STATE OF CALIFORNIA Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, California 95826

Daniel G. Pennington, Chairman
Robert C. Frazee, Vice Chair
Wesley Chesbro, Board Member
Sam Egigian, Board Member
Janet Gotch, Board Member
Paul Relis, Board Member

Meeting of the

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

REGULAR MONTHLY BUSINESS MEETING

Wednesday, August 23, 1995
Thursday, August 24, 1995

10:00 a.m.

8800 Cal Center Drive
Sacramento, CA 95826

CONSENT AGENDA

The following items have been reviewed by a Board Committee and have been recommended to the Board for consent. The Board will be asked to approve these items at one time without discussion. At the beginning of the meeting, the Chair of the Board will ask Board members or other interested parties or staff who wish to address an item on the Consent Agenda to state their names and the items they wish to address for the record. The Chair or an individual Board Member may request that an item be removed from the Consent Calendar for full hearing. [Items removed from the Consent Calendar will be heard in the originally scheduled order.]

4. CONSIDERATION OF DISCRETIONARY CONTRACT CONCEPTS FOR FISCAL YEAR 1995-96 (ADMINISTRATION COMMITTEE) [**NOTE:** THE INTEGRATED WASTE MANAGEMENT ACCOUNT AND RMDZ FUND ARE NOT ON CONSENT]

7. CONSIDERATION OF THE USED OIL RECYCLING PROGRAM CERTIFICATION/REGISTRATION PROCEDURES MANUAL (CRPM) (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

8. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT, AND THE NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF HAYWARD, ALAMEDA COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

9. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT AND HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF LIVERMORE, ALAMEDA COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

10. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF MEETING THE CONDITIONS OF THE CONDITIONAL APPROVAL OF THE SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE UNINCORPORATED AREA OF ALPINE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

11. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE NONDISPOSAL FACILITY ELEMENT AND HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF NEVADA CITY, NEVADA COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

14. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE TRI-CITIES MULTI-JURISDICTIONAL SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT, AND NONDISPOSAL FACILITY ELEMENT FOR THE CITIES OF SAN CLEMENTE, DANA POINT, AND SAN JUAN CAPISTRANO, ORANGE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

15. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT, AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF ORANGE, ORANGE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

16. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE MULTI-JURISDICTIONAL HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITIES OF DINUBA, EXETER, FARMERSVILLE, LINDSAY, PORTERVILLE, TULARE, VISALIA, WOODLAKE, AND THE UNINCORPORATED TULARE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

18. CONSIDERATION OF STAFF'S METHODOLOGY AND CALCULATION OF THE PRELIMINARY 1994 CALIFORNIA POSTCONSUMER PAPER UTILIZATION RATE (MARKET DEVELOPMENT COMMITTEE)

21. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR THE ESCONDIDO DISPOSAL, INC., MATERIAL RECOVERY FACILITY, SAN DIEGO COUNTY (PERMITTING AND ENFORCEMENT COMMITTEE)

22. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR THE FORESTHILL TRANSFER STATION, PLACER COUNTY (PERMITTING AND ENFORCEMENT COMMITTEE)

23. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR THE UNIVERSITY OF CALIFORNIA, DAVIS SANITARY LANDFILL, YOLO COUNTY (PERMITTING AND ENFORCEMENT COMMITTEE)

24. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR THE COVELO SOLID WASTE TRANSFER AND RECYCLING CENTER, MENDOCINO COUNTY (PERMITTING AND ENFORCEMENT COMMITTEE)

26. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR THE NEW CUYAMA SMALL VOLUME TRANSFER STATION, SANTA BARBARA COUNTY (PERMITTING AND ENFORCEMENT COMMITTEE)

27. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR THE VENTUCOPA SMALL VOLUME TRANSFER STATION, SANTA BARBARA COUNTY (PERMITTING AND ENFORCEMENT COMMITTEE)

29. CONSIDERATION OF CONCURRENCE IN A NEW STANDARDIZED SOLID WASTE FACILITIES PERMIT FOR THE GROVER/SPRECKELS COMPOST FACILITY, SAN JOAQUIN COUNTY (PERMITTING AND ENFORCEMENT COMMITTEE)

31. CONSIDERATION OF THE TEMPORARY CERTIFICATION AND DESIGNATION APPROVAL OF THE CITY OF PITTSBURG'S SOLID WASTE MANAGEMENT DIVISION AS THE LOCAL ENFORCEMENT AGENCY FOR THE CITY OF PITTSBURG (PERMITTING AND ENFORCEMENT COMMITTEE)

32. CONSIDERATION OF THE CERTIFICATION AND DESIGNATION OF THE CALAVERAS COUNTY AGRICULTURE AND ENVIRONMENTAL HEALTH AGENCY'S ENVIRONMENTAL HEALTH DEPARTMENT AS THE LOCAL ENFORCEMENT AGENCY FOR THE COUNTY OF CALAVERAS (PERMITTING AND ENFORCEMENT COMMITTEE)

35. CONSIDERATION OF THE RESEARCH AND DEVELOPMENT PROGRAM ANNUAL PROGRESS REPORT (POLICY, RESEARCH AND TECHNICAL ASSISTANCE COMMITTEE)

36. CONSIDERATION OF FY 1992-93 TIRE GRANT EVALUATION REPORT (POLICY, RESEARCH AND TECHNICAL ASSISTANCE COMMITTEE)

For further information contact:

INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, CA 95826

Patti Bertram
(916) 255-2156

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Meeting of the

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

REGULAR MONTHLY BUSINESS MEETING

Wednesday, August 23, 1995

10:00 a.m.

8800 Cal Center Drive
Sacramento, CA 95826

AGENDA

Note:
- *Agenda items may be taken out of order.*
- *Persons interested in addressing the Board must fill out a speaker request form and present it to the Board's Administrative Assistant on the date of the meeting.*
- *If written comments are submitted, please provide 20 two-sided copies.*

Important Notice: The Board intends that Committee Meetings will constitute the time and place where the major discussion and deliberation of a listed matter will be initiated. After consideration by the Committee, matters requiring Board action will be placed on an upcoming Board Meeting Agenda. Discussion of matters on Board Meeting Agendas may be limited if the matters are placed on the Board's Consent Agenda by the Committee. Persons interested in commenting on an item being considered by a Board Committee or the full Board are advised to make comments at the Committee meeting where the matter is first considered.

To comply with legal requirements, this Notice and Agenda may be published and mailed prior to a Committee Meeting where determinations are made regarding which items go to the Board for action. Some of the items listed below, therefore, may, upon recommendation of a Committee, be pulled from consideration by the full Board. To verify if an item will be heard, please call Patti Bertram at (916) 255-2156.

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1. REPORTS OF THE BOARD'S COMMITTEES

2. REPORT FROM THE EXECUTIVE DIRECTOR

3. CONSIDERATION OF CONSENT AGENDA ITEMS

ADMINISTRATION COMMITTEE

4. CONSIDERATION OF DISCRETIONARY CONTRACT CONCEPTS FOR FISCAL YEAR 1995-96 1

5. CONSIDERATION OF BOARD COMMITTEE ASSIGNMENTS (ORAL PRESENTATION)

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6. CONSIDERATION OF STATE LEGISLATION

   A. AB 59 (SHER)
   B. AB 626 (SHER)
   C. SB 1026 (DILLS)
   D. SB 1180 (CALDERON AND HAYNES)
   E. SB 1222 (CALDERON)
   F. SB 1299 (PEACE)

LOCAL ASSISTANCE AND PLANNING COMMITTEE

7. CONSIDERATION OF THE USED OIL RECYCLING PROGRAM CERTIFICATION/REGISTRATION PROCEDURES MANUAL (CRPM) 101

8. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT, AND THE NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF HAYWARD, ALAMEDA COUNTY

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, California 95826

Ichael G. Pennington, Chairman
Robert C. Frazee, Vice Chairman
Wesley Chesbro, Board Member
Sam Egigian, Board Member
Janet Gotch, Board Member
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AMENDED NOTICE

Meeting of the

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

REGULAR MONTHLY BUSINESS MEETING

Wednesday, August 23, 1995, and Thursday, August 24, 1995

10:00 a.m.

8800 Cal Center Drive
Sacramento, CA 95826

Because of the length of the agenda for the Board's previously scheduled August 23, 1995, meeting, the Board may find it necessary to continue the meeting to the next day, August 24, 1995, in order to complete discussion of all noticed items.

AGENDA

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POLICY, RESEARCH AND TECHNICAL ASSISTANCE COMMITTEE

35. CONSIDERATION OF THE RESEARCH AND DEVELOPMENT PROGRAM ANNUAL PROGRESS REPORT 350

36. CONSIDERATION OF FY 1992-93 TIRE GRANT EVALUATION REPORT 370

OTHER

37. OPEN DISCUSSION

38. ADJOURNMENT

Notice: The Board may hold a closed session to discuss the appointment or employment of public employees and litigation under authority of Government Code Sections 11126 (a) and (q), respectively.

For further information contact:

INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, CA 95826

Patti Bertram
(916) 255-2156

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
August 23, 1995

AGENDA ITEM 4

ITEM: CONSIDERATION OF DISCRETIONARY CONTRACT CONCEPTS FOR FISCAL YEAR 1995-96

BACKGROUND:

In October of 1994 the Board approved a new contract process. The new process includes a review of previous year contracts and a review of the overall goals and focus of the Board's contract activity for the upcoming contract process. The Board and staff submitted concepts according to the focus areas that were identified. Staff was requested to develop more detailed paragraphs describing each contract concept and identify an appropriate funding level.

ANALYSIS:

The concepts the Board and staff developed were reviewed by the Executive Office and Advisors. The Advisors made some initial adjustments to the list of concepts submitted, which resulted in a total of $909,300 dollars requested for the Integrated Waste Management Account (IWMA), yet only $498,600 was available for expenditure for discretionary contracts. A list was compiled and reviewed by the Executive Office that is before the Administration Committee today.

The Executive Office reviewed the compiled concept list which is Attachment 1 and 2 of this item.

COMMITTEE ACTION

The Administration Committee had not taken action at the time of this submittal.

RECOMMENDATION:

Staff recommends that the Board consider for approval the 1995/96 Contract Concepts listed in Attachment 1 and make appropriate reductions in each fund account to match the funds available.

ATTACHMENTS

1. Summary of Contract Concepts for FY 95/96
2. Description of Contract Concepts for FY 95/96
3. Resolution 95-631

APPROVALS

Prepared by	:	Susan Villa/Connie Dunn	Phone 255-1120, 2717
Reviewed by	:	Sandi Conry	Phone 255-2252
Reviewed by	:	Terry Jordan	Phone 255-1399
Reviewed by	:	Marie LaVergne	Phone 255-2269
Reviewed by	:	Judith Friedman	Phone 255-2302
Reviewed by	:	Dan Gorfain	Phone 255-2320
Reviewed by	:	Doug Okumura	Phone 255-2431

SUMMARY OF DISCRETIONARY CONTRACTS
CONSULTANT AND PROFESSIONAL SERVICES
FISCAL YEAR 1995/96

INTEGRATED WASTE MANAGEMENT ACCOUNT

CONCEPT NUMBER	CONCEPT TITLE	DIVISION	RECOMMENDED AMOUNT
	IWMA BALANCE AVAILABLE		**$498,600**
1-DPL-IWM	PUBLIC EDUCATION	DPLA	$75,000
2-DPL-IWM	ADJUSTMENT METHOD	DPLA	$135,000
3-WPM-IWM	CALMAX	WPM	$150,000
4-WPM-IWM	WRAP	WPM	$75,000
5-PAO-IWM	"COST" STUDY	PAO	$115,000
6-WPM-IWM	COMPOST QUALITY STANDARDS	WPM	$50,000
7-WPM-IWM	COMPOST OUTREACH	WPM	$50,000
8-WPM-IWM	PRIVATE BUY RECYCLED(PRIVATE SECTOR ALLIANCE	WPM	$35,000
9-WPM-IWM	RIGID PLASTIC PACKAGING	WPM	$30,000
10-PEN-IWM	DOCUMENT TRACKING	PEN	$25,000
11-OPA-IWM	HOTLINE	OPA	$15,000
12-PEN-IWM	REGULATORY REFORM	PEN	$75,000
13-WPM-IWM	TECHNICAL COST EFFECTIVENESS	WPM	$45,000
14-PEN-IWM	PERMIT ASSISTANCE CENTERS	PEN	$34,300
	Total Amount Requested		**$909,300**
	IWMA FUND BALANCE		**($410,700)**

PROJECT RECYCLE (IWMA)

CONCEPT NUMBER	CONCEPT TITLE	DIVISION	RECOMMENDED AMOUNT
	PROJECT RECYCLE FUNDS AVAILABLE		**$10,000**
15-DPL-PRF	AWARDS FOR PUBLIC ENTITIES	DPLA	$25,000
	Total Amount Requested		**$25,000**
	PROJECT RECYCLE FUND BALANCE		**($15,000)**

SUMMARY OF DISCRETIONARY CONTRACTS
CONSULTANT AND PROFESSIONAL SERVICES
FISCAL YEAR 1995/96

USED OIL FUND

CONCEPT NUMBER	CONCEPT TITLE	DIVISION	RECOMMENDED AMOUNT
	OIL FUNDS AVAILABLE		**$2,927,365**
16-DPL-OIL	VIDEO "INTRO. TO USED OIL COLLECTION"	DPLA	$20,000
17-DPL-OIL	DEVELOP HANDOUTS RE OIL STORAGE/HANDLING	DPLA	$50,000
18-DPL-OIL	ASSIST. IN FIELD IMPLEMENTATION OF PRC SEC. 34	DPLA	$50,000
	Total Amount Requested		**$120,000**
	OIL FUND BALANCE		**$2,807,365 ***

* The balance available in the Oil Fund will be used for "Promotional Grants" or additional "Promotional Contracts"

RMDZ FUND

CONCEPT NUMBER	CONCEPT TITLE	DIVISION	RECOMMENDED AMOUNT
	RMDZ FUNDS AVAILABLE		**$877,635**
19-WPM-RMDZ	LEGAL SUPPORT SERVICES (CARROLL, BURDICK, &	WPM	$188,000
20-WPM-RMDZ	FINANCIAL SERVICES TO ASST. ZONES	WPM	$115,000
21-WPM-RMDZ	SPECIALIZED CREDITOR ASSIST.	WPM	$477,635
22-WPM-RMDZ	FINANCIAL & LEGAL CONSULTANT TO SUPPORT LOA	WPM	$50,000
	Total Amount Requested		**$830,635**
	RMDZ FUND BALANCE		**$47,000**

DESCRIPTION OF DISCRETIONARY CONTRACTS CONSULTING & PROFESSIONAL SERVICES FISCAL YEAR 1995-96

INTEGRATED WASTE MANAGEMENT ACCOUNT

1-DPL-IWM PUBLIC EDUCATION
$75,000 (IWMA) - Implement comprehensive IWM school education and waste diversion programs statewide. Develop, design, and implement a training and curriculum development program for grades 7-12; utilize model waste diversion programs in implementing new district-wide programs throughout the state; develop pilot district-wide programs throughout the state; develop pilot model waste prevention and secondary materials procurement programs. $50,000 school program implementation. $25,000 IAA between CIWMB and California Department of Education.

Since DOC has no legislative mandate to develop curriculum programs in K-12 schools, there is no overlap. The Memorandum of Agreement signed by DOC and the Board clearly defines areas of responsibility: the Board has the lead in IWM curriculum and DOC retains the lead in education outreach. In addition, DOC does not work directly with the California Department of Education (CDE). This contract will provide a continuation of collaboration between CDE and the Board for education program implementation and teacher training workshops.

2-DPL-IWM ADJUSTMENT METHOD
$135,000 (IWMA)
* * Double asterisk means highest priority for FY 95/96 - ($80,000)
  * Asterisk means priority for FY 95/96 - ($85,000)

1) Training and technical assistance for local jurisdictions ($75,000)

* * Provide technical assistance to Board staff in local/regional workshops to train and assist local jurisdictions in application of adjustment method and providing solutions to special problems. ($15,000)

* Redesign and upgrade Board's Interim Database to incorporate adjustment method data and data from final SRREs and ensure compatibility with annual report, waste characterization, and GIS database, analysis, and reporting systems. ($30,000)

2) Follow-up study to evaluate accuracy and usefulness of adjustment method and revise as needed. ($90,000)

* * Estimate amounts of waste in various parts of the currently measured waste stream (permitted landfills, permitted transformation, etc.) and the unmeasured waste stream (export, landspreading, biomass and other transformation activities, other land disposal, etc.) to support evaluation of legislative proposals, regulatory actions, policy decisions, and possible adjustments. ($20,000)

* Develop and evaluate potential approaches to combine statewide data from the disposal reporting system, the diversion reporting system, and the waste characterization method to evaluate usefulness and accuracy of the adjustment method using the database described in 1) above. ($25,000)

Survey jurisdictions to evaluate their success in using the adjustment method and User's Guide, and to identify problems these local jurisdictions encountered as they applied the adjustment method to special situations, such as base-year data errors, military or major industry closure or relocation, natural disasters, unusual construction activity, errors from the disposal reporting system, availability and application of locally-supplied data for factors in place of state-supplied default factors, identifying residential and non-residential quantity data. Also identify jurisdictions with disposal and diversion data which can be used to provide an independent cross check for the adjustment method and to assess use of alternative factors to address local problems. Research possible solutions to problems identified above, including possible use of supplemental adjustment factors. ($25,000)

Analyze use of state default data versus use of locally provided data by local jurisdictions to determine differences in projected diversion rates; analyze cumulative impact of use of local and state default data on statewide diversion rate. Recalibrate adjustment method formula for greater accuracy based on analysis of 1995 data. ($20,000)

3) Develop construction and demolition waste generation/disposal factors for use in adjustment method. ($85,000)

* * Organize peer review (working group) committee to provide input, resources, and review of development of information and approach to incorporating C&D into the adjustment method. ($10,000)

* * Perform literature survey on C&D generation and disposal factors. Compile information on diversion activities for

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C&D waste. Define and categorize types of C&D waste generating/disposal activities to be included in the adjustment method. These include commercial/industrial/base closures, natural disasters, large construction/demolition projects such as road building and maintenance, and regular growth. Analyze existing disaster debris data to develop factors relating type and magnitude of disaster to debris generated. Develop and prioritize list of factors (e.g., housing starts, AQMD demolition permits, etc.) for further detailed research on effects on C&D waste generation. ($25,000)

* * Conduct field surveys to supplement information and fill in data gaps from literature survey. Includes: 1) collecting information on construction and demolition projects to track waste amounts and correlation to cost and project size; 2) conducting gate surveys at landfills to collect data on remodeling jobs and other C&D projects. ($10,000)

Perform detailed statistical studies on factors similar to what was done with adjustment method project. ($20,000)

Field test with local jurisdictions, review, and modify factors as needed for final incorporation into the adjustment method calculations. ($20,000)

3-WPM-IWM CALMAX
$150,000 (IWMA) The current CalMAX contract with the Local Government Commission expires February 29, 1996. While the contract duration is 15 months, the contract only provides for publication of one year's worth of catalogs (6 issues) - the last of which is November/December 1995.

Funding Options:

- $180,000 would cover six issues of the catalog at $150,000 and five-year expansion at $30,000
- $150,000 would cover five issues of the catalog at $125,000 and five-year partial expansion at $25,000
- $150,000 would cover six issues of the catalog with no five-year expansion

4-WPM-IWM WRAP
$75,000 (IWMA) The 1995 Waste Reduction Awards Program contract was approximately $39,000. This does not reflect printing costs (applications and flyers) of approximately $10,000 done in 1995 that was provided through other funding mechanisms that will be unavailable for the 1996 program. The increase in funding requested from the approximately $50,000 expended for the 1995

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program is to be used for more beneficial awards (such as window decals) and expanded recognition of program winners (more press coverage, possibly some regional presentations, etc.). The increase in funding will also be used to develop case studies of successful business waste reduction programs which will directly benefit several other Waste Prevention/Market Development Division programs such as Business Assistance, the Waste Prevention Info. Exchange, Buy Recycled, and the Pilot Business Waste Prevention Project. More proactive education and assistance for businesses that show a need for improvement in their waste reduction programs will be investigated.

5-PAO-IWM "COST" STUDY
$115,000 (IWMA)
While state success in achieving the first milestone, 25% by 1995, has focused on expanding existing diversion activities and initiating new activities based upon the jurisdiction's waste characterization; reaching 50% will require a more focused evaluation of program costs versus diversion benefits achieved. The purpose of this proposal is to: 1) provide tools for local government use in determining optimal diversion strategies to cost effectively meet the 50% by 2000 goal based upon local conditions; and, 2) to incorporate an analysis of alternative strategies to achieve 50%. This proposal will assist local jurisdictions in developing self-sustaining diversion programs that reflect market and local economic conditions.

The study will provide the framework and tools for management of the CIWMB, as well as local waste management decision makers to formulate the most cost effective means of achieving the 50% diversion goal. This would allow for a more focused diversion effort with resources being directed to provide the most dollar value for diversion benefit received.

6-WPM-IWM COMPOST QUALITY STANDARD
$50,000 (IWMA) Continue support for product quality standards project. Will be used to support industry's first-year costs to implement the compost quality guidelines.

During FY 94-95, the Board facilitated the compost/agricultural industry to develop voluntary compost quality standards describing compost feedstock and characteristics. The industry will further refine, implement, enforce, and promote the standards, to be operational by November, 1995. The Board has been asked to make available $50,000 to the compost industry during FY 95-96 to ensure the industry is sufficiently funded to complete the remaining tasks, properly promote the standards to composters, and educate farmers about the benefits of the standards. No Board support would be needed after this year.

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7-WPM-IWM COMPOST OUTREACH
$50,000 (IWMA) The Board has begun an aggressive outreach effort to encourage urban-derived compost use by the agricultural industries. Nearly 10 million tons of compostable materials are available annually to be diverted from California landfills. Agriculture represents the largest potential market for the resulting 4 million tons of compost. The contract funds, through an Interagency Agreement with Cal State University, would be used to develop outreach and promotional materials, attend agricultural trade shows and conferences to distribute the materials and "sell" compost use directly to farmers, and conduct compost use workshops.

8-WPM-IWM PRIVATE BUY RECYCLED (PRIVATE SECTOR ALLIANCE)
$35,000 (IWMA) Provide administrative and other support services for private sector alliances. Funds for Alliances would be used to bring stakeholders together; conduct workshops to facilitate networking and to promote successful RCP experiences and demonstrations; encourage the identification of purchasing constraints and measuring protocols; coordinate product testing and specification development; and to enhance RCP procurement practices within businesses in the Alliances (i.e. seed money, staffing, policy development).

9-WPM-IWM RIGID PLASTIC PACKAGING
$30,000 (IWMA) Develop recycling rate methodology for Rigid Plastic Packaging Containers.

10-PEN-IWM DOCUMENT TRACKING
$25,000 (IWMA) Document Tracking to make Legal Mandates (amendment to 1994-95 contract to enhance the original program). To date, the contractor has been paid half of the amount for work completed. The remainder of the work should be completed by September, at which time the entire amount will have been paid to the contractor($92,000).

The current contract is for reorganization and indexing of solid waste facilities files exceeding 100,000 documents and over 1 million printed pages. The same kind of approach could be taken with our other file types:

- Abandoned Disposal Sites
- Military Base Facilities (BRAC)
- Tire Facilities
- LEA Certification/Designation
- Other Facility Types Identified Through Tiered Permitting

This could be accomplished for a lesser amount for these reasons:

- software/hardware is already procured;
- the files are of lesser magnitude than the solid waste facilities files.

11-OPA-IWM - HOTLINE
$15,000 (IWMA) To be applied towards the startup and operations fees associated with the consolidation of DOC/DOR's recycling Hotline and IWMB's recycling Hotline. We have also been directed by Cal/EPA to investigate the alternative proposal of privatization of the Hotline.

12-PEN-IWM REGULATORY REFORM
$75,000 (IWMA) There has been criticism of the time and cost associated with obtaining permits for landfills in California. It has been suggested that the states of Nevada and Arizona have more efficient procedures for permitting facilities while maintaining environmental standards and that this has led to the location of landfills to these neighboring states rather than in California. The result is a higher cost of waste management in California and a loss of economic activity.

The purpose of the study would be to investigate the time and cost of permitting landfills in California compared with Nevada and Arizona to determine whether there is validity to the above hypothesis. The study would identify specific cost and time differences and impediments in the California process and then identify reforms in the California process that would provide equivalent environmental protection more efficiently.

13-WPM-IWM TECHNICAL COST EFFECTIVENESS
$45,000 (IWMA) MRF's are needed if jurisdictions are to meet their mandated diversion goals. It would be desirable to encourage the development and deployment of cost-effective MRF technologies. Many localities are examining whether to build MRF's and if so what technology to employ. They would benefit from having information evaluating alternative MRF technologies.

The purpose of this study is to develop information for localities that would enhance their ability to make choices about what types of MRF technologies are available and might best fit the needs of different jurisdictions. More specifically the study would examine the costs and benefits of different MRF technologies and their applicability for different jurisdictions. The results of the study would be made available to localities through published information and workshops.

14-PEN-IWM PERMIT ASSISTANCE CENTERS
$34,300 (IWMA) The Permit Assistance Centers (PACs) assist local and regional governments in reforming the permitting process through the development of consolidated project application forms and innovative technologies for permit issuance. The PACs also serve as a central resource for information on financial and business assistance programs from federal, state and local agencies. This is to support the overhead expenses of the Permit Assistance Centers.

10

PROJECT RECYCLE (IWMA)

15-DPL-PRF AWARDS FOR PUBLIC ENTITIES
$25,000 (IWMA) (Project Recycle) - An awards program for public entities such as state owned and leased facilities, schools and local governments for outstanding diversion achievements.

USED OIL FUND

16-DPL-OIL VIDEO "INTRODUCTION TO USED OIL COLLECTION"
$20,000 (OIL) Develop a video "Introduction to the Used Oil Collection Center Certification Program" using on-site and office shots to "walk-through" the certification process. The video would be used for business, local government orientations/presentations and public information events. The video will supplement hard copy info packets and hopefully increase operator knowledge of program requirements through a friendlier media. Use in-house staff where possible and contract with Chico or Sacramento State University to film and edit.

17-DPL-OIL DEVELOP HANDOUTS RE OIL STORAGE/HANDLING
$50,000 (OIL) Development of handouts for centers on oil handling and storage requirements. Interagency Agreement with DTSC.

18-DPL-OIL ASSIST IN FIELD IMPLEMENTATION OF PRC SEC. 34
$50,000 (OIL) Assistance in field implementation of PRC section 3465 (a). Interagency Agreement with the Department of Food and Agriculture.

RMDZ FUND

19-WPM-RMDZ LEGAL SUPPORT SERVICES (Carroll, Burdick & McDonough)
$188,000 (RMDZ Funded) Recycling Market Development Zones legal support services for issues relating to the loan program. This is to continue the CBM contract which provides expert lender legal assistance to the Board's Legal Office. It's so "high" because we took an average of what legal services cost us per loan in the past and then estimated that there would be an increased number of loans during FY 95-96. Regarding doing some of the work in-house: the Legal Office is already short staffed and the problem will be worse for at least the next six months while Kathryn Tobias is on maternity leave and working half-time. Maureen Morrison, our main source of in-house legal advice for the loan program, will need to rely more on CBM during this time.

20-WPM-RMDZ FINANCIAL SERVICES TO ASSIST ZONES
$115,000 (RMDZ) Financial Services to provide assistance to zones and administration of loans.

21-WPM-RMDZ SPECIALIZED CREDITOR ASSISTANCE
$477,635 (RMDZ) Interagency agreement with the Department of Economic Opportunity to reserve monies to be used to offset costs incurred in the process of foreclosure on defaulted loans. This IAA would be used to pay for costs necessary to protect the State's lender/creditor interests in the event of a borrower's loan defaults. For example, to maximize the amount recovered by the State, it may be necessary to buy out first position lenders, and this money would be used for that purpose. It would also cover attorney fees and other legal costs associated with foreclosure. The amount is based on a percentage of the amount of outstanding loans and assumes that some will inevitably default.

The amount for collection services was based on staff's estimates considering projected loan activity. Staff has extensive experience in commercial lending (both private and government sectors). The allocation of costs (approximately 3%) to pay for collection expenses is consistent with other state programs such as the Trade and Commerce Agency's Grant and Loan Program, the Underground Storage Tank Program and others (Government Code Sections 15327.6, 15328, and 15399.18).

22-WPM-RMDZ FINANCIAL & LEGAL CONSULTANT TO SUPPORT LOANS
$50,000 (RMDZ) Current financial and legal work in support of the proposed loan sale is being handled by NDC and CBM, our current financial and legal consultants. This contract concept was identified as being needed in FY 1995-96 in the event that more than the initial loan sale is made. This contract concept could be made part of the legal support services contract (19WPM-RMDZ) and the financial assistance services contract (20-WPM-RMDZ). We suggested that it be kept separate in case the decision is made not to do any or any more than one loan sale. That would free the $50,000 from the RMDZ account for redirection to some other contract or for loans.

California Integrated Waste Management Board

Resolution 95-631

August 23, 1995

BE IT RESOLVED that the Board hereby approves the discretionary contract concepts listed in Attachment 1 of the item with any changes identified at the Board meeting.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

August 23, 1995

Agenda Item 6

ITEM: Consideration of State Legislation

SUMMARY

This item presents analyses of six bills for the Board's consideration. Included in the packet is the Status Report of Priority Bills, which is provided for the Board's information.

PREVIOUS COMMITTEE ACTION

At its August 8, 1995 meeting, members of the Legislative and Public Education Committee (LPEC) voted to forward six bills to the Board for consideration.

STAFF RECOMMENDATION

Legislative Staff suggests that the Board take positions on SB 1180, SB 1222, and SB 1299, and reconsider the positions previously taken on AB 59, AB 626, SB 1026, in light of the amendments that have taken place since the Board first adopted its current positions on those bills.

ANALYSIS

Analyses have been prepared this month for the following bills:

* **AB 59 (Sher) - Waste: Solid Waste Facilities: Permits: Enforcement**
  Would revise solid waste facility permitting and enforcement activities carried out by the California Integrated Waste Management Board (CIWMB) and Local Enforcement Agencies (LEAs)and provide for the imposition of civil liabilities administratively by the LEA or CIWMB when a solid waste facility operator is not in compliance with permitting requirements, permit terms and conditions, or with state minimum standards related to permitting, handling, or disposal of solid waste. The bill would establish detailed procedures for the CIWMB when acting as the enforcement agency (EA) and clarify processes, procedures, and requirements for the designation, operation and evaluation of LEAs. The bill would also clarify in statute the requirements for operators who wish to change solid waste facility design or operations.

  CURRENT POSITION: SUPPORT (ADOPTED FEBRUARY 1995)
  LPEC RECOMMENDATION (AUGUST): FORWARDED WITHOUT A RECOMMENDED CHANGE IN POSITION

* **AB 626 (Sher)- Solid Waste: Reporting Requirements**
Would consolidate the California Integrated Waste Management Board's (CIWMB) ongoing annual reporting requirements into a series of seven progress reports which would be submitted to the Governor and the Legislature on an annual basis. The bill would also require the annual progress reports by local jurisdictions to be submitted to the CIWMB on or before March 1 of every other year. Additionally, the bill would make a clarifying change to the intent language in the Integrated Waste Management Act, extend indefinitely a specified provision of the State Assistance for Recycling Markets Act of 1989, and make a number of general "code cleanup" changes. Finally, AB 626 would amend the Open Meeting Act to allow the CIWMB to hold closed sessions when considering trade secret, confidential proprietary, or financial proprietary data of manufacturers or businesses.

CURRENT POSITION: SUPPORT (ADOPTED MAY 1995)
LPEC RECOMMENDATION (AUGUST): FORWARDED WITHOUT A RECOMMENDED CHANGE IN POSITION

* **SB 1026 (Dills) - Solid Waste: Tire Recycling**
Would require Caltrans to request that the U.S. Department of Transportation revise the federal Intermodal Surface Transportation Efficiency Act (ISTEA) utilization requirements for asphalt pavement containing recycled rubber to allow for the use of waste tires as fuel for cement manufacturing plants in addition to, but not in lieu of, their use in asphalt pavement containing recycled rubber, if Caltrans finds that the use of waste tires for fuel production at cement manufacturing plants in California provides a highly valuable method to augment waste reduction with regard to the recycled rubber requirements of ISTEA.

CURRENT POSITION: OPPOSE (ADOPTED MAY 1995)
LPEC RECOMMENDATION (AUGUST): FORWARDED WITHOUT A RECOMMENDED CHANGE IN POSITION

* **SB 1180 (Calderon and Haynes) - Environmental Quality**
Would make a number of significant changes to the California Environmental Quality (CEQA) including abrogating the "fair argument test" in favor of the "substantial evidence standard" in the preparation of an environmental impact report.

LPEC RECOMMENDATION: OPPOSE (2-1)

* **SB 1222 (Calderon) - Hazardous Waste Management**
Would establish the Hazardous Waste Management Reform Act of 1995, which would make a variety of changes to the hazardous waste laws that affect the standards for identifying hazardous wastes, standards for treatment before a waste may be disposed to land, the requirements that apply to the

operation or permitting of hazardous waste facilities and the fees that are paid to support the state hazardous waste program.

LPEC RECOMMENDATION: FORWARDED WITHOUT RECOMMENDATION

* **SB 1299 (Peace) - Environmental Protection: Permits**
Would require the Secretary of the California Environmental Protection Agency to adopt regulations to establish the permit consolidation zone pilot program.

LPEC RECOMMENDATION: OPPOSE (2-1)

ATTACHMENTS

1. Bill Analyses of the following bills: AB 59 (Sher), AB 626 (Sher), SB 1026 (Dills), SB 1180 (Calderon and Haynes), SB 1222 (Calderon), and SB 1299 (Peace).

2. Status Report of Priority Bills.

APPROVALS

Prepared by:	Ross Warren	Phone:	255-2415
Approved by:	Denise Davis	Phone:	244-2417

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

I	Author	Bill Number
California Integrated Waste Management Board	Sher	AB 59
Sponsor	**Related Bills**	**Date Amended**
Author	AB 1829 (1994)	July 10, 1995

BILL SUMMARY

AB 59 is a comprehensive measure that would revise solid waste facility (SWF) permitting and enforcement activities carried out by the California Integrated Waste Management Board (CIWMB) and Local Enforcement Agencies (LEA). It would provide for the imposition of civil liabilities administratively by the LEA or the CIWMB when a solid waste facility operator is not in compliance with permitting requirements, permit terms and conditions, or with state minimum standards related to permitting, handling, or disposal of solid waste. The bill would establish detailed procedures for the CIWMB when acting as the enforcement agency (EA), and clarify processes, procedures, and requirements for the designation, operation and evaluation of LEAs. The bill would also clarify in statute the requirements for operators who wish to change solid waste facility design or operations.

BACKGROUND

AB 59 was heard, and a support position adopted, by the Legislation and Public Education Committee (LPEC) and the full Board in February 1995. Since that time the bill has been amended three times.

AB 59 is similar to AB 1829 (Sher) of 1994. However, AB 1829 contained provisions that would have required a Solid Waste Facilities Permit, in addition to the radioactive waste facilities permit, for the Ward Valley Low Level Radioactive Waste Facility if solid waste were accepted at that facility. The Governor vetoed AB 1829 because of this provision stating that, among other things, ". . . the dual regulation required by this bill is unnecessary. Moreover, this bill will add yet another governmental hurdle to the opening of this much needed facility." These provisions do not appear in AB 59.

Departments That May Be Affected		
mittee Recommendation	Committee Chair	Date
Forwarded without a recommended change in position		

EXISTING LAW

Provisions of existing law:

1. Authorize the CIWMB to establish a comprehensive research and development program that will assist state and local governments and private industries to implement innovative resources management and waste reduction programs.

2. Authorize the designation, in each jurisdiction, of an enforcement agency and provide that if an LEA is not designated and certified, the CIWMB shall be the EA within the jurisdiction. In such cases, the CIWMB assumes the additional powers and authorities of an LEA within that jurisdiction.

3. Require the EA to assume specified duties, including enforcement of state minimum standards for solid waste handling and disposal, adoption of an enforcement program, maintenance of records, and consultation with appropriate health agencies concerning actions that involve health standards.

4. Allow the CIWMB, if it becomes the EA, to charge reasonable fees to the local governing body to recover operation costs.

