost, in Canada. He's built the University of Alberta and building a facility in China right now.

What it will do is handle food and green waste,

These transcripts are not individually reviewed and approved for accuracy.

and the percentage could be up to 40, 50 percent food waste. Has to be separated. Has to be clean. Has to be more postconsumer to where it would come from mainly really source separated, from hotels. Could be from schools. Could be from supermarkets. And it could be through a diversion of source separated. If you're familiar with Eden Hill Landfill, it's right at the top. We're right next to Waste Management's transfer station. Cathedral City has total flow control, I think they say, of their particular product. And that's basically what it does.

I mean, if I can answer any questions, I'd be happy.

CHAIRPERSON MARIN: I'm just asking. When you talk about an in-vessel, is it like the building, or you actually have a --

MR. WARSHAW: Yes. I'll explain it a little bit. It looks like a bowling alley, 280 feet long. And it will be covered by a canvass, white building. It will have biofilters. It will have sprays. It can control the mist and control the temperature probes inside. What makes this unique is the turner that was invented by John Paul. It's a diesel turner instead of electric, like Santa Rosa has. And the cost of electric has been absolutely -- just couldn't be done. And the cost of it, it's an

These transcripts are not individually reviewed and approved for accuracy.

out-of-the-way site. They will have all the proper protections --

CHAIRPERSON MARIN: So it's actually a composting facility?

MR. WARSHAW: Inside.

CHAIRPERSON MARIN: Inside. Wow. That's amazing. Because one of the biggest complaints from composting facilities is the odor, and it is because it's in the open.

MR. WARSHAW: And it's next to the landfill, so the nimbeism and the whole scene is not involved. For a long time, there were other things involved, cleaning the site, preparing the site, and getting it ready. And that's --

CHAIRPERSON MARIN: Well, we want you to be very successful. We really want you to be successful. Let me tell you why. I mean, some of our friends from the environment are here. The biggest issue that they push is composting. You know, we want what is biodegradable to degrade. And the best way is composting. But, unfortunately, when we place these facilities out in the communities, nobody wants them because of the smell and other -- the flies.

MR. WARSHAW: Well, it is a problem. You know, you worry about the animals. You worry about all those

These transcripts are not individually reviewed and approved for accuracy.

things.

The other thing is the collection system I think -- I've seen what Norcal has done, and I think source separation -- and hopefully in the valley will work like they did, because they made it happen through the way they saw us. Also, fees have gone up. And landfill costs have gone up that makes it profitable. When they were very low, you just can't afford the facility. And, unfortunately, that is the main incentive. So thank you very much.

CHAIRPERSON MARIN: Well, Mr. Warshaw, we wish you the very, very best. We want you to succeed, and then we want you to pay us back.

One last question. I'm sorry.

COMMITTEE MEMBER PEACE: So you've gotten all your permits. When do you expect to actually start operation?

MR. WARSHAW: We built the facility -- if everything works out and loan goes through, we can start building within 60 days. We can be finished within 90 to 120 days.

CHAIRPERSON MARIN: We'll all come to the opening.

MR. WARSHAW: You will be invited. I'm sure Cathedral City will be sure of that.

These transcripts are not individually reviewed and approved for accuracy.

CHAIRPERSON MARIN: We want you to succeed so bad.

MR. WARSHAW: They made some hard rules, they say if this works --

CHAIRPERSON MARIN: You know, for us, the reason -- I guess one of the reasons why we would be supportive of it is because the effect it will have on other facilities, you know.

MR. WARSHAW: Thank you.

CHAIRPERSON MARIN: We want you to succeed. Go out there.

COMMITTEE MEMBER PEACE: You feel there's a big market out there for the compost you're going to produce?

MR. WARSHAW: For quality compost, there's always. We're not bagging now, but if we had to, we'll do whatever it takes. But you can control the mix, which is really a difference than just whatever you make.

Thank you very much, and thank you for your time.

CHAIRPERSON MARIN: Is there a motion to approve the loan, $1.3 million?

COMMITTEE MEMBER PEACE: I'd like to move Resolution 2005-220.

COMMITTEE MEMBER WASHINGTON: Second.

CHAIRPERSON MARIN: Moved and seconded.

We're spending money. Just call the roll,

These transcripts are not individually reviewed and approved for accuracy.

Ms. Bakulich, please.

EXECUTIVE ASSISTANT BAKULICH: Peace?

COMMITTEE MEMBER PEACE: Aye.

EXECUTIVE ASSISTANT BAKULICH: Washington?

COMMITTEE MEMBER WASHINGTON: Aye.

EXECUTIVE ASSISTANT BAKULICH: Marin?

CHAIRPERSON MARIN: Aye. Okay.

DEPUTY DIRECTOR WOHL: Agenda Item 26 is Consideration of a Proposal Regarding the Annual Recycled Product Trade Show. And Monique Sikich will present.

COMMITTEE MEMBER WASHINGTON: I though we were going to make it out of here without any Power Point.

(Thereupon an overhead presentation was presented as follows.)

MS. SIKICH: Good afternoon, Madam Chair and Committee members. My name is Monique Sikich, and I'm the Contract Manager of the annual Recycled Product Trade Show. Our item today is presentation of a proposal regarding the annual Recycled Product Trade Show.

--o0o--

MS. SIKICH: The Board's Trade Show has been a great success. We've had a total of six shows to date, two of them in Southern California and four in Northern California. There's been thousands of RCPs and EPPs sold due to this Trade Show. Contracts have been signed on the

These transcripts are not individually reviewed and approved for accuracy.

floor as well as after the show. This Trade Show has been said to jump-start businesses. Valuable contacts have been made between exhibitors and attendees, as well as Board staff. We've had outstanding survey results from exhibitors and attendees, and we have many repeat exhibitors.

--o0o--

MS. SIKICH: So as the saying goes, the show must go on. And staff is proposing a public and private partnership --

--o0o--

MS. SIKICH: -- with the Stockton Ag Expo and Recycling Expo, also know as REXPO. These two shows are held together, and they're hosted by the greater Stockton Chamber of Commerce.

--o0o--

MS. SIKICH: The Stockton Ag Expo is going on its 30th year. They have 5,000-plus attendees. We feel this is a great tie-in with our farm and ranch programs, tire and oil, compost and mulch. And they are looking at having e-waste and HHW collection at the front gates of the show.

--o0o--

MS. SIKICH: REXPO is a new idea for the Stockton Ag Expo. They're going on their second year. It was very

These transcripts are not individually reviewed and approved for accuracy.

well received. Everybody was very excited about it. They are excited for the growth and a partnership with the annual Trade Show. They believe in our mission, and they want to continue the efforts of the Recycled Product Trade Show.

--o0o--

MS. SIKICH: The Stockton Ag Expo and REXPO are held at the San Joaquin Fairgrounds. We have visited the fairgrounds, and they are talking the talk and walking the walk. To highlight some of their environmental efforts, they already have 90 percent diversion on the fairgrounds, and they welcome the chance to raise that percentage. They have cardboard collection, recycle bins. They use recycled paint and plastic lumber.

--o0o--

MS. SIKICH: The current year funding already allocated to the Trade Show this year is $175,000. These funds could be redirected. This would also allow staff to focus on other priority areas.

--o0o--

MS. SIKICH: We have remaining prior year funds in an existing contract with California State University of Sacramento. It's approximately $100,000. We propose the use of these funds --

--o0o--

These transcripts are not individually reviewed and approved for accuracy.

MS. SIKICH: -- to go towards a $20,000 partnership with REXPO for their upcoming show that we would be a partner with this January.

We would be greening hotels in the Stockton area. Our goal would be to have three hotels greened by the show and to be able to promote those hotels for the show.

We would need to refund any registration fees that we have already collected for our Recycled Product Trade Show that was scheduled for April of 2006. We would be helping to make the Stockton Ag Expo and REXPO a zero waste event.

These funds would also go towards various tasks to do this transition and merger with the Sac State contract. And the notifications would need to be sent out to past exhibitors and attendees notifying them of this merger.

--o0o--

MS. SIKICH: Some of the benefits that the Board would receive by partnering with REXPO is building public and private sector relations. The Board would have their logo on all promotional items and materials. The Board would -- all Board programs who wanted to exhibit would get booth spaces at the REXPO. We would get 50 free Board passes to Board staff to the REXPO. We would be involved in the greening of the fairgrounds and making the event a

These transcripts are not individually reviewed and approved for accuracy.

zero waste event and greening of area hotels and promotion of Board programs.

--o0o--

MS. SIKICH: This concludes my presentation. The staff recommends the merger of the annual Recycled Product Trade Show with the recycling expo portion of the Stockton Ag Expo and for the Board to approve Option 1 and adopt Resolution Number 2005-235.

Our contacts with the Greater Stockton Chamber of Commerce are here today if you have any specific questions pertaining to the Stockton Ag Expo and REXPO events.

CHAIRPERSON MARIN: That's awesome. This is awesome. This is absolutely incredible. Who came up with this great idea? I want to know. This is amazing.

Patty, did you come up with this great idea?

DEPUTY DIRECTOR WOHL: Frank and I were at a zone works recently, and we started talking about it. Because we've been trying to get in contact with the Farm Bureau and do some of that with the Farm and Ranch, a whole host of things. So I thought it might be a good marriage. Plus, the 5,000 attendees was intriguing, to get to a new group of people so --

CHAIRPERSON MARIN: That's awesome. Somebody's here. Please come in and address the Board.

MS. SIKICH: This is Frank Farrell.

These transcripts are not individually reviewed and approved for accuracy.

CHAIRPERSON MARIN: Hi, there.

MR. FARRELL: Good afternoon, Madam Chair, Committee members. Frank Farrell, Program Public Policy Director for the Stockton Chamber of Commerce. I'm here to answer any questions you may have.

CHAIRPERSON MARIN: You have a great program. Clearly, the experience in putting this fair or Expo together is just amazing. Can you see the fit?

MR. FARRELL: Absolutely. I see the nexus between, you know, the private and public sector coming together for a common cause.

Just to give you a brief history about myself, in grad school when I was going to California State University Stanislaus, I took on an internship to run the Stanislaus County and Merced County Recycling Market Development Zone Program. Ever since, I've been walking through the landfills, checking on businesses, and doing a quick waste audit when I'm walking through a business and helping them, assisting them in diverting their waste stream to another company.

So what we do at Chambers of Commerce, we do network. So I network a lot of businesses together. And this is a fabulous opportunity. It's a wonderful partnership, you know. And we will continue to do the REXPO and get the word out there, at the same time, you

These transcripts are not individually reviewed and approved for accuracy.

know, exploiting all the different programs that you offer here.

CHAIRPERSON MARIN: It makes you wonder why we didn't do it sooner, if you've been around for 30 years. But it's a great step. I just think it's a great marriage. And I'm really fascinated by what I can envision, you know, going further with this program. So very nice.

Ms. Peace.

MR. FARRELL: Thank you.

COMMITTEE MEMBER PEACE: I know it sounds exciting to me. A partnership sounds like it makes a lot of sense, but I still have a couple questions. The REXPO, what kind of recycled products have they been exhibiting?

MR. FARRELL: Well, this is our second annual. Last year, we had the idea late in the game, so we put together the program as an exhibit at the Ag Expo. We had a lot of the C&D products. We've had tire products with Golden Byproducts out of Ballico, one of the companies I worked with back in '95 to get those guys going. So it was an excellent fit there.

We also highlighted the collectors, like the waste haulers, and also the retailers that sell the recycled content products. Because without selling them, there's no market. So we try to hit all aspects of the

These transcripts are not individually reviewed and approved for accuracy.

market, not just the collection, manufacturing, and also the retail sector, bringing them all together for a common cause.

COMMITTEE MEMBER PEACE: Have some of your exhibitors been to REXPO, are they some of the same ones that go --

DEPUTY DIRECTOR WOHL: Some. But I think our plan would be to try to grow there, to really get a lot of our exhibitors to go to them, which would be a combination then of -- we've never really talked about the retailers. That's kind of interesting, too. And to get maybe some of that cross talk between the manufacturers and the retailers. So we would share our exhibitor list and try to promote that, as well as our attendees list.

In fact, we thought Stockton is not that far for the local purchasing people to go. And maybe we could even use some of these funds to do a shuttle back and forth if it's an issue of transportation, to try to keep the quality of the buyers. Plus, now you expand to farmers and the public at large.