5. Require the CIWMB to develop performance standards for evaluating certified LEAs and conduct a performance review of the LEAs every 18 months. If the CIWMB finds that an LEA is not fulfilling its responsibilities and the lack of compliance has contributed to significant noncompliance with state minimum standards, the CIWMB is required to withdraw its approval of the LEA designation. If the CIWMB finds that conditions at solid waste facilities within the LEA's jurisdiction threaten public health and safety or the environment, the CIWMB shall, within 10 days of notifying the LEA, become the EA until another LEA is designated and certified. Current law also specifies the findings to be made by the CIWMB which result in withdrawal of the CIWMB's approval of the LEA designation.

6. Prohibit an operator of a SWF from making a significant change in the design or operation of a facility except in conformance with an approved or revised permit, and require an operator wishing to modify the design or operation of a SWF to file an application for revision of the existing permit with the EA at least 120 days prior to the date when the proposed modification is to take place. Allow a waiver of the 120 day filing period under circumstances which present an immediate danger to the public health and safety or the environment.

7. When issuing or revising a SWF permit, require the EA to ensure that primary consideration is given to preventing environmental damage and that the long-term protection of the environment is the guiding criterion. Allow the EA to prohibit or condition the handling or disposal of solid waste to protect, rehabilitate, or enhance the environmental quality of the state or to mitigate adverse environmental impacts.

8. Require any SWF permit to be reviewed, and if necessary, revised at least once every five years.

9. Require the CIWMB to maintain an inventory of solid waste facilities that are in violation of state minimum standards and provide procedures for including individual facilities in the inventory. If facilities in the inventory do not meet compliance schedules within one year, the EA must revoke the permit of the SWF until violations are remedied. The CIWMB is required to update and publish the inventory twice annually.

10. Provide for denial, suspension, and revocation of permits, and procedures for hearings to make such determinations.

11. Provide a comprehensive chapter on enforcement, including actions to take with regard to permit violations, provisions for imposing civil penalties, provisions for taking corrective actions, procedures for taking emergency actions, procedures for filing administrative appeals, procedures for resolving jurisdictional disputes, and standards for judicial review.

ANALYSIS

AB 59 would:

Changes in local enforcement agencies provisions:

1. Specify conditions for the reimbursement of the CIWMB's costs when it acts the EA for local jurisdictions, particularly Stanislaus and Santa Cruz Counties.

2. Require the CIWMB to conduct a performance review of LEAs every three years rather than every eighteen months.

3. Require the CIWMB to adopt regulations that establish a process for notice, public hearing, the admission of evidence, and final action by the CIWMB for partial or full withdrawal of the approval of designation as an LEA.

4. Provide guidance to LEAs, upon their request, for inspection and investigation of illegal, abandoned, or inactive closed sites.

5. Clarify the requirements for certified LEAs, including establishment and maintenance of an inspection program which ensures frequent inspections of facilities that have established a pattern of noncompliance with waste management laws and regulations.

6. Add provisions for the CIWMB to use when evaluating LEAs that it may find are not fulfilling their responsibilities.

7. Allow the CIWMB, upon request from an LEA, to provide legal assistance to an LEA.

8. Prohibit an employee of a solid waste handling or disposal operation from also being employed by the LEA, unless authorized by the CIWMB.

Changes in permitting provisions:

1. Requires the EA to hold a public hearing prior to taking action to deny, suspend, or revoke a permit. Such hearings would be conducted pursuant to the local hearing panel process (three members of the local governing body or an independent hearing panel).

2. Reflect in statute the actual time frame to process a permit package, from 120 days to 150 days, which reflects the 30 day review by the EA for package completeness and the 120 day period for permit writing, CIWMB concurrence or objection, and issuance of the permit.

3. Establish a criteria for review and revision of whether or not SWF operators are required to obtain permit revisions when making changes in the design or operation of their facility in a manner that is not specifically authorized or excluded by the existing permit.

4. Streamline the permitting process by allowing a permit to be transferred without a permit modification or revision when a change in owner or operator occurs, and the LEA or the CIWMB determines the facility will be operated in compliance with the terms and conditions of the existing permit.

5. Require CIWMB to prepare a list, on or before January 1, 1996, of solid waste facilities permits which have not been reviewed in the last five years. This list would include SWF permits issued on or before January 1, 1989, facilities accepting more solid waste than their permit authorizes, and facilities which may pose a significant risk to the public health or safety or the environment.

6. Provide that upon receipt of the final shipment of solid waste the most recent closure and postclosure maintenance plan shall become the governing document for the disposal site.

7. Clarify provisions under which an EA may deny a permit application by adding the following criteria in statute:

   a. submitting an incomplete or inadequate application;
   b. noncompliance with CEQA;
   c. failing to demonstrate that the facility will meet minimum standards;
   d. submitting an application that contains false or misleading information; or
   e. having a record of violations.

Changes in enforcement provisions:

1. Require the EA to issue a compliance order as the first step of the enforcement process, prior to taking actions such as imposing administrative civil liabilities or civil penalties. Prior to issuing a compliance order the EA would be required to 1) notify the operator that the facility is in violation of solid waste laws and regulations and undertake all reasonable efforts to assist the operator in bringing the facility into compliance, and 2) upon the request of the operator, meet with the operator to determine what actions that operator may take to bring the facility into compliance.

2. Provide LEAs and the CIWMB, when acting as the EA, with the authority to impose civil liabilities administratively, up to $5,000 per violation and a maximum of $15,000 annually for a single violation, for non-compliance with permit conditions and state minimum standards. Prior to imposing a civil penalty the EA would be required to:

   a. Hold a duly noticed public hearing to provide an opportunity for the alleged violation(s) and the amount of any civil penalty to be reviewed by the local governing body;

   b. Consider alternatives to the imposition of a civil penalty that would bring the facility into compliance;

   c. Take into consideration the nature, circumstances, extent, and gravity of any violation or any condition giving rise to the violation and the various remedies and penalties that are appropriate in the given circumstances, with primary emphasis on protecting the public health and safety and the environment;

   d. Take into consideration whether the violations or conditions giving rise to the violation have been corrected in a timely fashion or reasonable progress is being made;

   e. Take into consideration whether violation(s) or conditions giving rise to the violation demonstrate a chronic pattern of noncompliance with solid waste laws and regulations, the terms and conditions of a permit, or pose, or have posed a serious risk to public health and safety or the environment;

   f. Take into consideration whether the violation(s) or conditions giving rise to the violation were intentional;

   g. Take into consideration whether the violation(s) or conditions giving rise to the violation were voluntarily and promptly reported to appropriate authorities prior to the commencement of an investigation by the EA;

   h. Take into consideration whether the violation(s) or conditions giving rise to the violation were due to circumstances beyond the reasonable control of the violator or were otherwise unavoidable under the circumstances; and

i. Take into consideration whether the violator has established one or more of the following programs prior to committing the violation that will help to prevent violations of the type committed in the future:

1. A comprehensive compliance program designed to prevent violations of solid waste laws and regulations, or the terms and conditions of a solid waste facilities permit.

2. Employee training programs designed to educate the employees regarding their responsibilities under solid waste laws and regulations, and the terms and conditions of a solid waste facilities permit.

3. Regular internal audits to monitor the effectiveness of the comprehensive compliance programs.

4. Confidential systems for employee reporting of potential violations of solid waste laws and regulations and the terms and conditions of a solid waste facilities permit, and for protecting persons so reporting from retaliatory employment actions.

5. Special incentive programs that promote and reward compliance with solid waste laws, regulations, and permit terms and conditions.

3. Prohibit an EA from imposing a civil penalty for the first three de minimis violations of the same requirement or standard established under law or regulation for solid waste facilities.

4. Provide that civil penalties imposed by the CIWMB be deposited into a new account, the Solid Waste Enforcement Fund, to be used exclusively for permitting and enforcement activities. If the LEA is pursuing the enforcement action, the penalties are to be deposited into a local trust fund and used exclusively to support the LEA's enforcement activities at solid waste facilities or to remediate the cleanup of abandoned solid waste disposal sites.

COMMENTS

AB 59 has been amended three times since the Board adopted its support position on the bill. One significant provision of those amendments substituted a specific hearing provision and finding requirement prior to imposing a penalty (up to $5,000) for the three classes of violations for which a penalty could be imposed under the introduced version. One of the steps to be taken under the current version of the bill, holding a duly noticed public hearing to provide an opportunity for the local governing body to review the alleged violation(s) and the amount of any proposed civil penalty, has raised concerns among LEAs and CIWMB staff. Both parties feel that the process of holding a public hearing on a proposed penalty would be administratively burdensome and costly, as well as unnecessary since an appeal to the local governing body is available after the penalty is imposed. The LEAs have also expressed

concerns related to the bill's provision that would allow the CIWMB, on its own motion, to review a decision of a local hearing panel.

Current law requires that imposition of civil penalties for violations of permit terms and conditions and state minimum standards administered by the CIWMB and LEAs be done pursuant to actions filed in Superior Courts. The CIWMB does not have the authority to impose civil penalties administratively as is currently provided to other Cal/EPA boards and departments. AB 59 would provide the CIWMB and LEAs with the authority to impose civil penalties administratively, up to $5,000 per violation, or $15,000 annually, in a manner similar to other Cal/EPA boards and departments.

LEGISLATIVE HISTORY

AB 59 was introduced on December 16, 1994, passed the Assembly Committee on Natural Resources (12-1) on April 17, 1995, passed the Assembly Committee on Appropriations (12-1) on May 24, 1995, passed the Assembly Floor (67-3) on June 1, 1995, passed the Senate Committee on Governmental Organization (9-0) on July 11, 1995, passed the Senate Committee on Appropriations (28.8 calendar - nonfiscal bills) and is currently pending a vote on the Senate Floor.

Support:	BKK Corporation Californians Against Waste Browning-Ferris Industries WMX Technologies Sonoma County Board of Supervisors California Integrated Waste Management Board
Oppose:	Solid Waste Association of America (SWANA)

FISCAL AND ECONOMIC IMPACT

The provisions of AB 59 would not have a fiscal impact on the CIWMB.

The provisions of AB 59 could have an adverse economic impact on those solid waste facility operators who fail to comply with solid waste laws and regulations and would be subject to a civil penalty. However, the bill's provisions related to clarifying and streamlining the permit process could have a positive economic impact on the solid waste industry at large.

Analyst: Ross Warren 255-2415

:EGISLATION AND PUBLIC
:DUCATION COMMITTEE

BILL ANALYSIS

E	Author	Bill Number
California Integrated Waste Management Board	Sher	AB 626
Sponsor	**Related Bills**	**Date Amended**
Author		April 17, 1995

SUMMARY

AB 626 would consolidate the California Integrated Waste Management Board's (CIWMB) ongoing annual reporting requirements into a series of seven progress reports which would be submitted to the Governor and the Legislature on an annual basis. It would also require the annual progress reports by local jurisdictions to be submitted to the CIWMB on or before March 1 of every other year. It would further make a clarifying change to the intent language in the Integrated Waste Management Act (IWMA), extend indefinitely a specified provision of the State Assistance for Recycling (STAR) Markets Act of 1989, and make a number of general "code cleanup" changes. Finally, it would amend the Open Meeting Act to allow the CIWMB to hold closed sessions when considering trade secret, confidential proprietary, or financial proprietary data of manufacturers or businesses.

BACKGROUND

AB 626 was heard, and a support position adopted, by the Board in May 1995. It is being brought back to the LPEC as a "placeholder" in the event that amendments are made between the LPEC and the Board meeting. Amendments suggested by staff and agreed to by the Board in this analysis (the same amendments presented to the Board at its May 23, 1995 meeting) have been transmitted to the author's office. AB 626 is now on the Senate Third Reading File.

Consolidation of Reporting Requirements. The CIWMB is responsible for the preparation of approximately 23 ongoing annual reports, specifically mandated by statute, to be submitted to the Governor and the Legislature. Much of the information for these ongoing requirements contained in the CIWMB's annual report has been reduced in scope in order to keep the annual report at a manageable size. The annual report is not always timed appropriately for these reports to be completed and has not always provided information to the degree of specificity that certain members of the Legislature have requested. In February 1994, the CIWMB adopted staff recommendations to consolidate the Board's ongoing annual reporting requirements into a series of seven progress reports.

Departments That May Be Affected		
Department of General Services		
Committee Recommendation	**Committee Chair**	**Date**
Forwarded without a recommended change in position		

Jurisdiction Annual Reports. CIWMB staff have suggested that jurisdiction annual reports be submitted during a standard reporting period to ensure that the data gathered will be more complete, useful, and comparable.

IWMA Intent Language. Some attorneys have argued that the CIWMB's switch to disposal-based measurement of waste reduction has emphasized preserving landfill capacity as the primary purpose of the IWMA. This interpretation might lead them to argue that waste exported out of state should get diversion credit. The proposed language would clarify that the reduction, reuse and recycling of solid waste generated in California will also serve to conserve water, energy, and other natural resources in the state, and protect the environment.

Amendment of Open Meeting Act. This change would enable the CIWMB and its auxiliary committees, including its Recycling Market Development Zone Loan Committee to meet in closed session about matters considered confidential. This would include tax credit appeals and discussions by a Loan Committee about the financial statements and other relevant documents submitted by loan applicants when considering the recommendations to make about the creditworthiness of applicants.

EXISTING LAW

State law:

1. Requires the CIWMB to file an annual report with the Legislature on or before March 31 of each year summarizing the progress achieved by the Board in implementing, or assisting in the implementation of, programs established pursuant to Division 30 of the Public Resources Code.

2. Requires each city, county, and regional agency to submit a report to the CIWMB summarizing its progress in achieving the diversion requirements of the IWMA. The schedule for submittal of the jurisdiction annual reports is based on deadlines for submittal of Source Reduction and Recycling Elements (SRREs). This report, also known as the "AB 440 Report," is not to be used for enforcement purposes. The CIWMB is required to submit to the Governor and the Legislature a report summarizing information from the reports submitted.

3. Every year following the CIWMB's approval of a city, county, or regional agency SRRE or a countywide or regional agency integrated waste management plan, requires each jurisdiction to submit to the CIWMB a report summarizing its progress in meeting the IWMA's waste reduction requirements. The report is required to include specified information.

4. Establishes the IWMA, which includes legislative findings and declarations related to the need for a coherent state policy to manage solid waste for the remainder of the 20th century and beyond.

5. Creates the State Assistance for Recycling (STAR) Markets Act of 1989, which states that it is the intent of the Legislature that policies be drafted, established and implemented to ensure the procurement and use of recycled resources. One section of the act establishes guidelines for encouraging the purchase of recycled products and encourages purchasing practices which ensure the purchase of materials, goods, and supplies that may be recycled or reused. It also requires each state agency to initiate activities for the collection, separation, and recycling of recyclable materials. These provisions sunset on January 1, 2001.

6. Creates the Bagley-Keene Open Meeting Act, which establishes requirements for public access to meetings by state agencies.

ANALYSIS

AB 626 would:

1. On or before March 1 of each year, require the Board to file an annual progress report with the Legislature highlighting significant programs or actions undertaken during the prior calendar year. Specify that the report shall include, but not be limited to, the information described in (2) below;

2. Require the CIWMB to prepare the progress report throughout the calendar year, as determined by the CIWMB, on the following programs:

   - the local enforcement agency program;
   - the research and development program;
   - the public education program;
   - the used oil program;
   - the planning and local assistance program; and
   - the site cleanup program.

(See attachment to analysis for the contents of each program progress report.)

3. Delete the now-obsolete requirement for the "AB 440 Report", a one-time report submitted to the CIWMB by each city, county, and regional agency summarizing its progress in achieving the diversion requirements of the IWMA (not to be used for enforcement purposes). The bill would instead revise and recast the current law jurisdiction annual report provisions to require submittal of the report on or before March 1, 1996, and on or before March 1 of every other year thereafter, based on the preceding two calendar years. As the jurisdiction annual report provisions are recast, these reports cannot be used for enforcement purposes;

4. Within the legislative findings and declarations for the IWMA, state that the reduction, recycling, or reuse of solid waste generated in the state will, in addition to preserving landfill capacity in California, serve to conserve water, energy, and other natural resources within this state, and to protect the state's environment;

5. Delete the January 1, 2001 sunset date on provisions of the State Assistance for Recycling (STAR) Markets Act of 1989, which establish guidelines for encouraging the purchase of recycled products and encourage purchasing practices which ensure the purchase of materials, goods, and supplies that may be recycled or reused, and require each state agency to initiate activities for the collection, separation, and recycling of recyclable materials; and

6. Add a provision to the Bagley-Keene Open Meeting Act which would allow the CIWMB to hold closed sessions when considering any trade secret, or any confidential, proprietary, or financial proprietary data of manufacturers or businesses.

COMMENTS

Consolidation of Reporting Requirements. The wording in this section of the bill is confusing. It requires on or before March 1 of each year, that the CIWMB file an annual progress report with the Legislature highlighting significant programs or actions during the prior calendar year. It also requires that the report include the seven specific program annual progress reports to be prepared throughout the calendar year. The Board may wish to consider amendments to clarify that the CIWMB is required to publish an abbreviated version of the annual report by a certain date *and* seven more detailed program progress reports throughout the calendar year, as determined by the CIWMB.

Jurisdiction Annual Reports. CIWMB staff believe March 1, 1996 is too early to report on achievement of the 1995 goal. Jurisdictions need two types of information to calculate goal achievement: 1) information to remove the effects of changes in population, economics and other factors; and 2) disposal tonnages for each jurisdiction from each landfill and transformation facility. Neither type of information will be available to the jurisdiction on the prior calendar year early enough to allow for reporting by March 1.
Jurisdictions will need to wait until information on population, employment, and taxable transactions are available from the appropriate state agencies (Department of Finance, Employment Development Department, and Board of Equalization). They need this information to calculate their disposal reduction goal (the maximum amount of disposal they are allowed in any given year). Typically, the state agencies do not produce these reports for the previous calendar year until about mid-year. So, the 1995 data will be available in mid-1996. Jurisdictions will need time to analyze the information, and calculate their disposal reduction goals.

Further, data on disposal amounts from the disposal reporting system will not be turned in yet. Each county will submit a disposal amount report for the last quarter of 1995 by April 15, 1996. The jurisdictions may need to total and analyze amounts reported by various counties. The total disposal amount for the entire calendar year of 1995 must be compared to the calculated goal. Under these reporting dates, the 1996 jurisdiction annual report could not contain a determination on goal achievement for 1995.

In addition, reporting every other year will cause unintended delays in determining goal achievement and measuring ongoing progress. Without annual reports, the CIWMB will be unable to provide the Legislature with up-to-date information on the progress of jurisdictions.

There will not be any way to track yearly increases in programs, facilities, or goal achievement. Because of the timing problems with a March 1 due date, the 25% goal would first be reported on in March of 1998. If the first report is in 1996, then the following reports would be in 1998, 2000, and 2002. In this scenario, the 50% goal would first be reported on in March of 2002.

For these reasons, the earliest feasible date for the annual report is August 1, 1996. An August 1 due date allows jurisdictions to calculate their disposal reduction goal, and compare it to the actual amount of disposal in the previous calendar year. Any calendar date prior to August 1 will cause information submitted to be delayed for at least one year.

Finally, the subsection modified in the bill [Public Resources Code Section 41821(a)] relates to the "AB 440" status report, not the annual report [PRC Section 41821(f)]. The suggested modifications appear to delete (f) and move the annual report functions up to (a). However, there is existing language in (a) which states that "The report shall not be used for purposes of enforcing the requirements of this division". The annual report is the main enforcement tool; it contains all of the information needed to determine compliance and goal achievement. With the existing language, the Board would have to wait for the five-year revision of the SRREs to determine if the goals have been met. Not all jurisdictions will do a five-year revision, so the Board would not be able to evaluate those jurisdictions until a revision was done.

The Board may wish to consider amendments which would set an August 1 annual due date for the annual reports to the CIWMB on implementation of AB 939 and delete the language that previously applied to the AB 440 report about not using the reports for enforcement purposes.

State Assistance for Recycling (STAR) Markets Act of 1989. The proposed deletion of the January 1, 2001 sunset date would appear to be aimed at making the guidelines for encouraging the purchase of recycled products and the requirement that each state agency initiate activities for the collection, separation, and recycling of recyclable materials, permanent.

Amendment of Open Meeting Act. The Board may wish to consider making some minor, clarifying changes to the language in AB 626 related to the Open Meeting Act suggested by the CIWMB Legal Office.

SUGGESTED AMENDMENTS

The Board may wish to consider the following amendments:

1. Clarify that the CIWMB will submit: 1) an abbreviated version of the annual report by a certain date each year and 2) seven more detailed program progress reports throughout the calendar year, as determined by the CIWMB.

2. Establish an August 1, 1996, and each year thereafter due date for jurisdictions' annual reports to the CIWMB on AB 939 implementation and delete the language that previously applied to the AB 440 report about not using the reports for enforcement purposes.

3. Require the CIWMB to prepare a model report for jurisdictions to use in preparing their annual reports to the CIWMB on implementation of AB 939.

4. Make minor, clarifying changes to the section in the bill related to the Open Meeting Act.

LEGISLATIVE HISTORY

AB 626 was introduced on February 17, 1995. It was passed by the Assembly Natural Resources Committee (13-0) on April 17, 1995, the Assembly Appropriations Committee (18-0) on May 24, 1995, the Assembly Floor (77-0) on June 1, 1995, and the Senate Governmental Organization Committee (6-2) on July 11, 1995. It is now on the Senate Third Reading File.

Support: California Integrated Waste Management Board

Oppose: None on file

FISCAL AND ECONOMIC IMPACT

AB 626, in its current form, would impose minor, absorbable costs on the Integrated Waste Management Account for preparing the seven progress reports, and for making minor revisions to CIWMB regulations.

Provisions of the bill that require local jurisdiction annual reports to be submitted every two years rather than annually could save local governments preparation and printing costs.

Provisions of the bill related to the STAR Markets Act and amendment of the Open Meeting Act could benefit businesses by permanently encouraging the purchase of recycled products by state agencies (stable market) and preventing the release of confidential information that could be economically damaging to them.

Analyst: Pat Chartrand 255-2416

SUGGESTED AMENDMENTS TO AB 626 (SHER)
(AS AMENDED APRIL 17, 1995)

Gov't Code 11126....

(c) (14) Prevent the California Integrated Waste Management Board from holding closed sessions ~~when considering any~~ for the purpose of discussion of confidential tax returns, the discussion of trade secrets or confidential or ~~trade secret, or any confidential, proprietary, or financial proprietary data of manufacturers or businesses.~~ proprietary information in its possession, or discussion of other data the public disclosure of which is prohibited by law.

Public Resources Code 40507. (a) On or before March 1 of each year, the board shall fine an annual ~~progress~~ report with the Legislature highlighting significant programs or actions undertaken by the board to implement programs pursuant to this division during the prior calendar year. ~~The report shall include, but is not limited to, the information described in subdivision (b).~~

(b) Commencing January 1, 1996, the board shall file annual progress reports with the Legislature covering the activities and actions undertaken by the board in the prior fiscal year. The board shall prepare the progress reports throughout the calendar year, as determined by the board, on the following programs.....

41821. (a) Each city, county, and regional agency shall submit a report to the board summarizing its progress in achieving the diversion requirements of Section 41780 on or before ~~March 1, 1996,~~ August 1, 1996 and on or before ~~March 1~~ August 1 of every ~~other~~ year thereafter, based on the preceding ~~two~~ calendar years. The information in this report shall encompass the previous calendar year, January 1 through December 31. ~~The report shall not be used for purposes of enforcing the requirements of this division.~~ The report shall describe any new or revised source reduction, recycling, or composting programs, or any other changes which have been implemented for purposes of complying with Section 41780. The report shall include information on increases in solid waste generated or disposed of due to increases or decreases in the quantity of solid waste caused only by changes in population or changes in the number or the size of governmental, industrial, or commercial operations in the city, county, or regional agency so that the board may determine if the diversion requirements of Section 41780 need to be revised. In preparing annual reports pursuant to this section, cities, counties, and regional agencies shall use disposal information, and information on the diversion programs which the city, county, or regional agency operates, to track the success of diversion programs.

~~(b) The board shall prepare a brief reporting form and shall provide the form to each jurisdiction for use in submitting the following information:~~

~~(1) Any change in the tonnage of solid waste disposed of by the jurisdiction when compared to the information reported for the based year, as defined in Section 41781.~~

~~(2) Any change in tonnage of solid waste diverted through facilities or programs operated by the jurisdiction.~~

~~(3) A status report on programs described in the source reduction and recycling element.~~

~~(c) The board may request additional information as necessary, but shall not require any jurisdiction to prepare a solid waste generation study or other significant analysis.~~

~~(d) It is the intent of the Legislature that the board, in preparing the reporting form pursuant to subdivision (b), only require information which is necessary to determine the progress that a jurisdiction is making toward meeting the diversion requirements of Section 41780 and to provide assistance to local governments in the preparation of forms so as to minimize to the greatest extent practicable any additional time and expense to local governments.~~

(b) The board shall, by December 30, 1995, prepare a reporting form and shall provide the form to each jurisdiction for use in submitting the annual report pursuant to subdivision (a).

B	Author	Bill Number
California Integrated Waste Management Board	Dills	SB 1026
Sponsor	**Related Bills**	**Date Amended**
California Cement Producers Association	AB 1071 (Morrow)	July 19, 1995

BILL SUMMARY

SB 1026 would require Caltrans to request that the U.S. Department of Transportation (U.S.DOT) revise the federal Intermodal Surface Transportation Efficiency Act (ISTEA) utilization requirements for asphalt pavement containing recycled rubber to allow for the use of waste tires as fuel for cement manufacturing plants in addition to, but not in lieu of, their use in asphalt pavement containing recycled rubber, if Caltrans finds that the use of waste tires for fuel production at cement manufacturing plants in California provides a highly valuable method to augment waste reduction with regard to the recycled rubber requirements of ISTEA.

BACKGROUND

The California Integrated Waste Management Board (CIWMB) took an oppose position on SB 1026 at its May 23, 1995 meeting. The bill is being brought back to the CIWMB due to recent amendments which could cause the Board to reconsider its current position.

Similar legislation includes AB 1071 (Morrow), which would exempt a cement manufacturing plant from the requirement to obtain a major waste tire facility permit as long as the owner or operator of the plant stores not more than a one-month supply of waste tires at any time and is in compliance with the CIWMB regulations pertaining to waste tire storage and disposal. The CIWMB supported AB 1071, which was chaptered into law (Chapter 191, Statutes of 1995) on July 22, 1995.

The CIWMB released a report in 1992 entitled, *Tires as a Fuel Supplement: Feasibility Study,* which assessed the feasibility of using tires as a fuel supplement for cement kilns, lumber operations, and other industrial processes. The report indicated that over 27 million used tires are generated each year in California. Of this amount, 21 million are waste tires, which present significant risks to the environment and public health. The CIWMB concluded that under the right conditions, tires can be safely burned as a fuel supplement and

Departments That May Be Affected		
Caltrans		
Committee Recommendation Forward to the Board without a recommended change in position.	Committee Chair	Date

recommended that support be provided for the use of tires as fuel in cement kilns.

The CIWMB found that use of tires in cement kilns displaces coal. The effect is that coal does not have to be mined or transported and, if the emissions are equivalent, an overall environmental benefit is realized because the tires are consumed in a way that leaves no residue. According to the report, emissions tests at two California cement kilns burning waste tires with coal fuel showed no appreciable difference in toxic air contaminant emissions when compared to burning coal fuel only. The CIWMB report concluded that use of waste tires as a fuel source has the potential to eliminate all of the waste tires stockpiled and generated in the state.

The CIWMB report identified eleven cement manufacturing facilities in California. Three facilities are located in Northern California in Redding, Permanente (north of Cupertino), and Davenport (north of Santa Cruz). The remaining eight facilities are located in Southern California at Lebec, Tehachapi, Mojave, Oro Grande, Victorville, Lucerne Valley, Colton, and Riverside.

Currently, three of these facilities are supplementing primary fuel with tires. They include the Calaveras Cement Company in Redding, the Southwestern Cement Company in Victorville, and the Mitsubishi Cement Company in Lucerne Valley. In addition, the California Portland Cement Company in Mojave is currently test burning tires as a fuel supplement. Also, the Riverside Cement Company in Oro Grande is in the process of obtaining a permit to construct a tire handling system and test-burn tires as fuel.

EXISTING LAW

State Law:

1. Requires the Director of Transportation (Caltrans), in consultation with the CIWMB, to review and modify all bid specifications relating to the purchase of paving and paving-related materials that are made from recycled materials including, but not limited to, recycled asphalt pavement, crushed concrete subbase, foundry slag, and paving materials using recycled materials including, but not limited to, crumb rubber from automobile tires, ash, and glass and glassy aggregates. The standards and specifications set by Caltrans cannot reduce quality standards for road construction and contracts for pavement using recycled materials. Contracts for pavement using recycled materials may be allowed only if the price is cost-effective and competitive with other materials for the purposes intended.

Federal Law (ISTEA):

1. Requires the Department of Transportation (U.S. DOT) to meet minimum requirements for asphalt pavement containing recycled rubber. In 1995, a minimum of 10% of the total tons of finished asphalt used in a state and financed in whole or in part by federal funds must use rubber recycled from tires. This requirement increases to 15% in 1996

and 20% thereafter. States may increase these percentages if it is feasible to do so. Up to 5% of other recycled materials may be substituted for recycled rubber.

2. Permits a waiver of the utilization requirements if the U.S. Environmental Protection Agency (USEPA) determines that manufacture or use of recycled rubber is hazardous to humans or the environment, or if recycled rubber asphalt proves substantially less fit for recycling than conventional asphalt. Additionally, a waiver may be granted if evidence suggests that recycled rubber asphalt does not perform adequately for use in roads.

ANALYSIS

SB 1026 would:

1. Require Caltrans to request that the U.S. Department of Transportation revise the federal Intermodal Surface Transportation Efficiency Act (ISTEA) utilization requirements for asphalt pavement containing recycled rubber to allow for the use of waste tires as fuel for cement manufacturing plants in addition to, but not in lieu of, their use in asphalt pavement containing recycled rubber, if Caltrans finds that the use of waste tires for fuel production at cement manufacturing plants in California provides a highly valuable method to augment waste reduction with regard to the recycled rubber requirements of ISTEA.

2. Make findings and declarations with respect to utilization of used tires as fuel for cement kilns and the realized environmental benefits.

COMMENTS

In its previous version, SB 1026 required Caltrans to request that the U.S. DOT *set aside* the ISTEA utilization requirements for asphalt pavement containing recycled rubber if Caltrans made a finding that the use of waste tires as fuel at cement manufacturing plants in California provided an adequate waste reduction alternative.

The CIWMB's oppose position was based on the fact that there is more than an adequate amount of waste tires for use as fuel in cement kilns and for use in asphalt. The Board's position letter to Senator Dills stated, "Because of the vast number of waste tires generated annually in California, the CIWMB believes that it is important to promote all appropriate management options and markets for waste tires."

As amended on July 19, 1995, SB 1026 instead requires Caltrans to request that the U.S. DOT *revise* the ISTEA requirements to allow for the use of waste tires as fuel for cement manufacturing plants *in addition to, but not in lieu of,* their use in asphalt pavement containing recycled rubber.

The purpose of the bill, according to the author, is to promote an environmentally safe alternative to achieve the maximum use of used tires. The author believes that this measure will lead to disposal of a difficult material to handle, a decrease in the quantity of fossil fuel

that is used in cement kilns, and a measurable decrease in air pollutants.

Proponents state that, in general, cement kilns offer the most ideal environment for combustion of used tires due to their design and existing state of the art pollution control equipment. Also, when tires are combusted in the cement kiln, the ash residue resulting from combustion becomes part of the chemistry of the cement and offers the additional advantage of reducing cement additive cost such as iron oxide that comes from the steel beads and radial wires in tires.

The federal ISTEA act requires state and local agencies to, together, use at a minimum the following percentages of asphalt pavement containing recycled rubber for materials utilized in the state and financed in whole or part by state or federal funds: 10% in 1995; 15% in 1996; and 20% in 1997; and each year thereafter. Federal transportation funds will be withheld if a state fails to meet this requirement. According to Caltrans staff, currently California meets the 25% minimum percentage of asphalt pavement containing recycled rubber.

A CIWMB report published in January 1993, *State Recycled Procurement*, reported that local governments have funded several rubber modified asphalt paving projects. Caltrans considered all but one asphalt concrete containing recycled rubber use experimental. In addition, the report mentioned several other uses for scrap tires including mats and padding and rubber roofing materials.

According to the CIWMB staff, this bill should have been written as a joint resolution, rather than a bill enacting statute. The bill, as written, is not enforceable, because federal law takes precedence over state law.

LEGISLATIVE HISTORY

Similar legislation from the 1993-94 Legislative Session, AB 1984 (Bornstein) would have required state and local agencies to use increasing percentages of asphalt pavement containing recycled rubber where financed in whole or in part by state and federal funds. Governor Wilson vetoed this legislation because he felt that AB 1984 would unnecessarily duplicate recycled materials usage requirements in state law that are already required under federal law as a precondition for receiving federal highway funds. The CIWMB reviewed AB 1984 in 1993, but did not adopt a position.

SB 1026 was introduced on February 24, 1995. The bill passed the Senate Governmental Organization Committee (11-0) on April 18, 1995, passed the Senate Appropriations Committee per Senate Rule 28.8 (non-fiscal bills) on May 1, 1995, passed the Senate Floor (30-1) on May 4, 1995, and passed the Assembly Natural Resources Committee (11-0) on July 10, 1995. The bill is currently scheduled for a hearing before the Assembly Appropriations Committee on August 23, 1995.

Support: California Cement Producers Association (Sponsor)

Opposition: Californians Against Waste (CAW)
California Integrated Waste Management Board

Citizens for a Better Environment
Sierra Club
Planning and Conservation League

FISCAL AND ECONOMIC IMPACT

SB 1026 would have no fiscal impact on the CIWMB and its programs.

SB 1026 could stimulate market development demand for used tires. In addition, this could increase the use of other recycled materials including ash and glass, by providing an increased demand for their recycling and use in paving materials.

Analyst: Barbara Peavy 255-2313/Pat Chartrand 255-2416

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

B	Author	Bill Number
California Integrated Waste Management Board	Calderon and Haynes	SB 1180
Sponsor	**Related Bills**	**Date Amended**
California Trade and Commerce Agency California Chamber of Commerce	AB 1329 (Olberg) SB 1071 (Calderon)	July 5, 1995

SUMMARY

SB 1180 would make a number of significant changes to the California Environmental Quality Act (CEQA) including abrogating the "fair argument test" in favor of the "substantial evidence standard" in the preparation of an environmental impact report.

BACKGROUND

The CEQA was enacted over 20 years ago to require public agencies to evaluate the environmental impacts of projects they undertake directly. In 1972, the state Supreme Court expanded the scope of CEQA to include all private development projects that require discretionary approval by a governmental agency.

There are six objectives to CEQA:

1. To disclose to decision makers and the public the significant environmental effects of proposed activities;
2. To identify ways to avoid or reduce environmental damage;
3. To prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures;
4. To disclose to the public reasons for approving projects with environmental impacts;
5. To foster interagency coordination in the review of projects;
6. To enhance public participation in the planning process.

The original version of SB 1180, which was limited to establishing special CEQA procedures for military base reuse plans, was sponsored by the Governor's Office of Planning and Research (OPR). On July 5, 1995, SB 1180 was extensively amended to add the Administration's CEQA reform package. This portion of the bill is sponsored by the California Trade and Commerce Agency and the California Chamber of Commerce.

Departments That May Be Affected		
Committee Recommendation Oppose	Committee Chair	Date

Many provisions of SB 1180 were contained in legislation introduced during the last three years. Recent CEQA reform legislation that has been enacted includes AB 1888 (Sher/Allen) of 1993, c. 1130, SB 919 (Dills) of 1993, c. 1131 and AB 314 (Sher) Stats. 1994, c. 1294. These new laws include provisions addressing the fair argument issue, streamlined judicial review, environmentally mandated projects, and streamlined environmental review through the master environmental impact report (MEIR) process.

Last year, the legislature rejected AB 3250 (Haynes), which contained some provisions similar to SB 1180. In 1993, AB 1199 (Seastrand), which contained CEQA exemptions for lease and permit renewals was rejected by the Assembly Natural Resources Committee; similar language which was contained in SB 919 (Dills) was pulled prior to passage of the bill.

The Legislature enacted provisions to reform CEQA review of military base closures in the context of two bills -- AB 3774 (V. Brown), Stats. 1994, c. 842 and SB 354 (Ayala), Stats 1994, c. 842. These bills streamlined the CEQA review process by authorizing the use of the federally mandated Environmental Impact Statement as the draft environmental impact report (EIR) for CEQA review of base closure plans.

EXISTING LAW

Federal Law:

1. Requires federal agencies with primary responsibility for carrying out federal projects to prepare an environmental impact statement (EIS) to assess the potential environmental impacts of major federal actions which would significantly affect the quality of the human environment (under the National Environmental Policy Act -- NEPA).

State Law:

1. Requires a lead agency (the public agency with primary responsibility for carrying out a project) to prepare an EIR on projects it proposes to carry out or approve that it determines, based on substantial evidence, may have significant effects on the environment;

2. Requires an environmental impact report to:

   a. Identify all significant impacts to the environment from a proposed project;
   b. Include proposed mitigation to minimize a project's direct and cumulative significant effects on the environment; and
   c. Include an analysis of project alternatives;

3. Requires lead agencies to adopt mitigation measures, or project alternatives, which eliminate or mitigate adverse environmental impacts of projects, to the greatest extent feasible;

4. Requires the lead agency to send a notice of preparation of an EIR to all responsible agencies (responsible agencies are required to respond within 30 days regarding the scope and content of information in the EIR);

5. Requires lead agencies to provide written responses to public agencies which have commented on draft EIRs;

6. Requires lead agencies to send a notice of determination to anyone who so requests within the 30 day period in which the notice must be posted;

7. Authorizes the preparation of a MEIR for specified projects including a project that consists of smaller individual projects which will be carried out in phases;

8. Authorizes the use of an EIS, prepared in compliance with the federal National Environmental Policy Act, in lieu of an EIR if CEQA content and notice requirements are met;

9. Exempts from CEQA, projects for the installation or repair of a pipeline in an existing public right of way (ROW) if that project is less than a mile in length;

10. Provides that, after redevelopment plans have been subject to CEQA review, individual projects to implement those plans shall be approved pursuant to the planned CEQA review;

11. Defines "environment" to mean the physical conditions which exist within the area which will be affected by a proposed project;

12. Defines "mitigated negative declaration" to mean a negative declaration prepared for a project wherein the applicant has agreed to project revisions to avoid potentially significant effects on the environment.

ANALYSIS

SB 1180 would:

1. Add legislative findings to CEQA that it is the policy of the state to ensure that the need for continued social, economic, and recreational development and advancement shall be the guiding criterion in public decisions and that rules and regulations shall not frustrate or unnecessarily delay social, economic, or recreational development and advancement;

2. Repeal the fair argument test by providing that:

    a. A mitigated negative declaration may be used when there is substantial evidence that the project would not have a significant effect on the environment;

b. A negative declaration may be used if a lead agency determines that substantial evidence exists that a proposed project would not have a significant effect on the environment;

c. An EIR may be used only if the lead agency determines that the project would have a significant effect on the environment;

d. A state agency allocating funds to a local agency shall require an EIR-like statement from a local agency only if the funded project would have a significant effect on the environment;

3. Require an EIR to identify the potentially significant effects on the environment from a project;

4. Authorize the lead agency to submit a notice of EIR preparation to the State Clearinghouse in lieu of submitting the notice to each responsible state agency;

5. Authorize use of an EIS in lieu of an EIR, regardless of whether the EIS meets CEQA content requirements, if CEQA notice requirements are complied with;

6. Provide that an EIR need only contain mitigation measures proposed to minimize a project's foreseeable direct significant effects. This provision appears to provide that no mitigation need be proposed to respond to cumulative impacts;

7. Restrict the EIR analysis of alternatives by:

a. Providing that no site alternative analysis is required when a project is consistent with a general plan or similar document;

b. Providing that alternative site analysis for other projects shall be analyzed pursuant to the CEQA guidelines;

c. Requiring alternative analysis to focus on a reasonable range of feasible alternatives to the project, or to its location;

8. Repeal the requirement that a lead agency provide a written response to a public agency that comments on a draft EIR;

9. Authorize a MEIR to be prepared for any project;

10. Repeal the existing provision which extends the filing period for CEQA lawsuits until 30 days after a notice of determination is sent to those who requested copies of the notice;

11. Provide that no temporary restraining order or preliminary injunction shall be issued in a CEQA judicial proceeding unless a court finds that there is a substantial likelihood

that the petitioner will prevail on the merits and considers the comparative harm to the defendant and plaintiff and prescribe circumstances when the court may award attorneys' fees;

12. Exempt from CEQA:

    a. All pipeline and related surface and subsurface facilities where the project is less than a mile in length;

    b. The maintenance, repair, restoration, reconditioning, improvement, replacement, removal or demolition of an existing pipeline and its related surface and subsurface facilities if the diameter of the pipeline is not increased;

    c. The renewal or reissuance of a permit, license or other entitlement for an existing facility so long as only minor changes in the use or operation of the facility will occur;

13. Redefine "environment" to mean the physical conditions which exist as of the date of the project application;

14. Define "reuse plan" to mean a plan for the reuse of a federal military base or reservation that has been closed or proposed for closure;

15. Specify that a base reuse plan shall include an illustrative diagram and designate the general location of development intensity for specified land uses and infrastructure;

16. Authorize the lead agency to determine if a base reuse plan may have a significant effect on the environment in the context of the physical conditions that existed at the time of the final decision to close or realign the facility, if the lead agency:

    a. Holds a public hearing on the federal EIS, and its analysis of significant environmental effects, feasible alternatives, potential mitigation, and the mitigative effect of other laws;

    b. Consults with responsible agencies prior to the public hearing;

    c. States at the close of the hearing how the lead agency intends to integrate the analytical baseline with reuse planning and environmental review in the context of the applicable general plan and other specified standards, and the economic or social reasons which support the selection of the baseline;

17. Provide that nothing in the base reuse portion of the bill limits the scope of review or significance of the presence of hazardous or toxic wastes or applies to any project undertaken pursuant to the Porter-Cologne Water Quality Control Act.

COMMENTS

CIWMB Staff Review

This bill modifies the definition of environment to include the physical conditions that existed at the date an application is made for a project. According to CIWMB staff, in situations where illegal changes have occurred prior to an application, only the current environment would need to be assessed for impacts, possibly leading to additional non-compliance with existing requirements.

Many permit actions heard by the CIWMB are for permit revisions, some of a minor nature. SB 1180 removes the requirement of CEQA review for renewals or reissuance of permits where only minor changes will occur.

This bill would allow a notice of preparation of an EIR to be sent to the State Clearinghouse as an alternative to direct mail to a state agency. CIWMB staff believe that this may add delays in receiving the notice and thus shortening the time for review. The language of SB 1180 does not make it clear if the 30 days for review begins when the notice is received by the State Clearinghouse or the state agency.

SB 1180 would repeal a provision of law which requires responsible agencies to receive and review comment responses prior to certification. If this provision were repealed, the ability of lead agencies to obtain important information would be reduced.

This bill would limit mitigation measures to foreseeable direct significant effects. Staff believes that because effects associated with solid waste facilities may be considered indirect, this bill would remove the need to develop mitigation measures for those effects.

For privately-sponsored projects under this bill, an EIR would not need an alternative location analysis, if the project is consistent with local plans. CIWMB staff believes that this sets a double standard for private projects and public projects. Solid waste facility projects with regional effects sponsored by private entities would not be required to discuss alternative locations of the facility.

Under SB 1180, Section 21080 (c) is amended so that "A mitigated negative declaration shall be prepared . . . and (B) there is no substantial evidence . . . that the project, as revised, would not have a significant effect on the environment." According to CIWMB staff, this language is unclear and confusing. It appears to be saying that a mitigated negative declaration may be prepared if there is a public review and the effect would be mitigated to a point where no significant effect would occur, and if there is evidence that there would be a significant effect. This language could cause confusion at the local jurisdiction level and result in the wrong type of CEQA document being prepared.

Proponents' Arguments

According to one of the bill's sponsors (the California Trade and Commerce Agency), CEQA has been seen as a major disincentive for businesses to expand or locate in California. The California Competitiveness Council identified CEQA as a major obstacle to growth, calling it "cumbersome, costly, and often abused." The cost and time associated with CEQA compliance has often been cited by companies as a reason not to locate or expand in California.

Proponents believe that the reforms embodied in SB 1180 must be enacted to ensure that a balance exists between the needs of California's environment and the economic needs of the state. The bill's sponsors believe that there needs to be a mechanism to ensure that businesses are not at such a huge competitive disadvantage with other states (especially those that do not have a CEQA-type law) and that a balance exists between assessing environmental impacts and economic impacts.

SB 1180 may provide clearer guidance to lead agencies and the courts on what constitutes compliance with the environmental review requirements of CEQA.

The bill may help clarify that the standard for issuing stays and injunctions in CEQA cases is the same as in other civil cases. Proponents believe that under SB 1180 opposition to a project could not block the project from going forward unless there is proof of a legitimate case.

Sponsors believe this proposal recognizes that agencies have developed CEQA expertise over the last 25 years, and the standard for judicial review of agency decisions should be the same for all agency CEQA decisions.

SB 1180 may discourage frivolous CEQA lawsuits because it would allow attorneys' fees to be awarded to defendants.

Opponents' Arguments

According to the bill's opponents, this measure may halt EIR preparation and mitigation for projects with significant impacts on the environment. Presently, an EIR must be prepared if substantial evidence before the lead agency during the initial study shows that a project may have a significant impact on the environment. This is the so-called "fair argument" test which courts have used to determine if an EIR is needed. The issue in the "fair argument" test is whether the evidence which mandates agency action exists and not if other evidence supports the agency's decision. Opponents believe that SB 1180 could make the preparation of EIRs depend more on an applicant's ability to hire expert witnesses to provide substantial evidence justifying preparation of a negative declaration, than whether a project has the potential to have significant impacts on the environment.

Opponents believe that this measure could decrease coordination between regulatory agencies. A frequent complaint about the California regulatory process is that agencies with concurrent

permit jurisdiction over a project do not coordinate their actions. The result can be redundant information requests of a permit applicant and occasionally, conflicting permit conditions. This bill contains two provisions that weaken or eliminate CEQA mechanisms which are designed to avoid this problem:

1. The bill repeals the requirement that the lead agency give advance notice to responsible agencies of its intended response to public agency comments. The purpose of this requirement is to give an opportunity for further negotiation between the agencies to avoid conflicting actions.

2. The bill authorizes a lead agency to provide notice of the preparation of an EIR to the State Clearinghouse rather than to individual permitting agencies. If this leads to agencies not being notified of EIR preparation, the lead agency will not be able to learn of and accommodate the informational needs of responsible agencies. The result would be that these agencies may require additional research by the applicant prior to processing a permit application.

SB 1180 could limit mitigation measures which must be included in an EIR to those which minimize a project's foreseeable direct significant effects. However, other provisions of CEQA and the CEQA Guidelines require lead agencies to mandate mitigation of a project's cumulative impacts as well. Cumulative impacts are impacts which may not be significant on a project specific basis, but are in conjunction with other past and future projects. The bill would limit mitigation measures specifically contained in the EIR.

LEGISLATIVE HISTORY

SB 1180 was introduced on February 24, 1995. It was passed by the Senate Governmental Organization Committee (7-0) on April 18, 1995, the Senate Natural Resources and Wildlife Committee (7-1) on May 9, 1995, and the Senate Floor (27-1) on May 19, 1995. The bill is awaiting a hearing date in the Assembly Natural Resources Committee.

Support: California Building Industry Association
California Chamber of Commerce
Nova Group, Inc.
San Jose Metropolitan Chamber of Commerce
Simi Valley Chamber of Commerce

Opposition: Alpine Land Preservation Action Committee
BEI Electronics, Inc.
California League of Conservation Voters
California Native Plant Society
California State Association of Electrical Workers
California State Pipe Trades Council
California Preservation Foundation
Coalition Against the Pipeline
Greenbelt Alliance

National Trust for Historic Preservation
Nichols-Berman, Inc.
Pacific Legacy Inc.
Planning and Conservation League
Sierra Club
Shute, Mihaly and Weinberger
Surfrider Foundation, Malibu/Santa Monica Chapter
United Food and Commercial Workers Union, Local 1167

FISCAL AND ECONOMIC IMPACT

SB 1180 would pose minor, absorbable costs (less than $10,000) to the Integrated Waste Management Account for increased staff workloads. If MEIRs were prepared for solid waste facility projects more time would be needed by staff for review of additional documentation.

This measure could have a positive economic impact because businesses would have fewer requirements to meet with respect to CEQA compliance. On the other hand, if the environment is negatively impacted, damage evaluations and clean-up costs could be substantial.

Analyst: Denise Davis 255-2417

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

P	Author	Bill Number
California Integrated Waste Management Board	Calderon	SB 1222
Sponsor	**Related Bills**	**Date Amended**
Environmental Services Coalition	AB 644 (Richter)	July 28, 1995

BILL SUMMARY

SB 1222 would establish the Hazardous Waste Management Reform Act of 1995. The bill makes a variety of changes to the hazardous waste laws that affect the standards for identifying hazardous wastes, standards for treatment before a waste may be disposed to land, the requirements that apply to the operation or permitting of hazardous waste facilities and the fees that are paid to support the state hazardous waste program.

BACKGROUND

SB 1222 contains content that is similar to that of AB 644, which would require the Department of Toxic Substances Control (DTSC) to adopt amendments to regulations pertaining to the criteria for determining non-RCRA hazardous wastes by January 1, 2001. Additionally, AB 644 would require after the adoption of regulations, that waste which is deemed a non-RCRA hazardous waste and disposed of to land, must be disposed of in the same class of facility as was required before the effective date of those adopted regulations.

AB 644 has been referred to the Senate Appropriations Committee (no hearing date set). The CIWMB has no position on AB 644. The CIWMB could not reach a majority vote to recommend a position on this measure. The Public Resources Code Section 40410 requires the affirmative vote of at least four members to transact the business of the CIWMB.

Additionally, the content of this legislation is similar to the changes made in the Government Code during the 1993-94 Legislative Session by AB 969 (Jones, Chapter 1038, Statutes of 1993) and AB 1144 (Goldsmith, Chapter 1046, Statutes of 1993). The bills required the inclusion by a state agency in its adverse economic impact assessment the ability of California businesses to compete with businesses in other states and required that where proposed state

Departments That May Be Affected		
Department of Toxic Substances Control State Water Resources Control Board California Integrated Waste Management Board		
Committee Recommendation Board to Board without recommendation.	Committee Chair	Date

regulations are substantially different from the federal requirements, that the agency must include this information.

The California hazardous waste program was first established in 1972, four years before the federal hazardous waste program (the Resource Conservation and Recovery Act, also known as RCRA) was established and eight years before the federal program was fully implemented.

Because the California's program began before the federal program, the California standards for identifying hazardous wastes are somewhat different and/or in some respects more stringent than federal standards. Hazardous waste regulated by California, but not by the federal government, are known as non-RCRA hazardous wastes. Hazardous wastes regulated by both California and the federal government are called RCRA hazardous wastes.

The United States Environmental Protection Agency (USEPA) defines wastes as hazardous-based on several tests, including characteristics of the waste such as ignitability, corrosivity, and results of the Toxicity Characteristic Leaching Procedure; whether the waste is included in lists of hazardous waste (listed by specific sources or by chemical); or if the waste was originally nonhazardous but was mixed with a hazardous waste. These definitions are part of the RCRA Subtitle (C) regulations.

DTSC regulations go beyond the federal definitions of hazardous wastes and include additional waste characteristics that would render a waste "California Hazardous" even if it would be nonhazardous under the federal criteria. SB 1222 modifies three of these criteria:

- "Reactivity" is reduced to the federal standard;
- "Acute oral toxicity" is reduced from an LD50 of less than 5000 mg/kg to less than 2500 mg/kg; and
- "Total threshold limit concentration" is eliminated as a criteria that alone can define a waste as "California Hazardous." The total threshold limit concentration is a standard that applies to the allowable amount of certain heavy metals in waste.

EXISTING LAW

State Law:

1. Defines "hazardous waste" for purposes of the hazardous waste control laws as a waste which meets specified criteria adopted by the DTSC or waste which, because of certain characteristics, may cause an increase in mortality or illness, or pose a substantial present or potential hazard to human health or the environment;

2. Requires certain hazardous waste to be disposed by incineration or other treatment methods;

3. Requires each person who disposes of hazardous waste, or who annually submits more than 500 pounds of hazardous waste for disposal in California to pay a fee for disposal of hazardous waste for deposit in the Hazardous Waste Control Account;

4. Prohibits the land disposal of certain hazardous wastes unless the hazardous waste is treated or meets other requirements;

5. Requires, through the California Environmental Quality Act (CEQA), that a lead agency to prepare and certify the completion of an environmental impact report on any project that it proposes to carry out or approve that may have a significant effect on the environment; and

6. Requires the Secretary for Environmental Protection to establish a standardized electronic format and protocol for exchange of electronic data in order to meet environmental data reporting requirements.

Federal Law:

1. Makes the Resource Conservation and Recovery Act (RCRA), enacted in 1976 as an amendment to the Solid Waste Disposal Act, the primary federal statute regulating solid waste;

2. Establishes the nation's basic hazardous waste management program under Subtitle (C) and municipal solid waste program under Subtitle (D) of RCRA;

3. Requires persons that generate, transport, treat, store or dispose of hazardous waste to be subject to a number of regulatory requirements under RCRA:

4. Exempts from permitting requirements remedial action conducted entirely on site;

5. Authorizes USEPA to delegate a lead agency in each state to enforce the provisions of RCRA, which in California is the DTSC;

6. Requires each state's regulations to be consistent with, and at least as strict as the federal regulations;

7. Provides that municipal solid waste landfill units shall be constructed, operated, and closed to ensure that concentrations of specific chemical will not exceed maximum concentration values (MCLs) in the upper-most aquifer at the relevant point of compliance; and

8. Provides that individual states be certified to enforce their own municipal solid waste program provided that the federal standards are achieved.

ANALYSIS

Hazardous Waste Identification

SB 1222 would:

1. Recast the definition of hazardous waste and the requirement to adopt criteria and guidelines for determining when a waste is a hazardous waste in order to eliminate an internal inconsistency between the two;

2. Change several of the parameters that are used to determine if a waste has one or more of the characteristics that cause waste to be classified as hazardous waste in California:

   a. Wastes that are hazardous because they are chemically reactive and are likely to generate toxic gases or are physically unstable or explosive will be determined using federal tests, procedures and numerical thresholds;

   b. Wastes that are hazardous because they are acutely toxic when ingested will be determined by a threshold test one-half of the dose now used (2,500 gms/kgm, instead of 5,000 mgms/kgm); and

   c. Wastes that are hazardous because they contain total amounts of specific metallic substances above specified threshold levels, even though those substances are not soluble, will be declassified as hazardous wastes if they are disposed of in Class II or III landfills. (Currently, these wastes must be disposed of in Class I hazardous waste landfills.)

Treatment Requirements

SB 1222 would:

1. Repeal the existing requirement that, if incinerator capacity is available in the state, hazardous wastes containing volatile organic compounds or a BYU value above specified thresholds must be incinerated or treated by another method equally effective and protective of the environment;

2. Repeal the treatment standards that have been suspended since 1992 that require the treatment of non-RCRA hazardous waste containing heavy metals and organic chemicals before they are disposed in a landfill;

3. Authorize the state hazardous waste program to adopt treatment standards more stringent than federal standards or new standards for non-RCRA wastes if it determines that it is necessary to do so in order to protect public health and safety and the environment and that the more stringent or new standard can be economically and practically achieved in California; and

4. Authorize the state hazardous waste program to a adopt variances from treatment standards if federal treatment standards will not be violated and if specified findings applicable to all variances are made.

Hazardous Waste Facility Operation

SB 1222 would:

1. Authorize a hazardous waste facility that is operating under a full hazardous waste facilities permit to make changes to its operations without modifying the permit if the changes are not "actively related" to the treatment, storage or disposal of hazardous waste or its secondary containment, the changes are not disapproved by the hazardous waste program within in 30 days and the changes are permitted by federal law without permit modifications;

2. Exempt minor hazardous waste permit modifications that are made in order to comply with hazardous waste regulations from the requirements of CEQA;

3. Allow operators of hazardous waste facilities to file permit modifications with the hazardous waste program electronically;

4. Allow treatment facilities that operate under the permit-by-rule tier to meet their financial assurance of closure requirements by establishing a fund that amortizes the closure costs by annual payments for up to 30 years;

5. Reverse the burden of proof as to when corrective action at a conditionally authorized facility is required; and

6. Require that initial environmental assessments at tiered permit facilities must be completed by January 1, 1996, and if the hazardous waste program has not adopted an appropriate Phase I checklist to carry out the assessment, the American Society for Testing Materials Checklist may be used.

Reporting

SB 1222 would:

1. Require the DTSC to implement a procedure for the electronic reporting of all hazardous waste facilities permit modifications by July 1, 1996, or within 6 months after the Secretary of Environmental Protection adopts electronic reporting standards.

COMMENTS

CIWMB Staff Comments

According to California Integrated Waste Management Board (CIWMB) staff, SB 1222 makes many changes to the way that DTSC operates, including changes to the agency's

budget, fee collection, and regulation of various types of hazardous waste facilities.

The changes that are of significance to the CIWMB are proposed changes to Health and Safety Code Section 25141.5 (page 8, line 19 to page 10, line 16). These changes would, unless DTSC adopts alternate regulations after January 1, 1996, change the way DTSC identifies wastes as hazardous due to reactivity, acute oral toxicity, or total threshold limit concentration. These are three of the "characteristics" that are used to determine if a waste is a "California Hazardous" waste. Currently, wastes may be designated as "California Hazardous" even if they would be deemed nonhazardous under the federal criteria as to what constitutes a hazardous waste.

CIWMB staff believe that the changes proposed in SB 1222 would reduce the number of wastes classified as "California Hazardous" wastes, allowing these newly-classified "nonhazardous wastes" to be placed in Class II or Class III landfills regulated by the CIWMB and the State Waters Resources Control Board (SWRCB). Adding these wastes to the conventional waste stream of such landfills may increase the risk to workers overseeing disposal operations and could increase the concentration of "problem constituents" in landfill gas. The extent and nature of such problems could not be determined without more detailed evaluation of the specific wastes that will fall outside the definition of hazardous under the proposed changes. It is important to note that the legislation does not require that the newly nonhazardous wastes be placed only in lined landfills, opening the possibility that such wastes could be placed in older, unlined landfills which provide little if any waste containment.

Other Comments:

According to the California Council for Environmental and Economic Balance, the current structure to manage hazardous waste in California has evolved into an excessively complex, duplicative and burdensome regulatory system. It is estimated that the California regulatory system for "California Only" or "non-RCRA" hazardous waste constitute approximately 50 percent of the total cost of hazardous waste management for some California business and industries.

The DTSC believes that statutory changes are unnecessary at this time. The changes proposed in SB 1222 are consistent with the DTSC administrative plan for revising the non-RCRA program, which will ease hazardous waste regulation affecting regulated business and industry. The DTSC plan will address fees, permitting standards, testing methods, transportation requirements and hazardous waste facility operations. These changes will be accomplished administratively as expediently as possible by the DTSC.

Additionally, the DTSC is concerned that the significant loss of revenue caused by the decrease in disposal fees will hinder their department's ability to respond to emergency hazardous waste cleanup, natural disasters and other high priority program activities, ultimately impacting public safety and the environment.

LEGISLATIVE HISTORY

SB 1222 was introduced on February 24, 1995. This bill passed the Senate Toxics and Public Safety Management Committee (5-0) on May 15, 1995; passed the Senate Appropriations Committee per the 28.8 Calendar Rule; and passed the Senate Floor (39-0) on June 1, 1995. SB 1222 is set to be heard before the Assembly Environmental Safety and Toxic Materials Committee on August 21, 1995.

Support:	Environmental Services Coalition (sponsor) WMX Technologies Greenfield Environmental Safety-Kleen Evergreen Ensco Phibro-Tech Erickson Environmental Rollins OPC Romic Environmental Technologies Printed Circuit Alliance California Council for Environmental and Economic Balance California Manufacturers Association Chemical Industry of California Environmental Technology Council Northern California Association of Metal Finishers Hazardous Waste Association of California Western States Petroleum Association Western Independent Refiners Association
Opposition:	Department of Finance Department of Toxic Substances Control (unless amended) Laidlaw Environmental Services, Inc. U. S. Ecology, Inc. California Association of Professional Scientists

FISCAL AND ECONOMIC IMPACT

According to CIWMB staff, the fiscal impacts of SB 1222 on the CIWMB are difficult to determine. It could increase the amount of waste disposed of in Class II and Class III landfills, thus increasing the amount of revenue to the Board. However, it could also result in an increase of environmental problems at landfills, thus increasing the cost to the CIWMB for monitoring and enforcement.

Enactment of SB 1222 could decrease the cost of disposing hazardous waste in California, and therefore, would decrease the cost of operating a business in California.

Analyst: Barbara Peavy 255-2313

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

California Integrated Waste Management Board	Author Peace	Bill Number SB 1299
Sponsor Cal/EPA	Related Bills	Date Amended May 18, 1995

SUMMARY

SB 1299 would require the Secretary of the California Environmental Protection Agency (Cal/EPA) to adopt regulations to establish the permit consolidation zone pilot program.

BACKGROUND

SB 1299 is sponsored by Cal/EPA. The bill continues a trend by the agency to "streamline" the permit process of its member boards and departments.

In 1993, SB 1185 (Bergeson), c. 419, enacted the Environmental Protection Permit Program. This Act requires the Secretary of Cal/EPA to designate a "consolidated permit agency" at the request of the permit applicant to coordinate the permitting process through one agency. Currently, the consolidated permit process is rarely requested by permit applicants in California.

Cal/EPA states that there is too much overlap and duplication in the regulation of certain activities. According to supporters, SB 1299 would speed up the permitting process and relieve businesses from undergoing the arduous process of dealing with many different environmental agencies and their various permitting requirement, such as permit length and type of monitoring.

EXISTING LAW

State Law:

1. Authorizes Cal/EPA to establish "permitting teams" for the purpose of organizing and expediting the issuance of environmental permits;

Departments That May Be Affected Cal/EPA Boards, Departments and Commissions; Department of Business, Transportation and Housing; Trade and Commerce Agency; and the Resources Agency.		
Committee Recommendation Oppose	Committee Chair	Date

2. Requires the Secretary of Cal/EPA to establish a process under which a project applicant who needs more than one environmental permit (in this context, a permit issued by DTSC, the SWRCB or a regional board, an air district, a solid waste enforcement agency, a county agriculture commissioner, or a local agency acting in its capacity to permit underground storage tanks or other activities associated with toxic substances, or as otherwise specified) may request a consolidated permit and receive expedited and consolidated treatment for those permits provided the agencies which issue those permits agree to the process;

3. Establishes procedures for the issuance of development permits, as defined under the Permit Streamlining Act, and sets forth timeframes within which permit issuances and review pursuant to the California Environmental Quality Act (CEQA) must be completed; and

4. Establishes various processes for the issuance of permits under air, toxics, water and land use laws.

ANALYSIS

SB 1299 would:

1. Create an application process whereby cities and counties may apply for all or part of their jurisdictions to be designated a "permit consolidation zone," and a process under which local agencies may withdraw from such designation;

2. Authorize new or expanded facilities to substitute a facility compliance plan for all state agency and local environmental permits required under current law;

3. Require a "facility compliance plan" to:

    a. Contain all information (i.e., emission and discharge data) relevant to individual permits otherwise required for the facility;

    b. Detail measures to be taken by the project applicant to ensure compliance with all environmental permits which would otherwise be required;

    c. Meet the requirements of all individual permits which would otherwise be required; and

    d. Ensure compliance with all applicable environmental rules, regulations, laws and ordinances;

4. Require environmental agencies with jurisdiction over a compliance plan to make a determination of completeness and adequacy based solely on whether the requirements of the agency's written rules, regulations, ordinances, or statutes have been fulfilled;

5. Require the determinations to be transmitted to the Secretary within 45 days of an agency's receipt of a facility compliance plan;

6. Require the coordination of all inspection and enforcement activities among public agencies which otherwise would be issuing individual permits;

7. Make specified provisions relative to preserving the discretionary authority of public agencies under CEQA and relative to the preservation of public notice and participation requirements by such agencies;

8. Require the Secretary to develop regulations in coordination with the Secretary of Trade and Commerce, the Secretary of Business, Transportation and Housing, the Secretary of the Resources Agency, and in consultation with representatives of cities, counties, local environmental agencies and certified unified program agencies (CUPAs);

9. Require facilities within permit relief communities which store, treat, or transport radioactive materials, incinerate wastes or engage in other activities to be determined ineligible by the Secretary and regulated through individual permits;

10. Limit the pilot program to no more than 30 cities or counties and exclude from participation cities or counties with populations under 5,000; and

11. Establish a five-year sunset on the program.

COMMENTS

CIWMB Staff Review

According to staff, SB 1299 is not clear as to whether all solid waste facility permits would be covered by the bill because the Secretary of Cal/EPA has the ability to determine if certain projects, based on risks to the environment and public health, are ineligible for facility compliance plans. However, as written, all solid waste facilities, including landfills such as Eagle Mountain, Bolo and Mesquite, would be eligible to utilize the facility compliance plan, if these facilities were located in a "permit consolidation zone."

The timeframe (45 days) specified in the bill for approval of the facility compliance plan may not allow adequate time for thorough review or a CIWMB decision at a public meeting. This may be viewed as a reduction in board authority. If an Environmental Impact Report (EIR) is required to support the plan, the time period may not be sufficient.

Although the bill does state that the program will be implemented only to the extent that it is consistent with federal law and any delegation agreements with federal agencies, staff believes that the establishment of regulations for the permit consolidation zones under SB 1299, and the use of the facility compliance plan, may have an effect on California's status as an approved state under Subtitle D of RCRA.

SB 1299 discusses an appeals process. It is unclear to staff how this would affect the current solid waste facility permit appeals process.

There may be an effect on the tiered permitting process which is entering the implementation phase and could require some reworking of the CIWMB permit process.

Some statutes and regulations for state agencies, including the CIWMB, will need to be revised in order for the bill to be effective.

Sponsor's Arguments

The sponsor states that there is too much overlap and duplication in the regulation of certain activities. Other supporters, such as the California Manufacturers Association, state that this bill would speed up the permitting process. They believe that businesses would not have to undergo the arduous process of dealing with many different environmental agencies and their various permitting requirements, such as permit length, type of monitoring, etc. In addition, supporters state that this bill would reduce the administrative burden of the current permitting system.

SB 1299 provides that there shall be no diminishment of discretionary CEQA review or of public participation in the permitting process.

Opponents' Arguments

Opponents believe that the pilot program is too broad and subject to abuse by public agencies. They believe that the scope of this bill is much broader than what is generally regarded as a pilot project. While the scope of this bill applies to no more than 30 jurisdictions, opponents maintain that under the provisions of this bill, thousands of facilities, including those handling acutely hazardous materials, could be permitted through untested facility compliance plans.

This bill appears to layer one regulatory program upon another. As presently drafted, this measure creates a pilot program for "Permit Consolidation Zones." The only apparent characteristic of such zones is the ability of new or expanded facilities within the zones to request the use of a facility compliance plan in lieu of individual permits. The facility compliance plan created under this bill possesses many of the same characteristics as a "consolidated permit" authorized to be undertaken by Cal/EPA under current law. Regulations to implement the "consolidated permit process" as authorized by the Legislature under SB 1185, will become effective August 12, 1995.

LEGISLATIVE HISTORY

SB 1299 was introduced on February 24, 1995. It passed the Senate Committee on Natural Resources and Wildlife (6-0) on May 9, 1995, the Senate Floor (38-0) on May 25, 1995, and the Assembly Natural Resources Committee (10-1) on July 10, 1995. SB 1299 is currently set to be heard in the Assembly Committee on Local Government on August 23, 1995.

Support: Cal/EPA
California Trade and Commerce Agency
Western States Petroleum Association
California Chamber of Commerce
Department of Conservation
Santa Clara Manufacturing Group
Industrial Environment Association
California State Council of Laborers
California Building Industry Association
California Independent Petroleum Association
City of San Diego
Orange County Chamber of Commerce

Opposition: South Coast Air Quality Management District
California State Pipe Trades Council
California State Association of Electrical Workers
Western States Council of Sheet Metal Workers
Sierra Club
Citizens for a Better Environment

FISCAL IMPACT

SB 1299 would pose minor, absorbable costs (less than $10,000) to the Integrated Waste Management Fund for staff assistance in the preparation of an annual report to the Governor describing facilities permitted thorough facility compliance plans. In addition, staff time would be required to write regulations establishing the permit consolidation zones and the make-up of the facility compliance plans as they pertain to solid waste.

SB 1299 could have a positive economic impact on businesses due to the reduced time and cost associated with obtaining environmental permits.

Analyst: Denise Davis 255-2417

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
Status Report of Priority Bills
State Legislation

August 10, 1995

Bill No: **AB 59 (Sher)**
Subject: **Solid Waste Facilities: Permits: Enforcement**
Intro: 12/16/94
Amended: 7/10/95
Authorizes the CIWMB and Local Enforcement Agencies to impose civil penalties administratively for waste facility operators who fail to bring their operations into compliance with State minimum standards and local permit conditions. Urgency Measure.
Status: Passed the Assembly Natural Resources Committee (12-1) on 4/17/95; passed the Assembly Appropriations Committee (12-1) on 5/24/95; passed the Assembly Floor (67-3) on 6/1/95; passed Senate Governmental Organization Committee (9-0) on 7/11/95; passed the Senate Appropriations Committee (28.8 Calendar) on 7/21; referred to the Senate Floor for vote.
LPEC Position: 2/7/95 - Support
Reheard 8/8/95 - Forward to Board without recommendation.
CIWMB Position: 2/22/95 - Support
To be reheard on 8/23/95

Bill No: **AB 116 (Speier)**
Subject: **Legislative Oversight: Reports**
Intro: 1/11/95
Amended: 6/14/95
Provides that no state or local agency shall be required to prepare and submit any written report to the Legislature or the Governor until January 1, 1997, except under specified conditions. Continues to require specified reports. Repeals provisions of the bill on 1/1/97. Urgency measure.
Status: Passed the Assembly Consumer Protection Committee (11-0) on 3/7/95; passed the Assembly Appropriations Committee (18-0) on 4/5/95; passed the Assembly (74-0) (Consent Calendar) on 4/20/95; set to be heard before the Senate Rules Committee on 7/10/95; taken off calendar.
LPEC Position: 3/14/95 - Defer to Cal/EPA
CIWMB Position: 3/29/95 - Defer to Cal/EPA

Bill No: **AB 227 (Sher)**
Subject: **Environmental Advertising**
Intro: 2/1/95
Amended: 4/6/95
Deletes the current definition of "recyclable" (for purposes of environmental advertising) and instead requires any person who represents any consumer good that it manufactures or distributes as "recyclable" to comply with specified Federal Trade Commission rules. Urgency measure.
Status: Failed passage in the Assembly Consumer Protection, Governmental Efficiency and Economic Development

Committee (4-7) on 4/18/95; reconsideration granted; hearing postponed by committee.
LPEC Position: 3/14/95 - Support
CIWMB Position: 3/29/95 - Support

Bill No: **AB 242 (Sher)**
Subject: **Rural Regional Agencies: Penalties**
Intro: 2/2/95
Amended: 6/28/95
Requires that any civil penalty imposed on a rural regional agency by the CIWMB for failure to submit or implement an element or plan shall be imposed only on a member rural city or county that is in violation, irrespective of its membership in the rural regional agency. Extends the date for submittal of the initial report to the Legislature on nonyard wood waste diversion from March 31, 1993 to March 31, 1996. Authorizes the CIWMB to consider specified factors in determining whether to impose penalties on members of rural regional agencies.
Status: Passed the Assembly Natural Resources Committee (12-0) on 3/27/95; passed the Assembly Appropriations Committee (17-0) on 4/26/95; passed Assembly Floor (74-0) on 5/4/95; passed the Senate Governmental Organization Committee (10-0) 7/11/95; referred to the Senate Appropriations Committee; passed the Senate Appropriations Committee (28.8 Calendar) on 7/21/95; passed the Senate Floor (40-0) on 7/29/95; referred to the Assembly Floor for Concurrence.
LPEC Position: 5/9/95 - Support If Amended
CIWMB Position: 5/23/95 - Support If Amended

Bill No: **AB 407 (Kuehl)**
Subject: **Solid Waste Disposal Facilities: Santa Monica Mountains Zone**
Intro: 2/24/95
Amended: 5/25/95
Prohibits a solid waste enforcement agency from issuing, modifying, or revising, a solid waste facility permit for the operation of a new or expanded disposal facility within the Santa Monica Mountains Zone, as the zone is defined as of 1/1/95. Provides that nothing in these provisions modifies or limits the terms and conditions of any existing solid waste facilities permit.
Status: Failed the Assembly Natural Resources Committee (3-5) on 5/1/95; granted reconsideration; passed the Assembly Natural Resources Committee (8-6) on 5/8/95; failed passage on the Assembly Floor (27-42) on 6/1/95; reconsideration granted on 6/1/95; sent to Assembly Inactive File on 6/2/95.
LPEC Position: 5/9/95 - Support
CIWMB Position: 5/23/95 - No position taken (no majority vote)

Bill No: **AB 483 (Alpert)**
Subject: **Hazardous Waste: Recycling**
Intro: 2/16/95
Amended: 7/23/95

Extends the time when a recyclable material is required to be recycled at an unauthorized facility to 12 months of its generation. Revises the requirements for recyclable materials that are used or reused as an ingredient or a substitute ingredient in an industrial process to make a product. Defines "certified unified program agency" and "unit." States legislative intent regarding accidental releases involving hazardous waste.