COMMITTEE MEMBER PEACE: Have you done any poll? The exhibitors that usually exhibit at our Trade Shows, have you gotten any response or any feeling that they would want to --

DEPUTY DIRECTOR WOHL: We really were reserving

These transcripts are not individually reviewed and approved for accuracy.

until we came here to the Board. We did exhibit at REXPO last year the Recycle Store and I believe another booth. And I've heard only positive things from that view, just the traffic and the people interested in our Recycle Store. So I have a feeling it would be very positive that way.

And then we did talk to them that we would like some statistics on the back-end, doing some surveying of the exhibitors and attendees if they can to give us some data to decide if this is something we want to do long term or not.

COMMITTEE MEMBER PEACE: This is just a one-year proposition?

DEPUTY DIRECTOR WOHL: This is just a one-year proposition. It's just for this money. We would bring a separate allocation next year if we were going to continue this, or there's been some talk about a north/south. This might be a north solution, but we'd want some south presence. So it might be a combo of another show or something that we hear of.

COMMITTEE MEMBER PEACE: You're saying it's going to cost $100,000 to do this transition?

DEPUTY DIRECTOR WOHL: Part of it's that. I'm not expecting to use it all. I just didn't know how much we might need. Part of it is to -- we do have to refund

These transcripts are not individually reviewed and approved for accuracy.

some money if they can't free up that date and move from one to the other. So we want to have some flexibility there.

Ongoing, it would just be the 20,000 sponsorship fee. That's all we would be doing. Because by then, they'd know. We wouldn't have to do a transition. We'd have hotels green and all that.

COMMITTEE MEMBER PEACE: If we stay with the partnership, it would be 20,000 a year?

DEPUTY DIRECTOR WOHL: Yeah.

COMMITTEE MEMBER PEACE: If we did the evaluation and it didn't work out, how much would it cost to transition back?

DEPUTY DIRECTOR WOHL: We would be back to the full funding of a Trade Show, which has been $175,000 typically per year. And, you know, there might be a little gap, because it takes some time to build that up and, you know, pick a date and all of that that would go on.

COMMITTEE MEMBER PEACE: I don't have any more questions. Sounds exciting.

CHAIRPERSON MARIN: Thank you, Mr. Farrell. Thank you for all your work.

MR. FARRELL: Just two things very quickly. Steve Boyd needs to come. He's a firecracker, and we need

These transcripts are not individually reviewed and approved for accuracy.

him there.

Second thing is, you know, our pricing for the booths are very competitive. So we fully expect to succeed this year. We're going into this as we're going to succeed, not as, you know, Plan B.

COMMITTEE MEMBER WASHINGTON: Patty, in terms of our Trade Show, how many attendees did we have at our last Trade Show?

DEPUTY DIRECTOR WOHL: Last year was one of our lowest years. It was only about 1,000. So this is the difference. But there is the issue of feeling like we did get some real big purchasers and there was some good connection. So it's not always numbers but --

CHAIRPERSON MARIN: Was it 1,000 people, would that include the exhibitors?

DEPUTY DIRECTOR WOHL: No. That's 1,000, you know, either State or local or private purchasers.

COMMITTEE MEMBER PEACE: You still feel like all those thousand purchasers will still be willing to go to Stockton?

DEPUTY DIRECTOR WOHL: Well, I guess we're going the test it and see. It's not that far for the State employee to go to Stockton for the day for an event. It usually switches. We don't get a lot of the Sacramento people going to Southern California. It sort of changes.

These transcripts are not individually reviewed and approved for accuracy.

COMMITTEE MEMBER WASHINGTON: Twenty thousand for 5,000 versus 175,000 for 1,000. I ain't no math scientist here, but I can tell you what --

CHAIRPERSON MARIN: You're not? You had me fooled.

COMMITTEE MEMBER WASHINGTON: I'm sitting here adding it up in my head. It makes all the sense in the world to try something different.

Madam Chair, I'd like to move adoption of Resolution 2005-235.

COMMITTEE MEMBER PEACE: Second.

CHAIRPERSON MARIN: Moved and seconded. Without objection -- well, we're spending money, call the roll.

EXECUTIVE ASSISTANT BAKULICH: Peace?

COMMITTEE MEMBER PEACE: Aye.

EXECUTIVE ASSISTANT BAKULICH: Washington?

COMMITTEE MEMBER WASHINGTON: Aye.

EXECUTIVE ASSISTANT BAKULICH: Marin?

CHAIRPERSON MARIN: Aye.

And like this one, the Item 25 will go into fiscal consent.

DEPUTY DIRECTOR WOHL: My last item, Agenda Item 27, Consideration of Request by Plastic Trash Bag Manufacturers for Exemption for the Inability to Obtain Sufficient Quality or Quantities of Recycled Postconsumer

These transcripts are not individually reviewed and approved for accuracy.

Material to Demonstrate Compliance for the 2004 Reporting Period for Glad Products Company, dba, Glad Manufacturing Company, Pactiv Corporation, Poly-America, LP, Trans Western Polymers, Inc., and Republic Bag.

And Sue Ingle will present.

(Thereupon an overhead presentation was presented as follows.)

MS. INGLE: Hello, Board Chair Marin and Committee members. My name is Sue Ingle, and I will be presenting Item AAA, or Board Agenda 27, the Consideration of the Exemption Requests by Plastic Trash Bag Manufacturers for the 2004 Reporting Period.

--o0o--

MS. INGLE: Last month, the Board adopted the list of compliant manufacturers and the list of noncompliant manufacturers and wholesalers and posted these lists on our website. Today, we are here to discuss the exemption request of the following five companies:

--o0o--

MS. INGLE: Glad Products, doing business as Glad Manufacturing, a subsidiary of Clorox Company; Pactiv Corporation; Poly-America; Trans Western Polymers; and Republic Bag.

--o0o--

MS. INGLE: This is a summary of the 37

These transcripts are not individually reviewed and approved for accuracy.

manufacturers and their postconsumer material use for the 2004 reporting period.

The number in pink, my favorite color, represents 3,279 tons of postconsumer material required for these five exemption request companies to reach 10 percent compliance. These 3,279 tons are minuscule compared to the 1.7 million tons of film plastic disposed in California each year. Furthermore, film plastic is recycled at a dismal rate of 5 percent or less nationally.

Staff contacted several suppliers of postconsumer resins about availability of linear low density polyethylene resins, their availability, and believed there was at least 3300 tons of postconsumer resins available last year for these exemption companies to meet 10 percent compliance.

Board staff have been working on quality issues by conducting workshops and developing quality guidelines with the help of Chico State University to help with recycling plastic material.

--o0o--

MS. INGLE: We compared the top ten plastic trash bag manufacturers by their sales. Within this group of top ten, five companies requested exemptions and five companies were compliant with the law and were able to meet a compliance rate of 13.4 percent. And these are the

These transcripts are not individually reviewed and approved for accuracy.

compliant companies, while the five companies requesting an exemption were collectively at a 3.2 percent postconsumer resin usage.

The five exemption companies sold more than 13,000 tons from the other top five companies that met the minimum content requirements of the law. I think this begs the question of why half of the largest bag manufacturers use more than 10 percent postconsumer resins when the other half claim an inability to use postconsumer material at 10 percent.

--o0o--

MS. INGLE: The exemption criteria is very specific and requires extensive documentation. This information is provided in regulations, and these steps were outlined in the certification packet sent via certified mail to each manufacturer.

By the way, this is not the first exemption request for four out of five of these companies. Some of these companies have requested exemptions since 1999.

To be recommended for an exemption for 2004, each company was evaluated on how well they met the criteria, their PCM usage, which is postconsumer material, and their previous commitments. We will go through each company starting with a history of their sales and the postconsumer use from 2001 to present.

These transcripts are not individually reviewed and approved for accuracy.

--o0o--

MS. INGLE: First, I'd like to go through Poly-America. This shows a history of their PCM use increase along with an increase in their sales from 2001 to 2004. Each year, Poly-America has steadily progressed in using and increasing their use of PCM in trash bags. Poly-America hired an employee dedicated to sourcing postconsumer material and still cites postconsumer material quality as a roadblock. Poly-America was granted an exemption each year from 1999 to 2003. Please note that Poly-America's sales were four to seven times more than the other exemption request companies, yet they used the highest rate of postconsumer material.

--o0o--

MS. INGLE: Poly-America makes the Costco bags and other private label bags.

Staff reviewed the documentation presented by Poly-America's exemption request and determined this company showed a reasonable effort in acquiring PCM in manufacturing regulated trash bags. They submitted documentation of contacting 28 suppliers and tested samples from three sources. Their PCM increased from 2003 by 186 tons, and they continued to test and rely on bailed film that is reprocessed by Poly-America for use in their products. They also used a very large sum of PCM in their

These transcripts are not individually reviewed and approved for accuracy.

other plastic products and have been participating in the 2005 plastic film recovery work groups.

--o0o--

MS. INGLE: Next, Glad Products. They used very little PCM from 2001 to present. Last year, Glad was granted an exemption based on their equipment modifications to incorporate more PCM into their multi-layer bag. But this apparently stopped in 2004. Their sales have increased compared to 2003, but their PCM use has plummeted to zero.

--o0o--

MS. INGLE: Glad presented minimal documentation and showed minimal efforts to obtain and use PCM as promised for the 2004 reporting period. Glad listed 14 suppliers they contacted, but did not provide adequate documentation of conversations with their suppliers, nor feedback from these suppliers. Glad tested four samples and did not resolve the issues with these to their suppliers to work on using more PCM.

--o0o--

MS. INGLE: Pactiv Corporation's history shows another decrease in PCM use from 2001 to present, yet their sales of regulated plastic trash bags into California have increased each year. Pactiv manufacturers the Hefty bag and the Renew bag. The Renew bag uses a

These transcripts are not individually reviewed and approved for accuracy.

considerable amount of postconsumer material.

--o0o--

MS. INGLE: Starting in 2003, Pactiv promised to use significantly more PCM, because they completed $3.5 million in capital improvements to modify their production lines. But these improvements did not appear to increase their postconsumer resin usage in their manufacturing. Pactiv contacted eleven suppliers, mostly suppliers of postconsumer material pellets. But this still did not increase their use of PCM. Pactiv has the ability to reprocess resins from bailed linear low density polyethylene stretch wrap. But they only used 130 tons of bailed material that was acquired from a distribution warehouse. Pactiv has been actively involved with the film plastic work groups and the quality assurance contract for postconsumer material with Chico State.

--o0o--

MS. INGLE: Trans Western Polymers, on the other hand, used slightly more PCM for the 2004 reporting period as compared to 2002 and had a slight decrease in sales from last year. However, Trans Western Polymers' strategy to use PCM with a consistent supplier ended when a key supplier who had been dealing with compliance issues, Mr. Greg Moriarty, he left the company, and his efforts to bring Trans Western Polymers into compliance has ceased.

These transcripts are not individually reviewed and approved for accuracy.

--o0o--

MS. INGLE: Although their PCM use was up by 20 tons, Trans Western submitted no supporting documentation, even after staff contacted them about the lack of supporting documentation required for an exemption request.

In 2003, Trans Western had worked with staff and committed to moving towards compliance for 2004 and the future. Staff believe Trans Western Polymers did not meet their 2003 commitments.

--o0o--

MS. INGLE: Republic Bag. As you can see, Republic Bag's postconsumer material use has drastically decreased from 2002 to present. Republic Bag reported to staff that the company was close to bankruptcy due to financial issues. They sent a letter stating they were near bankruptcy and the high cost of labor, energy, and postconsumer material was making it difficult for them to stay in business along with companies importing bags from outside the U.S.

--o0o--

MS. INGLE: This is the first exemption request for Republic Bag. They used 639 tons less postconsumer this year than last year. Republic Bag did not submit any documentation to address the criteria for an exemption as

These transcripts are not individually reviewed and approved for accuracy.

stated in their certification packet they received.

--o0o--

MS. INGLE: Based on the information provided, staff recommends the Committee adopt Option 1, therefore granting an exemption to Poly-America and post them on the compliant list.

--o0o--

MS. INGLE: On the other hand, staff recommends the Committee adopt Option 2 and disapprove exemptions for Glad Products doing business as Glad Manufacturing, Pactiv Corporation, Trans Western Polymers, and Republic Bag, and direct staff to place these companies on the list of noncompliant manufacturers and wholesalers for 2004 and publish this list on the CIWMB website.

--o0o--

MS. INGLE: This concludes my presentation, and I'll entertain any questions. Thank you.

CHAIRPERSON MARIN: Thank you, Sue. I don't know if there are any questions for staff right now.

I know we have a few representativess from those companies that would like to make presentations. So unless you have questions for staff, Ms. Peace, Mr. Washington. No.