Status: Passed Assembly Environmental Safety and Toxic Materials Committee (9-1) on 5/18/95; passed Assembly Appropriations Committee (14-0) on 5/24/95; passed the Assembly Floor (69-6) on 6/1/95; held in the Senate Toxics and Public Safety Management Committee on 7/3/95; passed the Senate Toxics and Public Safety Management Committee (4-0) on 7/17/95; referred to the Senate Appropriations Committee.

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 573 (Goldsmith)**
Subject: **State Funds**
Intro: 2/17/95
Amended: 5/23/95

Prohibits the expenditure of revenues derived from the assessment of fines and penalties by any state agency unless the Legislature specifically provides authority for their expenditure by an appropriation in the Budget Act or other legislation.

Status: Passed the Assembly Consumer Protection, Governmental Efficiency, and Economic Development Committee (9-1) on 4/4/95; passed the Assembly Appropriations Committee (12-1) on 5/17/95; passed the Assembly Floor (71-3) on 6/1/95; referred to the Senate Governmental Organization Committee.

LPEC Position: 7/11/95 - No Position
CIWMB Position: 7/25/95 - No Position

Bill No: **AB 626 (Sher)**
Subject: **Solid Waste: Reporting Requirements**
Intro: 2/17/95
Amended: 4/17/95

Consolidates the CIWMB's ongoing annual reporting requirements into a series of seven progress reports, which would be submitted to the Governor and the Legislature on an annual basis. Also requires the annual progress reports by local jurisdictions to be submitted to the CIWMB on or before March 1 of every other year. Further makes a clarifying change to the intent language in the Integrated Waste Management Act (IWMA), extends

indefinitely a specified provision of the State Assistance for Recycling (STAR) Markets Act of 1989, and makes a number of general "code cleanup" changes. Amends the Open Meeting Act to allow the CIWMB to hold closed sessions when considering trade secret, confidential proprietary, or financial proprietary data of manufacturers or businesses.

Status: Passed the Assembly Natural Resources Committee (13-0) on 4/17/95; passed Assembly Appropriations Committee (18-0) on 5/24/95; passed the Assembly Floor (77-0) on 6/1/95; passed Senate Governmental Organization Committee (6-2) on 7/11/95; passed the Senate Appropriations Committee (28.8 Calendar) on 7/21/95; referred to the Senate Floor for vote.

LPEC Position: 5/9/95 - Support If Amended
Reheard 8/8/95 - Forward to Board without recommendation.

CIWMB Position: 5/23/95 - Support
To be reheard - 8/23/95

Bill No: **AB 644 (Richter)**
Subject: **Non-RCRA Hazardous Waste: Regulation**
Intro: 2/21/95
Amended: 7/13/95

Requires the DTSC, by January 1, 2001, to evaluate and readopt regulations that prescribe the criteria for determining non-RCRA hazardous waste and prescribes related guidelines. The bill requires after the adoption of the regulations, that waste, which is not hazardous be managed in accordance with all applicable federal, state, and local requirements.

Status: Passed the Assembly Environmental Safety and Toxic Materials Committee (10-0) on 4/20/95; passed the Assembly Appropriations Committee (11-3) on 5/24/95; passed the Assembly Floor (49-18) on 6/1/95; held in the Senate Toxics and Public Safety Management Committee on 7/10/95; passed the Senate Toxics and Public Safety Management Committee (4-0) on 7/17/95; referred to the Senate Appropriations Committee.

LPEC Position: 7/11/95 - Oppose

CIWMB Position: 7/25/95 - No Position

Bill No: **AB 995 (Sher)**
Subject: **Beverage Containers**
Intro: 2/23/95

Extends requirements of the California Beverage Container Recycling and Litter Reduction Act, relating to the calculation by the DOC of processing fees paid by beverage manufacturers to January 1, 1998.

Status: Set to be heard before the Assembly Natural Resources

Committee on 4/17/95; hearing cancelled at the request of the author.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1103 (Sher)**
Subject: **Oil Recycling: Used Oil Collection Centers**
Intro: 7/6/95
Amended: 7/28/95
Requires that signs at a used oil collection center include either specified wording or a logo adopted by the CIWMB. Makes various technical and clarifying changes.
Status: Passed the Assembly Natural Resources Committee (13-0) on 4/3/95; passed the Assembly Appropriations Committee (18-0) on 4/19/95; passed the Assembly Floor (73-0) on 4/27/95; passed the Senate Government Organization Committee (10-0) on 7/11/95; referred to the Senate Appropriations Committee; taken off calendar 7/24/95.
LPEC Position: 6/13/95 - Refer to Board without recommendation
7/11/95 - Support
CIWMB Position: 7/25/95 - Support

Bill No: **AB 1135 (Morrissey)**
Subject: **Administrative Regulations: Cumulative Impact**
Intro: 2/23/95
Amended: 7/18/95
Requires the Air Resources Board when proposing to adopt or substantively amend any regulation to consider the cumulative impact of all regulations that become effective on and after January 1, 1990, on specific private sector entities that may be affected by the proposed adoption or amendment of the regulation.
Status: Passed the Assembly Consumer Protection Committee (11-1) on 4/18/95; passed the Assembly Appropriations Committee (11-1) on 5/17/95; passed the Assembly Floor (67-7) on 6/1/95; passed the Senate Governmental Organization Committee (6-3) on 7/11/95; referred to the Senate Appropriations Committee.
LPEC Position: 5/9/95 - Defer to Trade and Commerce Agency
CIWMB Position: 5/23/95 - Defer to Trade and Commerce Agency

Bill No: **AB 1179 (Bordonaro)**
Subject: **Regulations: Impact on Business**
Intro: 2/23/95
Amended: 5/4/95
Exempts California businesses from all regulations adopted on or after January 1, 1996, unless the adopting agency makes findings that the intended regulatory benefits justify the costs and the regulations are the most cost effective of available options. Additionally, expands the role of the Secretary of the Trade and Commerce Agency (TCA) in the adoption of regulations proposed by all agencies and

permits the Secretary to reject any proposed regulations upon a finding of significant adverse economic impact as well as inadequate justifications of cost effectiveness. Requires the Office of Administrative Law (OAL) review all regulations rejected by the Secretary of the TCA.

Status: Passed the Assembly Consumer Protection Committee (7-2) on 4/18/95; failed Assembly Appropriations Committee (8-6) on 5/17/95; reconsideration granted; taken off calendar on 5/24/95; motion to withdraw from committee on 6/8/95; sent to Assembly Inactive File on 6/27/95.

LPEC Position: 5/9/95 - Oppose
CIWMB Position: 5/23/95 - No position (no majority vote)

Bill No: **AB 1202 (Woods)**
Subject: **Public Utilities: Electrical Generation**
Intro: 2/23/95
Amended: 7/11/95

Requires the Secretary of Cal/EPA, in consultation with specified entities, to evaluate and recommend to the Legislature public policy strategies, and the feasibility of shifting costs from electricity ratepayers to other beneficiaries, and implementation requirements for the equitable and effective allocation of biomass power costs that ensure the retention of the economic and environmental benefits of the biomass industry while promoting measurable reduction in real costs to electricity ratepayers. Urgency Measure.

Status: Set to be heard before the Assembly Utilities and Commerce Committee on 4/17/95; hearing postponed by committee; hearing reset in the Assembly Utilities and Commerce Committee on 5/8/95; hearing postponed by committee; passed the Assembly Utilities and Commerce Committee on 7/10/95; passed the Assembly Appropriations Committee (12-4) on 7/19/95.

LPEC Position: 5/9/95 - Support
CIWMB Position: 5/23/95 - Support

Bill No: **AB 1475 (Pringle)**
Subject: **Regulatory Fees**
Intro: 2/24/95
Amended: 7/11/95

Requires the State Board of Equalization to establish a regulatory fee register to serve as a central repository of information concerning regulatory fees collected by specified agencies. Requires each agency to submit to the board quarterly reports of the total dollar amount of regulatory fees collected by the agency.

Status: Passed the Assembly Environmental Safety and Toxic Materials Committee (10-0) on 4/18/95; passed the Assembly Appropriations Committee (18-0) on 5/24/95; passed Assembly Floor (77-0) on 6/1/95; set to be heard

before the Senate Revenue and Taxation Committee on 6/21/95; taken off calendar; set to be heard before the Senate Revenue and Taxation Committee on 7/19/95; taken off calendar.

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1647 (Ducheny)**
Subject: **Solid Waste Facilities: Regulations**
Intro: 2/24/95
Amended: 5/16/95
Provides findings and declarations that the CIWMB should be statutorily authorized to adopt regulations pertaining to composting. States legislative intent that nothing in the act is intended to confer any authority on, or to validate the authority of, the CIWMB to adopt regulations for solid waste facilities that impose different levels, or "tiers" of regulations for different types of solid waste facilities.
Status: Passed the Assembly Natural Resources Committee (11-0) on 5/8/95; passed the Assembly Floor (67-0) on 5/25/95; passed the Senate Governmental Organization Committee (9-0) on 6/27/95; referred to Senate Floor (Consent Calendar) for vote; sent to Senate Floor Inactive File on 7/3/95.

LPEC Position: 5/9/95 - Forward to Board Without Recommendation
CIWMB Position: 5/23/95 - Referred back to LPEC

Bill No: **AB 1649 (Cannella)**
Subject: **Solid Waste Facilities: Standards: Federal Act**
Intro: 2/24/95
Amended: 5/3/95
Provides legislative findings and intent that the CIWMB should be prohibited from adopting any regulation that imposes any standard or requirement for any activity pertaining to the handling or disposal of solid waste that exceeds the minimum standards or requirements established for that activity by federal law or regulation, unless specific standards or requirements are required by state statutes.
Status: Passed the Assembly Natural Resources Committee (12-0) on 5/8/95; passed the Assembly Floor (74-1) on 5/22/95; referred to the Senate Governmental Organization Committee.

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1659 (Woods)**
Subject: **Regulations: Difference from the Code of Federal Regulations**
Intro: 2/24/95
Requires certain agencies (Cal/EPA, Resources Agency, Office of the State Fire Marshal, the Office

Amended: 7/17/95 of Emergency Services, the Division of Drinking Water, and the State Lands Commission) promulgating new regulations to determine if those regulations would be a major regulations (with an implementation and compliance cost larger than $2 million) prior to giving notice of adoption and to include that determination in the notice. Requires the agencies to provide specified information and findings in the statements of reasons. Specifies that a state agency that adopts or amends a regulation mandated by federal law shall be deemed to have complied with the criteria by the OAL.

Status: Passed the Assembly Consumer Protection Committee (8-4) on 4/18/95; passed the Assembly Appropriations Committee (10-6) on 5/17/95; passed the Assembly Floor (49-21) on 6/1/95; failed passage in the Senate Governmental Organization Committee (3-5) on 7/11/95; reconsideration granted.

LPEC Position: 7/11/95 - Oppose
CIWMB Position: 7/25/95 - Oppose

Bill No: **AB 1851 (Sher)**
Subject: **Solid Waste: Trash Bags**
Intro: 2/24/95 Changes the compliance date from 1/1/95 to 1/1/97 for the requirement that every manufacturer of plastic trash bags ensure that at least 30 percent of the material in those trash bags is recycled plastic postconsumer material. Urgency Measure.

Status: Passed by the Assembly Natural Resources Committee (9-2) on 4/3/95; passed the Assembly Appropriations Committee (15-1) on 4/19/95; passed the Assembly Floor (72-1) on 4/27/95; passed the Senate Governmental Organization Committee (8-0) on 6/27/95; referred to the Senate Appropriations Committee.

LPEC Position: 5/9/95 - Oppose
Reheard 8/8/95 - Pulled from agenda.
CIWMB Position: 5/23/95 - Oppose

Bill No: **AB 1860 (Allen)**
Subject: **Environmental Quality: Actions and Proceedings**
Intro: 2/24/95 Exempts from the California Environmental Quality Act(CEQA) requirement to prepare and certify the completion of environmental impact reports on projects, any activity consisting only of the extension, renewal, reissuance, or transfer by a public agency of a lease, certificate, or other entitlement for use under specified circumstances.
Amended: 6/1/95

Status: Passed the Assembly Natural Resources Committee (10-0) on 4/24/95; passed the Assembly Appropriations Committee (18-0) on 5/24/95; passed the Assembly Floor

(72-0) on 6/1/95; referred to the Senate Judiciary Committee.

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1932 (Sweeney)**
Subject: **Solid Waste: Diversion Requirements: Reporting**
Intro: 2/24/95
Amended: 7/6/95

Authorizes the CIWMB to make adjustments in the amounts of solid waste disposed and diverted by a jurisdiction which hosts a regional diversion facility. Defines a "regional diversion facility" as a facility that meets specific criteria, including processing at least 70 percent of the solid waste it receives on a quarterly basis into recycled materials, accepts solid waste for recycling from both within and without their jurisdiction, only accepts solid waste that has been source-separated, the residual solid waste generated by the facility is a byproduct of the recycling that takes place at the facility, the facility provides a measurable benefit to the regional efforts to divert solid waste from disposal, and the facility is not a solid waste facility as defined in PRC Section 40194.

Status: Passed the Assembly Natural Resources Committee (13-0) on 4/17/95; passed the Assembly Appropriations Committee (18-0) on 5/17/95; passed the Assembly Floor (72-0) on 5/25/95; set to be heard before the Senate Governmental Organization Committee on 6/27/95; taken off calendar; passed the Senate Governmental Organization Committee (10-0) on 7/11/95; passed the Senate Appropriations Committee (28.8 Calendar) on 7/21/95; passed the Senate Floor (40-0) on 7/29/95; referred to the Assembly for Concurrence.

LPEC Position: 5/9/95 - Support
7/11/95 - Support
CIWMB Position: 5/23/95 - Referred back to LPEC.
7/25/95 - Support

Bill No: **AB 1943 (Bordonaro)**
Subject: **Environmental Protection: General Permits**
Intro: 2/24/95
Amended: 7/24/95

Authorizes the Secretary for the Environmental Protection Agency to adopt regulations to precertify equipment and processes as being in compliance with applicable environmental rules and regulations. Requires state environmental agencies and authorizes local environmental agencies to adopt general permits with incorporate equipment and processes so precertified. Authorizes local environmental agencies to adopt additional requirements as part of the general

permit to meet local health and safety concerns. Urgency Measure.

Status: Set to be heard before the Assembly Natural Resources Committee on 4/17/95; author put the bill over; passed the Assembly Natural Resources Committee (99-0) on 7/10/95; passed the Assembly Appropriations Committee on (15-0) 7/19/95; passed the Assembly Floor (73-0) on 7/28/95; referred to Senate Rules Committee for policy committee assignment.

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1965 (Figueroa)**
Subject: **Hazardous Waste: Wood Waste**
Intro: 2/24/95
Amended: 6/22/95

Exempts from hazardous waste control laws any wood waste, previously treated with a preservative, that has been removed from public or private utility service if all of the following conditions are met: (1) the wood waste is not subject to regulation under RCRA, (2) the wood waste is disposed of in a solid waste landfill that meets the leachate collection system and liner requirements of the federal Subtitle D regulations, and (3) the solid waste landfill used for disposal is authorized to accept the wood waste under waste discharge requirements issued by the Regional Water Quality Control Board.

Status: Passed Assembly Environmental Safety and Toxic Materials Committee (12-0) on 4/18/95; passed the Assembly Appropriations Committee (12-0) on 5/3/95; passed the Assembly Floor (75-0) on 5/11/95; passed the Senate Toxics and Public Safety Management Committee (4-2) on 6/19/95; passed the Senate Appropriations Committee (17-0) on 7/17/95; passed the Senate Floor (31-5) on 7/29/95; referred to the Assembly Floor for Concurrence.

LPEC Position: 7/11/95 - Information Only
CIWMB Position: None at this time

Bill No: **ACA 7 (Pringle)**
Subject: **State Mandates**
Intro: 2/6/95
Amended: 5/4/95

Provides that whenever the Legislature or any state agency mandates any new program, higher level of service, or increased cost on any local government, the state must provide a subvention of funds to pay the local government for the cost. Provides that no statute, with specified exceptions, and no executive order or regulation that creates a mandate becomes operative sooner than 90 days after the Commission on State Mandates determines either that the state is not

required to provide a subvention of funds for the mandate or that sufficient funds have been appropriated to pay local government for the cost. States that the performance of suspended mandates shall not impose liability upon a local government or its officers or employees, as specified. Includes various other provisions related to state mandates and the Commission on State Mandates.

Status: Set to be heard before the Assembly Local Government Committee on 5/17/95; taken off calendar on 5/17/95.

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **ACA 8 (Goldsmith)**
Subject: **State Mandates**
Intro: 2/8/95 Provides that a local government may decline to implement a program or higher level of service mandated by the Legislature or any state agency unless and until the state provides a subvention of full funding to reimburse the local government for the costs of the program or increased level of service. Authorizes a local government to discontinue a mandated program when all of the funds provided for the mandate have been expended. Exempts specified mandates.

Status: Set to be heard before the Assembly Local Government Committee on 8/16/95.

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **ACA 21 (Brulte)**
Subject: **Legislation: Cost Imposition: Vote Requirement**
Intro: 2/24/95 Requires a 2/3 vote of the membership of each house of the Legislature to pass a bill that would impose or authorize requirements or prohibitions that would impose a direct aggregate cost equal to, or exceeding, an unspecified amount in any fiscal year upon business and individuals. Establishes an exclusion from this vote requirement in the case in which statutes enacted previously during the same legislative session, or the bill in question, repeals existing requirements or prohibitions to reduce the costs of businesses and individuals in an offsetting amount.

Status: Failed Assembly Rules Committee (5-5) on 6/5/95; referred to Assembly Elections and Reapportionment Committee.

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **ABXX 20 (Morrow)**
Subject: **Orange County: Solid Waste Disposal Fees**
Intro: 2/23/95 Temporarily suspends payment by Orange County of the solid waste disposal fee and waives any penalties or interest, or both, on the unpaid fees. Provides that the suspension of payment by Orange County shall remain in effect until its debt is restructured and a repayment plan for the unpaid fees is formulated between Orange County and the CIWMB. **Note: This measure has been introduced in the Second Extraordinary Session convened to deal with Orange County's bankruptcy problems.**
Status: Assembly Desk
LPEC Position: To LPEC on 4/4/95 - information analysis only
CIWMB Position: None at this time

Bill No: **SB 1 (Alquist)**
Subject: **Information Services Agency**
Intro: 12/5/94 Amended: 7/18/95 Replaces the Office of Information Technology with the Information Services Agency (ISA), to be managed by the Secretary of Information Services. Creates a Department of Information Services within the agency with specified duties, including consolidation of state information technology services, establishment of policies regarding an independent validation and verification of state information technology projects, acquisition of information technology and telecommunication goods and services, and the formation of user and advisory committees.
Status: Passed (9-0) the Senate Governmental Organization Committee on 4/18/95; set to be heard before the Senate Appropriations Committee on 5/1/95; hearing postponed by committee; placed on Appropriations Suspense File on 5/8/95; passed Senate Appropriations (7-4) on 5/25/95; passed the Senate Floor (24-13) on 5/30/95; passed the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee (12-0) on 7/11/95; set to be heard before the Assembly Appropriations Committee on 8/23/95.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 11 (Ayala)**
Subject: **State Mandates**
Intro: 12/5/94 Amended: 7/28/95 Provides that an affected local agency would not be required to comply with a state-mandated local program after the bill becomes effective if an appropriation to fully fund a test claim for that program is not enacted within 16 months after both approval of the

claim and adoption of a statewide cost estimate of the approved claim by the Commission on State Mandates. Specifies that a bill determined by the Legislative Counsel to impose a state-mandated local program that does not appropriate funds for reimbursement of the mandate or disclaim the right to reimbursement would require a 2/3 vote for passage. The provisions of this bill would not apply to any existing state-mandated local program that is amended after the effective date of this act.

Status: Passed Senate Local Government Committee (4-2) on 3/1/95; passed the Senate Education Committee (7-0) on 3/29/95; set to be heard before the Senate Appropriations Committee on 4/24/95; taken off calendar; passed the Senate Appropriations Committee per Senate Rule 28.8 on 5/8/95; passed the Senate Floor (34-0) on 5/11/95; passed the Assembly Local Government Committee (10-0) on 7/12/95; sent to the Assembly Appropriations Committee Suspense File on 7/26/95.

LPEC Position: 6/13/95 - Neutral
CIWMB Position: 6/28/95 - Neutral

Bill No: **SB 19 (Johannessen)**
Subject: **State Mandates**
Intro: 12/6/94
Amended: 4/25/95

Provides that a state-mandated local program, with specified exceptions, enacted after January 1, 1996, shall not apply to any city with a population of 25,000 or less or any county with a population of 50,000 or less, if an appropriation to fully fund a test claim for the mandated program is not enacted within 16 months after approval of the claim and adoption of a statewide cost estimate by the Commission on State Mandates. Specifies that legislation determined by the Legislative Counsel to constitute a state-mandated program on local agencies would require passage by a 2/3 vote.

Status: Failed passage in the Senate Local Government Committee (2-2) on 4/5/95; reconsideration granted; passed the Senate Local Government Committee (4-2) on 4/19/95; passed the Senate Appropriations Committee per Senate Rule 28.8 on 5/8/95; passed the Senate Floor (24-9) on 5/11/95; referred to the Assembly Local Government Committee.

LPEC Position: 6/13/95 - Neutral
CIWMB Position: 6/28/95 - Neutral

Bill No: **SB 25 (Leonard)**
Subject: **Public Utilities: Electric Utilities: Generation**
Intro: 12/8/94
Amended: 7/15/95
Prohibits the PUC from prescribing special resource additions for electric utilities. Prohibits the PUC from requiring electric utilities to make generator resource additions.
Status: Passed the Senate Energy and Public Utilities Committee (5-3) on 3/28/95; passed the Senate Appropriations Committee per Senate Rule 28.8 on 4/24/95; sent to Senate Floor Inactive File on 5/4/95; withdrawn from Senate Inactive file on 5/11/95; passed the Senate Floor (23-15) on 5/30/95; held in the Assembly Utilities and Commerce Committee on 7/13/95.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 174 (Killea)**
Subject: **Reorganization: Beverage Container Recycling: Solid Waste Management**
Intro: 1/30/95
Amended: 7/25/95
Transfers the Division of Recycling and its functions from the Department of Conservation to the CIWMB, and makes conforming changes. Requires the CIWMB to combine existing CIWMB/DOC programs, by 1/1/97, for public education and advertising, public information hotline services, grants and contracts, and market development efforts. Requires the CIWMB to review the process for collecting materials for recycling and to review existing statutes and regulations imposing specified requirements on manufacturers and to submit recommendations based on these reviews to the Governor and the Legislature by 1/1/97. Reduces the membership of the CIWMB to five members by eliminating one of the positions appointed by the Governor to represent the public, and requires the Governor to appoint the chairperson of the CIWMB. (Note: SB 1163 was amended into this bill.)
Status: Set for hearing before the Senate Natural Resources and Wildlife Committee on 4/4/95. Re-referred to the Senate Governmental Organization Committee; passed the Senate Governmental Organization Committee (6-4) on 4/18/95; passed the Senate Appropriations Committee (7-5) on 5/1/95; referred to the Senate Floor; placed Senate Inactive File on 5/4/95; withdrawn from Senate Inactive File on 5/30/95; passed the Senate Floor (21-17) on 6/1/95; passed the Assembly Natural Resources Committee (8-7) on 7/10/95; set to be heard

before the Assembly Appropriations Committee on 8/23/95.
LPEC Position: 5/9/95 - Support
CIWMB Position: 5/23/95 - No position taken

Bill No: **SB 205 (Kelley)**
Subject: **Waste Discharge Requirements: Sewage Sludge: Waiver**
Intro: 2/6/95
Amended: 6/21/95
This bill would require the State Water Resources Control Board (SWRCB) or a Regional Water Quality Control Boards (RWQCB) to, among other things, establish general waste discharge requirements for agronomic applications of sewage sludge and other biological solids as a soil amendment or fertilizer which would supersede regulations adopted by any other state agency to regulate sewage sludge and other biological solids which are applied directly to agricultural lands. This bill would require the standards to be developed in consultation with the CIWMB, the Air Resources Board (ARB) and the Department of Food and Agriculture (DFA).
Status: Passed the Senate Agriculture and Water Resources Committee (10-0) on 3/21/95; passed the Senate Appropriations Committee (10-0) on 4/24/95; passed the Senate Floor (39-0) on 5/4/95; passed the Assembly Water, Parks and Wildlife Committee (13-1) on 6/6/95; passed the Assembly Appropriations Committee (17-0) on 6/14/95; passed the Assembly Floor (62-7) on 7/7/95; referred to the Senate Floor for Concurrence; sent to Senate Inactive File on 7/13/95.
LPEC Position: 5/9/95 - Forward to Board Without Recommendation
Reheard 6/13/95 - Neutral If Amended
CIWMB Position: 5/23/95 - Oppose Unless Amended
Reheard 6/28/95 - Neutral

Bill No: **SB 219 (Thompson)**
Subject: **Household Hazardous Waste**
Intro: 2/6/95
Amended: 7/6/95
Increases from 200 pounds to 600 pounds, the amount of batteries that can be collected at a household hazardous waste collection facility without changing the facility's exemption from certain requirements concerning the receipt, storage, and transportation of hazardous waste. Provides that the disposal of spent batteries does not include a battery which is delivered to a collection location or an intermediate collection location and subsequently transported to a household hazardous waste collection facility.
Status: Passed before the Senate Toxics and Public Safety Committee (5-0) on 4/3/95; passed the Senate Appropriations Committee (Senate Rule 28.8) on 4/24/95;

passed the Senate Floor (39-0) on 5/4/95; passed the Assembly Environmental Safety and Toxic Materials Committee on 6/6/95; passed the Assembly Appropriations Committee (19-0) on 7/12/95; referred to the Assembly Floor for vote.

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 323 (Kopp)**
Subject: **Public Records**
Intro: 2/10/95
Amended: 6/8/95

Requires public agencies to ensure that systems used to collect and hold public records be designed to ensure ease of public access. Provides for public inspection of public records and copying in all forms. Revises definitions of local agency and "writing" and defines "public agency." Lists specific provisions of law that are exempt from the requirement to disclose records under the California Public Records Act. Requires a public agency to justify the provision of law on which it based its decision to withhold a public record or, if the withholding is based on the public interest, to state the public interest in disclosure and the public interest in nondisclosure.

Status: Testimony taken at the Senate Judiciary Committee on 3/28/95; further hearing set for 5/2/95; passed the Senate Judiciary Committee (6-2) on 5/2/95; passed the Senate Appropriations Committee (8-2) on 6/5/95; passed the Senate Floor (22-5) on 6/12/95; referred to the Assembly Governmental Organization Committee

LPEC Position: 7/11/95 - No Position
CIWMB Position: 7/25/95 - No Position

Bill No: **SB 338 (Campbell)**
Subject: **State Funds**
Intro: 2/10/95
Amended: 7/30/95

Adds a provision to the Government Code that would provide that the revenues derived from the imposition of fines and penalties that was deposited in each governmental cost fund be transferred to the General Fund.

Status: Passed the Senate Governmental Organization Committee (9-2) on 3/28/95; passed the Senate Appropriations Committee (11-1) on 5/15/95; passed the Senate Floor (29-5) on 5/23/95; passed the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee (9-3) on 6/27/95; passed the Assembly Appropriations Committee (10-2) on 7/19/95; referred to the Assembly Floor for vote.

LPEC Position: 7/11/95 - Oppose
CIWMB Position: 7/25/95 - Oppose

Bill No: **SB 415 (Thompson)**
Subject: **Hazardous Materials Transporter Fees**
Intro: 2/15/95
Amended: 4/18/95
Requires the Secretary of the California Environmental Protection Agency to establish a fee schedule, to be paid by each surface transporter of hazardous materials in the State. Extends this requirement to December 31, 1999. Limits the amount deposited in the Hazardous Spill Prevention Account in the Railroad Accident Prevention and Budget Act to $2 million in any calendar year.
Status: Passed the Senate Toxics and Public Safety Management Committee (4-0) on 4/3/95; failed the Senate Appropriations Committee (5-4) on 5/1/95; reconsideration granted on 5/15/95; held in Senate Appropriations Committee on 5/22/95.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 426 (Leslie)**
Subject: **Environmental Advertising**
Intro: 2/15/95
Amended: 7/28/95
Repeals definitions contained within the existing Green Marketing Law. Provides that it is unlawful for a person to make any untruthful, deceptive, or misleading environmental marketing claim about a product or package sold or offer for sale in California that does not meet or exceed the *Guides for Use of Environmental Market Claims*, published by the Federal Trade Commission (FTC) on July 27, 1992. Makes violation of this provision a misdemeanor.
Status: Passed by the Senate Business and Professions Committee (6-3) on 3/27/95; passed the Senate Appropriations Committee per Senate Rule 28.8 on 4/24/95; passed the Senate Floor (21-16) on 5/23/95; passed the Assembly Consumer Protection, Governmental Efficiency, and Economic Development Committee (9-4) on 6/27/95; passed the Assembly Appropriations Committee (10-7) on 7/19/95; referred to the Assembly Floor for vote.
LPEC Position: 5/9/95 - Oppose
CIWMB Position: 5/23/95 - No position taken

Bill No: **SB 482 (Calderon)**
Subject: **State Real Property: Department of General Services**
Intro: 2/17/95
Amended: 5/11/95
Authorizes the Director of General Services (DGS) to enter into agreements to lease-purchase finance, or lease with an option to purchase, for the purpose of providing office, warehouse, parking, and related facilities in the Sacramento region, to meet the facilities needs of state agencies identified in the Strategic Facilities Plan for Sacramento. Prescribes

specific duties for the DGS Director regarding Sacramento-area state facilities. Establishes a 7-member State Strategic Facilities Plan Implementation Committee appointed by the Governor.

Status: Passed (9-0) Senate Governmental Organization Committee on 4/18/95; set to be heard before the Senate Appropriations Committee on 5/8/95; hearing postponed by committee.

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 582 (Solis)**
Subject: **Wildlife Corridors**
Intro: 2/21/95
Amended: 4/24/95

Authorizes Los Angeles County to establish the Puente Hills Wildlife Corridor in the unincorporated portion of Los Angeles County. Authorizes, if the Los Angeles County Conditional Use Permit 92-250 is modified, funds to be set aside by the Puente Hills Landfill Native Habitat Preservation Authority for use by the Wildlife Corridor Conservation Authority for the purpose of acquiring any parcel determined to be critical by the Wildlife Conservation Authority.

Status: Passed the Senate Natural Resources and Wildlife Committee (6-3) on 5/9/95; sent to Senate Floor Inactive File on 5/18/95; withdrawn from Senate Floor Inactive File on 5/30/95; passed the Senate Floor (23-11) on 6/1/95; referred to the Assembly Water Parks and Wildlife Committee.

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 805 (Monteith)**
Subject: **State Mandates**
Intro: 2/23/95
Amended: 6/15/95

Enacts the Monteith-Ayala-Kopp Mandate Reform Act. Provides that an affect local agency would not be required to comply with a state-mandated local program enacted after the bill becomes effective if an appropriation to fully fund a test claim for that program is not enacted without 16 months after both approval of the claim and adoption of a statewide cost estimate of the approved claim by the Commission on State Mandates.

Status: Failed passage in the Senate Local Government Committee (1-2) on 4/5/95; reconsideration granted; passed the Senate Local Government Committee (4-3) on 4/19/95; passed the Senate Appropriations Committee per Senate

Rule 28.8 on 5/8/95; passed the Senate Floor (27-6) on 5/25/95; referred to the Assembly Local Government Committee.

LPEC Position: 6/13/95 - Neutral (recommend as a Consent item)
CIWMB Position: 6/28/95 - Neutral

Bill No: **SB 845 (Leonard)**
Subject: **Household Hazardous Waste Facilities**
Intro: 2/23/95
Amended: 6/19/95

Requires the DTSC, on or before 3/31/96, to develop a separate and distinct regulatory structure for the permitting of permanent household hazardous waste facilities. Prohibits those regulators from applying to household hazardous waste collection facilities that conduct treatment to, or dispose of, household hazardous waste collected from conditionally exempt small generators. Requires the regulations to simplify the permitting of facilities, encourage the collection of material, and not be more burdensome than is necessary to protect the public health and safety. Requires the regulations adopted to weigh public safety considerations of household hazardous waste collection with the safety and environmental considerations of illegal disposal.

Status: Passed the Senate Toxics and Public Safety Committee (6-0) on 4/3/95; passed the Senate Appropriations Committee per Senate Rule 28.8 on 5/1/95; passed the Senate Floor (37-0) on 5/11/95; set to be heard before the Assembly Environmental Safety and Toxic Materials Committee on 8/15/95.

LPEC Position: To LPEC on 4/4/95 - information analysis only
Reheard 6/13/95 - Defer to Cal/EPA
CIWMB Position: 6/28/95 - Defer to Cal/EPA

Bill No: **SB 1026 (Dills)**
Subject: **Solid Waste: Tire Recycling**
Intro: 2/24/95
Amended: 7/19/95

Requires Caltrans to request that the U.S. Department of Transportation to set aside the federal Intermodal Surface Transportation Efficiency Act (ISTEA) utilization requirements for asphalt pavement containing recycled rubber if Caltrans finds that the use of waste tires for fuel production at California cement manufacturing plants provides an adequate waste reduction alternative to the recycled rubber requirements of ISTEA.

Status: Passed the Senate Governmental Organization Committee (11-0) on 4/17/95; passed the Senate Appropriations Committee per Senate Rule 28.8 on 5/1/95; passed the Senate Floor (30-1) on 5/4/95; set to be heard before the Assembly Natural Resources Committee on 6/26/95;

hearing put over; passed the Assembly Natural Resources Committee (11-0) on 7/10/95; set to be heard before the Assembly Appropriations Committee on 8/16/95.

LPEC Position: 5/9/95 - Oppose
Reheard 8/8/95 - Forward to Board without a recommended change in position.

CIWMB Position: 5/23/95 - Oppose
To be reheard - 8/23/95

Bill No: **SB 1107 (Leslie)**
Subject: **Unified Program Agencies**
Intro: 2/24/95
Amended: 4/5/95

Provides that if a city, county, or other local agency applies to the Secretary for Environmental Protection on or before December 31, 1995, to be certified as a unified hazardous waste and hazardous materials management agency, the agency would be exempt from imposing a surcharge to be used to cover the necessary and reasonable costs of state agencies in carrying out the unified program. The city, county, or local agency must be certified by the secretary as a unified program by June 30, 1996. Urgency measure.

Status: Passed the Senate Toxics and Public Safety Management Committee (6-0) on 4/4/95; set to be heard before the Senate Appropriations Committee on 4/24/95; taken off calendar; sent to the Senate Appropriations Committee Suspense Calendar on 5/16/95; passed the Senate Appropriations Committee (13-0) on 5/25/95; passed the Senate Floor (40-0) on 5/30/95; set to be heard before the Assembly Environmental Safety and Toxic Materials 8/15/95.

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 1163 (Leslie)**
Subject: **Solid Waste: Disposal Facilities and Sites**
Intro: 2/24/95
Amended: 7/7/95

Abolish the Division of Recycling (DOR) in the Department of Conservation (DOC) and create the Division of Recycling in the CIWMB, thereby transferring the beverage container recycling, litter reduction, plastic waste and fiberglass recycled content functions of the department to the Board. Reduces the membership of the board to five members, all appointed by the Governor.