Before I call on the representatives from the companies, I'm going to ask Mr. Scott Smithline. He is

These transcripts are not individually reviewed and approved for accuracy.

requesting to speak regarding this issue.

MR. SMITHLINE: Good afternoon, Madam Chair, Committee members, Scott Smithline, Californians Against Waste.

Just a brief message today. We just really wanted to acknowledge the efforts of Poly-America today. While they didn't meet their 10 percent goal, they've really shown a significant commitment to sourcing postconsumer resin, which is one of the main challenges these manufacturers have faced, and they have a business model that allows them to do that. And the fact they have a business model that allows them to do that is, we think, a real form of producer responsibility.

And so I just wanted to point out that, you know, the plastic trash bag is the last stop before the landfill for plastic materials. And to the extent we're putting any virgin material into that, to the extent we can avoid putting any ton of virgin material into trash bags is a good thing.

That said, the plastic trash bag law has not been exceptionally cost effective in terms of resources, be it on the part of this Board or the stakeholders or manufacturers in complying with this law, and we have been working and continue to work with the plastic trash bag industry representatives so we can achieve the goal of

These transcripts are not individually reviewed and approved for accuracy.

this law, but maybe find a more effective way in doing it. So thank you for the time.

CHAIRPERSON MARIN: Thank you. We do have five different Resolutions. So I'm going to take each one individually.

We're looking at the very first one is 228, Glad. So we do have a representative here from Glad, Laurie Nelson. Ms. Nelson, why shouldn't we adopt Resolution 228?

MS. NELSON: Madam Chair, members, thank you for asking that question. I'm Laurie Nelson on behalf of the Glad Company. And we would respectfully but very strongly disagree with your staff's recommendation to deny our exemption. And I'd like to, with the Committee's indulgence just briefly go through a quick history, the suppliers' list, the changes we've made in our manufacturing line, our capital and personnel investments. And I'd like to close why we believe Glad is still a major success story, even at zero percent PCR.

First on the historical perspective, because as they said, since 1999 we've been coming before you for an exemption. We started evaluating PCR suppliers back in 1990. We started running low percentage PCRs in our bags. We got suppliers qualified. We ramped up production. By mid '94, we had six different suppliers and we had a rate

These transcripts are not individually reviewed and approved for accuracy.

of over 15 million pounds of PRC, which 1.5 million was going into California. Many suppliers started having financial difficulties, 94/95. We were left with one supplier late into the '90s, and that was Resource Plastics in Ontario, Canada. In 1999, they went bankrupt. And that was the first time we had to take a supply exemption based on quality and quantity.

So what happened since then? Well, for the suppliers list, from 2000 to 2004, this company has investigated every source we had available to us. The suppliers list, our own source list, the annual top recyclers brokers list, Internet searches, et cetera, et cetera. We've used tremendous resources. We've contacted over 170 suppliers, 100 in 2003 alone. And they were contacted. But these were people who were not in the business or not making the material we're looking for, not making postconsumer recycled material, but using industrial scrap, which does not qualify or make linear low density polyethylene, which is what we need.

So while it's all well and good to say the names are correct, the numbers, the addresses are correct, the problem -- the critical problem is they don't supply linear low density PCR. And they may or may not be willing to test and certify the material. If they don't do that, we can't certify it to you.

These transcripts are not individually reviewed and approved for accuracy.

Of those we contacted, 119 are not linear low density. Twenty-one were potential suppliers. We followed those up with more information. We got eight samples. Seven failed to be usable. One company in Arkansas did show promise. There was another company in California where the sample looked promising. We sent people out to visit the plant. We were denied entry to the plant. We determined that not only did the material not meet our specs, but the owners would not certify or even test the material. So we're back to our one supplier in Arkansas.

Now, this supplier, they did not meet our specs. The melt index was too low, but we ran it anyway on our machines to get a feel for what the material would do. We ran it at 60 percent, 10 percent, 5 percent, and 3 percent. The bags came out with gel globs and holes and tears. Could not meet our bag specs.

So what did we do? What we did is reconfigured our entire manufacturing line. It began in 2004. We just finished up in the first quarter 2005. It enables us to layer our bags and use a lower quality PCR. We spent $260,000 reconfiguring our machines to do that.

The other complication in 2004 we faced is that in mid-2004 our only supplier shut down their production line to retool to improve quality and capacity. They shut

These transcripts are not individually reviewed and approved for accuracy.

down for three months, which was a lot longer than they thought they were going to do and also meant we had to redo all the testing on the new material off the new line.

While that was happening, we also decided to run the next best material, which also didn't meet our specs, had high density polyethylene, which is hard for us to use. Same levels, 60, 10, 5, and 3. Again, we met with failure, so we discarded thousands of pounds of unusable plastic waste.

Our contacts with suppliers, the follow-up running of sample lines has cost this company approximately one-half million dollars every single year, with the exception of 2004, when we spent several hundred thousands more reconfiguring our manufacturing line. We are currently trying to rerun material on these new lines.

I also want to make it clear to the Committee it's not a price issue, because PCR is cheaper than virgin. So every incentive is there to use the material if it's at all possible to make a quality product. But it's not.

Now there was mention of Poly-America. Our friends at Poly-America are a special case, because they have a scrap collection business. They can make their own PCR. They can certify what they have. They can collect it. In some cases we have suppliers, like I said, who

These transcripts are not individually reviewed and approved for accuracy.

would not even certify for us. And that leaves us in a very hard place.

But I wanted to give the Board an example of how we do try to do everything we can. And that has to do with our source reduction. Now, source reduction is not part of the Trash Bag Law specifically. But the overall Board mantra is reduce, reuse, recycle. So I want to touch on this, because I think this is a real success story.

These are numbers. For 10 percent recycled content for this company, we'd have to use 1.5 million pounds of PCR. Okay. We can't meet that. But that would be the requirement. The amount in 2004 that we source reduced was 240,000 pounds, 120 tons, with the introduction in the fourth quarter of our Force Flex bags. In 2005, this will increase source reduction to 1 million pounds, or 500 tons, and the annual savings will be this great or greater gone from California landfills. So, in essence, we have source reduced far greater an amount we can ever hope to include in our bags.

So this exemption is important to the company. And we believe it's somewhat arbitrary for the staff to recommend that we not be given the exemption. Last year, our exemption was granted for .09 percent, which is 6 tons. Since that time, we've worked extensively with

These transcripts are not individually reviewed and approved for accuracy.

suppliers. We've reconfigured our entire manufacturing line to enable us to use lower quality PCR. We source reduced our product with an annual ongoing savings of plastic that's not introduced into California landfills almost equal to what we would have purchased in Arkansas to ship here at the 10 percent recycled content level. Again, 2003, 6 tons; 2004, 121 source reduction; and this coming year, 500 tons or more. We've also devoted considerable capital and personnel time. So we feel we have complied with both the spirit and letter of the law and respectfully request you do grant our exemption as provided for in statute. Thank you.

CHAIRPERSON MARIN: Thank you, Ms. Nelson.

Why is it that we do not consider reduction?

BRANCH MANAGER ORR: This is Bill Orr with the Recycling Technologies Branch.

There's two reasons that we don't consider it. First of all, source reduction is actually built into the law in a certain respect. This law applies to regulated trash bags, which are ones that are at least seven mills thick. Most of the source reduced bags are called down gauged bags, and they're actually not included in the law. So if you make a thin bag or you source reduce it so it gets below that .7 mills, it's actually not regulated by the law, and you get credit for source reduction. The

These transcripts are not individually reviewed and approved for accuracy.

other reason is no other form of source reduction is provided for under the law.

CHAIRPERSON MARIN: But if our intent is to reduce what goes to the landfill, all of the laws at the end of the day, whether we do it on the front end or the back end, ultimately, our goal is to fulfill, whether it is on the front end or the back end. Why wouldn't the law provide for that? I can understand if our hands are tied, because it's not specified in the law. But we are achieving the fundamental purpose of what the law is intended to do.

BRANCH MANAGER ORR: I can't really speak to that.

CHAIRPERSON MARIN: And, Mr. Legislator, you did that. It's all your fault. You understand what I'm saying?

SUPERVISOR LEAON: This is Mike Leaon. I supervise the Plastics Technology Recycling Section.

Part of the intent of this law is to support markets for recovered materials. And, certainly, their activity to reduce the amount of material they're using in their bags is consistent with the Board's goals. However, the requirement of this law is to use recycled content material in your trash bags and to support the collection infrastructure that's been implemented in the state. And

These transcripts are not individually reviewed and approved for accuracy.

there's been a lot of money expended by local jurisdictions in setting up that collection infrastructure. And product manufacturers need to meet the intent of the law and to help spur markets for material that's being collected.

CHAIRPERSON MARIN: I totally agree with you. I mean, I agree in the sense that we want to create the markets. We are creating the infrastructure.

Can all what is being collected is being used right now? Because the question would be -- the next question is, well, we can't find it, because it's being used right now.

SUPERVISOR LEAON: This is Mike Leaon again, for the record.

That's really the crux of the matter here. We're only talking about 3,000 tons of material. And the question really becomes, you know, given the level of effort that has been -- these companies are holding out they've been making, with all the film that's generated in California, you can't find for all five of them 3,000 tons of material. When we did our suppliers survey, we asked specifically, can you meet that supply? Can you supply that amount of material? And the response was yes, they can get that material. Now, quality doesn't --

CHAIRPERSON MARIN: Can you give her the names?

These transcripts are not individually reviewed and approved for accuracy.

SUPERVISOR LEAON: Quality does remain an issue.

We contacted companies off the supplier list and we contacted some of the companies that the manufacturers have been in contact with and a couple of others that weren't on that list. So it puts us, the staff, in a difficult position when you hear from suppliers they can supply that material and, in fact, express frustration on their part from working with the manufacturers --

CHAIRPERSON MARIN: Because it doesn't meet their specs?

SUPERVISOR LEAON: Well, and working with them on the quality issues. And the impression that we've been left with from suppliers is that manufacturers are testing material to meet the letter of the law, but that the intent to comply with the law is not there.

COMMITTEE MEMBER WASHINGTON: I mean, it's easy to say that as a regulator, they tell me yes. But as a company trying to get that product, I mean, what's the chances -- have we ever went with Glad and say, "Hey, look, they're having a problem. You guys say you can do it. Will you do it for them?" Has that ever been attempted?

SUPERVISOR LEAON: We had a workshop specifically on that issue, bringing manufacturers and suppliers together. And I think that workshop did serve its

These transcripts are not individually reviewed and approved for accuracy.

purpose. I think the communications have improved. But it hasn't yet resulted in the use of more postconsumer material.

COMMITTEE MEMBER WASHINGTON: Because, I mean, it's very difficult for me. And I asked staff to put this back on the board, because when you talk about reasonable efforts and they're saying for suppliers, we contacted 14 suppliers, and we did four testings, and we contacted four suppliers for feedback -- I mean, to say zero, zero, zero as some of the other one does, to me, that says that wasn't a good effort made. So I don't know -- in terms of suppliers, how many suppliers are we talking about out there? Does anybody know a number out there? I mean, does 14 mean anything?

DEPUTY DIRECTOR WOHL: Do we know how many are on our list?

MS. INGLE: I would guess that nationally there's probably up to 100.

COMMITTEE MEMBER WASHINGTON: And so nationally 100. And how many do we have on our list? Do we have that 100?

MS. INGLE: Forty-two.

COMMITTEE MEMBER WASHINGTON: Because when I first came to this Board, I remember the issue came up. And at that time, there was only like 20 something or some

These transcripts are not individually reviewed and approved for accuracy.

number that was pretty low and it was close to this 14. So for me sitting here as a Board member saying they did make a good effort, because they contacted 14 other suppliers, I mean, it's very difficult to try to figure out what's the basis of, other than their numbers, how we not allow them an exemption.

DEPUTY DIRECTOR WOHL: I think part of the problem is that 14 contacted, and that's all we have as a list of who they contacted. And the law is specific -- we can put that slide back up, which is the one that says what the regulations say. We want to know who you talked to, what the conversation consisted of --

COMMITTEE MEMBER WASHINGTON: So Glad hasn't provided that information on these 14?

CHAIRPERSON MARIN: Can you provide that, Laurie?

MS. NELSON: We'll get you whatever we have.

CHAIRPERSON MARIN: Ms. Nelson, we are in a dilemma. Glad is a very important company for the state of California, I mean Glad, as one small company of a much larger company. And the dilemma, at least for myself, is I can appreciate the efforts and I can appreciate the expenditure of half a million dollars revamping the system. $500,000 is not little money, even for a large corporation.