Status: Passed the Senate Governmental Organization Committee (11-0) on 4/18/95; passed the Senate Floor (29-0) on

4/27/95; set to be heard in the Assembly Natural Resources Committee on 7/10/95; taken off Calendar.
LPEC Position: 5/9/95 - Support
7/11/95 - Oppose
CIWMB Position: 5/23/95 - Support
Pulled from Calendar

Bill No: **SB 1178 (O'Connell)**
Subject: **Beverage Containers**
Intro: 2/24/95
Amended: 7/10/95
Authorizes the DOC to review and decrease or increase redemption payments based on a specified determination. Defines terms "market scrap value," "PET container," and processing payment" for the purposes of the act. Revises the definition of the term "processing fee" to instead include only the amount paid by beverage manufacturers to the DOC. Increases the number of exemptions the DOC may grant from convenience zone requirements to 35 percent of the total number of convenience zones. Creates the PET Processing Fee Account and the Bimetal Processing Fee Account and provides for deposits to those accounts. Extends payment of handling fees to January 1, 1999.
Status: Passed the Senate Committee on Natural Resources and Wildlife (9-1) on 4/6/95; referred to the Senate Floor for vote; placed on the Senate Floor Inactive File on 5/11/95; withdrawn from Senate Floor Inactive File on 5/15/95; referred to the Senate Natural Resources Committee on 5/15/95; passed the Senate Natural Resources Committee (6-1) on 5/18/95; Joint Rule 62(a) waived on 5/18/95; passed Senate Appropriations Committee (7-5) on 6/12/95; passed the Senate Floor (27-6) on 7/17/95; referred to the Assembly Natural Resources Committee.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 1180 (Calderon)**
Subject: **Environmental Quality: Military Base or Reservation Reuse Plan**
Intro: 2/24/95
Amended: 7/5/95
Makes a number of significant changes to CEQA including abrogating the "fair argument test" in favor of the "substantial evidence standard" in the preparation of an environmental impact report.
Status: Passed the Senate Governmental Organization Committee (7-0) on 4/18/95; passed the Senate Natural Resources and Wildlife Committee (7-1) on 5/9/95; passed the

Senate Floor (27-1) on 5/18/95; referred to the Assembly Natural Resources Committee.
LPEC Position: 8/8/95 - Oppose
CIWMB Position: To be heard at 8/23/95 meeting

Bill No: **SB 1191 (Calderon)**
Subject: **Hazardous Materials and Wastes: Unified Program**
Intro: 2/24/95
Amended: 7/31/95
Revises specific provisions of law regulating hazardous waste, the storage of hazardous substances in underground storage tanks, and the handling of hazardous materials, in regards to a specified unified hazardous waste and hazardous material management and regulatory program. Revises requirements imposed upon certified local agencies with regard to the issuance of unified program facility permits by providing that these permits replace the permits required for underground storage tanks and required by specified local ordinances or regulations. Requires a certified unified program agency to develop an inspection program for specified generators. Requires the State Fire Marshal to establish a Hazardous Materials Advisory Committee to study the extent to which specified hazardous materials handling requirements should be included in the unified program and to report the Committee's recommendations to the Governor and the Legislature by January 1, 1998. Urgency Measure.
Status: Passed the Senate Toxics and Public Safety Management Committee (4-0) on 5/15/95; passed the Senate Appropriations Committee per Senate Rule 28.8 on 5/22/95; passed the Senate Floor (39-0) on 6/1/95; set to be heard before the Assembly Environmental Safety and Toxic Materials Committee on 8/15/95.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 1222 (Calderon)**
Subject: **Hazardous Waste Management**
Intro: 2/24/95
Amended: 7/28/95
Enacts the Hazardous Waste Management Reform Act of 1995. Existing law defines the term "hazardous waste" for purposes of the hazardous waste control laws as meaning a waste which meets specified criteria adopted by the DTSC or waste which, because of certain characteristics, may cause an increase in mortality or illness, or pose a substantial present or potential hazard to human health or the environment. Revises this definition to exclude from the definition of hazardous waste those wastes which meet those characteristics, and would instead require the Department's guidelines to identify as hazardous waste

those wastes which exhibit those characteristics. Prescribes other related changes.

Status: Passed Senate Toxics and Public Safety Management Committee (5-0) on 4/3/95; passed the Senate Appropriations Committee Suspense File (11-0) on 45/25/95; passed the Senate Floor (37-0) on 5/31/95; set to be heard before the Assembly Environmental Safety and Toxic Materials Committee on 8/15/95.

LPEC Position: 8/8/95 - Forward to Board without recommendation
CIWMB Position: To be heard at 8/23/95

Bill No: **SB 1235 (Hayden)**
Subject: **Schools: Environmental Education Instruction.**
Intro: 2/24/95
Amended: 7/15/95

SB 1235 authorizes the Superintendent of Public Instruction to select nine school districts, based upon specific geographic area, to develop projects and courses that provide for integration of environmental principles and that provide a foundation for the wise use of natural resources.

Status: Passed Senate Education Committee (8-1) on 4/19/95; sent to Senate Appropriations Suspense File on 5/15/95; taken off calendar 5/25/95; Joint Rule 61 (a) suspended on 6/8/95; passed out of the Senate Appropriations Committee per Senate Rule 28.8 on 6/13/95; failed passage (20-17) on the Senate Floor on 6/15/95; author granted reconsideration, passed the Senate Floor (21-15) on 6/19/95; passed the Assembly Education Committee (10-6) on 7/12/95; set to be heard before the Assembly Appropriations Committee on 8/23/95.

LPEC Position: 6/13/95 - Support
CIWMB Position: 6/28/95 - No Position

Bill No: **SB 1291 (Wright)**
Subject: **Hazardous Waste Facilities Permits**
Intro: 2/24/95
Amended: 7/7/95

Allows a conditionally exempt generator to perform any waste stream and treatment combination eligible for conditional exemption. Urgency Measure.

Status: Passed the Senate Toxics and Public Safety Committee (4-0) on 4/17/95; passed the Senate Appropriations Committee per Senate Rule 28.8 on 5/15/95; passed the Senate Floor (38-0) on 5/26/95; set to be heard before the Assembly Environmental Safety and Toxic Materials Committee on 8/15/95.

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 1299 (Peace)**
Subject: **Environmental Protection: Permits**
Intro: 2/24/95
Amended: 5/18/95

Requires the Secretary of the Environmental Protection Agency by January 1, 1997, to adopt regulations, consisting of specified application, administrative and enforcement processes, establishing the permit consolidation zone pilot program. Bill sunsets on January 1, 2002. Defines "certified unified program agency," "environmental agency," "environmental permit," and "facility compliance plan."

Status: Set to be heard before the Senate Natural Resources and Wildlife Committee on 4/25/95; held in committee, Joint Rule 61 suspended; passed by the Senate Committee on Natural Resources and Wildlife (6-0) on 5/9/95; passed the Senate Appropriations Committee per Senate Rule 28.8 on 5/22/95; passed the Senate Floor (38-0) on 5/25/95; passed the Assembly Natural Resources Committee (10-1) on 7/10/95; set to be heard before the Assembly Local Government Committee on 8/16/95.

LPEC Position: 8/8/95 - Oppose
CIWMB Position: To be heard at 8/23/95 meeting

TWO-YEAR BILLS

Bill No: **AB 4 (Bates)**
Subject: **Government Information: Public Access**
Intro: 12/5/94
Requires the Office of Information Technology (OIT) to work with all state agencies, appropriate federal agencies, local agencies, and members of the public to develop and implement a plan to make copies of public information already computerized by a state agency, accessible to the public in computer-readable form by means of the largest nonproprietary, nonprofit cooperative computer network at no cost to the public. Requires OIT to complete the plan by 1/1/97. States that provisions of this bill shall be implemented only if the state receives federal funding for this purpose.
Status: Referred to the Assembly Consumer Protection Committee; author intends to make this a two-year bill.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 35 (Mazzoni)**
Subject: **Solid Waste Facilities: Permits**
Intro: 12/5/94
Prohibits a solid waste facility (SWF) located within the coastal zone and within two miles of any federal park or recreation area, state park system, or ecological reserve, for which a conditional use permit (CUP) was issued prior to January 1, 1976, from being operated or expanded in a manner that is not authorized pursuant to the terms and conditions of the CUP, unless the local agency issues a new or revised CUP which includes terms and conditions that ensure adverse impacts are fully mitigated. Prohibits the SWF described above from being operated or expanded in a manner that is not authorized pursuant to the terms and conditions of the CUP, unless an environmental impact report (EIR) has been prepared and certified. Prohibits the operator of the SWF described above from making any significant change in the design or operation of the facility except in conformance with the terms and conditions in an approved solid waste facilities permit (SWFP) issued by the local enforcement agency (LEA), or by the California Integrated Waste Management Board (CIWMB), acting as the enforcement agency. (Note: This bill is a reintroduction of AB 1910 of 1994.)
Status: Referred to the Assembly Natural Resources Committee; author intends to make this a two-year bill.
LPEC Position: 2/7/95 - Support
CIWMB Position: None at this time

Bill No: **AB 142 (Bowen)**
Subject: **Public Records**
Intro: 1/13/95
Amended: 4/3/95

Provides that any agency that has information that constitutes an identifiable public record that is in an electronic format shall, unless otherwise prohibited by law, make that information available in an electronic format, when requested by any person. Specifies that direct costs of duplication shall include the costs associated with duplicating electronic records. Defines "vital records" for this purpose and expands the State Registrar's authority to adopt related regulations to include confidential portions of any vital record and requires applicants for copies of vital records to submit an application with prescribed information under penalty of perjury. Provides "vital records" are not authorized to be disclosed except as provided in the law pertaining to vital statistics.

Status: Set for hearing before the Assembly Governmental Organization Committee on 4/3/95; put over for vote only on 4/17/95; held in committee; author intends to make this a two-year bill.

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 165 (Richter)**
Subject: **Environmental Quality: Action or Proceeding.**
Intro: 1/19/95
Amended: 5/3/95

Requires lead state agencies to notify public agencies when an environmental impact report on a project is required. Requires the responsible or public agency, upon receipt of the notice, to specify to the lead agency the scope and content of the environmental information that is germane to their statutory responsibilities. Prohibits the responsible or public agency from maintaining an action or proceeding for noncompliance unless they specified to the lead agency the scope and the statutory responsibilities of their agency.

Status: Set to be heard in the Assembly Water, Parks, and Wildlife Committee on 4/18/95; taken off calendar; author intends to make this a two-year bill.

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 206 (Cannella)**
Subject: **Waste Tires**
Intro: 1/30/95
Amended: 3/2/95
Specifies that a "waste tire" means a tire that has been permanently removed from the wheel of a vehicle and cannot be repaired, retreaded, or utilized as a tire in accordance with the regulations adopted pursuant to Section 27500 of the Vehicle Code.
Status: Referred to Assembly Natural Resources Committee; author has dropped this bill.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 241 (Horcher)**
Subject: **BKK Solid Waste Facility**
Intro: 2/2/95
Authorizes the City of West Covina to revoke the conditional use permit (CUP) that has been granted to the BKK solid waste disposal facility located in the City of West Covina, if the city council makes findings as to permit violations and a threat to public health and safety. Requires that if the city revokes the facility's CUP, the enforcement agency must immediately revoke the solid waste facilities permit that has been granted to the facility, prohibit the facility from accepting any solid waste for disposal at the facility, and require the closure of the facility in accordance with the closure and postclosure maintenance plan. Urgency measure.
Status: Referred to Assembly Natural Resources Committee.
LPEC Position: 5/9/95 - Oppose
CIWMB Position: 5/23/95 - Oppose

Bill No: **AB 250 (Baldwin)**
Subject: **Administrative Regulations: Review**
Intro: 2/2/95
Requires the Office of Administrative Law and the Secretary of the Trade and Commerce Agency, on or before January 1, 1997, to recommend to the Legislature the suspension or repeal of all state regulations determined by the office and the secretary to be more stringent than federal regulations on the same subject.
Status: Referred to Assembly Consumer Protection, Governmental Efficiency, and Economic Development Committee; author intends to make this a two-year bill.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 342 (Hauser)**
Subject: **Municipal Services: Contracts with Indian Tribes**
Intro: 2/9/95
Amended: 5/3/95
Provides that any local agency or special district may enter into an agreement or contract with any Indian tribe, as defined, to provide municipal services or functions. Provides that the agreement would be effective upon execution by both parties and approval by both the tribal council of the tribe and the legislative body of the local agency or special district. Revises the definition of "municipal services or functions" to include probation, prosecution, defense, and court services generally provided by a local agency for the enforcement of state laws and local ordinances.
Status: Set to be heard before the Assembly Local Government Committee on 5/10/95; bill put over for hearing; author intends to make this a two-year bill.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 362 (Setencich)**
Subject: **Solid Waste Disposal Sites: Water Quality**
Intro: 2/10/95
Amended: 4/3/95
Prohibits the CIWMB and the State Water Resources Control Board (SWRCB) from adopting or enforcing regulations with regard to solid waste disposal sites that exceed any requirement imposed on unapproved states under the federal Subtitle D regulations adopted under the Resource Conservation and Recovery Act (RCRA).
Status: Set for hearing before the Assembly Environmental Safety and Toxic Materials Committee on 4/18/95; bill held in committee.
LPEC Position: 5/9/95 - Oppose Unless Amended
CIWMB Position: 5/23/95 - Oppose Unless Amended

Bill No: **AB 382 (Baca)**
Subject: **Transformation: Biomass Conversion**
Intro: 2/14/95
Makes legislative findings and declarations regarding new technologies for the conversion of biomass and would state the intent of the Legislature to promote and encourage the use of those technologies.
Status: Referred to Assembly Natural Resources Committee; author intends to make this a two-year bill.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 429 (Hauser)**
Subject: **Local Regulation of Solid Waste: State Owned or Operated Property**
Intro: 2/15/95
Amended: 4/18/95
Declares that the responsibility for solid waste management is a shared responsibility between state and local governments. States legislative intent that local governments and state agencies that own or operate real property in this state should work cooperatively to meet the requirements of this act.
Status: Referred to Assembly Natural Resources Committee; author intends to make this a two-year bill.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 696 (Harvey)**
Subject: **Solid Waste: Diversion Goals**
Intro: 2/21/95
Allows the CIWMB to reduce the diversion requirements for a portion of the unincorporated part of a county if the county demonstrates that achievement of those requirements is not feasible due to both the following circumstances: (1) the low population density of the area, and (2) the small quantity of waste generated within the area. Requires the CIWMB to establish alternative, but less comprehensive requirements for the area if a reduction in the diversion requirements is granted.
Status: Referred to Assembly Natural Resources Committee; author intends to make this a two-year bill.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 826 (Sher)**
Subject: **Public Purchases: Recycled and Chlorine Free Products**
Intro: 2/22/95
Amended: 4/6/95
Includes products made with fly ash, and flat steel products with specified percentages of total weight consisting of secondary and postconsumer material, within the definition of recycled products required to be purchased by state agencies and the Legislature. Defines "products containing fly ash" and "chlorine free" and "chlorinated" products. Requires that, fitness and quality being equal, all state and local agencies shall purchase chlorine free paper products instead of chlorinated paper products whenever chlorine free paper products are available at the same total cost. Allows a price preference subject to certain conditions.
Status: Set for hearing before the Assembly Consumer Protection

Committee on 4/18/95; taken off calendar; author intends to make this a two-year bill.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 926 (Rainey)**
Subject: **Solid Waste Management: Reorganization**
Intro: 2/22/95 Abolishes the board member structure of the CIWMB and creates the Division of Waste Management in the Resources Agency, to be administered by the Secretary of the Resources Agency. (Note: This bill is a reintroduction of AB 2548 of 1994.)
Status: Set to be heard before the Assembly Natural Resources Committee on 4/17/95; bill hearing put over by author; author intends to make this a two-year bill.
LPEC Position: 5/9/95 - Oppose
CIWMB Position: None at this time

Bill No: **AB 960 (Gallegos)**
Subject: **Subdivision Map Approval: Denial**
Intro: 2/22/95 Amended: 4/17/95 Requires the legislative body of a city or county to deny approval of a tentative map, or a parcel map for which no tentative map if required, if the site is located within 2,000 feet of any point on the boundary line of the property on which a solid waste facility or transformation facility is sited.
Status: Failed passage in the Assembly Natural Resources Committee (5-8) on 4/17/95; reconsideration granted; author intends to make this a two-year bill.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 961 (Gallegos)**
Subject: **Solid Waste Facilities: Permits**
Intro: 2/22/95 Amended: 4/17/95 Prohibits an enforcement agency from issuing, modifying, or revising a solid waste facilities permit for a disposal facility site boundary line located within 2,000 feet of an area zoned for single or multiple family residences, hospitals for humans, day care centers, structures that are permanently occupied for nonindustrial purposes or elementary or secondary schools.
Status: Failed passage in Assembly Natural Resources Committee (7-7) on 4/17/95; reconsideration granted; author intends to make this a two-year bill.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1142 (Baldwin)**
Subject: **Administrative Regulations: Adverse Job Creation Impact**
Intro: 2/23/95 Prohibits all regulations adopted by a state agency that have been determined by the Office of Administrative Law to have a substantial adverse job creation impact from remaining in effect for more than four years from the date of their filing with the Secretary of State.
Status: Set to be heard before the Assembly Consumer Protection Committee on 4/18/95; taken off calendar; author intends to make this a two-year bill.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1148 (Cortese)**
Subject: **Solid Waste Haulers: Local Registration**
Intro: 2/23/95 Requires a solid waste enterprise that is a solid waste hauler, to register with the local agency of the jurisdiction in which the solid waste hauler is operating.
Status: Referred to Assembly Natural Resources Committee; author intends to make this a two-year bill.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1319 (Olberg)**
Subject: **Regulations: Private Property Rights**
Intro: 2/23/95 Requires each state agency to evaluate its proposed regulatory actions for compliance with the most recent decisions of the U.S. Supreme Court and other relevant judicial authority in order to ensure protection of private property rights guaranteed by the U.S. and California Constitutions. Also requires each state agency to take appropriate measures to assure that its actions affecting private property are properly supported by the administrative record and existing statutory and other legal authority and comply fully with judicial authority.
Status: Set for a hearing before the Assembly Judiciary Committee on 4/19/95; hearing postponed by committee; author intends to make this a two-year bill.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1421 (Richter)**
Subject: **Solid Waste: Diversion Goals**
Intro: 2/24/95 Specifies that nothing in the provisions of the Integrated Waste Management Act prohibits a city or county from implementing source reduction, recycling,

composting *or other environmentally sound* activities designed to exceed the goals of the Act.
Status: Referred to the Assembly Natural Resources Committee; author intends to make this a two-year bill.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1537 (Aguiar)**
Subject: **State Mandates**
Intro: 2/24/95 Provides that, unless fully funded by the state, a state-mandated local program shall not apply to any local agency or school district. Authorizes local agencies or school districts to implement state-mandated local programs with their own resources if full state funding is not provided.
Status: Set for hearing before the Assembly Local Government Committee on 4/19/95; hearing cancelled by author; author intends to make this a two-year bill.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1857 (Brewer)**
Subject: **Regulations: Difference from the Federal Code of Regulations**
Intro: 2/24/95 Permits all state agencies to adopt regulations that are different from regulations contained in the Federal Code of Regulations, but requires a state agency, prior to adopting any major regulations, to evaluate alternatives to the requirements of the proposed regulation and consider whether there is a less costly alternative or combination of alternatives that would ensure full compliance with statutory mandates in the same amount of time as the proposed regulatory requirements.
Status: Set for hearing before the Assembly Consumer Protection, Governmental Efficiency, and Consumer Protection Committee on 4/18/95; held in committee; author intends to make this a two-year bill.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1902 (McPherson)**
Subject: **Solid Waste: State Agencies**
Intro: 2/24/95 Amended: 4/18/95 Requires each state agency, on or before 10/1/96, to develop, in consultation with the CIWMB, an integrated waste management program. Requires each state agency, on or before April 1, 1996, to complete a waste audit to determine the amount of solid waste generated by the state agency and the amount of solid waste that can be

source reduced, recycled, composted, or reused. Requires each state agency to divert 25 percent of the solid waste generated by the state agency from landfill or transformation facilities by January 1, 1997, and 50 percent by January 1, 2000. Defines "state agency" as every state office, officer, department, division, board, commission or other agency of the state.

Status: Passed by the Assembly Natural Resources Committee (11-0) on 4/3/95; set to be heard before the Assembly Appropriations Committee on 5/24/95; hearing put over.

LPEC Position: 5/9/95 - Support
CIWMB Position: 5/23/95 - Refer back to LPEC.

Bill No: **SB 57 (Leonard)**
Subject: **Environmental Quality**
Intro: 12/29/94

Exempts from CEQA the issuance of a permit or any approval for any physical modification, process change, or new equipment required to comply with any law or regulation enacted or adopted for the protection of the environment, as specified.

Status: Failed passage in the Senate Governmental Organization Committee (5-5) on 3/21/95; reconsideration granted; author intends to make this a two-year bill.

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 151 (Mountjoy)**
Subject: **Environmental Regulation: Tax Credits: Environmental Expenses**
Intro: 1/26/95
Amended: 3/21/95

Provides that any manufacturer which uses the latest technological equipment available to maintain air quality, shall not be subject to any state or local limitation on production on account of environmental quality, except as specified. Authorizes a tax credit of 10 percent of the amount paid or incurred for environmental quality expenses under the Personal Income Tax Law and the Bank and Corporation Tax Law.

Status: Double referral to the Senate Natural Resources and Wildlife Committee and the Senate Revenue and Taxation Committee; rejected by the Senate Natural Resources Committee (4-5) on 3/28/95; reconsideration granted and scheduled for 4/5/95. Failed passage.

LPEC Position: To LPEC on 3/14/95 - held in committee; 4/4/95 - recommend neutral position
CIWMB Position: 4/25/95 - Neutral position

Bill No: **SB 176 (Alquist)**
Subject: **Household Hazardous Waste: Information**
Intro: 1/31/95
Amended: 5/9/95

Requires that household hazardous waste (HHW) program public information on safer substitutes for products which contain hazardous substances be "competent and reliable". Prohibits any state from providing information on household hazardous waste or safer substitutes, unless the information is competent and reliable, even under a disclosure that the information may not be competent or reliable. "Competent and reliable information" is defined as information based on a test, analysis, research, study or other evidence conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the scientific community to yield accurate and reliable results. Requires the CIWMB to advise state agencies regarding the potential hazards to human health and safety, including the accidental ingestion of the substitutes. This is not intended to require the state agency to undertake, or contract for the undertaking, of any of the actions described in this legislation. Requires the CIWMB to prepare, in consultation with the DTSC and other appropriate state agencies, guidelines for advising local agencies regarding the provisions of competent and reliable information on household hazardous substances and safer substitutes for products that contain hazardous substances. Allows any local agency or interested party to submit information to Cal/EPA for a determination as whether the information is competent and reliable information. Requires Cal/EPA to make that determination within 60 days of receipt of the information.

Status: Set for hearing before the Senate Governmental Organization Committee on 4/4/95; hearing postponed to 4/18/95; passed Senate Governmental Organization Committee (6-1) on 4/18/95 and re-referred to the Senate Toxics and Public Safety Management Committee; failed passage in the Senate Toxics and Public Safety Management Committee (1-3) on 5/15/95; reconsideration granted on 5/15/95; author intends to make this a two-year bill.

LPEC Position: 4/4/95 - Oppose
CIWMB Position: No position taken at the 4/25/95 Board meeting.

Bill No: **SB 177 (Hughes)**
Subject: **Glass Container Manufacturers: Reporting Diversion Credit**
Intro: 1/31/95
Amended: 4/24/95
Requires the Department of Conservation to annually determine the amount in tons of postconsumer glass food, drink, and beverage containers reused in the production of another product or otherwise diverted from landfill disposal, and the percentage of each manufacturer's production of new glass food, drink, and beverage containers. Requires that amount and that percentage to be applied to the calculation of a diversion credit to be used by the manufacturer in complying with the required use of postfilled glass.
Status: Set to be heard before the Senate Governmental Organization Committee on 4/25/94; held in committee on 4/25/95.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 200 (Maddy)**
Subject: **Environmental Permits: Oversight**
Intro: 2/2/95
Creates the Office of Permit Oversight in Cal/EPA, and requires the office to monitor and upon request by a permit applicant, to intercede in the processing of permit applications for environmental permits, by state and local agencies. Creates the Environmental Permit Oversight Fund, into which specified fee revenue would be deposited, and provides that the money in the fund is available for appropriation to the office for administration of the bill's provisions.
Status: Referred to Senate Governmental Organization Committee; author intends to make this a two-year bill.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 329 (Campbell)**
Subject: **Regulations: Legislative Notification**
Intro: 2/10/95
Prohibits a state agency from adopting any regulation in an area over which a federal agency has jurisdiction, unless that state agency notifies each house of the Legislature 30 days prior to the effective date of the regulation.
Status: Failed passage (5-6) in the Senate Governmental Organization Committee on 4/4/95; reconsideration granted; Joint Rule 61 suspended, withdrawn from committee; author intends to make this a two-year bill.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 339 (Campbell)**
Subject: **Regulations: Expiration**
Intro: 2/10/95
Amended: 3/23/95
Prohibits all regulations adopted by a state agency after 1/1/96 from remaining in effect for more than five years from the date of its filing with the Secretary of State, unless the regulation is readopted before its expiration date in accordance with the Administrative Procedures Act.
Status: Failed passage (3-6) in the Senate Governmental Organization Committee on 4/4/95.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 387 (Mountjoy)**
Subject: **Solid Waste: Material Recovery Facility**
Intro: 2/14/95
Amended: 3/23/95
Prohibits an enforcement agency from issuing a solid waste facilities permit for a material recovery facility, if the facility meets all of the following conditions: (1) it would be located within a city with a population of less than 1,200 residents, where at least 60 percent of the land is zoned for commercial, industrial, or manufacturing uses; (2) the facility would be located within a county of at least 500,000 residents; and (3) the facility would have unmitigated environmental impacts on at least one neighboring city with a population of 30,000 or more, and where 90 percent or more of the land is zoned for residential uses. Allows the issuance of a solid waste facilities permit for a facility meeting the conditions above if specified agreements are entered into.
Status: Failed passage in the Senate Governmental Organization Committee (1-3) on 4/4/95; reconsideration granted; the author has made this a two-year bill.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 439 (Ayala)**
Subject: **Solid Waste: Diversion Requirements**
Intro: 2/16/95
Clarifies that regional agencies, in addition to cities and counties, may be granted a one-year time extension from the diversion requirements by the CIWMB, if specified conditions are met, including making findings with regard to adverse market conditions beyond the control of the jurisdiction.
Status: Referred to Senate Governmental Organization Committee; author has dropped this bill.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 739 (Polanco)**
Subject: **Environmental Regulations**
Intro: 2/22/95
Amended: 4/20/95

Requires each board, department, and office within Cal/EPA, prior to adopting any regulation that is more stringent than a federal regulation, to determine that there is sufficient evidence demonstrating that the more stringent regulation is necessary to protect public health and safety or the environment from reasonably anticipated adverse effects, and is cost effective, insofar as the costs associated with the implementation of, and compliance with, that regulation are justified by the benefits to the public health and safety or the environment.

Status: Failed passage in the Senate Natural Resources and Wildlife Committee (5-4) on 4/25/95; reconsideration granted; author intends to make this a two-year bill.

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 1023 (Johnston)**
Subject: **Solid Waste: Transfer Stations: Fees**
Intro: 2/24/95
Amended: 3/29/95

Requires each operator of a transfer station to pay a quarterly fee to the State Board of Equalization, based upon the amount, by weight or volumetric equivalent, as determined by the CIWMB, of all solid waste handled at the transfer station that is to be disposed outside the state. Specifies that this fee must bear a direct relationship to the reasonable and necessary costs of the CIWMB in regulating the handling at the transfer station of the solid waste upon which the fee is imposed. Specifies that the fee shall not include any costs that the CIWMB may incur in regulating the solid waste that is incurred by reason of the fact that the solid waste is destined for, or subsequently handled, outside the state.

Status: Referred to the Senate Committee on Toxics and Public Safety Committee; withdrawn from committee and re-referred to the Senate Governmental Organization Committee; set for hearing on 4/18/95; author put the bill over to 5/9/95 hearing; author intends to make this a two-year bill.

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 1122 (Mountjoy)**
Subject: **Small Businesses: Environmental Regulations**
Intro: 2/24/95
Amended: 3/30/95
Requires that the application of any ordinance, regulation, or rule adopted by a public entity for the purpose of alleviating, mitigating, limiting, eliminating any environmental or hazardous substance impact of a small business shall not be so burdensome as to materially impede the small business from remaining in business at its current level of production and employment. Prohibits ordinances, regulations and rules that require the use of technology that has not been proven to work in a setting other than in a laboratory setting. Provides that all fines for noncompliance be a reasonable amount. Provides that no fine shall be used to finance the regulatory program of the public entity imposing the fine.
Status: Set for hearing before the Senate Natural Resources and Wildlife Committee on 4/5/95; hearing postponed by committee; Joint Rule 61 suspended; author intends to make this a two-year bill.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 1133 (Wright)**
Subject: **Environmental Protection: Regulations: Hazardous Waste**
Intro: 2/24/95
Amended: 4/6/95
Requires the Director of Environmental Health Hazard Assessment on or before March 1, 1996, to adopt a petition process, allowing a person to petition for the review of a regulation adopted by the Department of Toxic Substances Control (DTSC) that classifies as a hazardous waste, any non-RCRA waste, or any other waste that is exempted from the federal Resource Conservation and Recovery Act of 1976.
Status: Referred to the Senate Toxics and Public Safety Management Committee; taken off calendar; author intends to make this a two-year bill.
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 1155 (Costa)**
Subject: **Solid Waste: Rigid Plastic Packaging**
Intro: 2/24/94
Amended: 4/27/95
Authorizes the CIWMB to allow payment of fines for violations of the RPPC program in installments, based on the financial ability of the violator.
Status: Passed the Senate Governmental Organization Committee (8-0) on 5/9/95; passed the Senate Appropriations

Committee per Senate Rule 28.8 on 5/15/95; passed the Senate Floor (38-0) on 5/26/95; at the Assembly Desk; author intends to make this a two-year bill.
LPEC Position: 6/13/95 - Hold in Committee (two-year bill)
CIWMB Position: None at this time

Bill No: **SB 1215 (Solis)**
Subject: **Solid Waste: Cogeneration Facilities**
Intro: 2/24/95 Requires that an unspecified percentage of the gross revenues received by cogeneration facilities operating at solid waste landfills be deposited in the Cogeneration Facilities Account, which the bill would create in a trust fund.
Status: Referred to Senate Governmental Organization Committee; author intends to make this a two-year bill.
LPEC Position: None at this time
CIWMB Position: None at this time

CHAPTERED BILLS

Bill No: **AB 381 (Baca)**
Subject: **Solid Waste: Diversion Requirements**
Intro: 2/14/95
Amended: 5/22/95
Revises the definition of "good faith efforts," -- part of the criteria used by the CIWMB in determining whether or not to impose civil penalties on a local jurisdiction for failure to implement certain planning elements -- to include the evaluation by a city, county, or regional agency of improved technology for the handling and management of solid waste that would result in specified benefits.
Status: Passed the Assembly Natural Resources Committee (9-1) on 4/3/95; passed the Assembly Appropriations Committee (11-0) on 5/17/95; passed the Assembly Floor (67-8) on 6/1/95; passed the Senate Governmental Organization Committee (9-0) on 6/20/95; passed the Senate Appropriations Committee (28.8 Calendar) on 7/3/95; passed the Senate Floor on 7/14/95; referred to Enrollment on 7/14/95; **chaptered by Secretary of State on 7/31/95, Chapter 219, Statutes of 1995.**
LPEC Position: 5/9/95 - Support
CIWMB Position: 5/23/95 - Support If Amended

Bill No: **AB 1071 (Morrow)**
Subject: **Waste Tires: Cement Manufacturing Plant**
Intro: 2/23/95
Amended: 4/4/95
Exempts a cement manufacturing plant from the requirement to obtain a major waste tire facility permit as long as the owner or operator of the plant stores not more than a one-month supply of waste tires at any time and is in compliance with CIWMB regulations pertaining to waste tire storage and disposal.
Status: Passed the Assembly Natural Resources Committee (13-0) on 4/17/95; passed Assembly Appropriations Committee on 5/3/95; passed the Assembly Floor (75-0) on 5/11/95; passed the Senate Governmental Organization Committee (6-0) on 6/6/95; passed the Senate Appropriations Committee (28.8 Calendar) on 7/3/95; passed the Senate Floor (39-0) on 7/6/95; enrolled on 7/6/95; **signed 7/22/95; Chapter 191, Statutes of 1995.**
LPEC Position: 4/4/95 - Support
CIWMB Position: 4/25/95 - Support If Amended

Bill No: **SB 352 (Wright)**
Subject: **Aerosol Can Recycling**
Intro: 2/10/95
Amended: 6/27/95
Exempts from the requirement to obtain a hazardous waste facilities permit a solid waste facility or recycling facility that accepts and processes empty aerosol cans and de minimus quantities of nonempty

aerosol cans collected as an incidental part of the collection of empty cans for recycling purposes if the facility meets specified requirements as determined by the CIWMB. Requires a city, county, or regional agency, if it conducts an aerosol can recycling program, to incorporate a requirement to educate the public on the safe collection and recycling or disposal of aerosol cans into its household hazardous waste element when it is revised.

Status: Passed the Senate Toxics and Public Safety Committee (7-0) on 4/3/95; passed the Senate Appropriations Committee per Senate Rule 28.8 on 4/24/95; passed the Senate Floor (39-0) on 5/4/95; passed the Assembly Environmental Safety and Toxic Materials Committee (12-0) on 6/6/95; passed Assembly Natural Resources Committee (12-0) on 6/19/95; passed the Assembly Appropriations Committee on 7/12/95; passed the Assembly Floor (70-0) on 7/17/95; Senate concurred in Assembly amendments (40-0) on 7/29/95; enrolled on 7/29/95; **signed 8/10/95; Chapter 424, Statutes of 1995.**

LPEC Position: 3/14/95 - Support
CIWMB Position: 3/29/95 - Support

Bill No: **SB 364 (Wright)**
Subject: **Household Hazardous Waste Collection**
Intro: 2/10/95
Amended: 3/20/95

Allows a mobile hazardous waste collection facility, a temporary waste collection facility, or a recycle-only hazardous waste facility to transport hazardous waste to a household hazardous waste collection facility. Requires the facilities listed above that transport household hazardous waste to a household hazardous waste collection facility to comply with the requirements of registration as a hazardous waste transporter and possession of a manifest.

Status: Passed the Senate Toxics and Public Safety Committee (7-0) on 4/3/95; passed the Senate Appropriations Committee per Senate Rule 28.8 on 4/24/95; passed the Senate Floor (39-0) on 5/4/95; passed the Assembly Environmental Safety and Toxic Materials Committee (12-0) on 6/6/95; passed the Assembly Appropriations Committee (18-0) on 6/14/95; referred to the Assembly Floor for vote; sent to Assembly Floor Inactive File on 6/27/95; passed the Assembly Floor (70-0) on 7/17/95; enrolled on 7/17/95; **chaptered by Secretary of State on 7/31/95; Chapter 195, Statutes of 1995.**

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 605 (Mello)**
Subject: **Rigid Plastic Packaging Containers**
Intro: 2/22/95
Amended: 5/2/95

Extends indefinitely the current law exemption from compliance with certain criteria for rigid plastic packaging containers which are manufactured for use in the shipments of hazardous materials. Revises the citation to pertinent federal regulations regarding those specifications and testing standards, includes in the exemption containers to which recommendations of the United Nations on the transport of dangerous goods are applicable. Deletes an obsolete reporting requirement.

Status: Passed the Senate Governmental Organization Committee (11-0) on 3/28/95; passed the Senate Appropriations Committee per Senate Rule 28.8 on 5/1/95; passed the Senate Floor (37-0) on 5/11/95; passed Assembly Natural Resources Committee (11-0) on 6/13/95; passed the Assembly Appropriations Committee (19-0); passed the Assembly Floor (77-0) on 7/6/95; enrolled on 7/6/95; **signed 7/22/95; Chapter 171, Statutes of 1995.**

LPEC Position: 5/9/95 - Support
CIWMB Position: 5/23/95 - Support If Amended

Bill No: **SB 1174 (Killea)**
Subject: **Public Purchases: Recycled Steel**
Intro: 2/24/95
Amended: 6/19/95

Includes flat steel products with specified percentages of total weight consisting of secondary and postconsumer material within the definition of "recycled product" for the purposes of state agency procurement goals for recycled products. Makes contracts with state agencies for the provision of steel products defined as recycled products subject to the requirement that contractors certify in writing whether the materials, goods, or supplies offered contain the minimum percentage of recycled product required by law.

Status: Passed the Senate Governmental Organization Committee (10-0) on 4/4/95; passed by the Senate Appropriations Committee per Senate Rule 28.8 on 4/24/95; passed the Senate Floor (39-0) on 5/4/95; passed the Assembly Committee on Consumer Protection, Governmental Efficiency, and Economic Development (13-0) on 6/27/95; passed the Assembly Appropriations Committee (19-0) on 7/12/95; passed the Assembly Floor (70-0) on 7/17/95; Senate concurred (40-0) in Assembly amendments on 7/29/95; enrolled on 7/29/95; **signed 8/10/95; Chapter 427, Statutes of 1995.**

LPEC Position: 5/9/95 - Forward to Board Without Recommendation
CIWMB Position: 5/23/95 - Support if Amended

Bill No: **SBXX 17 (Craven)**
Subject: **Environmental Quality: Solid Waste Handling**
Intro: 5/10/95 Exempts from CEQA, the solid waste handling and disposal services provided at solid waste landfills located within Orange County for solid waste that originates outside of the county. The volume of solid waste handled and disposed cannot exceed the amount authorized by the local enforcement agency. Urgency Measure **Note: This measure has been introduced in the Second Extraordinary Session convened to deal with Orange County's bankruptcy problems.**
Status: Double-referred to the Senate Governmental Organization Committee and the Senate Natural Resources and Wildlife Committee; passed the Senate Governmental Organization Committee (7-0) on 4/25/95; referred to Senate Appropriations Committee; passed the Senate Appropriations Committee per Senate Rule 28.8; sent to Senate Floor 5/11/95 - Special Order of Business; urgency clause adopted on 5/11/95; passed by the Senate (33-4) on 5/11/95; passed by the Assembly on 5/11/95; enrolled on 5/11/95; **signed 5/12/95, Chapter 4XX, Statutes of 1995.**
LPEC Position: 5/9/95 - Forward to Board Without Recommendation
CIWMB Position: 5/11/95 - Support

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
BOARD MEETING

August 23, 1995

AGENDA ITEM 7

ITEM: **CONSIDERATION FOR APPROVAL OF THE USED OIL RECYCLING PROGRAM CERTIFICATION/REGISTRATION PROCEDURES MANUAL (CRPM)**

I. SUMMARY

At the May 15, 1995 Local Assistance and Planning Committee meeting, staff presented a timetable for development of written procedural guidelines for oversight of various aspects of the Used Oil Recycling Program. These included: certification and registration of used oil collection and recycling entities; orientation and monitoring activities; incentive claim payments and appeals; recertification and decertification; audit responses; database input and documentation; used oil filter recycling pilot project activities; and grant administration. The Certification/Registration Procedures Manual (CRPM) was the first set of guidelines to be developed (see Attachment).

The CRPM is designed to guide Used Oil Recycling Program staff through the certification and regulation process and also covers other program maintenance activities. The CRPM provides detailed procedures for certification/registration application review and certified used oil collection center and registered program monitoring and assistance activities. The main sections in the CRPM include:

- Initial Certification Application Review
- Recertification Application Review
- Compliance Monitoring and Complaint Response
- Withdrawal/Cancellation/Revocation
- Out-of-State Recycling Facility Compliance

The format of the CRPM was selected to be consistent with other Board procedural manuals such as the Administrative Procedures Manual. Additionally, as the Used Oil Recycling Program evolves, this format allows for the greatest flexibility to accommodate changes in procedures.

The CRPM addresses only the certification/registration component of the Used Oil Recycling Program. Procedural guidelines for the

remaining program components will come before the Board as they are developed.

II. PREVIOUS COMMITTEE ACTION

At the time this item was prepared, the Local Assistance and Planning committee had not met.

III. PREVIOUS BOARD ACTION

There has been no previous Board action on the CRPM.

IV. OPTIONS FOR THE BOARD

Board members may decide to:

1. Approve the Certification/Registration Procedures Manual as written; or

2. Direct staff to make specific changes to the Certification/Registration Procedures Manual.

V. STAFF RECOMMENDATION

Staff recommends Option 1: approve the Certification/Registration Procedures Manual.

VI. ANALYSIS

Background: Operational practices of the Used Oil Recycling Program are based upon statute and/or regulations. In reviewing statute, regulation, and current operational practices, staff identified several areas of concern. These include: 1) statute and regulation specifying Board action for day-to-day operations such as evaluating applications for certification/registration, identification numbers; 2) no Board-approved written procedures exist for daily program administration as recommended by the audits conducted by the Department of Finance; and 3) existing regulations have not been revised to reflect changes to statute or to remove identified obstacles.

Some of the proposed procedural guidelines designed to address program oversight issues will require delegations of authority from the Board and changes to the existing Used Oil Recycling Program regulations. The CRPM anticipates the necessary delegations of authority and regulatory changes. Therefore, the CRPM cannot become fully effective until the appropriate delegations of authority and regulatory changes are made.

Key issues: The Certification/Registration Procedures Manual provides program oversight benefits. It establishes:

- New procedures in the certification process to ensure that certified used oil collection center operators are aware of the statutory and regulatory program requirements prior to certification. This is a critical change since staff discovered that many of the program applicants were not aware of key program requirements before becoming certified. This has resulted in operators not conforming with program requirements.

- Written withdrawal/decertification procedures. Voluntary withdrawal and decertification guidelines are presently not in place. The CRPM details a process for cancelling a center's certification when an operator is unwilling or unable to meet program requirements.

- A procedure to determine if an out-of-state recycling facility is in compliance with applicable federal and state laws. In the past, staff has had great difficulty in determining whether an out-of-state facility was operating in substantial compliance according to the home state agency with jurisdiction over the facility.

- A more streamlined certification/registration review process. The CRPM changes the certification application review process from a two-step 55 day review process to a one-step 50 day review process. This will require regulatory changes.

- Establishing a consistent method to monitor and assist certified used oil collection centers. Staff is responsible for helping certified used oil collection center operators with program requirement issues and problems. The CRPM describes monitoring and assistance procedures for staff to follow when receiving complaints regarding centers.

- A consistent method to monitor and assist certified used oil collection centers and registered entities. The Department of Finance audit report recommended developing written procedures to: determine if a certified center was in compliance with applicable statutes and regulations; bring these centers into compliance; withhold payments for continued non-compliance; and decertify centers for sustained non-compliance.

VII. ATTACHMENTS

1. Certification/Registration Procedures Manual

VIII. APPROVALS

Prepared By: Bridget D. Brown Phone: 255-2335

Reviewed By: Steven Hernandez Phone: 255-2388

Reviewed By: Mitch Delmage F.B. for M.D. Phone: 255-4455

Reviewed By: Judy Friedman Phone: 255-2302

Legal Review: Date/Time: 255-2203

CERTIFICATION/REGISTRATION

PROCEDURES MANUAL

USED OIL RECYCLING PROGRAM

AUGUST 1995

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Disclaimer: This document is written prior to the revision and Board approval of used oil regulations. Portions of this document are proposed changes to existing regulations and are subject to change based upon Board comments.

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD	SUBJECT: INTRODUCTION
CERTIFICATION/REGISTRATION PROCEDURES MANUAL	DATE: August 1995

In 1991, the California State Legislature passed AB 2076, Sher [Stats 1991, Ch 817, the California Oil Recycling Enhancement Act (CORE Act)], now codified in Public Resources Code (PRC) sections 48600 to 48691. The primary purpose of this law is to discourage the illegal disposal of used oil.

The Act authorizes the California Integrated Waste Management Board (Board) to certify used oil collection centers and provide the recycling incentive to certified and registered entities, issue grants or loans to local governments and nonprofit entities, certify used oil recycling facilities, audit payments of the recycling incentive, and establish an enforcement program.

As of October 1, 1992, the Act required oil manufacturers to pay the Board $0.04 per quart or $0.16 per gallon for new lubricating oil sold or transferred in California. Since April 1, 1993, the public has had the opportunity to bring its used oil to certified used oil collection centers and receive a $0.04 per quart or $0.16 per gallon recycling incentive. The recycling incentive is also available to industrial generators, curbside collection programs, and electric utilities. For an operator of any business to receive the recycling incentive payment, the business must either be certified or registered with the Board's Used Oil Recycling Program.

Used Oil Recycling Program staff members are responsible for processing all certification, recertification, and registration applications. These staff members are also responsible for helping certified center operators with program requirement issues. Periodic telephone calls and site visits are a part of the monitoring and assistance procedure established to ensure adherence with all provisions of the Act and regulations. Used Oil Recycling Program staff work in various units throughout the Board to achieve the mandated goals of the CORE Act. The CRPM refers to staff from several sections or units at the Board:

- **Support staff** means the Used Oil Recycling Program Office Technician and Used Oil/Household Hazardous Waste Program Student Assistants;
- **Cert staff** means the Used Oil Recycling Program Certification Section staff;
- **Accounting staff** means the Used Oil Recycling Disbursement Unit;
- **Hotline staff** means Office of Public Affairs Recycling Hotline staff;
- **Supervisor** means the supervisor of the Used Oil Certification Section of the Used Oil/Household Hazardous Waste Branch; and
- **Manager** means the manager of the Used Oil /Household Hazardous Waste Branch.

The Certification/Registration Procedures Manual (CRPM) is designed to guide Used Oil Recycling Program staff through the certification and registration process. The CRPM provides detailed procedures for certification/registration application review, certification/registration orientation, and certified used oil collection center monitoring and assistance activities.

The Initial Certification Application Review Section describes the procedures staff would follow from receipt of a certification application to the granting or denial of program certification.

PROCEDURE

SUPPORT STAFF

Support staff is responsible for entering Certification Application information (see Attachment 1) into the Used Oil Recycling Program database, distributing applications to the appropriate Cert staff, mailing program information to certified center operators, and maintaining the Program's facility files.

1. Receive certification application and enter applicant information into used oil database. [For more information on how to enter information into the used oil database, see the Used Oil Recycling System User's Manual].

    a. Enter the date received in the "Date Received" space on the application.

    b. Enter the due date in the "Date Due" space on the application. An application "Date Due" is calculated by adding 50 calendar days to the "Date Received" date.

    c. Enter the CIWMB Identification Number provided by the database into the "CIWMB Identification Number" space on the application.

2. Send the applicant a Certification/Registration Application Receipt card, (see Attachment 2).

3. Review the application for completeness:

    a. If the application is complete <u>or</u> has major omissions, proceed to step 4.

    b. If the application has minor omissions, telephone the applicant and request the missing information.

4. Place the application into a facility file folder and forward to appropriate Cert staff based upon county assignment.

CERT STAFF

Cert staff provides the final evaluation of the certification application and must approve or deny the application within 50 calendar days of the date it was received. Using the Certification checklist (see Attachment 3), staff reviews the application and verifies the information entered in the database [For more information on how to enter information into the used oil database, see the Used Oil Recycling System User's Manual]. Staff reviews the application and database for the following:

1. "Office Use Only" section on the application completed:

   a. "Date Received" space completed on the application.

   b. "Date Due" space completed on the application.

   c. CIWMB Identification Number space completed on the application.

2. Section I, "Collection Center Information" on the application and in the database completed:

   a. The following boxes completed: Name of center; street address; mailing address (if different); phone number; contact person; and hazardous waste generator (EPA) identification number, if applicable.

   b. Physical location of collection center including nearest cross streets " line completed.

   c. "Total used oil storage capacity" box completed.

3. Section II, "Operator Information" on the application and in the database completed:

   a. Federal Identification Number (employer ID # or SSAN) box completed.

   b. Operator name, mailing address, phone number, and contact person boxes completed.

   c. "Does operator own or operate a used oil hauler business?" box completed.

   d. "Does operator own or operate a used oil recycling facility?" box completed.

e. Type of Organization box completed. Applicant must select one box and provide up-to-date supporting documentation:

1) For profit:

a) Individual - fictitious business name statement, seller's permit, or business license provided.

b) Partnership - fictitious business name statement, seller's permit, business license, or partnership agreement provided.

c) Corporation - corporate ID number provided. Verify that the corporation status is "active" using the Secretary of State database [For more information on how use the Secretary of State database, see the Used Oil Recycling System User's Manual].

d) Husband and Wife co-ownership - fictitious business name statement, seller's permit, or business license, and the names of both owners provided.

2) Nonprofit: Applicant must specify type of organization, i.e. youth, church, or senior citizen group, etc., and include either a letter from the Federal Internal Revenue Service or California Franchise Tax Board confirming tax exempt status, a corporation ID#, or an authorizing resolution.

3) Local government agency, special district, and school district: authorizing letter or resolution from the governing body provided.

4) Other: must specify type of organization and provide a letter from the Federal Internal Revenue Service or California Franchise Tax Board confirming tax exempt status, corporation ID#, or authorizing resolution.

f. Three "status of previous application yes/no" question boxes completed.

4. Section III., "Operation and Advertising Information" on the application and in the database completed:

a. "Hours used oil is accepted" boxes completed. Centers must accept used oil during the hours of 8:00 a.m. and 8:00 p.m. that the business is open.

b. "Description of operations conducted in addition to used oil collection" line completed.

c. Advertising boxes completed. Applicants must advertise at least once every 6 months per PRC 48660 (b)(4) and CCR section 18651.4(a).

5. Section IV., "Declaration and Signatures" on the application completed:

City, county, state, date, signature(s) and printed name(s) boxes completed.

6. Certification Application complete:

a. Contact operator to verify that the center is prepared to accept used oil from the public. Review program requirements with operator. Document all communication with operator in database and facility file.

b. Date stamp the 'Date Certified' line in "Office Use Only" area on the application.

c. Prepare and sign Certification Grant letter (see Attachment 4).

d. Prepare Used Oil Recycling Program certificate (see Attachment 5), forward to supervisor/manager for signature.

e. Forward signed letter and Used Oil Recycling Program certificate to support staff for inclusion in a certification information packet. Go to step 8.

7. Certification Application incomplete:

a. If application has minor omissions:

1) Review the database record for any notations made by support staff.

2) Send Request for Additional Information letter (see Attachment 6) to applicant explaining application's omissions. Applicant must provide the missing information at least 5 days prior to the 50 review day completion date.

a) Missing information received: Go to step 6.

b) Missing information not received: Reject application after the 50 day review period has expired. Return the application to the applicant with the Certification Rejection letter (see Attachment 7) detailing the reasons for rejection.

b. If application has major omissions:

1) Reject the application and send a Certification Rejection letter (see Attachment 7) to the applicant detailing the reasons for rejection.

8. Forward facility file to support staff.

SUPERVISOR/ MANAGER

1. Sign certificates and return to cert staff.

SUPPORT STAFF

1. Mail certification information packet or Certification Rejection letter to operator when Cert staff returns the facility file.

2. Label and file the facility file.

3. Contact the operator 2 weeks after the date of certification to confirm that the operator received the certification information packet and certification sign. Answer any questions the operator may have or refer them to the appropriate Cert staff member.

The Initial Registration Application Review Section describes the procedures staff would follow from receipt of a registration application to the granting or denial of program registration.

PROCEDURE

SUPPORT STAFF

Support staff is responsible for entering Registration Application information (see Attachment 8) into the Used Oil Recycling Program database, distributing applications to the appropriate Cert staff, mailing program information to registered entities, and maintaining the Program's facility files.

1. Receive Registration Application and enter applicant information into used oil database. [For more information on how to enter information into the used oil database, see the Used Oil Recycling System User's Manual]

   a. Enter the date received in the "Date Received" space on the application.

   b. Enter the due date in the "Date Due" space on the application. An application "Date Due" is calculated by adding 50 calendar days to the "Date Received" date.

   c. Enter the CIWMB Identification Number provided by the database into the "CIWMB Identification Number" space on the application.

2. Send the applicant a Certification/Registration Application Receipt card, (see Attachment 2).

3. Review the application for completeness:

   a. If the application is complete <u>or</u> has major omissions, proceed to step 4.

   b. If the application has minor omissions, telephone the applicant and request the missing information.

4. Place application into a facility file folder and forward file to appropriate cert staff based upon county assignment.

CERT STAFF

Cert staff provides the final evaluation of the registration application and must approve or deny the application within 50 calendar days of the date it was received. Using the Registration Checklist (see Attachment 9), staff reviews the application and verifies the information entered into the database [For more information on how to enter information into the used oil database, see the Used Oil Recycling System User's Manual]. Staff reviews the application and database for the following:

1. "Office Use Only" section on the application completed:

   a. "Date Received" space completed on the application.

   b. "Date Due" space completed on the application.

   c. CIWMB Identification Number space completed on the application.

2. Section I, "Type of Applicant" on the application and in the database completed:

   Industrial Generator, Curbside Collection Program, or Electric Utility box completed on the application.

3. Section II,"Type of Application" on the application and in the database completed:

   "Are you planning to register more than one used oil collection location?" box completed. "How many used oil collection locations do you intend to register with this application?" line, and Multiple Registration form (see Attachment 8) completed, if applicable.

4. Section III, "Operator Information" on the application and in the database completed:

   a. Federal Identification Number (employer ID # or SSAN) box completed.

   b. Operator name, street address, mailing address, phone number, and contact person boxes completed.

   c. Type of Organization box completed. Applicant must select one box and <u>provide up-to-date supporting documentation</u>:

      1) For profit:

         a) Individual - fictitious business name statement, seller's permit, or business license provided.

         b) Partnership - fictitious business name statement, seller's permit, business license, or partnership agreement provided.

         c) Corporation - corporate ID number provided. Verify that the corporation status is "active" using the Secretary of State database [For more information on how use the Secretary of State database, see the Used Oil Recycling System User's Manual].

d) Husband and Wife co-ownership - fictitious business name statement, seller's permit, or business license, and name of both owners provided.

2) Nonprofit: Applicant must specify type of organization, i.e. youth, church, or senior citizen group, etc., and include either a letter from the Federal Internal Revenue Service or California Franchise Tax Board confirming tax exempt status, corporation ID#, or authorizing resolution.

3) Local government agency, special district, and school district: authorizing letter or resolution from the governing body provided.

4) Other: must specify type of organization and provide a letter from the Federal Internal Revenue Service or California Franchise Tax Board confirming tax exempt status, corporation ID#, or authorizing resolution.

d. Three "status of previous application yes/no" question boxes completed.

5. Section IV, "Applicant Information" on the application and in the database completed:

a. "Does operator own or operate a used oil hauler business?" box completed.

b. "Does operator own or operate a used oil recycling facility?" box completed.

c. Industrial Generators Only, Electric Utilities Only and Curbside Collection Programs Only lines completed.

6. Section V., "Declaration and Signatures" on the application completed:

City, county, state, date, signature(s) and printed name(s) boxes completed.

7. Registration Application incomplete:

a. If application has minor omissions:

1) Review the database record for any notations made by support staff.

2) Send Request for Additional Information letter (see Attachment 6) to applicant explaining application's omissions. Applicant must provide the missing

information at least 5 days prior to the 50 review day completion date.

a) Missing information received: Go to step 6.

b) Missing information not received: Reject application after the 50 day review period has expired. Return the application to the applicant with a Registration Rejection letter (see Attachment 10) detailing the reasons for the rejection.

b. If application has major omissions:

1) Reject the application and send a Registration Rejection letter to the applicant (see Attachment 10) detailing the reasons for the rejection. Go to step 9.

8. Registration Application complete:

a. Date stamp the "Date Certified' line in "Office Use Only" area on the application.

b. Prepare and sign Registration Grant letter (see Attachment 11) and forward to support staff for inclusion in a registration information packet. Go to step 9.

9. Forward facility file to support staff.

SUPPORT STAFF

1. Mail Registration Grant letter (see Attachment 11) to operator when Cert staff returns facility file.

2. Label and file facility file.

3. Contact the operator 2 weeks after the date of registration to confirm that the operator received the registration information packet. Answer any questions the operator may have or refer them to the appropriate Cert staff member.

Certification in the Used Oil Recycling Program is valid for 2 years. Cert staff notifies operators of certification expiration 120 days prior to the expiration. Regulations require operators to submit a recertification application at least 60 days prior to expiration.

PROCEDURE

CERT STAFF

1. Generate Recertification Application (see Attachment 12) using the used oil database 120 days prior to the certification expiration [For more information on how to use the used oil database, see the Used Oil Recycling System User's Manual].

2. Prepare and send the Certification Expiration letter (Attachment 13) to the operator of the center(s).

3. Enter the preparation date of the Certification Expiration letter in the "Letters Posted - Expiration" box in the database.

4. Forward the Recertification Application and Certification Expiration letter to the operator.

   a. Recertification Application returned:

      1) Review the used oil database and the center's facility files for history of meeting the requirements of the Used Oil Recycling Program:

         a) If the facility has an acceptable history of meeting the requirements of the program, recertify the center.

            i. Change transaction code to "Recertification Grant" in the database.

            ii. Prepare Recertification Grant letter (Attachment 14) and new certificate. Forward to supervisor/manager for signature.

            iii. Forward recertification grant letter and new certificate to operator.

b) If a facility demonstrates a history of operation in violation of requirements of the Act, forward documentation to supervisor for final recertification denial determination. If determined unsuitable for recertification, forward a Recertification Denial letter to the operator (Attachment 15).

b. Recertification Application not returned:

1) Contact operator to verify interest in recertifying.

2) If application is not returned by the expiration date, prepare a letter informing the operator that certification has expired and the certification has been cancelled.

3) Cancel the center in the database and inform Accounting staff that the center is no longer certified.

SUPERVISOR/ MANAGER

1. Sign the certificates and return to cert staff.

2. Review recertification applications for any centers with a history of operations violations and make the final determination regarding the Recertification Application rejections.

Cert staff is responsible for helping certified center operators with program requirement issues. Periodic telephone calls and site inspections are a part of the compliance monitoring and complaint response approach established to ensure center operational practices are consistent with all provisions of the statutes and regulations. As staff resources are available, Cert staff will contact employees of each certified center on the one year certification anniversary date to confirm that the used oil collection and recycling incentive payment practices are consistent with the Used Oil Recycling Program requirements. Occasionally, staff may receive a complaint regarding a certified center from the general public, local government entities, the media, or other interested parties. Cert staff responds with telephone calls and site visits to certification centers to assist operators in meeting program requirements.

COMPLIANCE MONITORING PROCEDURE

CERT STAFF

1. As staff resources allow, contact the collection center at the public telephone number listed for the site on or about the one year certification anniversary date to confirm that the operational practices are consistent with the Used Oil Recycling Program requirements. Using the Annual Certified Center Telephone Log questionnaire (see Attachment 16). **DOCUMENT AND INITIAL ALL WRITTEN AND VERBAL COMMUNICATION IN THE FACILITY FILE AND USED OIL DATABASE.**

   a. If the center meets program requirements, no action is required.

   b. If the center does <u>not</u> meet program requirements:

      1) Review all program requirements with the operator. Notify the operator that all pending recycling incentive claims can be withheld if program requirements are not met. Advise the operator that payment of future claims depends upon the center's ability to meet program requirements and explain that it is the operator's responsibility to show that the center meets these requirements. Document the conversation and send the operator a copy of the Follow-up and Assistance letter (see Attachment 17) identifying all problem areas, and providing assistance and program materials as necessary.

      2) As staff resources allow, contact by telephone or visit the center within 30 days of initial call to determine if all program requirements are being met.

3) If all program requirements have been met, no further action is required.

4) If program requirements have not been met within this 30 days period:

   a) Advise the accounting staff to withhold recycling incentive claim payments.

   b) Notify the Hotline staff to remove the center from the Hotline list.

   c) Send the center operator a Withholding of Recycling Incentive Payments letter (see Attachment 18) informing the operator that all pending recycling incentive claims will not be paid and future claims can only be paid when the center meets all program requirements.

5) As staff resources allow, contact by telephone or visit the center within 60 days of initial call to determine if all program requirements are being met.

6) If all program requirements have been met:

   a) Notify the Accounting staff to resume payment of recycling incentive claims.

   b) Notify the Hotline staff to place the center back on the Hotline list.

7) If program requirements have not been met within this 60 days period forward center documentation to supervisor/manager for final revocation determination [For more information on Revocation procedures, see "Withdrawal/Cancellation/Revocation", page 21].

8) If the both the supervisor and manager determine that the certificate should be revoked, prepare a letter to notify the operator that the center's certificate has been revoked and forward the manager for signature.

9) Notify Accounting staff of center certification revocation.

c. If the center operator is unwilling or unable to meet Used Oil Recycling Program requirements, offer operator the option to withdraw from the Program [For more information on Withdrawal Procedures, see "Withdrawal/Cancellation/Revocation, page 21].

1) If the operator agrees to withdraw from the Program, proceed to Withdrawal Procedures, page 21.

2) If the operator will not withdraw from the Program, proceed with step 1.b.8) above.

ACCOUNTING STAFF 1. Withhold recycling incentive claim payments for center not meeting program requirements as determined by Cert staff.

HOTLINE STAFF 1. Add or remove used oil collection center from hotline list as instructed by Cert staff.

SUPERVISOR/ MANAGER 1. Make final revocation determination based on the operators inability or unwillingness to comply with program requirements.

2. Sign revocation letter.

COMPLAINT RESPONSE PROCEDURE

CERT STAFF 1. Receive complaint regarding certified used oil collection center.

2. Review facility file and database for history of complaints against center [For more information on how to use the Used Oil database, see the Used Oil Recycling System User's Manual]. Check the Accounting database to see if the business has filed any recycling incentive claims.

3. Contact center operator by telephone or site visit within 5 working days of the complaint. Explain the nature of the complaint. Review the list of program requirements with the operator (see Attachment 19). **DOCUMENT AND INITIAL ALL WRITTEN AND VERBAL COMMUNICATION IN THE FACILITY FILE AND USED OIL DATABASE.**

a. If center meets the Used Oil Recycling Program requirements:

1) Send the operator a follow-up letter detailing contents of telephone conversation. Contact the complainant with results of center review.

2) As staff resources allow, contact the center operator within 30 days of the original complaint to verify that the center continues to meet program requirements.

a) If center still meets all program requirements, no further action is required.

b) If center does not meet program requirements, proceed to Compliance Monitoring Procedures step 1.b.1).

b. If center does not meet Used Oil Recycling Program requirements, proceed to Compliance Monitoring Procedures step 1.b.1). Contact the complainant with results of center review.

c. If the center operator is unwilling or unable to meet Used Oil Recycling Program requirements, offer operator the option to withdraw from the Program [For more information on Withdrawal Procedures, see "Withdrawal/Cancellation/Revocation, page 21].

1) If the operator agrees to withdraw from the Program, proceed to Withdrawal Procedures, page 21. Contact the complainant with results of center review.

2) If the operator will not withdraw from the Program, proceed to Compliance Monitoring Procedures step 1.b.9). Contact the complainant with results of center review.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD CERTIFICATION/REGISTRATION PROCEDURES MANUAL	SUBJECT: WITHDRAWAL CANCELLATION REVOCATION
	DATE: August 1995

This section describes the process Cert staff will utilize to remove certified and registered businesses from the Used Oil Recycling Program. This section addresses issues such as: voluntary withdrawal from the program, certified centers no longer in business, or operators who are unwilling or unable to meet program requirements.

VOLUNTARY WITHDRAWAL

Certified and registered operators who no longer wish to participate in the Used Oil Recycling Program and who wish to voluntarily withdraw from the program must submit a request in writing a minimum of 30 days prior to cessation of operation. Operators unwilling or unable to meet Used Oil Recycling Program Requirements may be requested to voluntarily withdraw from the program.

PROCEDURE

CERT STAFF	1.	Upon receipt of a written request, send operator a Withdrawal letter confirming withdrawal from the Used Oil Recycling Program (see Attachment 20).
	2.	Notify Accounting and Hotline staff of the withdrawal.
HOTLINE STAFF	1.	Remove the business name from the list of certified used oil collection centers, if applicable.
ACCOUNTING STAFF	1.	Withhold recycling incentive claim payments on used oil hauled after the withdrawal date.

CANCELLATION AND REVOCATION DEFINITIONS

Cert staff is responsible for monitoring certified centers and investigating complaints from the public, local governments, or other sources regarding problems related to the Used Oil Recycling Program. Failure to meet program requirements may result in the cancellation or revocation of an operator's certification or registration.

Cancellation is the removal of certified or registered status because the certified center or registered entity:

a. is no longer in business;

b. has moved; or

c. ownership has changed.

Revocation is the involuntary removal of certified or registered status because the certified or registered entity:

a. has consistently failed to meet program requirements;

b. is unwilling to meet program requirements; or

c. is unable to meet program requirements.

CANCELLATION AND REVOCATION PROCEDURES:

CERT STAFF

1. Upon indication that the business is not operating in accordance with the program requirements, attempt to contact the operator of the affected business to verify whether the business is meeting Used Oil Recycling Program standards.

2. If the business is not meeting program requirements, determine whether program privileges should be cancelled or revoked, and follow the appropriate procedures as outlined below.

CANCELLATION PROCEDURE

CERT STAFF

1. Cancel the business in the Used Oil database [For more information on how to use the used oil database, see the Used Oil Recycling System User's Manual].

2. Send operator a Cancellation letter (see Attachment 21) detailing reasons for cancellation.

3. Notify Accounting and Hotline staff, when applicable, of business cancellation.

ACCOUNTING STAFF

1. Withhold recycling incentive claim payments on used oil hauled after the cancellation date.

HOTLINE STAFF

1. Remove the business name from the list of certified used oil collection centers, if applicable.

REVOCATION PROCEDURE

CERT STAFF

1. Revoke the business in the Used Oil database [For more information on how to use the used oil database, see the Used Oil Recycling System User's Manual].

	2.	Send operator a Revocation letter (see Attachment 22) detailing reasons for revocation. The letter must inform the operator of the right to appeal revocation.
	3	Notify Accounting and Hotline staff of the revocation.
HOTLINE STAFF	1.	Remove the business name from the list of certified used oil collection centers, if applicable.
ACCOUNTING STAFF	1.	Withhold recycling incentive claim payments on used oil hauled after the revocation date.
SUPERVISOR/ MANAGER	1.	Sign Revocation letter.
APPEALS PANEL	1.	Review all revocation appeals.

The recycling incentives can only be paid to certified used oil collection centers, industrial generators, or curbside collection programs that transport used oil to certified used oil recycling facilities, transfer stations, storage facilities, or out-of-state recycling facilities [CCR section 18643.1]. The Certification Section's Out-of-State facility liaison is responsible for verifying that out-of-state used oil recycling facilities are in substantial compliance with the appropriate state laws and is registered with the U.S. Environmental Protection Agency (U.S. EPA). The liaison is also responsible for preparing, updating, and distributing the Board's list of out-of-state used oil recycling facilities in substantial compliance with applicable state laws and registered with the U.S. EPA (out-of-state recycling facility list).

PROCEDURE

ACCOUNTING STAFF 1. Determine if the out-of-state facility is on the current out-of-state recycling facility list.

a. If the out-of-state facility is on the out-of-state recycling facility list, process the recycling incentive claim.

b. If the facility is not on the out-of-state recycling facility list, contact the out-of-state used oil facility liaison in the used oil Certification/Registration unit.

OUT-OF-STATE FACILITY LIAISON 1. Upon receipt from accounting staff of any recycling incentive claims with manifests indicating that the used oil was hauled to an out-of state facility not on the out-of-state recycling facility list, contact the appropriate state regulatory agency to confirm that the facility is registered in the state and in substantial compliance (see Attachment 23).

a) If the facility is in substantial compliance with laws of the affected state and registered with the U.S. EPA:

1) Notify Accounting staff to pay the recycling incentive claim to the claimant.

2) Add the out-of-state recycling facility to the list of out-of-state recycling facilities. Go to step 2.

b) If the facility is not in substantial compliance with laws of the affected state and/or registered with the U.S. EPA:

a) Notify Accounting staff of the status of the facility.

b) Issue an advisory to all used oil haulers and certified/registered entities that the Board will not pay claims for used oil sent to the affected out-of-state recycling facility.

2. Contact the appropriate out-of-state regulatory agency, in writing, annually to verify continued used oil recycling facility substantial compliance with applicable state laws and registration with U.S. EPA. Advise Accounting staff of the status of the facilities.

3. Issue a revised list of out-of-state recycling facilities to all used oil haulers and certified/registered entities annually, or as necessary.

ACCOUNTING STAFF 1. Notify the claimant, in writing, that the Board is unable to pay the recycling incentive claim because the used oil recycling facility is not in substantial compliance with laws of the affected state and/or registered with the U.S. EPA. Send a copy of the notification letter to the out-of-state facility liaison.

ATTACHMENTS

1. Certification Application
2. Certification/Registration Application card
3. Certification Application checklist
4. Certification Grant letter
5. Used Oil Recycling Program certificate
6. Request for Additional Information letter
7. Certification Rejection letter
8. Registration Application and Multiple Registration form
9. Registration checklist
10. Registration Rejection letter
11. Registration Grant letter
12. Recertification Application
13. Certification Expiration letter
14. Recertification Grant letter
15. Recertification Denial letter
16. Annual Certified Center Telephone Log
17. Follow-up and Assistance letter
18. Withholding of Recycling Incentive Payments letter
19. List of Program Requirements
20. Withdrawal letter
21. Cancellation letter
22. Revocation letter
23. Confirmation of Substantial Compliance of Out-of-State Used Oil Recycling Facility and Registration with U.S. EPA letter

STATE OF CALIFORNIA
CIWMB- 29 (8/94)

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

California Oil Recycling Enhancement Program

CERTIFICATION APPLICATION

For Used Oil Collection Centers

INSTRUCTIONS
Print in ink or type.
Submit a separate form for each location.
Indicate N/A for any items which are not applicable.

OFFICE USE ONLY
Date Received _____
Date Accepted _____
Date Rejected _____
Resubmit Date _____

I. TYPE OF APPLICATION (CHECK ONE)

☐ Initial ☐ Recertification

CIWMB Identification Number _____ (To be completed by CIWMB if for initial certification)

II. COLLECTION CENTER INFORMATION

Name of Center

Street Address | City | State | Zip

Mailing Address (If Different) | City | State | Zip

Phone Number/contact person | Hazardous Waste Generator (EPA) Identification Number (If Applicable)

Description of physical location of collection center; including nearest cross streets:

III. OPERATOR INFORMATION

Operator Name

Mailing Address | City | State | Zip

Phone Number/Contact Person | **Federal Identification Number (Employer ID# or SSAN)**

	YES	or NO
Do you, the center operator, own or operate a used oil hauler business?	☐	☐
Do you, the center operator, own or operate a used oil recycling facility?	☐	☐

TYPE OF ORGANIZATION (CHECK ONE BOX)

A. For Profit:

- ☐ Individual: Attach fictitious business name statement if applicable.
- ☐ Partnership: Attach a copy of current partnership agreement.
- ☐ Corporation: Corporate number as filed with the Secretary of State: _____
- ☐ Husband and wife co-ownership: Names of both spouses _____

Type Of Organization (Continued)

B. Non Profit: Attach copy of: letter from Federal Internal Revenue Service confirming tax exempt status, letter from State of California Franchise Tax Board confirming tax exempt status, corporate ID#, or authorizing resolution (If applicable).

- ☐ Church
- ☐ School
- ☐ Youth Group
- ☐ Corporation
- ☐ Senior Citizen Group
- ☐ Other: (Explain) _____

C. ☐ Local Government Agency: Attach copy of authorizing letter or resolution from the governing body.

D. ☐ Other: _____

CHECK YES OR NO AFTER EACH QUESTION.

	YES	NO
Were you or this program previously certified by the California Integrated Waste Management Board? If yes, what was your CIWMB identification number? _____	☐	☐
Do you or this program have other applications for certification or registration pending with the California Integrated Waste Management Board?	☐	☐
Have you or this program ever been denied certification by the California Integrated Waste Management Board? If yes when? _____	☐	☐

IV. PAYEE INFORMATION

Complete this section only if the designated recipient of the recycling incentive payment is to be other than the operator of the center. Examples would be the owner of the property or the parent corporation of the operator of the center.

Name (If different from operator)

Mailing Address | City | State | Zip

Phone Number/Contact person

V. ADVERTISING INFORMATION

When will certified operation begin: Upon Certification _____
Date _____

Total used oil storage capacity (In Gallons)
_____

Hours used oil is accepted

- ☐ 24 hours per day /7 days per week **or:**
- ☐ Mon _____a.m./p.m. to _____a.m./p.m.
- ☐ Tue _____a.m./p.m. to _____a.m./p.m.
- ☐ Wed _____a.m./p.m. to _____a.m./p.m.
- ☐ Thu _____a.m./p.m. to _____a.m./p.m.
- ☐ Fri _____a.m./p.m. to _____a.m./p.m.
- ☐ Sat _____a.m./p.m. to _____a.m./p.m.
- ☐ Sun _____a.m./p.m. to _____a.m./p.m.

Description of operations conducted in addition to used oil collection (if any) (e.g. retail gasoline sales, quick oil change, etc.)