MS. NELSON: And that's annually our ongoing

These transcripts are not individually reviewed and approved for accuracy.

costs.

CHAIRPERSON MARIN: So I can appreciate that. It's an important company for the state of California. We certainly would like to work with you. It seems to me that, for whatever purpose, the efforts have not been documented as well as maybe they should have. And so all we're asking is for a good faith effort. And maybe the documentation of that effort has not met the requirement of the law.

I'm very hesitant in approving this as it stands, you know, denying Glad that. How soon can some of this information be provided to ensure that you've actually, in fact, have made a very good faith effort that you, in fact, contacted 14 companies and when you contacted them, whatever the law says.

What is the law?

The discussions, they have been the PCM specifications. You tested four. You can provide your testing mechanisms.

MS. NELSON: I will get you everything we have -- I guess this comes before the full Board next week.

CHAIRPERSON MARIN: We can delay it. Is there any reason this can't go up until September?

SUPERVISOR LEAON: No. We can hear this item again in September.

These transcripts are not individually reviewed and approved for accuracy.

CHAIRPERSON MARIN: Okay. Why don't we do that. Why don't we provide you the time to get all of the documentation in order. I can appreciate you're a big corporation. It should be easier in some instances. I understand it might be more difficult in others. Provide what the exemption criteria gives you, and we will -- you want to say something?

COMMITTEE MEMBER PEACE: Can we backtrack on this? They've been given as much time as everyone else. They're a big company. I don't know why we need to give them any more time. They've been given time. Staff has contacted them over and over.

But I do have a question for staff. Are there any large manufacturing companies of trash bags that are not claiming an exemption, that actually complied with the 10 percent postconsumer resin requirement?

SUPERVISOR LEAON: Yes. Thank you for that question. Yes. We have, I believe, 32 manufacturers that are in compliance and --

COMMITTEE MEMBER PEACE: They were all able to find --

SUPERVISOR LEAON: Right. And one of the slides in the presentation presented information that of the top ten, five of them are compliant.

COMMITTEE MEMBER PEACE: Laurie was saying they

These transcripts are not individually reviewed and approved for accuracy.

couldn't find any of the linear low density. Are any of the ones that did comply with the law, do they need the linear low density, and they weren't able to find it?

MS. INGLE: Almost all the trash bag manufacturers need linear low density material. They do experiment. Some make bags with high density, low density. But the majority of it is the trash bag manufacturers want the linear low density material, which is mainly stretch wrap, dry cleaning bags. But it's very clean, clear material without labels.

COMMITTEE MEMBER PEACE: I want to say this law has been around a long time. They're a big company. They've known what they had to provide us. So I don't know what giving them extra time is going to change anything.

MS. NELSON: And that's probably why I tried to do the historical perspective. In 1999, we did have six PCR -- in the early '90s, we had 15 million pounds of PCR we were using, which 10 percent went into California because we were putting it in nationwide in our bags. Since that time, the sources have dried up. I don't know how these other companies are able to supply. And, in fact, the 14 contacts, there were an additional ten, but I know they were just phone calls, so I'm hardly going to bring them up. But contacts are going on all the time.

These transcripts are not individually reviewed and approved for accuracy.

We revamped our manufacturing line. We put extraordinary resources into this. Perhaps those other companies know something we don't or perhaps they have the only supplies out there. But this company has assured me they can't find the PCR that works.

CHAIRPERSON MARIN: Well, Ms. Nelson, maybe we need to have a meeting directly with the people from Glad. You've done an outstanding job in representing your client, but maybe we need to talk to somebody directly from Glad.

We have certain laws, as you know, that we have to abide by. And so, unfortunately, the law does not provide us with a lot of leeway. I mean, I'd like to further figure out how can we acknowledge the resource reduction at the front end. I mean, there's got to be -- at the end of the day, that's what we really want, is we don't want to end up in the landfill. And if you're doing that at the beginning, there has to be a way. And, unfortunately, the law doesn't allow us for that. We should have some kind -- we should be able to figure out something.

But maybe what we need to do, we'll have this item, bring it back for September. But in the mean time, maybe we need to have a meeting with some representatives from Glad.

These transcripts are not individually reviewed and approved for accuracy.

Patty, will you set that up?

DEPUTY DIRECTOR WOHL: Sure.

COMMITTEE MEMBER WASHINGTON: Sue, I want to also ask you, is this a competitive situation? See, that might be a problem, too. Because the ones that they can get is not going to share with them. And I mean, as big as they are, some people don't know everything. And I think we're in a situation to where this is very competitive, and people aren't willing to provide the information so other people can benefit from it.

MS. INGLE: The market right now is extremely competitive for linear low density bailed material. It's the number one, I'd say, prime film material that's sought on the market. Plastic lumber manufacturers seek it. The trash bag manufacturers, plastic manufacturers, other plastic products, and overseas markets right now are just salivating for it. It's something that is pricier than the other material. And in order to collect it, it has to be coddled in order to get the prime material without the contaminants.

COMMITTEE MEMBER WASHINGTON: And I think, Madam Chair, that's really my concern here, is to make sure we make every effort to help these folks. Because, I mean, given, you know, these folks do a lot of trash bags in the state of California, we want to do whatever we can to help

These transcripts are not individually reviewed and approved for accuracy.

them.

CHAIRPERSON MARIN: I'm sure we purchase a lot of them. We, meaning the State.

Okay. Ms. Nelson, we will bring this back in September. We'll set that meeting up with the representatives from Glad. And we'll move to the next item. Thank you very much.

The next one will be Resolution 2000-229. And that would be Pactiv Corporation. Kenneth Hinett, tell us why we shouldn't adopt this.

MR. HINETT: Good afternoon, Madam Chair.

CHAIRPERSON MARIN: Is it a replay of Ms. Nelson's presentation?

(Thereupon an overhead presentation was presented as follows.)

MR. HINETT: There will be some repetitive issues. And just for your enjoyment, I do have a Power Point presentation, which someone obviously has had many of them in the past. What we'd like to you to you about -- and we will try to fill in some of the answers to the questions you've raised, because they are all valid and appropriate to this discussion.

CHAIRPERSON MARIN: He doesn't like Power presentations, just so that you know. He says they take too much time.

These transcripts are not individually reviewed and approved for accuracy.

--o0o--

MR. HINETT: What I'd like to do is, first of all, Pactiv is not exactly a word that rolls off your tongue. So I'd like to share a couple of seconds on that. Talk about sustainability, which is appropriate for this Committee. Then talk to the solid waste reduction efforts, and the trash bag exemption.

--o0o--

MR. HINETT: Pactiv is a major player in the packaging business, and we have eight plants here in California. Hefty is a product name we use, and we make a product called Renew, which is 70 percent recycled trash bag. We make diamond brand molded fiber plates, many other food service and protective packaging products that are distributed institutionally or commercially.

--o0o--

MR. HINETT: So sustainability, and I'm sure you all understand this definition. But in our sense, we look at this as a very real part of what we do every day. And we focus on it trying to solve today's problems. And many of today's problems are economic. The good news is economic challenges bring benefits to the areas of sustainability and recycling and solid waste reduction, because, frankly, they often go hand in hand.

--o0o--

These transcripts are not individually reviewed and approved for accuracy.

MR. HINETT: So we're going to talk about the two key areas that we look at, and what we'll talk about is we use 99.9 percent of all the plastic we purchase back in our process. So we, as a manufacturer, do not send literally anything to the landfill in that sense. For our molded fiber products, we purchase 91,000 tons of postconsumer recycled paper, 10,600 tons here in California.

Continuing the sustainability issue, because plastics people are often associated with energy, we reduced our energy by 4.3 percent and 16 percent in gas.

And then we go down to purchasing the postconsumer recycled material for our bags as it becomes available.

--o0o--

MR. HINETT: So let's talk about the trash bags and try to answer a few of the questions that you have raised already.

Linear low density polyethylene trash bags are very specific to the consumer market. A lot of people sell trash bags into the institutional market which, again, is regulated by this law, but it does not drive what the consumer wants. The consumer does not want the thin flimsy bag, because they believe the bottom will fall out. And, therefore, the consumer market is almost

These transcripts are not individually reviewed and approved for accuracy.

exclusively more than seven-tenths thick.

--o0o--

MR. HINETT: The consumer market -- if we just go back, please.

--o0o--

MR. HINETT: If the consumer market were to use high density, then there would be a lot more opportunities for us to procure the film and the recycle that we need to make our products. But we are exclusively limited to low density.

Now let me talk a little bit about that. The plastic wood folks in the last ten years have gone from zero to 200,000 tons of recycled plastics. And, oh, by the way, linear low density is their prime product, because it makes their process run very easy. It's a very strong proponent in their product, and it helps them a lot. So they've made the market for their product very difficult.

We've been in the business of recycling a long time. We have a complete rewash facility, as your staff's pointed out. And, yet, we can no longer procure stretch filum in the amount that we require.

Because we produce most of our products in Illinois, we have obviously transportation barriers because, again, being a publicly traded company, we're

These transcripts are not individually reviewed and approved for accuracy.

obligated to provide profits and returns to our shareholders. So, therefore, we do have to maintain a competitive profile. And the economic situation in the market doesn't always allow that.

We sell all our bags with the same amount of PCM content where they will be allowed to have it in. Some bags can't take any PCM because the process is so sensitive. But the ones that we do, we make them the same for everybody. So we don't differentiate for California over the rest of the country.

Sixty percent of our bags are white. Half of the recycle that is available is black, maybe more. So it provides tremendous limits to what we can put into that product.

We'll talk about Renew. We introduced this recycled product in 2003. We thought it was part of our obligation to put in a recycled product into the marketplace. It has 70 percent recycled, of which 45 percent of PCP. The sales are miserably declining. Consumers will not buy a product that says it has recycled content on a regular ongoing basis, unless it is significantly cheaper. So we're learning our lesson on that. Very difficult lesson to learn, but that is what the marketplace demands. In fact, it's so small that that product line is at risk of being taken off the market for

These transcripts are not individually reviewed and approved for accuracy.

that reason.

Next slide, please.

--o0o--

MR. HINETT: So what did we do? We were obligated to do a good faith effort. And over the last four years, we've done a lot. We identified that we needed to upgrade our process because, again, recycables are becoming more and more difficult to run, and running recycle in a blown filum application is much different than injection molding or plastic wood operation. Because if you had a very thin product at a high speed, and when you blow it up, the slightest imperfection, you lose the bubble, your line is down 20, 30, 40 percent of the time and you're generating more recycle. We did all that.

We collected PCR samples from our suppliers in 2003. We've worked very extensively with the Board and put in significant hours trying to establish specifications and a supplier chain we could all work with to the mutual benefit of all. We supported the work with Joe Green from Chico and the PCM suppliers. He came to our facility. We established the guides. We finished our upgrades in 2004. We've continued to work with the Board, continued to seek vendors. And all the same, we've worked with the Board again in their subgroups, which is still ongoing. And this year, we're still continuing to do

These transcripts are not individually reviewed and approved for accuracy.

those activities. So we believe this is really a good faith effort. We've put a lot of money and time and resources into making sure that we stayed aware of what was going on and we contributed our technical expertise as we could.

--o0o--

MR. HINETT: So the trash bag exemption. In 2004, we made 19 calls and one visit. It resulted in 130 tons of product. Why is that? You identified it. It's a very competitive marketplace. The people who can make it a little dirtier, the recyclers can make the same amount of money on that than trying to reprocess it to this high level of specification we would need for a blown filum line.

So it's a better market. It's a faster market. They get their cash in their hand very quickly in that process. Whereas, with us, they ship it to us. We test it. We try it. If it doesn't work, we ask them to take it back or we try to dispose of it into another area. It is challenging.

So this year we've recognized that 19 calls was maybe less than we would like. But those were 19 different phone calls spread over 12 months. So we've been making more calls this year. Well, the sorry news is the supply is going down. And as the staff has pointed

These transcripts are not individually reviewed and approved for accuracy.

out, from 2003 to 2004, the supply continues to dwindle.

The plastic wood market is growing at 30 percent a year. It's a huge vacuum. The foreign markets in Indian and China, until they get resin plants up, they need every scrap of plastic they can get their hands on, and they're able to sort it at very low rates of costs and use it in products they ship back to us. It's a very challenging environment we live in today.

The recyclers today, though, have the best opportunity ever. With resin prices as high as they are, anybody who can use recycle to supplement and offset some virgin resin is really going to do very well. And if you have a process that's forgiving, it's the best time to be in the recycle business. But they're not surviving.