_____

APPLICANTS FOR INITIAL CERTIFICATION

Check the type(s) and frequency of advertising (below) which will be used over the next two year period, indicating the center accepts used oil from the public at no cost and offers the recycling incentive fee.

APPLICANTS FOR RECERTIFICATION

Check the type(s) (below) of advertising events which occurred during the past two years, indicating the center accepts used oil from the public at no cost and offers the recycling incentive fee. Please attach documentation of each advertising event, including date.

Type	Annual	Bi-annual	Quarterly	Monthly	Weekly	Other	specify other
☐ Newspaper, magazine, newsletter or other periodic publication	☐	☐	☐	☐	☐	☐	_____
☐ Radio	☐	☐	☐	☐	☐	☐	_____
☐ Press releases, public service announcements, or feature news	☐	☐	☐	☐	☐	☐	_____
☐ Printed material including brochures or posters	☐	☐	☐	☐	☐	☐	_____
☐ Outdoor advertising including billboards and transit signs	☐	☐	☐	☐	☐	☐	_____
☐ Special events	☐	☐	☐	☐	☐	☐	_____
☐ Television	☐	☐	☐	☐	☐	☐	_____
☐ Direct mail	☐	☐	☐	☐	☐	☐	_____
☐ Yellow pages	☐	☐	☐	☐	☐	☐	_____
☐ Other (written request containing description must be attached).	☐	☐	☐	☐	☐	☐	_____

VI. DECLARATION AND SIGNATURES

I certify, under penalty of perjury, that the information contained in this application is true and correct to the best of my knowledge, and that the facility for which this application is being made is currently in compliance with all Federal, State and local requirements. I certify that the property owner is aware that I am applying to become a certified used oil collection center and will be accepting used oil from the public. I agree to operate in compliance with the requirements of the California Oil Recycling Enhancement Act, and with all related regulatory provisions.

IF APPLICANT IS:

A partnership, the application must be signed by a partner, with authority to bind the partnership to a contract.
A firm, association, corporation, county, city, public agency or other governmental entity, the application must be signed by the Chief Executive Officer or the individual with authority to legally bind the entity to a contract.
A husband and wife co-ownership, the application must be signed by both the husband and the wife.

Executed at : City	County	State	On: (Month/Day/Year)
Signature		Printed Name	
Executed at : City	County	State	On: (Month/Day/Year)
Signature		Printed Name	

MAIL TO: Used Oil Recycling Program
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826

(916) 255-2891

ATTACHMENT 2

FRONT

Used Oil Recycling Program
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826

Name
Center
Address
City, State 00000

BACK

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
USED OIL RECYCLING PROGRAM

Certification/Registration Application Receipt

Date: 00/00/00

Dear Applicant:

Thank you for your interest in the Used Oil Recycling Program! This is to notify you that your application(s) for certification or registration in the program is currently under review. Within a maximum of 50 days, we will contact you regarding the program requirements and notify you, in writing, whether your application has been granted or denied. If you have any questions about the certification or registration review process, please call us at (916) 255-2891.

f/n: p:\receipt.doc 8/95

CERTIFICATION APPLICATION CHECKLIST

Office Use Only

_____ Date received

_____ Date due

_____ CIWMB identification number

_____ Certification/Registration receipt card sent

I. Collection Center Information

_____ Name of center; street address; mailing address; phone number; contact person; and hazardous waste generator (EPA) identification number (if applicable)

_____ Physical location (nearest cross streets)

_____ Total used oil storage capacity

II. Operator Information

_____ Federal identification number (employer ID/SSAN #)

_____ Operator name, mailing address, phone number, and contact person

_____ Two used oil hauler and used oil recycling facility questions

_____ Type of organization [note: application must include supporting documentation]

_____ Three "status of previous application yes/no" questions

III. Operation and Advertising Information

_____ Hours used oil accepted [note: centers must accept used oil during the hours of 8am and 8pm that the business is open]

_____ Description of operations conducted in addition to used oil collection

_____ Advertising [note: operators must advertise at least once every 6 months]

IV. Declaration and Signatures

_____ City, county, state, signature, printed name, date

STATE OF CALIFORNIA

Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

8800 Cal Center Drive
Sacramento, California 95826

Name
Center
Address
City, State 00000

Subject: Certification of Used Oil Collection Center, CIWMB Identification Number08C-00000

Dear :

The California Integrated Waste Management Board (Board) has completed its review of your application for certification of the subject program. This letter serves as notification that the Board has granted certification of your used oil collection center.

Your center's certificate is enclosed with this letter. The certification sign is being forwarded under separate cover. Please check your certificate for accuracy. If a correction needs to be made, please send a brief letter of explanation to the Board's used oil unit at the letterhead address.

As a certified used oil collection center, you must operate in accordance with the California Oil Recycling Enhancement Act (Act) and all relevant regulations contained in Division 7, Chapter 8, of Title 14 of the California Code of Regulations (14 CCR). Enclosed is a copy of the Act and the regulations which apply to your center.

As the operator of a certified used oil collection center, it is your responsibility to comply with all of the following requirements:

- Accept used lubricating oil from the public at no charge and offer to pay the recycling incentive for all used oil accepted [Public Resources Code (PRC) section 48660(b)].

- Accept no more than twenty gallons of used oil, in containers not larger than five gallons from a person each day [PRC section 48660(c)].

- Maintain a Used Industrial Oil Receipt Log which includes the date and quantity (in gallons or quarts) of used industrial oil received. NOTE: this requirement only applies if your center handles both used lubricating and used industrial oil [14 CCR section 18651.2(e)].

-- Printed on Recycled Paper - Double Sided for Source Reduction --

- Advertise at least once every six months. The advertisement must include the name, location, hours of operation of the center, indicate that the center accepts used lubricating oil at no charge, and offers payment of the recycling incentive [PRC section 48660(b) (4) and 14 CCR section 18651.4].

  Please provide the Board with a copy of any written material you plan to use to advertise your participation in the Used Oil Program. If you utilize a non-print media such as radio or television, submit a copy of the receipt and/or script with the date(s) you plan to air the advertisement.

- Maintain written procedures which describe methods used to prevent acceptance of contaminated used lubricating oil (14 CCR section 18651.9).

- Display the certification sign provided by the Board in a location easily readable from a public street unless posting in a different location has been requested and approved in writing by the Board [PRC section 48660(b)(4)].

  Where local zoning ordinances do not permit posting of the sign provided by the Board, you must petition the Board in writing describing how the center will meet the signage requirements (14 CCR section 18651.1)

- Submit no more than three recycling incentive claims per quarter (14 CCR section 18655.3)

- Operate in accordance with the laws governing the handling and disposal of used oil [14 CCR section 18651.2(a)].

- Provide access to the Board or persons authorized by the Board to examine books, records, and operations to determine compliance with the Act and all relevant regulations [14 CCR section 18619.2(a)].

- Provide notice to the Board of the location of your records upon certification [14 CCR section 18619.3(a)(1)].

- Retain records for at least three years [14 CCR section 18619.3(a)(2)].

- File a new application with the Board at least sixty calendar days prior to a change in any of the information included in the most recent certification application submitted to the Board [14 CCR section 18650.6].

This summary does not include every aspect of the law which regulates the operation of your program. It is your responsibility to read and understand the requirements of the Act and all pertinent regulations as they pertain to your program.

A $.04 per quart recycling incentive is available to certified used collection centers for used lubricating oil which is transported by a used oil hauler to a certified used oil recycling facility, or to an out-of-state facility registered with the United States Environmental Protection Agency and in compliance with the regulations of the state in which the facility is located. It is your responsibility to ensure the used oil is delivered to a qualified facility. A list of certified used oil recycling facilities is enclosed.

Enclosed please find copies of the incentive claim/report. Claims may be submitted to the Board up to three times per quarter. Each claim for reimbursement of the recycling incentive must include a completed claim form, a copy of the manifests or modified manifest receipts from used oil haulers supporting the amount of the claim, and purchase receipts, if applicable.

A claim must be submitted to the Board within 45 days of the end of the quarter in which the used lubricating oil was transported by a used oil hauler. The board will process each claim within 35 calendar days of the postmark date of your claim unless it finds cause to investigate any provisions of the claim.

Enclosed you will also find the 'Vendor Data Record' form. Please complete and submit this form with YOUR FIRST COMPLETED INCENTIVE CLAIM/REPORT. This form must be returned before Board staff can process your claims.

If you have any questions regarding your certification responsibilities, please contact me at (916) 000-0000. Questions regarding the incentive claim/report may be directed to the claims processing unit at (916) 000000.

Sincerely,

Associate Waste Management Specialist
Used Oil Recycling Program

Enclosures

STATE OF CALIFORNIA
PETE WILSON, GOVERNOR

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

CERTIFIED
USED OIL COLLECTION CENTERS

CERTIFICATE ISSUED TO:

ISSUED BY:

EXECUTIVE DIRECTOR

ISSUE DATE:
EXPIRATION DATE:

CIWMB IDENTIFICATION NUMBER_____

STATE OF CALIFORNIA Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, California 95826

Name
Center
Address
City, State 00000

Subject: Request for Additional Information

Dear :

The California Integrated Waste Management Board (Board) has received your application for initial certification of a used oil collection center located at_____. This letter serves as notification that the Board has accepted your application for further review.

Before the Board can complete this review process, please send the following information to the letterhead address:

_____
_____
_____

The Board has issued the following identification number to your center: 00-C-00000. This identification number is only valid for the center located at the address indicated. Please reference this number in any future correspondence with or applications to the Board.

Within 45 days, the Board will notify you in writing that certification is either granted or denied.

If the Board grants certification, you shall receive a certificate, a certification sign, and a certification information packet. Should the Board deny certification, you may request a hearing on such denial in writing.

If you have any questions regarding this letter, or the initial certification application review process, please contact me at (916) 000-0000.

Sincerely,

Associate Waste Management Specialist
Used Oil Recycling Program

— Printed on Recycled Paper —

STATE OF CALIFORNIA

Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, California 95826

Name
Center
Address
City, State 00000

Subject: Initial Certification Application Rejection

Dear _____:

The California Integrated Waste Management Board (Board) has received your application for initial certification of a used oil collection center located at _____. The Board has rejected the application because it is incomplete. The rejected certification application is enclosed. Before the Board can reconsider your application, please submit the following information:

_____
_____
_____

Once you have completed the application by including this information, resubmit it to the Board. Within 10 working days of receipt, the Board will notify you in writing whether the application is accepted for further review, or whether it remains incomplete.

The Board has issued the following identification number to your center: 00-C-00000. This identification number is only valid for the center located at the address indicated. Please reference this number in any future correspondence with or applications to the Board.

If you have any questions regarding this letter, or the initial certification application review process, please contact Cert Staff of the Board's Used Oil Recycling Program at (916)000-0000.

Sincerely,

Senior Waste Management Specialist
Used Oil Recycling Program

Enclosure

-- Printed on Recycled Paper --

STATE OF CALIFORNIA
CIWMB- 30 (8/94)

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

California Oil Recycling Enhancement Program

REGISTRATION APPLICATION

For Industrial Generators, Curbside Collection Programs, and Electric Utilities

INSTRUCTIONS
Print in ink or type.
Submit a separate form for each applicant type.
Indicate N/A for any items which are not applicable.

OFFICE USE ONLY
Date Received _____
Date Accepted _____
Date Rejected _____
Resubmit Date _____

I. TYPE OF APPLICANT (Check One)

☐ Industrial Generator ☐ Curbside Collection Program ☐ Electric Utility

II. TYPE OF APPLICATION (Check One)

☐ Initial ☐ Change in Registration

CIWMB Identification Number _____ (To be completed by CIWMB if for initial registration)

Are you planning to register more than one used oil collection location? ☐ YES or ☐ NO

IF YES:
How many used oil collection locations do you intend to register with this application? _____
Please indicate, on the enclosed Multiple Registration form (CIWMB-34), for each additional location not identified on this application, the facility name, street address, County, phone number and, if applicable, the Hazardous Waste Generator Identification Number.

III. OPERATOR INFORMATION

Applicant Name (for industrial generator or electric utility insert business name, for curbside collection program insert operator name).			
Street Address (Location of oil collection center)	City	State	Zip
Mailing Address (Or Headquarters address if Different)	City	State	Zip
Phone Number/Contact Person			
Federal Identification Number (Employer ID # or SSAN)	Hazardous Waste Generator (EPA) Identification Number (if applicable)		
Payee Name (If Different)	Phone Number/Contact Person		
Mailing Address	City	State	Zip

TYPE OF ORGANIZATION (CHECK ONE BOX)

For Profit:
☐ Individual: Attach fictitious business name statement if applicable.
☐ Partnership: Attach a copy of current partnership agreement.

Type Of Organization (Continued)

- ☐ Corporation: Corporate number as filed with the Secretary of State: _____
- ☐ Husband and wife co-ownership: Names of both spouses _____

B. Non Profit: Attach copy of: letter from Federal Internal Revenue Service confirming tax exempt status, letter from State of California Franchise Tax Board confirming tax exempt status, Corporate ID# or authorizing resolution (If applicable).

☐ Church ☐ School ☐ Youth Group
☐ Corporation ☐ Senior Citizen Group ☐ Other: (Explain) _____

C. ☐ Local Government Agency: Attach copy of authorizing letter or resolution from the governing body.

D. ☐ Other: _____

CHECK YES OR NO AFTER EACH QUESTION.

	YES	NO
Were you or this program previously registered by the California Integrated Waste Management Board? If yes, what was your CIWMB Identification number? _____	☐	☐
Do you or this program have other applications for certification or registration pending with the California Integrated Waste Management Board?	☐	☐
Have you or this program ever been denied registration by the California Integrated Waste Management Board? If yes, when? _____	☐	☐

IV. APPLICANT INFORMATION

	YES	NO
Do you, the applicant, own or operate a used oil hauler business?	☐	☐
Do you, the applicant, own or operate a used oil recycling facility?	☐	☐

INDUSTRIAL GENERATORS ONLY:

Describe the type of business conducted:

_____

_____

Describe the physical location of the facility in relation to the nearest cross street:

_____

_____

ELECTRIC UTILITIES ONLY:

Describe the physical location of the facility in relation to the nearest cross street:

_____

_____

CURBSIDE COLLECTION PROGRAMS ONLY:

What days of the week does your collection program operate?

_____

_____

Curbside Collection Programs (Continued)

What is collection service area?

If you are a contract operator, who are you contracted to?

If you are a Local Government, who is your operator?

What other recyclable materials do you collect as a part of your program (e.g. aluminum, glass)?

V. DECLARATION AND SIGNATURES

I certify, under penalty of perjury, that the information contained in this application is true and correct to the best of my knowledge, and I agree to operate in compliance with the requirements of the California Oil Recycling Enhancement Act, and with all related regulatory provisions.

APPLICANT IS:

A partnership, the application must be signed by a partner, with authority to bind the partnership to a contract.
A firm, association, corporation, county, city, public agency or other governmental entity, the application must be signed by the Chief Executive Officer or the individual with authority to legally bind the entity to a contract.
A husband and wife co-ownership, the application must be signed by both the husband and the wife.

Executed at : City	County	State	On: (Month/Day/Year)
Signature ▶		Printed Name	
Executed at : City	County	State	On: (Month/Day/Year)
Signature ▶		Printed Name	

MAIL TO: Used Oil Recycling Program
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826

(916) 255-2891

STATE OF CALIFORNIA
CIWMB- 34 (New 2/93)

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

California Oil Recycling Enhancement Program

MULTIPLE REGISTRATION

Of Used Oil Collection Locations
For Industrial Generators, Curbside Collection Programs, and Electric Utilities

INSTRUCTIONS

This form should only be completed if you are applying to register more than one used oil collection location under a single application.
Please be sure to include a separate entry for each additional location not identified on your application form.

TYPE OF APPLICANT (Check One)

☐ Industrial Generator ☐ Curbside Collection Program ☐ Electric Utility

CIWMB Identification Number _____ (To be completed by CIWMB if for initial registration)

Facility Name	Phone Number
Street Address	
County	Hazardous Waste Generator Identification Number (if applicable)
Facility Name	Phone Number
Street Address	
County	Hazardous Waste Generator Identification Number (if applicable)
Facility Name	Phone Number
Street Address	
County	Hazardous Waste Generator Identification Number (if applicable)
Facility Name	Phone Number
Street Address	
County	Hazardous Waste Generator Identification Number (if applicable)
Facility Name	Phone Number
Street Address	
County	Hazardous Waste Generator Identification Number (if applicable)
Facility Name	Phone Number
Street Address	
County	Hazardous Waste Generator Identification Number (if applicable)

Facility Name	Phone Number
Street Address	
County	Hazardous Waste Generator Identification Number (if applicable)
Facility Name	Phone Number
Street Address	
County	Hazardous Waste Generator Identification Number (if applicable)
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Street Address	
County	Hazardous Waste Generator Identification Number (if applicable)
Facility Name	Phone Number
Street Address	
County	Hazardous Waste Generator Identification Number (if applicable)
Facility Name	Phone Number
Street Address	
County	Hazardous Waste Generator Identification Number (if applicable)
Facility Name	Phone Number
Street Address	
County	Hazardous Waste Generator Identification Number (if applicable)
Facility Name	Phone Number
Street Address	
County	Hazardous Waste Generator Identification Number (if applicable)

ATTACHMENT 9

REGISTRATION APPLICATION CHECKLIST

Office Use Only

_____ Date received

_____ Date due

_____ CIWMB identification number

_____ Certification/Registration receipt card sent

I. Type of Applicant

_____ Type of applicant [industrial generator, curbside collection, or electric utility]

II. Type of Application

_____ Multiple registration questions

_____ Multiple registration form attached

III. Operator Information

_____ Federal identification number (employer ID/SSAN #)

_____ Operator name, street address, mailing address, phone number, and contact person

_____ Type of organization [note: application must include supporting documentation]

_____ Three "status of previous application yes/no" questions

IV. Applicant Information

_____ Two used oil hauler and used oil recycling facility questions

_____ Industrial generator, electric utilities, and curbside collection only questions

V. Declaration and Signatures

_____ City, county, state, signature, printed name, date

f/n: p:\reg_app.doc revised 8/95

STATE OF CALIFORNIA

Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, California 95826

Name
Business
Address
City, State 00000

Subject: Registration Application Rejection

Dear _____:

The California Integrated Waste Management Board (Board) has received your application for registration as an Industrial Generator headquartered/located at_____. This letter serves as notification that the Board has rejected the application because it is incomplete. The rejected registration application is enclosed.

Before the Board can reconsider your application, please submit the following information:

To complete your application, the following information should be included:

_____
_____
_____
_____

Once you have completed the application by including this information, resubmit it to the Board. Within 10 working days of receipt, the Board will notify you in writing whether the application is accepted for further review or whether it remains incomplete.

The Board has issued the following identification number to your program: 00-I-00000. This identification number is only valid for the program headquartered/located at the address indicated. Please reference this number in any future correspondence with or applications to the Board.

If you have any questions regarding this letter or the registration application review process, please contact Cert staff of the Board's Used Oil Recycling Program at (916)000-0000.

Sincerely,

Senior Waste Management Specialist
Used Oil Recycling Program

Enclosure

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STATE OF CALIFORNIA

Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

8800 Cal Center Drive
Sacramento, California 95826

Name
Center
Address
City, State 00000

Subject: Registration of Industrial Generator, CIWMB Identification Number: 00-I-00000

Dear:

The California Integrated Waste Management Board (Board) has completed its review of your application for registration of the subject program. This letter serves as notification that the Board has granted registration of your program.

By registering as an Industrial Generator, you must comply with the California Oil Recycling Enhancement Act (Act) and all relevant regulations contained in Division 7, Chapter 8, of Title 14 of the California Code of Regulations. Enclosed is a copy of the Act and the regulations which apply to your program.

As a registered Industrial Generator, you must comply with all of the following requirements:

- Provide access to the Board or persons authorized by the Board to examine books, records, and operations to determine compliance with the Act and all relevant regulations [Title 14, California Code of Regulations (14 CCR) section 18619.2(a)].

- Provide notice to the Board of the location of your records upon registration [14 CCR section 18619.3(a)(1)].

- Retain records for at least three years [14 CCR section 18619.3(a)(2)].

- File a new application with the Board at least sixty calendar days prior to a change in any of the information included in the most recent registration application submitted to the Board (14 CCR section 18653.6).

- Submit no more than three recycling incentive claims per quarter (14 CCR section 18655.3).

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This summary does not include every aspect of the law which regulates the operation of your program. It is your responsibility to read and understand the requirements of the Act and all pertinent regulations as they pertain to your program.

A $.04 per quart recycling incentive is available to registered industrial generators for used lubricating oil which is transported by a used oil hauler to a certified used oil recycling facility, or to an out-of-state facility registered with the United States Environmental Protection Agency and in compliance with the regulations of the state in which the facility is located. It is your responsibility to ensure the used oil is delivered to a qualified facility. A list of certified used oil recycling facilities is enclosed.

Enclosed please find copies of the incentive claim/report. Claims may be submitted to the Board up to three times per quarter. In addition to completing the enclosed claim form, each claim for reimbursement of the recycling incentive must include a copy of the manifests or modified manifest receipts from used oil haulers supporting the amount of the claim. The claim must also include purchase receipts, if applicable, indicating payment of the oil recycling fee.

A claim must be submitted to the Board within 45 days of the end of the quarter in which the used lubricating oil was transported by a used oil hauler. The Board will process each claim within 35 calendar days of the postmark date of your claim unless it finds cause to investigate any provisions of the claim.

Enclosed you will also find the 'Vendor Data Record' form. Please complete and submit this form with YOUR FIRST COMPLETED INCENTIVE CLAIM/REPORT. This form must be returned before Board staff can process your claims.

If you have any questions regarding your registration responsibilities, please contact me at (916)255-2334. Questions regarding the incentive claim/report may be directed to the claims processing unit at (916)255-2636.

Sincerely,

Associate Waste Management Specialist
Used Oil Recycling Program

Enclosures

ATTACHMENT 12

Used Oil Recycling Program

Recertification Application

36-C-00002

Existing Collection Center Information:

		Changes:
Site Name	Grease Monkey	
Site Address	8949 Monte Vista, Montclair, CA 91763	
Mailing Address (if different)		
Phone	(909)399-0515	
Site Contact Person	Arthur Campbell	
EPA-ID	CAL000072686	

Operator Information

Operator Name	Grease Monkey	
Mailing Address	15437 Washington Street Riverside, CA 92506	
Phone Number	(909)780-0608	
Contact Person	Arthur Campbell	
Operator Federal Id	33-0437921	
Used Oil Hauler	No	
Used Oil Recycler	No	
Organization Type	1	1 = Individual, 2 = Partnership, 3 = Corporation, 4 = Husband & Wife Co-own 5 = Non Profit, 6 = Local Gov. Agency, 7 = Other

Advertising Information

Storage Capacity (gal.)	1000
Open 24 hours?	No
Mon Open	08:00
Mon Close	18:00
Tue Open	08:00
Tue Close	18:00
Wed Open	08:00
Wed Close	18:00
Thu Open	08:00
Thu Close	18:00
Fri Open	08:00
Fri Close	18:00
Sat Open	08:00
Sat Close	17:00
Sun Open	10:00
Sun Close	16:00

Advertising Type

Newspaper Ads	M
Radio	
Press Release	
Print Media	
Outdoors	
Special Events	
TV	
Direct Mail	
Yellow Pages	
Adv Other	

A = Annual
B = Bi-annual
Q = Quarterly
M = Monthly
W = Weekly
O = Other

150

Signature

Printed Name

Date

Comments:

STATE OF CALIFORNIA

Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

8800 Cal Center Drive
Sacramento, California 95826

Name
Center
Address
City, State 00000

Subject: Notice of Pending Certification Expiration, CIWMB Identification Number 00-C-00000

Dear _____:

The California Integrated Waste Management Board (Board) has reviewed its files and determined that your certification is nearing its expiration date. Our records indicate that your certificate will expire on _____.

To avoid any lapse in incentive payments, you must submit the enclosed application for recertification at least 60 calendar days prior to your certificate's expiration date. Please correct only that information which has changed since the last application for certification was submitted to the Board.

Upon completion of review, the Board will notify you in writing whether recertification has been granted or denied.

If you have any questions regarding this letter, or the recertification review process, please contact me at (916) 000-0000.

Sincerely,

Associate Waste Management Specialist
Used Oil Recycling Program

Enclosure

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STATE OF CALIFORNIA

Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

8800 Cal Center Drive
Sacramento, California 95826

Name
Center
Address
City, State 00000

Subject: Recertification of Used Oil Collection Center, CIWMB Identification Number: 00-C-00000

Dear _____:

The California Integrated Waste Management Board (Board) has completed its review of your application and has granted recertification of your used oil collection center.

Your center's new certificate is enclosed with this letter. Please check it for accuracy. If a correction needs to be made, please send a brief letter of explanation to the Board's used oil unit at the letterhead address.

Remember, as a certified used oil collection center, you must operate in accordance with the California Oil Recycling Enhancement Act (Act) and all relevant regulations contained in Division 7, Chapter 8, of Title 14 of the California Code of Regulations.

The requirements for operating a certified used oil collection center include the following:

o Accept used lubricating oil from the public at no charge and offer to pay the recycling incentive for all oil accepted [Public Resources Code (PRC) section 48660(b)].

o Accept no more than twenty gallons of used oil, in containers not larger than five gallons from a person each day [PRC section 48660(c)].

o Advertise at least once every six months [PRC section 48660(b)(4) and 14 CCR section 18651.4].

o Maintain written procedures which describe methods used to prevent acceptance of contaminated used lubricating oil (14 CCR section 18651.9).

o Display the certification sign provided by the Board in a location easily readable from a public street [PRC section 48660(b)(4)].

o Submit no more than three recycling incentive claims per quarter. These claims must be postmarked within 45 days of the end of the quarter [14 CCR section 18655.3]

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o Operate in accordance with all laws governing the handling and disposal of used oil [14 CCR section 18651.2(a)].

o It is your responsibility to ensure the used oil is delivered to a qualified facility [PRC section 48651(a)].

o Provide access to your records to representatives of the Board upon request [14 CCR section 18619.2(a)].

o Retain records for at least three years [14 CCR section 18619.3(a)(2)].

o File a new application with the Board at least sixty calendar days prior to a change in any of the information included in the most recent application submitted to the Board [14 CCR section 18650.6].

This summary does not include every aspect of the law which regulates the operation of your program. It is your responsibility to read and understand the requirements of the Act and all pertinent regulations as they pertain to your program.

If you have any questions regarding your certification responsibilities, please contact me at (916) 255-0000. Questions regarding the incentive claim/report may be directed to the claims processing unit at (916)255-2636.

Sincerely,

Associate Waste Management Specialist
Used Oil Recycling Program

Enclosure

STATE OF CALIFORNIA

Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

8800 Cal Center Drive
Sacramento, California 95826

Name
Center Name
Address
City, State Zip

Subject: Recertification Denial, CIWMB Identification Number 00-C-00000

Dear « 8»:

The California Integrated Waste Management Board (Board) has completed its review of your application for recertification of the subject center. This letter serves as notification that the Board has denied the application for the following reason(s):

_____
_____
_____

Should you wish a hearing on this denial, please submit a written request to the Board at the letterhead address.

If you have any questions regarding this letter, or the certification application review process, please contact _____ of the Board's Used Oil Recycling Program at (916)255-0000.

Sincerely,

Supervisor or Manager
Senior Waste Management Specialist
Used Oil Recycling Program

Enclosure

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CERTIFIED CENTER TELEPHONE LOG

ANNUAL CALL

CIWMB ID # **CERTIFIED** as of

CENTER NAME & ADDRESS:

CENTER PHONE #: CONTACT PERSON:

DATE TO BE CALLED (one year after certification) DATE CALLED: ___/___/___

CONTACT UNAVAILABLE : WHAT'S GOOD TIME TO CALL BACK :_____

MATERIALS TO BE MAILED:

PERSON CONTACTED_____

ASSISTANCE CALL #2 (If necessary)

DATE CALLED: ___/___/___

PERSON CONTACTED_____

Script for Assistance Call:

"Hello, I am with the CIWMB Used Oil Program. You were certified as a used oil collection center one year ago.

Do you take used oil now?" YES - NO - DON'T KNOW

If NO or DON'T KNOW :

Ask to speak to the manager:

1. Repeat the question to the manager.

2. a) If the manager states that the center **does** accepts oil, inform him/her that the previous employee said that the center did not take used oil.

   b) If the manager states that the center **does not** accept oil, review program responsibilities and determine whether or not they are still interested in participating.

If Yes :

1. "Do you give $0.16 per gallon?"_____

2. "How much oil will you accept?"_____

Comments:_____

_____

_____

STAFFNAME_____

rev. 28July95

STATE OF CALIFORNIA

Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

8800 Cal Center Drive
Sacramento, California 95826

Name
Center
Address
City, State 00000

Subject: Follow-up and Assistance Letter, CIWMB Number: 00-C-00000

Dear _____:

This letter is a follow-up to our telephone conversation of (date) at which time we discussed quality improvements for your Certified Used Oil Collection Center (Center). Before I begin, let me take a moment to thank you on behalf of the Used Oil Recycling Program (Program) for your participation. By providing a convenient location for local citizens to bring their used motor oil, you are personally helping protect the environment from illegal disposal.

In my conversation with you, we discussed areas of your operation that need improvement. Below, I've listed problem areas and solutions that will help you meet your responsibilities as a Center operator:

- _____
- _____

I am also attaching an up-to-date List of Program Requirements which lists your legal responsibilities as a Center operator.

As a agent of the State, we have a obligation to the citizens of California to assure that each Center complies with all requirements under the law. Therefore, Centers with a history of not complying with legal requirements will be either denied payment of incentive claims or decertified. We intent to avoid these adverse actions by helping center operators in every way we can. Our primary goal is to help you maintain a quality Center, so if you have any questions or need help, please call me at (916)255-0000.

Sincerely,

Used Oil Recycling Program

Attachment

cc: CIWMB Claims unit

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STATE OF CALIFORNIA

Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, California 95826

Name
Center
Address
City, State 00000

Subject: Withholding of Used Oil Recycling Incentive Payments for (Name of Entity), CIWMB Identification Number_____

Dear _____:

It has been determined that your facility is not operating in compliance with the operational standards as required by Title 14, California Code of Regulations, Section _____.

Effective _____, any used oil incentive claims filed will be withheld until your center meets the designated program requirements.

If these program requirements are met within 30 days from the date you receive this letter, you will be eligible for incentive payments. If they are not met within the specified time period, you may be decertified from the Used Oil Recycling Program (Public Resources Code Section 48660(a)).

You may direct any questions to _____ at (916) _____.

Sincerely,

Used Oil Recycling Program

-- Printed on Recycled Paper --

STATE OF CALIFORNIA

Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, California 95826

LIST OF PROGRAM REQUIRENTS

The following is a list of the operation requirements for all Certified Used Oil Collection Centers. **Please read these requirements carefully.** If you have any questions regarding your responsibilities as a Certified Used Oil Collection Center, please call the Board's Used Oil Recycling Program at (916) 255-2891.

Certified Used Oil Collection Centers must:

- Accept used oil from the public at no charge and **verbally** offer the $0.16 recycling incentive to them [Public Resources Code (PRC) Section 48660(b)(1); California Code of Regulations (CCR) Section 18651.2 (b)].

- Accept used oil and offer the incentive during the hours between 8 a. m. and 8 p. m. that the center is open for business [PRC Section 48660(b)(1)]. The Board may approve alternate hours if the center accepts oil for 12 continuous hours daily or the center demonstrates that compliance with the requirements of Section 280.42 of Title 40 of the Code of Federal Regulations prevents the center from complying.

- **Not** accept more than twenty gallons of used oil in containers not larger than 5 gallons from a person each day [PRC Section 48660(c); CCR Section 18651.2 (c) and (d)]. Operators may set a maximum limit for used oil accepted at certified centers, but that limit may **not** be less than 5 gallons per person per day.

- Display the CIWMB certification sign in a location easily readable from a public street. Where local zoning ordinances do not permit posting of the sign provided by the Board, you must petition the Board in writing describing how the center will meet the signage requirements [PRC Section 48660(b)(4); CCR Section 18651.1].

- Keep on site written procedures to prevent the acceptance of contaminated oil and the name, address, and phone number of the nearest location that will accept oil suspected of contamination [CCR Sections 18651.9 and 18651.2(e)].

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- Keep on site a graduated container marked with one quart increments that can safely transfer one liquid gallon [CCR Section 18651.3(b)].

- Advertise using one or more of the methods listed below at least once every six months. The advertisement shall include the name, location, and hours of operation of the center, and indicate that the center accepts used lubricating oil at no charge and offers payment of the recycling incentive [PRC Section 48660(b)(4) and CCR Section 18651.4(a) and (b)].

  Newspaper, magazine, newsletter, or other periodic publications
  Press releases, public service announcements or feature news
  Printed material including brochures or posters
  Outdoor advertising including billboards and transit signs
  Radio, Television, Direct Mail, Yellow Pages, Special Events

- If required, maintain a Used Oil Receipt Log at the center [CCR Section 18651.2 (f-i)]. The log shall include:

  Printed name and signed name of patron
  Date received
  Quantity of oil received in gallons or quarts
  Amount of recycling incentive fee paid, if any
  Indication if the used oil was:
    Lubricating or industrial
    From out of state
    Anonymously donated

- Keep CIWMB certificate on site or, with written Board approval, a copy of the certificate and a statement of where the original is kept [CCR Section 18650.7].

- Notify the Board of the location of records pertaining to used oil collection, keep these records for at least three years, and provide Board staff access to these records [CCR Section 18619.2 and Section 18619.3)].

- Operate in accordance with all Federal, State, and local laws and regulations [CCR Section 18651.2(a)].

Board staff may make site visits and phone calls to determine compliance with these requirements.

s:/OpResp.doc
Rev. 2-1995

STATE OF CALIFORNIA

Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, California 95826

Name
Center
Address
City, State 00000

SUBJECT: Voluntary Withdrawal from the Used Oil Recycling Program, CIWMB Number: 00-C-00000

Dear _____:

Thank you for your participation in the Program. This is to confirm your recent written request to voluntarily withdraw from the Used Oil Recycling Program. The withdrawal is effective _____.

Please return the Used Oil Recycling Program certification sign and certificate to me at the letterhead address. Enclosed please find a new certification application should you wish to re-enroll in the program.

If you have any questions, please call me at (916) 255-0000.

Sincerely,

Cert staff
Associate Waste Management Specialist
Used Oil Recycling Program

-- Printed on Recycled Paper --

STATE OF CALIFORNIA

Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, California 95826

Name
Center
Address
City, State 00000

Subject: Cancellation of Certificate for Used Oil Collection Center, CIWMB Identification Number 00-C-00000

Dear _____:

The California Integrated Waste Management Board (Board) has determined that you are no longer the operator of the subject Used Oil Collection Center. Under the provisions of Title 14, California Code of Regulations (14 CCR), section 18463.6, the Used Oil Collection Center certificate is issued to a specific operator for a specific location, and is not transferrable. If either operator or location changes without written application to the Board, the certificate is no longer valid. This letter therefore serves as notification that the Board has cancelled this center's certificate, effective immediately, pursuant to 14 CCR sections 18650.6(a)(2), and 18650.2(b).

If the new owner of the center wishes to become a certified used oil collection center, he/she may submit an application to the Board for initial certification.

If you have any questions regarding this letter, please contact Cert Staff at (916)000-0000.

Sincerely,

Manager
Used Oil & HHW Branch

-- Printed on Recycled Paper - Double Sided for Source Reduction --

STATE OF CALIFORNIA

Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

8800 Cal Center Drive
Sacramento, California 95826

Name
Center
Address
City, State 00000

Subject: Revocation of Certificate for Used Oil Collection Center, CIWMB Identification Number 00-C-00000

Dear _____:

The California Integrated Waste Management Board (Board) has determined that your center is no longer operating according to the provisions of the Used Oil Recycling Program statutes and regulations. This letter serves as notification that the Board has revoked this center's certification, effective immediately, pursuant to Public Resources Code section 48660(b). Certification has been revoked for the following reasons:

_____

_____

_____

You may appeal this revocation by submitting a written request for a hearing to the letterhead address.

If you have any questions regarding this letter, please contact _____ of the Used Oil Certification Section at (916)255-0000.