--o0o--

MR. HINETT: Just a few examples of what we see in products, just so you understand. Here was one. It was a very grainy product, had a lot of impurities. And we determined it not to be usable. But you can see it was black and green and gray, and there was a lot of variations. That's what people are offering as PCR back to us.

Next slide.

--o0o--

MR. HINETT: Now here's one that was usable.

These transcripts are not individually reviewed and approved for accuracy.

Again, you can still see the color variation, and you can see it's kind of gray. So we blend it down, and we'll keep it, if we can, in the colored bags as opposed to the white.

Next slide.

--o0o--

MR. HINETT: This one, which is white and yellow and looks on the surface to be very good and tested out on our lab extruder to be fine, and I'm sure it ran fine in the plant eventually, but, again, you can see there's no easy way for a recycler or anyone else to look at resin and decide if it works or doesn't work.

Next slide.

--o0o--

MR. HINETT: So our search for suppliers, we have been actively searching inside and outside. And, frankly, the stretch filum market, the stretch filum people are obviously trying to recycle their own products and often tie up their customers with stretch filum. We have a few, and we're continuing to search for more.

We've clarified the Waste Board's speciications. We didn't get anything out of that. We didn't get any additional vendors willing. In fact, a test was set up. People were going to go and run a test at a vendor's place. They refused to test the material. We set up long

These transcripts are not individually reviewed and approved for accuracy.

term contracts with suppliers. We got no additional PCR.

We did communicate back to the vendors. We did provide the communications, the fax notes back and forth, and we provided the record of the phone conversations we had. But as you can see, PCM declined overall in usage in total. And I believe that trend will continue.

But the good news of that is that that product is going somewhere and not going into the waste stream. That is the good news. The overall reduction, plastic lumber has a much longer life cycle, obviously, than a trash bag. Those things are really drawing that product. And what's going off shore, I don't know what products it's coming back in. But, again, the good news is it is going somewhere else.

As to the 1.7 million tons of filum that's in the landfill, I've never seen it differentiated how much is LD, how much is HD, how much is polypropylene, snack food bags, and things like that, because it's all lumped into that sheet and filum category. So I would suggest to you there's very little linear low density polyethylene and much more high density, because the commercial institutional waste bag market is much larger than the consumer waste bag market.

Appreciate your time. And I'll answer any questions we possibly can.

These transcripts are not individually reviewed and approved for accuracy.

CHAIRPERSON MARIN: I'm sure we have some questions. And the dilemmas for our Board, as I explained it before, is that there is this law there that says and mandates the specific requirements. And we're not the one that created the law. It was all his fault. He used to be a legislator. So I don't know why you did that when you were there.

So the challenge for us is that the law is there. And until that law changes, and I don't know when that will be, we have to account for that. So especially with plastic lumber experiencing the growth that it has -- and I perceive that it will grow even more -- it poses a challenge of supply. It really does. It helps us in the sense that that is not ending up in the landfill. But because the law specifically affects you and people like your company, we're at a dilemma. It's difficult for us. I don't know whether -- and I don't recall whether they provided specific information as to the contacts. Did they do that?

MS. INGLE: We received a sheet with the contacts they provided. And of the eleven that were contacted, five of them were contacted in June. So that begs the other remaining six were contacted in eleven months.

SUPERVISOR LEAON: Madam Chair, just to follow up on Sue's comment.

These transcripts are not individually reviewed and approved for accuracy.

I guess the question is on the reasonable efforts. Is eleven contacts throughout the year really reasonable efforts? And staff's recommendation or determination is we don't believe that represents a reasonable effort to contact a few suppliers in one month. And their strategy focused on using the pellets. But Pactiv, I believe -- at least they did last year -- had the ability to process bailed material as well.

I'd also point out that there is a provision in the law that provides 20 percent credit for the use of California material. So by sourcing the material out of California, they would actually reduce the amount of tonnage that they would need to comply with this law.

And I'd also like to point out that, again, in our conversations with suppliers, you know, they want this business. They have informed us that they feel they can meet the quantity. And the question really comes down to the quality issue. And they would like to continue to work with the manufacturers on those issues.

But, certainly, there is a lot of material in the landfill. I believe we have on trash bags the number is about 400,000 tons of trash bags going into California landfills. So we only need 3,000 tons of linear low density.

CHAIRPERSON MARIN: That's all we need?

These transcripts are not individually reviewed and approved for accuracy.

SUPERVISOR LEAON: For five of these manufacturers to comply.

CHAIRPERSON MARIN: I want to -- before I recognize Ms. Peace and then Mr. Washington.

You do understand what we're after is something very simple. And maybe you haven't done a very good job at letting us know your good faith effort. For example, I can see where staff says, well, they made eleven contacts, but six of them were just last month or the month before. So it was the time is running out, we need to make these calls. You see what I'm saying?

MR. HINETT: Could I address that?

CHAIRPERSON MARIN: It's a matter of image here.

MR. HINETT: Could I address that issue?

CHAIRPERSON MARIN: Do you have someone dedicated to doing some of this?

MR. HINETT: Let me tell you the data specifically to 2004. We did place 19 inquiries. Twelve of those inquiries were last June when this Board raised the whole exemption and gave us direction they wanted documentation. That's when we started the whole documentation process and we upped our documentation to that effect so that we could respond appropriately this year.

CHAIRPERSON MARIN: That was last month.

These transcripts are not individually reviewed and approved for accuracy.

MR. HINETT: June of 2004.

CHAIRPERSON MARIN: When did the law go into effect? Because these requirements have been part of the law; right?

SUPERVISOR LEAON: This law has been in effect since 1992.

COMMITTEE MEMBER WASHINGTON: This was in effect before I went to the Legislature.

CHAIRPERSON MARIN: You see what I'm saying? So somebody either didn't communicate that well to you or maybe you guys didn't know. But the requirements of documentation and showing a good faith effort and so forth has been there, right?

MS. HANSON: Madam Chair, Laurie Hanson representing Pactiv. I have a little bit more history on this than Mr. Hinett on this in the last ten years.

I believe the staff can't disagree with the statement that as more companies ask for more exemptions beginning in 1999, 2000, 2001, it was not until 2004 after the trash bag workshop that we actually were requested to present the documentation that you have today that you've asked for. And I don't recall that the documentation requests exactly were spelled out in the legislation.

And beginning for Pactiv in 2004, last year in June, we began to provide to you were the documentation.

These transcripts are not individually reviewed and approved for accuracy.

We were lax last year, because it was the first year we actually had to provide it. And I believe your staff attorney can confirm we went through quite a process last year of putting all this together. We were wrong last year. We did not provide enough information last year. And subsequent to that, we collected it, put it together, and made sure for this year we had already initiated that process.

But when we talk about the law being passed in 1992, I don't believe it's a fair jump to say that the companies like Pactiv or any of the others expected to have to provide you with this documentation beginning in 1992.

CHAIRPERSON MARIN: Well, the law says good faith effort. So you're suggesting that we made up what a good faith effort would mean? Is that something --

MS. HANSON: I'm not suggesting that at all. However, there were many amendments to the law subsequent to 1992.

CHAIRPERSON MARIN: I think the point is that -- you know, I appreciate the tremendous amount of work that all of this is. And oftentimes this is a journey we have to walk together. The law says we need to do X, and maybe we define how we're going to walk down this path. I appreciate the effort.

These transcripts are not individually reviewed and approved for accuracy.

And I think that oftentimes this Board has shown an incredible generosity toward any and all if we just see that you're, in fact, doing what we perceive to be good faith effort. It is possible that at least some of our members of our staff may perceive that that is not the case right now. And so I'm not saying that you're not doing it. Because you may be thinking what you are doing is everything you can possibly do. But it is not coming across. Maybe what we need to do is do the same thing that we offered Glad Company. Maybe we need to sit down and really experience your good faith effort.

MR. HINETT: Well, I would suggest we ask the Board staff to accompany us with dealing with these vendors and have them tell us and them at the same time.

CHAIRPERSON MARIN: We might actually do that. That's something for us to sit down and analyze, because we really want compliance. I mean, after all, that's what we -- we will be able to go to the Legislature and say, "I'm sorry. We can't do this. You're asking us to do the impossible."

But unless we have that opportunity to work together directly with you, we may not be able to go back to the Legislature and say, "What you're asking us is not feasible." And I don't know that we can do that, especially when, in fact, other manufacturers are doing

These transcripts are not individually reviewed and approved for accuracy.

that. You understand my position?

MR. HINETT: I understand the direction. But I need to point out that not all manufacturers and not all processes, not all products are the same. So we all have our independent challenges. And although some of it sounds --

CHAIRPERSON MARIN: It's competitive, too.

MR. HINETT: It's very competitive. It's not the same. So each case has to be weighed on its own merits. We would suggest we have made a very good faith effort. We have been very cooperative with the staff. We've tried to do everything we can to improve the availability of this product out of the state of California.

But our success is shown in the numbers. It's not very good. And the future doesn't look to be holding anything brighter for us, unfortunately, is the point I'm trying to make. So unless we can do something differently -- I know it's only a few tons, but there's not that much linear low density being put into the marketplace that isn't sucked up by the plastic wood guys, would be my contention today.

CHAIRPERSON MARIN: Mr. Hinett, let me have Ms. Peace and then Mr. Washington, they have questions.

COMMITTEE MEMBER PEACE: Here on this agenda item it says that Pactiv's 2003 exemption request is based on

These transcripts are not individually reviewed and approved for accuracy.

proposed changes to its manufacturing process that would take effect during the 2004 certification period. And this change was supposed to have allowed Pactiv to accept a greater range of postconsumer material. But, yet, you used less. Can you tell me what happened and why you didn't --

MR. HINETT: We did improve the process, but we haven't been able to find the material. We have a process that's more tolerant of a broader range of PCR today than it was two years ago. So we could run a broader range, but we haven't found the availability that suggests we can bring it in and use it. It's just not -- doesn't appear to be there.

COMMITTEE MEMBER PEACE: On the one hand, you feel bad -- but I guess it's good news the plastic lumber people are taking so much of the good plastic that these other manufacturers can't successfully compete for it. But if that's true, then why is there still like 1.9 million tons of film plastic going into our landfills?

And, you know, I know many people, including myself, would really like to see a comprehensive and sensible approach to plastics recycling. Hopefully, a revision to the statute that might make more sense. But I don't personally want to undermine what we have here as we carry out our role here at the Board. And just because

These transcripts are not individually reviewed and approved for accuracy.

the law may change is not a reason to ignore it either.

And the fact is there are companies out there that have complied. So I'm wondering if we give exemptions to Glad and Pactiv, what does that say to the companies that have made the effort that have complied? What does that say to them? That they've done the effort to comply, and then we gave the other ones that haven't an exemption.

MR. HINETT: My understanding is the reason we're asking for an exemption is the law does provide it because of quality and other things that doesn't allow you to reach that level. And that's the basis on which we're making the request, is we have not been able to find the quality of resin, nor have some of the other folks running our process and our products.

CHAIRPERSON MARIN: Mr. Washington.

COMMITTEE MEMBER WASHINGTON: Just very briefly, this is another issue where I would -- I mean, in good faith knowing the history of this when I came to this Board, that I couldn't honestly sit here and tell you I can support putting them on another compliance, because I remember the request I made when I heard this issue three years ago with the same issues.

I know, Ms. Peace, it's tough. But we do have a response, because we just sit here and we gave out almost

These transcripts are not individually reviewed and approved for accuracy.

50 SB10s to local governments, but then we have a thousand local governments and city and counties, and there's others who have met the requirements. So I don't think it's an issue about what people think about this Board, because we vote every single time we have Board meetings on things some people have done, others haven't. And we've given them an opportunity to fix the problem.

I just think we have a situation where we need to sit down with these companies to really fix this thing. It's a competitive process. It's a situation to where if we don't really come together and fix this, we're going to always be here in this situation. And Boards after we've gone will be dealing with the same thing, because this is competitive. Whenever you're in a competitive situation, then we, the Board, have to make sure that we help these folks -- I'm not willing to put people out of business because they can't get ahold of something because it's competitive. I mean, if we can help their situation and help these folks go forward, then I think we should be doing that.

And I know staff don't have a problem with it. I know every one of these guys sitting here before us, and they'll do anything they can to help out. And I think that effort for us to help these folks get to those folks to provide the information for them has to be there. And

These transcripts are not individually reviewed and approved for accuracy.

again, you know, it's a tough situation. But, I mean, you know, in good conscious, I can't support the idea of putting these people on another compliance when they have made all these efforts to try to do something about the situation. It's tough.

CHAIRPERSON MARIN: Thank you, Mr. Washington.

We have a situation here where we may have to go to the Board. We have a very unusual situation in our Board right now. We only have a four-member Board.

So let me try to -- I don't know yet how you will vote on this. But maybe what I need to do is take a vote first and I should -- so I'm wondering whether we are satisfied and if they can just provide us -- are we satisfied that they provided some of the contacts and what -- no, we're not. We are not satisfied with that; right?

SUPERVISOR LEAON: We feel their documentation didn't substantiate reasonable efforts. But their submittal was very well organized, very well put together. But it's really your determination. Staff's recommendation is that they didn't make reasonable efforts.

COMMITTEE MEMBER WASHINGTON: They did or didn't?

SUPERVISOR LEAON: Did not.

CHAIRPERSON MARIN: If we were to do the same

These transcripts are not individually reviewed and approved for accuracy.

thing that we did, if we were to extend the courtesy we did to Glad, do you think they might be able to provide more documentation on their efforts?

SUPERVISOR LEAON: We would certainly be willing to sit down with them and review whatever additional material they would like to supply.

CHAIRPERSON MARIN: Do you think that you have any more information that you could provide us regarding the documentation of your efforts?

MR. HINETT: I don't believe we have any more documentation. We provided the phone list. We provided copies of the faxes. We provided copies of the feedback we gave to the vendors. I think we've supplied everything that was requested that we had available.

CHAIRPERSON MARIN: Do you want to say something?

COMMITTEE MEMBER PEACE: Mr. Scott Smithline, can I put you on the spot? You came up here to testify for Poly-America saying they've done a good job and that we should go ahead and grant them their exemption. You didn't speak on behalf of anybody else. Do you know about anyone else's situation?

MR. SMITHLINE: Board Member Peace, typically, Californians Against Waste does go through and look at all the individual companies and make some sort of assessment whether or not we would support an exemption. We actually

These transcripts are not individually reviewed and approved for accuracy.

haven't done that this year, and that is why I formatted my testimony the way I did.

CHAIRPERSON MARIN: Thank you.

Yes.

SUPERVISOR LEAON: This is Mike Leaon.

I just want to respond to a couple of issues. Last year when the Board considered these exemption requests, these companies did represent to the Board that they were going to be taking various compliance strategies. And they anticipated that those compliance strategies would result in increased use of postconsumer material. And this year we looked at three things. Did they increase their use? Did they document that they made reasonable efforts? And did they follow through on their commitments from last year? And, again, I have to say that we feel only Poly-America met their commitments that they made to the Board last year. And based on our contacts with suppliers, again, we have to question whether or not reasonable efforts were made based on suppliers telling us they have material available.

CHAIRPERSON MARIN: Okay. Well, that's what's before us. Unless there are any other questions, I will entertain a motion to adopt Resolution 229 or not adopt Resolution 229 and have Pactiv consider them to be in compliance.

These transcripts are not individually reviewed and approved for accuracy.

DEPUTY DIRECTOR WOHL: I think you actually adopt 2000 -- or 229 revised for Option 1, if you wanted to not -- you wanted to give them their exemption. But right now, 229, as is, is not giving them an exemption. So you need to --

CHAIRPERSON: So what is the pleasure of this Committee to go to a recommendation to the Board?

There is no pleasure of this Committee.

COMMITTEE MEMBER PEACE: Let me ask staff, so we have all these other companies that have complied. Do you feel like if we go ahead and give all these other companies an exemption for not complying that that discourages them from wanting to comply with the law if they say, "Well, gosh. We can not comply with the law and still get an exemption"?

SUPERVISOR LEAON: Yes. I definitely think it sends the wrong message to companies that are making efforts and are complying with the law.

And getting back to an earlier comment, the exemptions started coming in in 1999. We first took a look at this in the 2003 certification which covered the 2002 reporting period. And we made it clear at that time that we intend to really look closely at these exemption requests and companies had to document their reasonable efforts. We followed that up in the 2004 certifications

These transcripts are not individually reviewed and approved for accuracy.

with a workshop bringing the manufacturers and suppliers together.

And for this certification, we really expected that we would see progress. Maybe not compliance, but progress in the amount of postconsumer material that these companies were able to use. And Poly did that and the others did not. I think there's a real clear dividing line there.

CHAIRPERSON MARIN: Okay.

COMMITTEE MEMBER PEACE: I'm willing to move Resolution 2005-229.

CHAIRPERSON MARIN: Well, there's a motion.

Dies for lack of second.

Is there another motion?

COMMITTEE MEMBER WASHINGTON: I'd like to move adoption of Resolution 2005-229, Option 2.

DEPUTY DIRECTOR WOHL: Option 1.

COMMITTEE MEMBER WASHINGTON: Option 1.

DEPUTY DIRECTOR WOHL: It would be revised and you want Option 1, which would give them their exemption.

COMMITTEE MEMBER WASHINGTON: My correction. Option 1.

CHAIRPERSON MARIN: I will second the motion.

And call the roll.

EXECUTIVE ASSISTANT BAKULICH: Peace?

These transcripts are not individually reviewed and approved for accuracy.

COMMITTEE MEMBER PEACE: No.

EXECUTIVE ASSISTANT BAKULICH: Washington?

COMMITTEE MEMBER WASHINGTON: Aye.

EXECUTIVE ASSISTANT BAKULICH: Marin?

CHAIRPERSON MARIN: Aye.

Okay. This puts us in a very -- it goes to the Board, but the Board day, we need to have four votes. Unfortunately, our Board now only has four Board members. If we do not have the four members, we cannot adopt. And they become in limbo; right? Because we're not adopting any particular position so --

DEPUTY DIRECTOR WOHL: Actually, then they do not get an exemption.

STAFF COUNSEL BORZELLERI: And they would be considered non-compliant and need to go on the non-compliant list.

CHAIRPERSON MARIN: Why?

STAFF COUNSEL BORZELLERI: Because to comply, they need to submit a certification that shows they met the requirements.

CHAIRPERSON MARIN: Okay. What I will do then, I'm going to move this item. I want to withdraw my second to your motion, and I hope you withdraw your motion. And we'll just bring this item in September.

COMMITTEE MEMBER WASHINGTON: I'll withdraw my

These transcripts are not individually reviewed and approved for accuracy.

motion.

Madam Chairman, can I just add, because I don't want to leave this item without making it clear to Ms. Peace, it's not so much of the perception that we send. Because, again, we just sent out of this Committee almost 45 -- and I can't remember. I'm making up a number here, but I know it was a lot of them because we've been here all day -- SB1066s. There's a lot of cities that have met the requirement. They can say the same thing. There's others that have come forward before this Board and they asked for SB1066s who will say the same thing, "Why do we have to do it when the Board is going to issue us an SB1066?"

COMMITTEE MEMBER PEACE: All the SB1066s that we approved, that was with staff's recommendation that we approve them. This is staff's recommendation that we don't grant them.

COMMITTEE MEMBER WASHINGTON: I'm not talking -- I'm just saying in terms of perception.

COMMITTEE MEMBER PEACE: I'm supporting staff.

COMMITTEE MEMBER WASHINGTON: All right. That's fine.

CHAIRPERSON MARIN: And that's why we have four different members. Sometimes we agree with staff individually, and sometimes we don't individually. And we

These transcripts are not individually reviewed and approved for accuracy.

love them just the same, each and every one of them.

CHAIRPERSON MARIN: We'll bring it back in September also.

Pete Price from Poly-America is here.

COMMITTEE MEMBER WASHINGTON: He might not want to talk. He has your approval.

CHAIRPERSON MARIN: He's going to now sit down.

MR. PRICE: I'm Pete Price representing Poly-America, and I'm very tempted to make a few comments, but I know the rule, to sit down and shut up when things look like they're going okay.

I want to say on behalf of Poly-America, we appreciate the staff's recommendation to grant the exemption. We think we have done hard work to use as much recycled content as we can. And I think I'll leave it at that and am available for questions.

CHAIRPERSON MARIN: That's a good thing to do.

Is there a motion to approve Resolution 2005-230?

COMMITTEE MEMBER WASHINGTON: So moved, Madam Chair.

CHAIRPERSON MARIN: Moved.

COMMITTEE MEMBER PEACE: Second.

CHAIRPERSON MARIN: Moved and second. Without objection, we will substitute the previous roll. Thank you. And move this one in particular on consent.

These transcripts are not individually reviewed and approved for accuracy.

DEPUTY DIRECTOR WOHL: I think you don't want to do previous roll because --

CHAIRPERSON MARIN: We didn't take a vote. So the previous one stands. We didn't. We withdrew our motion.

COMMITTEE MEMBER WASHINGTON: So we need to take a vote on this.

CHIEF COUNSEL CARTER: Madam Chair, it might be cleaner for the record if you take a vote.

CHAIRPERSON MARIN: Okay. Let's vote.

EXECUTIVE ASSISTANT BAKULICH: Peace?

COMMITTEE MEMBER PEACE: Aye.

EXECUTIVE ASSISTANT BAKULICH: Washington?

COMMITTEE MEMBER WASHINGTON: Aye.

EXECUTIVE ASSISTANT BAKULICH: Marin?

CHAIRPERSON MARIN: Aye.

Okay. This was nice. The next one is 231, and this one is to find Trans Western Polymers not compliant.

COMMITTEE MEMBER WASHINGTON: Yeah. They have a problem. Are they here?

CHAIRPERSON MARIN: They're the ones that -- is there a motion to adopt --

COMMITTEE MEMBER WASHINGTON: I'd like to move adoption of Resolution 2005-231.

COMMITTEE MEMBER PEACE: Second.

These transcripts are not individually reviewed and approved for accuracy.

CHAIRPERSON MARIN: Moved and seconded. Without objection, we will substitute the previous roll and put this on consent.

The next item is 2005-232. Is that your motion, Mr. Washington?

COMMITTEE MEMBER WASHINGTON: Yes, ma'am. I'd like to move adoption of Resolution 2005-232.

COMMITTEE MEMBER PEACE: Second.

CHAIRPERSON MARIN: Moved and seconded. Without objection, that will be the pleasure of this Committee. And it will go on consent.

Okay. Next item.

DEPUTY DIRECTOR WOHL: Okay. So just to clarify, so we will bring those three on consent to the full Board, and then the other two will come back in an item in September.

CHAIRPERSON MARIN: Correct.

DEPUTY DIRECTOR WOHL: The next item is actually out of the Education Office, but I will introduce it for you.

MS. INGLE: Excuse me. Did we go through Republic Bag?

CHAIRPERSON MARIN: Yeah.

And who's this beautiful young lady sitting before you?

These transcripts are not individually reviewed and approved for accuracy.

DEPUTY DIRECTOR WOHL: Let me introduce Item AB, and she's going to present both AB and AC, Consideration of Scope of Work and Allocation for the Education and the Environment Initiative Education Consultant.

And you have before you Bonnie Bruce and Joanne Vorhies.

CHAIRPERSON MARIN: Two beautiful young ladies.

BOARD ADVISOR BRUCE: Madam Chair and Board members, it's, indeed, a pleasure to be here. When I was here in June, we said if the budget holds as we hoped it would, we would be back before you with some agenda items to take a look at how we would like to expend those funds.

Before I begin, I think it's important to note that our first agenda item, which is Agenda Item 28, as you all know, we did receive a concern or complaint from the California Association of Professional Scientists. While you've been meeting today, we've also been meeting with their representative, Kristen Haynie. And we've agreed, Ms. Vorhies, myself, Kristen Haynie, we are going to meet tomorrow morning with staff and with the Union and management and try to see if we can't resolve the issues that are out there.

I'm confident that we can reach an agreement. And what we'd like to do particularly on the item, I'd like to bring a revised agenda item to the full Board on

These transcripts are not individually reviewed and approved for accuracy.

Tuesday, if that's agreeable with you all.

Before I begin a presentation, I do believe you have a speaker. Kristen would like to speak on this particular item. So before I go to Number 29, you probably would like to offer her that opportunity.

CHAIRPERSON MARIN: Sure. That would be Ms. Kristen Haynie.

MS. HAYNIE: Hi. Kristen Haynie.

CHAIRPERSON MARIN: Thank you for taking the time.

MS. HAYNIE: Thank you, Chairwoman, for addressing this issue today. And I appreciate your management's and your staff's efforts today. And since the letter was submitted, I have received several phone calls trying to work things out in a short time frame. And, unfortunately, I was informed about it in a rather short time frame, so I appreciate everyone's efforts.

We are concerned about ensuring that the IWMS work goes to IWMS. We have been before the Board on occasion when these issues have arisen with contracts. And we appreciate working with the management to ensure that it occurs, because we don't want to have to go through a process of appealing with the State Personnel Board and all that. We'd much rather try to resolve the issues prior to your process of going through the RFP and

These transcripts are not individually reviewed and approved for accuracy.

trying to identify which skills and requirements can be assigned to the scientific staff and then looking more realistically about what would be beneficial as a supplement for the different -- for consulting staff through this contract. So we appreciate that effort.

CHAIRPERSON MARIN: So if I understand correctly, you guys are going to be meeting further?

BOARD ADVISOR BRUCE: We are.

CHAIRPERSON MARIN: Before it comes to the Board completely. Hopefully your concerns will be met.

You know, I pride myself and our Board members, we work very, very hard to ensure that if there are legitimate concerns raised, that they are met. If your concern is legitimate, we will address it. There may be some items that cannot be addressed, and that's fine, too. But we have wonderful staff that prides themselves in meeting all of the concerns of our stakeholders. And I don't know if you've been here for a while, but there are very many. We have a very open process. We are very inclusive. This Board has prided itself for a long time in meeting the concerns of the stakeholders. And sometimes we don't agree on all of them, but that's okay. But we do appreciate your concerns.

MS. HAYNIE: I think you're right as far as the staff is excellent staff in OEE, and that's the main

These transcripts are not individually reviewed and approved for accuracy.

objective for that staff, is that the organization here always talks about sustainability. And they want to make sure that that process also happens with learning and being able to do new projects and be able to have these sustainable experiences that will then be applied to the Board in the future. And that's exactly what their goals and objectives are.

CHAIRPERSON MARIN: Good. We really appreciate you taking the time. And if there is any further -- do you need to say anything further?

(Thereupon an overhead presentation was presented as follows.)

BOARD ADVISOR BRUCE: Well, I plan to make a further presentation. But we couldn't agree more with our goals or that the office is to be the vehicle for the sustainability of this project as well. So hopefully tomorrow's meeting will bring those achieved results.

I would like to -- this presentation was going to be an overview for you as a Committee so you can see where we were headed. So if there are some areas that hinge a little bit on the item that we just put aside, I hope you would understand I just think it's important that we put this before you.

There were many hands in helping to prepare both of these agenda items. And I do want to thank the staff

These transcripts are not individually reviewed and approved for accuracy.

in Administration, our Legal staff. We did work with OE&E and CalEPA, because they are the co-partners in this and also have dual leadership over OE&O.

This is, indeed, an exciting chapter for environmental education in the state of California. We started to implement this bill or this initiative over one-and-a-half years ago. It did become very clear to those of us that were at the table -- and as you know, Linda, at that time, Moulton-Patterson assigned me to work 50 percent of my workload on this -- that this was a project that was going to cost probably around 25 to $30 million. And I know some of the questions were, how did you come up with that figure? We first went to the Department of Education and said, "Do you have a template? Do you have something we can follow? Do you know how much these things cost?" And the only thing they could really point us to was the Cesar Chavez curriculum, which they said cost a million dollars to create that curriculum for one grade level and one subject.

Our charge was kindergarten through 12th grade. It was to cross all subject areas, all major course subject areas. And it was to also integrate not just waste, but air, water, forestry, oceans, you name it. It was there. And so it was a huge challenge, and we knew it was going to be a tremendous workload. We sat down from

These transcripts are not individually reviewed and approved for accuracy.

there, and the initial team really consisted of those people that are named in the bill: CalEPA; Waste Board; Resources. We at that time had Secretary Tamminen that was involved in helping us a little bit and has now moved over to the Governor's office. But we laid out a plan. And so if you'll show the first slide.

--o0o--

BOARD ADVISOR BRUCE: And I know you've all seen this because this isn't anything new. I think that's what's important to realize. When we laid this out in the beginning, we decided we'd do this through phases and we would, in fact, try to meet the demands of a very aggressive time line that was set forth pretty much through the bill. And so as I reported in June, we had completed phase 1, phase 2, phase 3. We were basically out of money at that point in time in terms of our consultant, who at that point in time came on because there was extra money left over in the DEEL project. So that consultant was asked to continue on into this particular project.

We now come to the point where we have a draft of the model curriculum and need to get that model curriculum written. The steps and where we are going to be heading are such that we need to be very cognizant that we've been told by specialists out in the field that it takes about

These transcripts are not individually reviewed and approved for accuracy.

nine months to write a curriculum.

Our first attempt is going to be to do the social studies science and social science part of that. We did a teacher survey throughout the state, and it was very clear how we needed to follow and what type of plan we needed to follow.

But the important piece here is that so often people look at things and say, "Well, I can develop supplemental material." And a lot of people can. And there is a lot of good supplemental material out there. But our charge is not to develop supplemental material. It is to develop material that teaches to mastery and not to add on to the teacher's already heavy workload, but to show how they can teach the standard using the context of the environment in place of what they can do.

And the other critical piece of this, which will make this very relevant to teachers and educators, is that this will be blessed, if you will, by the State Department of Education. This has never been done. And so I wish I could say that I have all the answers. And I feel, you know, being 40 years in education and, you know, advanced degrees in education, you'd think you'd have a lot of those answers. But this is something that's never been done. So we've probably taken a lot of baby steps along the way, because we wanted to do it right.

These transcripts are not individually reviewed and approved for accuracy.

I speak for only myself, but I know there are others like me, who have met with hundreds of educators up and down the state making sure that we do this in such a way that it will get approval by the State Board of Education, but will also meet with what teachers would want in the classroom. And I think that's the marriage that we've been trying to do.

--o0o--

BOARD ADVISOR BRUCE: If we can look at the next slide, we didn't know about the budget. Sometimes budgets sign on time. I've been here long enough to know budgets don't sign until the end of August. So it was hard to put years with dates.

The other piece of that that was hard was that we work off of a fiscal year here, and our schools work off of school calendar years. Usually, traditionally, we can work from a September through June if we want to work with actual kids in the classroom. But we do have a lot of year-round programs. So your school calendar doesn't always mesh with our fiscal calendar, but we're going to try to make those happen.

It's important to note our whole goal and what we hope we will come back to you as we go forward in next week would be that we would like to see that as we look at hiring writers to actually begin to write the curriculum

These transcripts are not individually reviewed and approved for accuracy.

that takes the principles and the concepts and follows the model curriculum draft, that we would start with 4th through 6th grade. As that is being developed, we would then move to our next one of K through 3, go down to high school, and then go to 7th and 8th. And the way those were chosen was this is where we have the greatest match with the standards. There's not as many holes. So we have a lot of matches in 4th-6th, not as many matches in 7th and 8th. So we wanted to start where the matches were.

And part of our other goal from what we've been asked to do is where we see there are holes, and there are some, we've kind of put those aside to say this might be future legislation. Maybe this is something as they take a look at the frame work that they might want to incorporate in the future.

We also have plans that -- you don't go out with a curriculum of this magnitude. We're talking 1,053 plus Districts, County Offices of Education. We're talking six million plus children. So we want to also make sure that we do a good field testing, we also do piloting, and we revise where necessary. And, in fact, the bill that is pending approval of all of this, 1721, addresses those very issues of how we come back to the table and work together to make sure that this achieves passage through

These transcripts are not individually reviewed and approved for accuracy.

the State Board of Education.

As we're doing all of this, there's a huge outreach component that has already begun. We have seen that as the Office of Education has come to a close on one aspect of their work, they are already beginning to set up a workshop to meet with what's called Creek Coordinators and begin to plan an agenda as to how do we take our new PYs. And I know Ms. Vorhies can address this. How do we reach all of those districts, and how do we reach all of those children? That outreach is going to begin immediately and has already begun and moves forward.

There's also a big piece here that both Andrea Lewis and myself, as co-managers, we have started the next piece of going out and working with fundraisers to see how we can now raise those next 10 to $20 million that will basically take this into the classroom so that we can train 10,000 teachers, that's our goal. We want to train 10,000 teachers. On an average, ten educators per district up and down the state. And that would be release time, stipend, training, a lot of work that we want to be able to provide the districts the money. We want to give them the money.

So as we move to this next agenda item, which is Agenda Item 29, and what we want to do is look to hire at least 30 writers. So if we can go through a budget

These transcripts are not individually reviewed and approved for accuracy.

process here very quickly.

--o0o--

BOARD ADVISOR BRUCE: Most of you have seen this, but I know members of the public have not. This began in November of 2003. We actually did not get started until the beginning of 2004, but the bill was actually signed in 2003. It's projected this will go through July 2009.

We believe that it will take that amount of money to do what we've just said, 1,058 school districts, six million children.

Cost to date. We have up to this point in time, we've worked with two consultants in the completion phase of 1, 2, and 3, and we have spent $493,000 to complete those phases.

--o0o--

BOARD ADVISOR BRUCE: Our new budget allows for $7 million over two years. It also gives us five new PYs, and we've been informed that right off the top $1 million goes to fund those PYs for the next two years.

I've been told by our Admin staff that they will be releasing $2.8 million for the year 2005/2006. And so our proposal -- and we will deal with the consultant issue next Tuesday -- was to put at least -- we figured it would take about 2700 hours, whether it's one consultant -- and I put "consultants," because different consultants have

These transcripts are not individually reviewed and approved for accuracy.

different expertise. And this is going out nationwide. We're asking this to go on a nationwide search to determine who out there can provide us with the best expertise to have the best curriculum that can be written. We have many states that have already said all eyes are on us. We know Pennsylvania right now tends to be the lead in this area, and we're hoping they, too, will be taking a look at what we're doing.

Our writers. I have to be honest. I don't know how many people would be willing to commit to doing this at this point in time. I know a lot of writers, educational writers work with the school year. Some might already be engaged. So I don't know that we would have 30. But I'd like to say up to 30, because the more we have, the quicker we can put the teams together and begin to do the writing. And I've talked to various districts and asked about various consultant writers they have used, talked to the Department of Ed. And we felt $75,000 was pretty reasonable. It's not as high as it could go. And it's pretty close to as low as we can go. I wanted to give you the bear bones as we saw it.

I put here editors. That is not a part of this scope of work. It's something that we're going to have to consider that we probably would need about eight editors to edit the material as it's coming forward. So basically

These transcripts are not individually reviewed and approved for accuracy.

that pretty much is your first year total as you were to look at it if the figures still were to remain after next Tuesday.

--o0o--

BOARD ADVISOR BRUCE: Our proposal for Year 2, I really believe that as we look at our fiscal year actually this is going to take us out three years fiscally. But, again, we would look to have a consultant making sure that this is now field tested, piloted, the methodology is correct.

We're hoping that we can find a graphic designer in-house. This was a discussion I had with Kristen earlier, was that wherever we can find somebody in-house, obviously that's what we would want to do. So hopefully we can save that $150,000.

We know there's going to be content expert reviewers and instructional reviewers. The $90,000 is just to provide them a minimal stipend to review this material.

Our goal is to field test with 200 teachers. And we feel that we'd have to provide them stipends from four to six hours, which would be about 200,000.

The pilot testing is the bigger piece of this because now we're talking about, again, a different 200 teachers. But the pilot testing is a much more involved

These transcripts are not individually reviewed and approved for accuracy.

type of testing. And we would have to provide for travel, lodging, review, stipends. And we figure the teacher training on that would probably be about one to two days. And that would be up to $1 million.

The other piece that I didn't mention, but is a bigger piece of this, is the last phase of this -- and we don't need to go back to the original slide -- which I think is important, is there is a testing component in this whereby we will take a look at test scores and be able then, we hope, to solve or make a pretty strong statement as to whether or not this approach helps to raise test scores.

We have a lot of information from principals that have come through various programs, one being the JCEC, the Environmentality program that Disneyland puts on. And the testimonials that you hear are just amazing. I know Rosario Marin has had an opportunity to hear those testimonials. And talking about how school districts where, you know, 80 percent are on free lunch. And, yet, this one class that did this project using the environment to teach across all subject lines scored the highest of the entire district in their test scores. Which, you know, you take that type of data and you've got to make it where it passes the mustard scientifically with all the statistics that go through it.

These transcripts are not individually reviewed and approved for accuracy.

This has never been done in the states. And so we're hoping that will be a first. We have a lot of our non-governmental groups that are part of this, our partnership that are really excited about what this next piece could hold for us.

We also requested and have received well over 100 pieces of information from other groups that have materials. And the question we asked on a self review, do you see this material as supplemental, or do you see it does teach to mastery? So that has been reviewed. And we will be using that as part of what the writers will have in terms of as they move forward. There's also some money -- and I think there's one last slide.

--o0o--

BOARD ADVISOR BRUCE: That does show that when you -- after I put this on, I thought I probably needed something other than reproduction rights. But we do have to purchase the right to use somebody else's copywrited material. So we put that at about $75,000.

We are charged in the bill to print the material. The State Department of Education is charged with putting it on their website. And so we give you our second year total, much of that not yet in a scope of work for you.

It would be our hope that our money saved or moneys left over, we would come back with a revised scope

These transcripts are not individually reviewed and approved for accuracy.

of work for you so we can perhaps put that into the next phase.

But with that being said, we would ask that you do look at our writer performing work that we ask them to be doing in terms of creating the actual curriculum. We would be asking these writers to divide into groups. As I mentioned before, each of them would come to Sacramento for a period of a week to be trained and then to do the writing. And, again, we've been told this is probably about a nine-month process.

With that, I would be willing address any of your questions that you would have. And we would ask that you look to approve this Resolution. I believe it's Resolution 234.

CHAIRPERSON MARIN: Let me ask you this. If we go ahead and approve this, should we just wait until the Board meeting to deal with the two items, or does it matter? Can we deal with one and not the other?

BOARD ADVISOR BRUCE: They're separate. We can go out with an RFP for the writers separately than the consultant. So if this is something that you would be willing to go forward on, we would enjoy your fiscal consent. But whatever your pleasure.

CHAIRPERSON MARIN: I just want to make sure that Ms. Kristen Haynie has no problem.

These transcripts are not individually reviewed and approved for accuracy.

MS. HAYNIE: There's no questions raised regarding the item AC on the writers contract. And we understand the value of that.

CHAIRPERSON MARIN: So you're in agreement with that completely and totally?

MS. HAYNIE: Yes. We're just concerned more about the consultant portion and maybe carving out what would be appropriate to divvy out to some consulting but not the entire amount of consulting.

CHAIRPERSON MARIN: See how inclusive I am? I wanted to make sure we have your blessing.

MS. HAYNIE: Thank you.

BOARD ADVISOR BRUCE: She deserves an award today. She sat through the entire meeting.

CHAIRPERSON MARIN: We do appreciate it.

COMMITTEE MEMBER WASHINGTON: Madam Chair, I'd like to move adoption -- Ms. Peace had questions

COMMITTEE MEMBER PEACE: I have questions.

CHAIRPERSON MARIN: We only have three more hours, and then we have -- I'm just going to have to close the Committee.

COMMITTEE MEMBER PEACE: One question. Here it says this is for 05/06, 06/07. And then when I just look at the little funding source chart, it looks like we're only approving funding for 05/06. Then it says 06/07,

These transcripts are not individually reviewed and approved for accuracy.

zero. I'm just wondering, am I reading something wrong or --

BOARD ADVISOR BRUCE: I think what we're asking for is if we can expend all funds now and get the 30 writers on board, we'd like to do that and move this forward. However, the fiscal year is such that it's going to end June 30th, and we're going to move into the next fiscal year. So there might be an opportunity that we won't get it all expended in this fiscal year and we have to expend some the following --

CHAIRPERSON MARIN: But it would be allocated already --

BOARD ADVISOR BRUCE: But it's only one time. We're not going to come back for another 30 writers. It's just the one 30 writers.

COMMITTEE MEMBER PEACE: So in this little part where it says, "Integrated Waste Management Account, amount available, 2.55 million. Amount to fund this item, 2.55 million." And for 06/07, it says another 2.55 million. And then amount to fund this item, zero.

BOARD ADVISOR BRUCE: I think --

COMMITTEE MEMBER PEACE: Shouldn't that also be 2.55 million if we're not going to come back again?

CHAIRPERSON MARIN: Do you know what she's looking at?

These transcripts are not individually reviewed and approved for accuracy.

BOARD ADVISOR BRUCE: I'm looking at it right now. Admin sort of helped us out with that. But my feeling is -- unless somebody's here to address that.

CHAIRPERSON MARIN: Tom Estes is coming down, our CFO. He knows where all the money is.

DEPUTY DIRECTOR ESTES: Tom Estes, Deputy Director, Admin and Finance.

Basically, the 2.5 is the money that's available in the current year. That's all we're talking about.

Bonnie, if you remember in the Year 2 slides, she's basically giving you a breakdown of what she will bring -- I assume if she has her way, she won't be bringing it. But someone will be bringing forward scopes of work to expense off that remaining amount.

BOARD ADVISOR BRUCE: That's correct.

COMMITTEE MEMBER PEACE: Where it says this is for scope of work for 05/06 and 06/07, again, we're not spending any money for 06/07. I guess I'm not seeing how this lines up. Usually, wouldn't it say if this was for 05/06, 06/07 that we'd be spending money out of 05/06 and out of 06/07?

DEPUTY DIRECTOR ESTES: It's basically showing you that the work will continue for into the next fiscal year, but it's being funded out of the current year. So there won't be any funds expended for this item in the

These transcripts are not individually reviewed and approved for accuracy.

next fiscal year.

CHAIRPERSON MARIN: I think what is confusing her is on the first column you have it listed twice.

COMMITTEE MEMBER PEACE: Amount available, and amount to fund the item, and for 06/07 it says, "Amount available," there's zero to fund the item. So there's still 2.55 --

BOARD ADVISOR BRUCE: That's correct. If you look on line number 3 where it says, "Amount to fund this item," we won't be coming back on this particular item, but we will be coming back with other expenses.

COMMITTEE MEMBER PEACE: For the same phase 4.

BOARD ADVISOR BRUCE: No. For other things like production costs, editing costs, those types of things, that would happen in the next fiscal year.

COMMITTEE MEMBER PEACE: And then you explained it says the funds will become available upon chaptering of Assembly Bill 1721.

BOARD ADVISOR BRUCE: 1721 is a cleanup bill that was put forth by Assemblywoman Pavely. It's an urgency bill, which means we don't have to wait until January until it is signed. I've been told by her staff that they are assuming it will be signed as soon as the Legislature comes back to session, which could be as early as August 15th. That might be a little hopeful.

These transcripts are not individually reviewed and approved for accuracy.

What we're hoping is -- the process, as I've been told, is it takes about two to three weeks to write an RFP, because you've got to be very, very specific in that RFP which you're going out for. And then we want to make sure that we get the very best that's out there. So it's basically going to go out for about a month to six weeks. After that, we want to be ready to go. So if the timing is that -- let's say the bill signs August 15th, we hate to wait until the middle of September. But we have to say pending, because we really cannot expend those funds until that bill is signed.

COMMITTEE MEMBER PEACE: The Legislature is authorizing the money from the IWMA --

BOARD ADVISOR BRUCE: That's correct.

COMMITTEE MEMBER PEACE: All 5.6 million. I guess -- didn't I see somewhere in here you said there was going to be 7 million, the budget was 7 million?

BOARD ADVISOR BRUCE: What happens is there is administrative costs that come off the top. There is the amount that goes for the PYs that comes off the top. So we're basically told from Admin how much is going to be allotted that particular time. And what they've told us is we would have 2.8 --

COMMITTEE MEMBER PEACE: That's all from the IWMA?

These transcripts are not individually reviewed and approved for accuracy.

BOARD ADVISOR BRUCE: That's correct.

COMMITTEE MEMBER PEACE: So all of Phase 4 is going to be funded by the IWMA?

BOARD ADVISOR BRUCE: That's correct. And we hope the next phase to complete the project will be funded by private moneys.

COMMITTEE MEMBER PEACE: So you expect more money to be coming in from other sources for --

BOARD ADVISOR BRUCE: During the budget process, the Legislature was very clear, particularly the Senate members, that all BDOs that are involved in having us write this integrated curriculum are to look very hard at their budgets to come forth. This year $200,000 of this -- I should say when you said all, $200,000 of this does come from the Water Board and went into this fund.

So we're hoping that everybody took that very seriously and that they, too, will be looking at their funding. As I said, we've been in contact with various foundations who basically, as I've said to you before, they said to us, if, in fact, we see the commitment from the State first, then we're willing to match some of those funds. So we're back now to them saying the State has met their commitment. They lived up to what they said they would do, and now we're hoping we can do the match.

COMMITTEE MEMBER PEACE: I think this whole thing

These transcripts are not individually reviewed and approved for accuracy.

is wonderful and you've worked so hard on this. But I have a question I want to ask Tom.

For this money that's all coming out of the IWMA, is that just for a pot of money that we have sitting around that we didn't have expenditure authority for, or are there other things that are being cut to pay for this?

DEPUTY DIRECTOR ESTES: No. This was basically put forward in the Governor's budget basically coming out of our reserve, and that's how it was being paid for.

COMMITTEE MEMBER PEACE: I guess I'm glad we have that money available to do this important work.

CHAIRPERSON MARIN: I'm glad you didn't spend it all in previous years when I wasn't here.

BOARD ADVISOR BRUCE: My ending comment to you was going to be there is no amount of gratitude that can be expended to this Board. And I will plan to say this Tuesday to all Board members.

This is a huge commitment. And very few people would look at the Waste Board as the thought of where do you fund something that has to do with education. And, yet, to all of you to your credit, you did stand up and say -- and, you know, I think it's really telling when we heard -- you know, I, too, heard a lot of the 1066s coming forward today and all of them talking about some of the frustration with working with schools or getting schools

These transcripts are not individually reviewed and approved for accuracy.

on board. And so often we've heard, well, it's maybe only 2 percent of the waste stream, and is it worth it? But it's so much more than 2 percent of the waste stream. When working with schools, we're talking now really helping to shape how young people analyze for themselves what is happening in their environment and to be able to learn that and to move forward, what a tremendous legacy that this Board really took, you know, the bull by the horns and said we'll do it.

And I want to applaud industry as well, because this is coming out of industry tipping fees. And I know that. And I have spoken to as many players as I could have to thank them for not standing in line here and saying, well, we think maybe that money should go a different way. I think everybody has really acknowledged that this is the way. If we talk about a sustainable goal and what better place maybe to be in Committee than the Sustainability Committee, this is the way we do it. We do it through the young people and we teach young.

COMMITTEE MEMBER WASHINGTON: Let me say, Madam Chair, I will certainly save my comments for Tuesday likewise. But I do remember the inception of this when Chair Moulton-Patterson and I sat in the first meeting. I believe it might have been in this room when we had all the stakeholders around the table. And the effort you

These transcripts are not individually reviewed and approved for accuracy.

guys have made to make sure you address every concern, particularly the Union's concern and other individuals you had no idea you were going to run up against at some point, really speaks to the commitment you guys have made.

And, Bonnie, I want you to know I'm very, very proud of all the efforts you made. Because I had no clue at the time I was Chair of the Education Committee it would turn out like this this fast. Yourself and Ms. Lewis have done a wonderful job in putting this thing up and taking off with it and moving forward. I'm very, very proud of you guys.

COMMITTEE MEMBER PEACE: It did get off to a rocky start and you wonder if you'd ever get everybody on board. And Andrea Lewis and Bonnie, they have done such an incredible job. So everybody's in line and on board. It's fabulous.

CHAIRPERSON MARIN: So just for that, we're going to give you two more million dollars.

COMMITTEE MEMBER WASHINGTON: I'd like to move adoption of Resolution 2005-234.

COMMITTEE MEMBER PEACE: Second.

CHAIRPERSON MARIN: That's without the extra $2 million. Thank you.

Without objection -- no. Call the roll, please.

EXECUTIVE ASSISTANT BAKULICH: Peace?

These transcripts are not individually reviewed and approved for accuracy.

COMMITTEE MEMBER PEACE: Aye.

EXECUTIVE ASSISTANT BAKULICH: Washington?

COMMITTEE MEMBER WASHINGTON: Aye.

EXECUTIVE ASSISTANT BAKULICH: Marin?

CHAIRPERSON MARIN: Aye.

Thank you, Bonnie. Thank you, Joanne. This is pretty amazing, and we're very, very excited, I think is the word. This will actually go on to fiscal consent so that we don't have to rehash this.

We have three more items and then -- there is no more items. Thank you so very much.

(Thereupon the California Integrated Waste Management Board, Sustainability and Market Development Committee Adjourned at 4:34 p.m.)

These transcripts are not individually reviewed and approved for accuracy.

CERTIFICATE OF REPORTER

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day August, 2005.

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