Sincerely,

Manager
Used Oil & HHW Branch
California Integrated Waste Management Board

-- Printed on Recycled Paper - Double Sided for Source Reduction --

STATE OF CALIFORNIA

Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, California 95826

Name
Address
City, State, Zip

Subject Facility:

Dear Name:

Our records show that used oil generated in California was hauled to subject facility last year. Under California law, Public Resources Code (PRC) Sections 48623 and 48651 (a), certified used oil collection centers and registered entities (industrial generators, curbside collection programs, and electric utilities) may claim a recycling incentive payment of $0.16 per gallon from the California Integrated Waste Management Board (Board) for used oil transported to out-of-state used oil recycling facilities. However, the out-of-state recycling facility must meet two standards: first it must be registered with the U.S. Environmental Protection Agency (EPA); and second it must be in substantial compliance with the applicable standards of the state in which it is located. Therefore, before we can process any future claims we need assurance that the above referenced used oil recycling facility meets these criteria.

So that we may expedite the claim process, please check the appropriate box below, sign, and return this letter within 30 days.

To the best of my knowledge:

☐ Subject facility is registered with the EPA and/or home state Department of Environmental Quality, and is operating in compliance with applicable standards of our state, and/or other consent or legal order.

☐ Subject facility is not registered with the EPA or is not in compliance with applicable standards of our state, and/or other consent or legal order.

Authorized Representative:_____ Date:_____

Your cooperation is greatly appreciated. If you have any questions please contact me at (916) XXX-XXXX or call of the Board's Used Oil Recycling Program at (916) XXX-XXXX.

Sincerely,

Manager
Used Oil & Household Hazardous Waste Branch

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-- Printed on Recycled Paper - Double Sided for Source Reduction --

California Integrated Waste Management Board

LOCAL ASSISTANCE AND PLANNING COMMITTEE
AUGUST 9, 1995

AGENDA ITEM 58

ITEM: Consideration of Staff Recommendations on the Adequacy of the Source Reduction and Recycling Element, Household Hazardous Waste Element, and Nondisposal Facility Element for the City of Hayward, Alameda County

STAFF COMMENTS:

The City of Hayward's Source Reduction and Recycling Element (SRRE) projects diversion for 1995 at 44.3% and 55.2% for the year 2000. Adjusting for restricted wastes reduces these percentages to 40.3% for 1995, and 52.7% for the year 2000.

The source reduction programs that the City is planning include: continuation of rate structure modifications; continuation of the promotion of home composting; use of cloth diapers; and promotion of reusable goods including drop-off locations throughout the City. Recycling efforts will focus on expansion of the existing residential curbside collection program as well as expansion of the commercial paper and glass programs. In the medium-term, the City hopes to participate in a regional material recovery facility and a regional composting facility.

Staff recommends approval for the City of Hayward's Source Reduction and Recycling Element.

ANALYSIS:

RE

SRRE ADEQUACY	YES	NO
All required documentation submitted	X	
CIWMB draft comments adequately addressed	X	
LTF comments addressed	X	
Meets SRRE criteria (in CIWMP Adequacy Report)	X	
Meets SWGS criteria (in CIWMP Adequacy Report)		X
1995 corrected diversion projection is 25% or more	X	
2000 corrected diversion projection is 50% or more	X	

Explanation of any "No" responses:

Diversion Tonnages. Diversion tonnage provided was not accurate. Transformation of tires at a facility without a Solid Waste Facility Permit (SWFP) was included as diversion in 1995 and in 2000. Staff has therefore subtracted 4,024 tons of tires from diversion and generation in 1995 and 4,335 tons in 2000.

Hazardous waste is not "normally disposed of" so it may not be counted as diversion. Staff has therefore subtracted 1,105 tons of non-residential hazardous waste from base-year diversion and generation.

Restricted Materials. No documentation of diversion claims for 19,870 tons of restricted waste types has been received. Staff has therefore subtracted 19,870

tons of restricted wastes (inert solids and scrap metals) from diversion and generation.

Disposal Tonnages. Disposal tonnage provided was not accurate. Transformation of tires at a facility without a SWFP was included in the base-year disposal amount. Staff has therefore subtracted 339 tons of tires from base-year disposal and generation.

Normally Disposed of. Hazardous waste is not "normally disposed". Staff has therefore subtracted 5,327 tons of non-residential hazardous waste from disposal and generation from the base-year, 6,936 tons from 1995, and 7,472 tons from 2000.

The SWGS, as corrected, meets the SWGS criteria. Changes in tonnage are listed in the following table.

City of Hayward	Base-Year			1995			2000		
	Dis.	Div.	Gen.	Dis.	Div.	Gen.	Dis.	Div.	Gen.
Original Claim	221,503	43,137	264,640	158,839	126,339	285,178	137,634	169,277	306,911
Changes to claimed tonnages:									
Restricted materials:									
Inert solids	0	(-18,270)	(-18,270)	0	(-18,270)	(-18,270)	0	(-18,270)	(-18,270)
Scrap metals	0	(-1,600)	(-1,600)	0	(-1,600)	(-1,600)	0	(-1,600)	(-1,600)
Agricultural waste	0	0	0	0	0	0	0	0	0
White goods	0	0	0	0	0	0	0	0	
Subtotal	0	(-19,870)	(-19,870)	0	(-19,870)	(-19,870)	0	(-19,870)	(-19,870)
Transformation - Tires	(-339)		(-339)		(-4,024)	(-4,024)		(-4,335)	(-4,335)
Hazardous waste	(-5,327)	(-1,105)	(-6,432)	(-6,936)		(-6,936)	(-7,472)		(-7,472)
Corrected Totals	215,837	23,267	237,999	151,903	102,445	254,348	130,162	145,072	275,234
Claimed diversion rates		16.3%			44.3%			55.2%	
Corrected diversion rates		**9.8%**			**40.3%**			**52.7%**	

Area of Concern

The SWGS discusses that the City may include transformation as a diversion program in 2000. Because tires are not included in the definition of biomass conversion, unless tires are transformed at a Board-permitted Waste-to-Energy facility, burning tires will not count toward diversion. New legislation regarding biomass conversion and transformation contained in AB 688 became effective January 1, 1995. The statute requires jurisdictions meet the appropriate conditions in PRC Sections 40106, 41781.2 (g), and 41783.1 to claim up to 10 of the 50% diversion goal for biomass conversion, or PRC Sections 40201 and 41783 for transformation; a jurisdiction may not claim future diversion credit for both biomass conversion and transformation. One of the conditions for claiming diversion from biomass conversion is that the jurisdiction include in its base-year disposal tonnages the amount of material disposed at the biomass conversion facility in the base-year. Other conditions include: the resulting ash must be tested and properly disposed, and the jurisdiction must be implementing all feasible SRRE programs.

HHWE

The HHWE addresses the requirements of 14 CCR Sections 18750 et. seq. for the following areas:

HHWE ADEQUACY	Yes	No	HHWE ADEQUACY	Yes	No
Goals and Objectives	X		Program Implementation	X	
Existing Conditions	X		Monitoring and Evaluation	X	
Alternatives Evaluation	X		Education and Public Information	X	
Program Selection	X		Funding	X	

The City of Hayward participates in a countywide Household Hazardous Waste Program co-sponsored with the County and the Alameda County Waste Management Authority. Public education programs to reduce the use of Household Hazardous Waste products and financially supporting siting three permanent facilities within the county for all residents, are all HHW diversion programs that will be continued. In addition, the City is proposing to focus an awareness program for City employees and implement other public education efforts in the medium-term.

Area of Concern

More descriptive detail regarding the two selected alternatives of "Public Awareness Information" and "City Employee Awareness Program" should be provided at the time of the first annual report to the Board. Details should include how often efforts will take place, and more specific information regarding the types of materials developed should be included.

Staff recommends approval of the Household Hazardous Waste Element for the City of Hayward.

NDFE

This NDFE addresses the requirements of 14 CCR Sections 18752 et. seq. for the following areas:

NDFE Adequacy	Yes	No	N/A
Facility descriptions - within a jurisdiction	X		
Facility descriptions - outside a jurisdiction	X		
Transfer Station descriptions - within a jurisdiction	X		
Transfer Station descriptions - outside a jurisdiction	X		

The Element identifies two nondisposal facilities the City uses which are located outside the jurisdiction and one outside the jurisdiction that may be used by the City in the future.

Staff recommend approval of the City of Hayward's Nondisposal facility Element.

3: Resolution # 95-634 Approval of the NDFE for the City of Hayward

Prepared by: Michelle Marlowe Lawrence Phone: 255-2397

Prepared by: Yasmin Satter Phone: 255-2394

Reviewed by: Dianne Range Phone: 255-2400

Reviewed by: Toni Terhaar Phone: 255-2396

Reviewed by: Lorraine Van Kekerix (LVK (for)) Phone: 255-2670

Reviewed by: Judith J. Friedman Phone: 255-2302

Legal Review: EDB Date/time: 7/28/95 3:20pm

ATTACHMENT NO. 1

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION NO. 95-632

FOR CONSIDERATION OF APPROVAL OF THE SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF HAYWARD, ALAMEDA COUNTY

WHEREAS, Public Resources Code (PRC) Sections 40900 et seq. describe the requirements to be met by cities and counties when developing and implementing integrated waste management plans; and

WHEREAS, PRC Section 41000 requires that each city prepare and adopt a SRRE which includes all of the components specified; and

WHEREAS, California Code of Regulations Title 14, Section 18767 requires that jurisdictions ensure their SRRE has complied with the California Environmental Quality Act and provides a Notice of Determination from the State Clearinghouse as required; and

WHEREAS, PRC Section 41001 requires that the City's SRRE include a program for the management of solid waste generated within the City, consistent with the waste management hierarchy provided in PRC Section 40051; and

WHEREAS, the City's SRRE shall place emphasis on implementation of all feasible source reduction, recycling, and composting programs while identifying the amount of landfill and transformation capacity that will be needed for solid waste which cannot be reduced at the source, recycled, or composted; and

WHEREAS, PRC Section 41780 and its implementing regulations require that the SRRE show how the County and cities will achieve the diversion goals of 25% by 1995, and 50% by 2000; and

WHEREAS, based on review of the City's SRRE, Board staff found that all of the foregoing requirements have been satisfied and the SRRE substantially complies with PRC Section 41000, et seq. and recommends approval; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the Source Reduction and Recycling Element for the City of Hayward.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

ATTACHMENT NO. 2

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION NO. 95-633

FOR CONSIDERATION OF APPROVAL OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF HAYWARD, ALAMEDA COUNTY

WHEREAS, Public Resources Code (PRC) Sections 40900 et seq. describe the requirements to be met by cities and counties when developing and implementing integrated waste management plans; and

WHEREAS, PRC Section 41500 requires that each city draft and locally adopt a Household Hazardous Waste Element (HHWE) which identifies a program for the safe collection, recycling, treatment, and disposal of household hazardous waste for the city; and

WHEREAS, California Code of Regulations (CCR) Title 14, Section 18767 requires that each jurisdiction ensure that the California Environmental Quality Act has been complied with prior to adopting a HHWE; and

WHEREAS, The City of Hayward drafted and adopted their final HHWE in accordance with statute and regulations; and

WHEREAS, The City of Hayward submitted their final HHWE to the Board for approval which was deemed complete on February 19, 1995, and the Board has 120 days to review and approve or disapprove of the Element; and

WHEREAS, based on review of the HHWE, Board staff found that all of the foregoing requirements have been satisfied and that the HHWE substantially complies with PRC 41500, et seq., and recommends its approval;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the Household Hazardous Waste Element for the City of Hayward.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

ATTACHMENT NO. 3

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION NO. 95-634

FOR CONSIDERATION OF APPROVAL OF THE NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF HAYWARD, ALAMEDA COUNTY

WHEREAS, Public Resources Code (PRC) Sections 40900 et seq. describe the requirements to be met by cities and counties when developing and implementing integrated waste management plans; and

WHEREAS, PRC Section 41730 et seq. requires that each city and county prepare and adopt a Nondisposal Facility Element (NDFE) which includes a description of existing and new solid waste facilities, and the expansion of existing solid waste facilities, which will be needed to implement a jurisdiction's Source Reduction and Recycling Element (SRRE), to enable it to meet the requirements of Section 41780; and

WHEREAS, the NDFE may include the identification of specific locations or general areas for new solid waste facilities that will be needed to implement the SRRE; and

WHEREAS, based on review of the NDFE, Board staff found that all of the foregoing requirements have been satisfied and the NDFE substantially complies with PRC Section 41730, et seq., and recommends approval; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the Nondisposal Facility Element for the City of Hayward. Pursuant to Public Resources Code Section 41736, at the first revision of the SRRE, the NDFE should be incorporated with the SRRE to become one document which may be modified, as necessary, to accurately reflect the existing and planned nondisposal facilities which will be used by a jurisdiction.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

California Integrated Waste Management Board

LOCAL ASSISTANCE AND PLANNING COMMITTEE
AUGUST 9, 1995

AGENDA ITEM 69

ITEM: Consideration of Staff Recommendations on the Adequacy of the Source Reduction and Recycling Element and Household Hazardous Waste Element for the City of Livermore, Alameda County

STAFF COMMENTS:

The City of Livermore's Source Reduction and Recycling Element (SRRE) projects diversion for 1995 at 32.2% and 51.6% for the year 2000. Adjusting for restricted wastes reduces these percentages to 25.5% for 1995, and 47.4% for the year 2000. With the restricted wastes removed, the projected diversion rate falls short of substantial compliance for the mandated goal for the year 2000.

The source reduction programs that the City is planning include: establishing a local business waste audit program, continuation of support of the home composting and reusable products promotion programs, and development of procurement guidelines for the City. Recycling efforts will focus on implementing source-separated office paper collection program, implementation of source-separated glass container collection program, and development and implementation of a materials recovery facility. In addition, the City will expand the existing residential curbside collection program to the entire City. In the medium-term, the City hopes to participate in a regional composting facility and to implement curbside collection of yard waste.

Staff recommends conditional approval for the City of Livermore's Source Reduction and Recycling Element due to the removal of undocumented restricted wastes which lowers the year 2000 diversion projection below the mandated 50% goal. As a condition, the City must provide further information in their first Annual Report describing expansion of existing programs or additional programs that will be implemented to reach the 50% diversion mandate. The City must also submit a compliance schedule to the Board within 60 days from the date of the conditional approval letter which demonstrates how the City will correct the deficiencies.

ANALYSIS:

SRRE

SRRE ADEQUACY	YES	NO
All required documentation submitted	X	
CIWMB draft comments adequately addressed	X	
LTF comments addressed	X	
Meets SRRE criteria (in CIWMP Adequacy Report)	X	
Meets SWGS criteria (in CIWMP Adequacy Report)		X
1995 corrected diversion projection is 25% or more	X	
2000 corrected diversion projection is 50% or more		X

Explanation of any "No" responses:

The SWGS, as submitted, does not meet the following criteria. Changes in tonnage are listed in the following table.

Disposal Tonnages. Disposal tonnage provided was not accurate. Tire transformation at a facility without a SWFP (solid waste facility permit) was included as disposal. Staff has therefore subtracted 231 tons from base-year disposal and generation.

Restricted Materials. No documentation of diversion claims for 10,451 tons of restricted waste types has been received. Staff has therefore subtracted these tonnages from diversion and generation.

Area of Concern

The Special Waste Component discusses tire transformation as a potential diversion activity for the year 2000. Legislation regarding biomass conversion and transformation contained in AB 688 became effective January 1, 1995. The statute requires jurisdictions meet the appropriate conditions in PRC Sections 40106, 41781.2 (g), and 41783.1 to claim up to 10 of the 50% diversion goal for biomass conversion, or PRC Sections 40201 and 41783 for transformation; a jurisdiction may not claim future diversion credit for both biomass conversion and transformation. One of the conditions for claiming diversion from biomass conversion is that the jurisdiction include in its base-year disposal tonnages the amount of material disposed at the biomass conversion facility in the base-year. Other conditions include: the resulting ash must be tested and properly disposed, and the jurisdiction must be implementing all feasible SRRE programs.

Livermore	Base-Year			1995			2000		
	Dis.	Div.	Gen.	Dis.	Div.	Gen.	Dis.	Div.	Gen.
Original Claim	80,852	20,195	101,047	77,479	36,847	114,326	62,654	66,695	129,349
Changes to claimed tonnages:									
Restricted materials:									
Inert solids	0	(-6,919)	(-6,919)	0	(-6,919)	(-6,919)	0	(-6,919)	(-6,919)
Scrap metals	0	(-332)	(-332)	0	(-332)	(-332)	0	(-332)	(-332)
Agricultural waste	0	0	0	0	0	0	0	0	0
White goods	0	(-3,200)	(-3,200)	0	(-3,200)	(-3,200)	0	(-3,200)	(-3,200)
Subtotal	0	(-10,451)	(-10,451)	0	(-10,451)	(-10,451)	0	(-10,451)	(-10,451)
Tire Transformation	(-231)	0	(-231)	(-231)	0	(-231)	(-231)	0	(-231)
Corrected Totals	80,621	9,744	90,365	77,248	26,396	103,644	62,423	56,244	118,667
Claimed diversion rates		20.0%			32.2%			51.6%	
Corrected diversion rates		**10.8%**			**25.5%**			**47.4%**	

Area of Concern:

Integration Component - Figure 10-1 is not a Master Schedule which contains all implementation tasks for new and expanded solid waste diversion programs selected. The table should include a title for each task, task start date and milestone date(s), and the entity responsible for implementing the task(s). This information should be provided in the City's first Annual Report to the Board.

HHWE

The HHWE adequately addresses the requirements of 14 CCR Sections 18750 et. seq. for the following areas:

HHWE ADEQUACY	Yes	No	HHWE ADEQUACY	Yes	No
Goals and Objectives	X		Program Implementation	X	
Existing Conditions	X		Monitoring and Evaluation	X	
Alternatives Evaluation	X		Education and Public Information	X	
Program Selection	X		Funding	X	

The City of Livermore participates in a countywide Household Hazardous Waste Program co-sponsored with the County and the Alameda County Waste Management Authority. Public education programs to reduce the use of Household Hazardous Waste products, financially supporting siting three permanent facilities within the county for all residents, and a load-checking program at the County Landfills are all HHW diversion programs that will be continued.

Staff recommends approval of the City of Livermore's Household Hazardous Waste Element.

ATTACHMENTS:

Resolution # 95-629 Conditional Approval for the SRRE for the City of Livermore

2: Resolution # 95-630 Approval for the HHWE for the City of Livermore

Prepared by: Michelle Marlowe Lawrence MML Phone: 255-2397

Prepared by: Becky Shumway Phone: 255-2401

Reviewed by: Dianne Range DR Phone: 255-2400

Reviewed by: Catherine Cardozo CC Phone: 255-2396

Reviewed by: Lloyd Dillon Phone: 255-2303

Reviewed by: Judith J. Friedman JJF Phone: 255-2302

Legal Review: CB Date/time: 7/21/95 3:10 pm

ATTACHMENT NO. 1

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION NO. 95-629

FOR CONSIDERATION OF CONDITIONAL APPROVAL OF THE SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF LIVERMORE, ALAMEDA COUNTY

WHEREAS, Public Resources Code (PRC) Sections 40900 et seq. describe the requirements to be met by cities and counties when developing and implementing integrated waste management plans; and

WHEREAS, PRC Section 41000 requires that each city prepare and adopt a Source Reduction and Recycling Element (SRRE) which includes all of the components specified; and

WHEREAS, California Code of Regulations (CCR) Title 14, Section 18767 requires that jurisdictions ensure their SRRE has complied with the California Environmental Quality Act and provides a Notice of Determination from the State Clearinghouse as required; and

WHEREAS, PRC Section 41001 requires that the City's SRRE include a program for the management of solid waste generated within the City, consistent with the waste management hierarchy provided in PRC Section 40051; and

WHEREAS, the City's SRRE shall place emphasis on implementation of all feasible source reduction, recycling, and composting programs while identifying the amount of landfill and transformation capacity that will be needed for solid waste which cannot be reduced at the source, recycled, or composted; and

WHEREAS, PRC Section 41780 and its implementing regulations require that the SRRE show how the City will achieve the diversion goals of 25% by 1995, and 50% by 2000; and

WHEREAS, during review of the SRRE, Board staff found that there was insufficient documentation to claim diversion for restricted waste types specified in PRC 41781.2 and subsequently adjusted the base year diversion claims and projected diversion levels, as called for in PRC Section 41801.5; and

WHEREAS, this adjustment resulted in the aforementioned jurisdiction's 2000 year diversion projection to be 47.4%, which falls short of the 2000 mandate of 50% diversion; and

WHEREAS, based on review of the City's SRRE, Board staff found that all of the foregoing requirements have been satisfied and the SRRE substantially complies with PRC Section 41000, et seq. except that the plan only projects a diversion rate of 47.4% for the year 2000; and

WHEREAS, CCR Section 18785 provides that the Board may conditionally approve SRREs, and Board staff recommends that the City's SRRE be conditionally approved; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby conditionally approves the Source Reduction and Recycling Element for the City of Livermore. As a condition, the City must provide further information in their first Annual Report to the Board describing expansion of existing programs or additional programs that will be implemented to reach the 50% diversion mandate. The City of Livermore must also submit a compliance schedule to the Board within 60 days from the date of the conditional approval letter which demonstrates how the City of Livermore will correct the deficiencies.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

ATTACHMENT NO. 2

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION NO. 95-630

FOR CONSIDERATION OF APPROVAL OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF LIVERMORE, ALAMEDA COUNTY

WHEREAS, Public Resources Code (PRC) Sections 40900 et seq. describe the requirements to be met by cities and counties when developing and implementing integrated waste management plans; and

WHEREAS, PRC Section 41500 requires that each city draft and locally adopt a Household Hazardous Waste Element (HHWE) which identifies a program for the safe collection, recycling, treatment, and disposal of household hazardous waste for the city; and

WHEREAS, California Code of Regulations (CCR) Title 14, Section 18767 requires that each jurisdiction ensure that the California Environmental Quality Act has been complied with prior to adopting a HHWE; and

WHEREAS, The City of Livermore drafted and adopted their final HHWE in accordance with statute and regulations; and

WHEREAS, The City of Livermore submitted their final HHWE to the Board for approval which was deemed complete on April 19, 1995, and the Board has 120 days to review and approve or disapprove of the Element; and

WHEREAS, based on review of the HHWE, Board staff found that all of the foregoing requirements have been satisfied and that the HHWE substantially complies with PRC 41500, et seq., and recommends its approval;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the Household Hazardous Waste Element for the City of Livermore.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

California Integrated Waste Management Board

LOCAL ASSISTANCE AND PLANNING COMMITTEE
August 9, 1995

AGENDA ITEM 10

ITEM: Consideration of Staff Recommendations on the Adequacy of Meeting the Conditions of the Conditional Approval of the Source Reduction and Recycling Element for the Unincorporated Area of Alpine County

STAFF COMMENTS:

At the September 1994 Board meeting, the Alpine County Source Reduction and Recycling Element (SRRE) was conditionally approved and the County was granted reduced diversion goals of 14% (1995) and 25% (2000). The condition imposed on the SRRE was that the medium-term reduction must be consistent with Board policy that the Board would approve by its November meeting.

At its October 1994 meeting, the Board approved a policy for granting reductions in the 50% medium-term diversion requirement. Alpine County meets the criteria provided in the policy, and so meets the condition of the SRRE conditional approval.

Alpine County Consistency with Medium-term Reduction Policy

A. Wastestream Criteria

1. Lower than average waste generation

Alpine County residents generate a small quantity of waste compared to other jurisdictions; 3.2 pounds per person per day compared to the statewide average of 8.1 pounds per person per day.

2. Share of the state's total wastestream

Alpine only generates 0.00743% of the State's total wastestream.

3. Wastestream characteristics

Alpine County lacks the businesses that are typical in most jurisdictions. There are no fast food restaurants, grocery stores, banks, or major clothing stores. The two largest businesses in the County are the two ski resorts: Kirkwood and Mt. Reba at Bear Valley. The remaining businesses include government offices, schools, small bars, "mom and pop" grocery stores, and campgrounds. The only two businesses with more than 10 employees are the ski resorts.

The County's waste stream consists of the following waste types:

Paper	
cardboard	12.8%
mixed	18%
newspaper	2.7%
other	2.8%
Total Paper	36.1%

Organics	
food waste	15.2%
tires	1%
wood	3.8%
textiles/leather	1.8%
other	4.8%
Total Organics	21.9%
Special Wastes	
sewage sludge	10.3%
minor amounts of ash, autos, and other	2.2
Total Special Wastes	12.5%
Plastics	6.4%
Glass	7.6%
Metals	9.7%
Yard waste	1.0%

[Figures (rounded) taken from 1991 SRRE projection Table 38]

The average amount of yard waste generated in the State is 14% of the waste stream (CIWMB Interim Data Base). Alpine County has determined that yard waste is 1% of their waste stream. Since yard waste is not a large portion of the waste generated, Alpine does not have the opportunity to achieve significant amounts of diversion through this waste type. The sewage sludge generated at Kirkwood is taken to Amador County for disposal. At the present time, there are no programs to divert sewage sludge in Alpine or Amador Counties.

In recognition of the County's unique wastestream, as part of the 1992 reduction, the Board allowed the County to prepare its SRRE without an evaluation of Special Wastes and with only an Existing Conditions Section in the Composting Component.

B. Geographic, Demographic, & Economic Criteria

1. Smallest Population of Any County in California

The County's total population in 1994 was 1,160, which is 30 people less than in 1993. This means that the County has a negative growth rate of 2.5%. Alpine County has three distinctive population "concentrations":

1. Markleeville/Woodsford area 2. Bear Valley 3. Kirkwood

2. Separate Wastesheds with Separate Disposal

The three population centers also represent three distinct wastesheds, which are separated from each other in the winter by snow covered mountains. Each wasteshed's waste is disposed in three separate jurisdictions outside of Alpine County: Storey County in the State of Nevada, Amador County, and Calaveras County.

The following disposal percentages provide an indication of each wasteshed's average annual contribution toward the entire wastestream for Alpine County.

1991 Disposal		
Markleeville/Woodsford	15 cyds/day	= 28.3%
Bear Valley	16 cyds/day	= 30.2%
Kirkwood	22 cyds/day	= 41.5%
Total	53 cyds/day	

Markleeville/Woodsford area
The waste from this area is handled by Douglas Disposal who hauls it to the landfill in Nevada. Diversion of materials occurs prior to pick up by the hauler. Area residents have access to a drop-off location and a buyback center is planned.

Bear Valley
The waste from this area is picked up Bear Valley Disposal and taken to Calaveras County for disposal. Diversion occurs both prior to pick up and at the landfill before disposal.

Residents have a drop-off location and a buyback center is planned. In addition, the ski resort in Bear Valley diverts glass, aluminum, and cardboard, scrap metals, tires, and auto bodies.

Kirkwood area
The waste from this area is disposed of at the Ione Landfill by Amador County Environmental Systems (ACES). Diversion occurs at the ski resort prior to pick up.

Kirkwood diverts glass and aluminum, cardboard, scrap metals, tires, auto bodies, and used oil.

Under the Tri-County agreement for the Kirkwood area, Amador County manages waste disposal and has control of the rates charged. There is no residential can service; residents use the dumpsters and recycling bins.

3. Program Funding

SRRE programs are funded from solid waste fees, the County's General Fund, and from a variety of grants from the Board and the Department of Conservation. Solid waste fees, however, pay for disposal costs and diversion programs in other counties. The County has grants for used oil, tires, and recycling grants. The County applies for grants on a continual basis. In addition, the County relies heavily on volunteers.

4. Limited Tax Base

A majority of county is publicly owned (95%).

5. Long Distance to Markets

Alpine County is located south of Lake Tahoe on the east side of the Sierra-Nevada. Transportation of diverted materials to California markets take

several hours to complete. The long distances to markets make it very expensive to haul the relatively low quantities of recyclables to markets. The one way distance to Stockton is 130 miles, to Sacramento is 115 miles, and to Reno is 75 miles.

C. Current and Planned Programs

Alpine County has chosen a variety of programs to achieve diversion, including education, recycling bins at ski resorts and transfer stations, drop-off locations, and school and office diversion programs. Source Reduction programs include procurement, reuse of scrap paper, double sided copying, and backyard composting.

Education is another major component of the County's program. The target audiences are schools, residents, businesses, and tourists. Articles and promotional materials are provided to schools and for inclusion in the County's monthly newspaper. This material is also provided to the Health Department to be included in its newsletter.

The County is planning programs to target the major components of its waste stream. Paper is targeted through recycling programs at the schools, ski resorts, and government offices. A drop-off center collects glass, aluminum, paper, and cardboard. In addition, drop-off bins are also at special events and the ski resorts. Christmas trees are chipped as well as wood and woody brush cleared for fire protection at residents' homes.

CONCLUSION:

As the Board requested at its September 1994 meeting, the medium-term reduction granted to Alpine County is consistent with the Board's policy for granting medium-term reduced diversion goals. Board staff recommend the Board approve the Alpine County SRRE.

ATTACHMENTS:

1. Resolution #95- Approval of the Source Reduction and Recycling Element for the Unincorporated Area of Alpine County

Prepared by: Catherine Donahue Phone: 255-2307

Prepared by: Becky Shumway Phone: 255-2401

Reviewed by: John Nuffer Phone: 255-2368

Reviewed by: Catherine Cardozo Phone: 255-2396

Reviewed by: Lorraine Van Kekerix Phone: 255-2341

Reviewed by: Judith Friedman Phone: 255-2302

Legal Review: EB Date/time: 7/28/95 3:40pm

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION # 95-622

FOR CONSIDERATION OF APPROVAL OF THE SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE UNINCORPORATED AREA OF ALPINE COUNTY

WHEREAS, Public Resources Code (PRC) Sections 40900 et seq. describe the requirements to be met by cities and counties when developing and implementing integrated waste management plans; and

WHEREAS, PRC Section 41300 requires that each county prepare and adopt a SRRE which includes all of the components specified; and

WHEREAS, California Code of Regulations Title 14, Section 18767 requires that jurisdictions ensure their SRRE has complied with the California Environmental Quality Act and provides a Notice of Determination from the State Clearinghouse as required; and

WHEREAS, PRC Section 41301 requires that the County's SRRE include a program for the management of solid waste generated within the County, consistent with the waste management hierarchy provided in PRC Section 40051; and

WHEREAS, the SRRE shall place emphasis on implementation of all feasible source reduction, recycling, and composting programs while identifying the amount of landfill and transformation capacity that will be needed for solid waste which cannot be reduced at the source, recycled, or composted; and

WHEREAS, PRC Section 41780 and its implementing regulations require that the SRRE show how the County and cities will achieve the diversion goals of 25% by 1995, and 50% by 2000; and

WHEREAS, PRC Section 41782 allows qualified jurisdictions to petition for reductions in the planning and/or diversion requirements and Alpine County has requested reductions in the 1995 goal to 14% and the 2000 goal to 25%; and

WHEREAS, the Board granted the County reduced diversion requirements of 14% for 1995 and 25% for 2000 and conditionally approved the County's SRRE, the condition being that the reductions were consistent with the Board's policy on medium-term reductions; and

WHEREAS, based on review of the SRRE, Board staff found that all of the foregoing requirements have been satisfied and the SRRE substantially complies with PRC Section 41000, et seq. and recommends approval; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the Source Reduction and Recycling Element for the County of Alpine and the reduced diversion of 14% for 1995 and 25% for 2000.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution authorized at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

California Integrated Waste Management Board

LOCAL ASSISTANCE AND PLANNING COMMITTEE
AUGUST 9, 1995

AGENDA ITEM 8//

ITEM: Consideration of Staff Recommendations on the Adequacy of the Nondisposal Facility Element and Household Hazardous Waste Element for the City of Nevada City, Nevada County

STAFF COMMENTS:

NDFE

The Nevada City Nondisposal Facility Element describes the two county facilities that the City utilizes for handling its waste stream. The facilities include the McCourtney Road Transfer Station and the McCourtney Road Recycling Facility. A composting facility is planned for the medium-term. Board staff recommend approval of the Nevada City NDFE.

This NDFE adequately addresses the requirements of 14 CCR Sections 18752 et. seq.:

NDFE Adequacy	Yes	No	N/A
Facility descriptions - within a jurisdiction			x
Facility descriptions - outside a jurisdiction	x		
Transfer Station descriptions - within a jurisdiction			x
Transfer Station descriptions - outside a jurisdiction	x		

Board staff recommend that the Nevada City Nondisposal Facility Element be approved as it has adequately addressed all requirements.

HHWE

This HHWE adequately addresses the requirements of 14 CCR Sections 18750 et. seq. for the following areas:

HHWE Adequacy	Yes	No	HHWE Adequacy	Yes	No
Goals and Objectives	x		Program Implementation	x	
Existing Conditions	x		Monitoring and Evaluation	x	
Alternatives Evaluation	x		Education and Public Information	x	
Program Selection	x		Funding	x	

The City participates in the County HHW programs. These programs include bi-annual collection, used motor oil collection site at McCourtney Road Transfer Station, public education, load checking, and a permanent facility at the McCourtney Road

Transfer Station. Since the City uses the County programs and has none of its own, Board staff recommend conditional approval of the HHWE for the City of Nevada City. The conditional approval is conditional upon approval of the County HHWE.

Attachments:

1. Resolution # 95-650 Approval for the NDFE for the City of Nevada City, Nevada County
2. Resolution # 95-651 Conditional Approval for the HHWE for the City of Nevada City, Nevada County

Prepared by: Catherine Donahue Phone: 255-2307

Reviewed by: John Nuffer Phone: 255-2368

Reviewed by: Judith J. Friedman Phone: 255-2302

Legal Review: Date/time: 7/25/95 3:00pm

ATTACHMENT #1

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION # 95-650

FOR CONSIDERATION OF APPROVAL OF THE NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF NEVADA CITY, NEVADA COUNTY

WHEREAS, Public Resources Code (PRC) Sections 40900 et seq. describe the requirements to be met by cities and counties when developing and implementing integrated waste management plans; and

WHEREAS, PRC Section 41730 et seq. requires that each city and county prepare and adopt a Nondisposal Facility Element (NDFE) which includes a description of existing and new solid waste facilities, and the expansion of existing solid waste facilities, which will be needed to implement a jurisdiction's Source Reduction and Recycling Element (SRRE), to enable it to meet the requirements of Section 41780; and

WHEREAS, the NDFE may include the identification of specific locations or general areas for new solid waste facilities that will be needed to implement the SRRE; and

WHEREAS, based on review of the NDFE, Board staff found that all of the foregoing requirements have been satisfied and the NDFE substantially complies with PRC Section 41730, et seq., and recommends approval; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the Nondisposal Facility Element for the City of Nevada City. Pursuant to Public Resources Code Section 41736, at the first revision of the SRRE, the NDFE should be incorporated with the SRRE to become one document which may be modified, as necessary, to accurately reflect the existing and planned nondisposal facilities which will be used by a jurisdiction.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

ATTACHMENT 2

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION 95-651

FOR CONSIDERATION OF CONDITIONAL APPROVAL OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF NEVADA CITY, NEVADA COUNTY.

WHEREAS, Public Resources Code (PRC) Sections 40900 et seq. describe the requirements to be met by cities and counties when developing and implementing integrated waste management plans; and

WHEREAS, PRC Section 41500 requires that each city draft and locally adopt a Household Hazardous Waste Element (HHWE) which identifies a program for the safe collection, recycling, treatment, and disposal of household hazardous waste for the city; and

WHEREAS, California Code of Regulations (CCR) Title 14, Section 18767 requires that each jurisdiction ensure that the California Environmental Quality Act has been complied with prior to adopting a HHWE; and

WHEREAS, The City drafted and adopted their final HHWE in accordance with statute and regulations; and

WHEREAS, The City submitted their final HHWE to the Board for approval and the Board has 120 days to review and approve or disapprove of the Element; and

WHEREAS, based on review of the HHWE, Board staff found that all of the foregoing requirements have been satisfied and that the HHWE substantially complies with PRC 41500, et seq., except that the City is relying upon the yet to be approved Nevada County HHWE, and recommends conditional approval;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby conditionally approves the Household Hazardous Waste Element for the City of Nevada City. This conditional approval is conditional upon the Board approving the Nevada County HHWE. The City uses the County's household hazardous waste programs for its residents.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

BOARD MEETING
AUGUST 23, 1995

AGENDA ITEM 12

ITEM: CONSIDERATION OF THE UPPER VALLEY WASTE MANAGEMENT AGENCY AGREEMENT FOR UNINCORPORATED NAPA COUNTY AND THE CITIES OF ST. HELENA, CALISTOGA, AND THE TOWN OF YOUNTVILLE, NAPA COUNTY

I. SUMMARY

On February 22, 1995 the California Integrated Waste Management Board (Board) voted to disapprove the City of Calistoga and the Town of Yountville's multijurisdictional Source Reduction and Recycling Element (SRRE) and to conditionally approve the multijurisdictional SRRE for the unincorporated Napa County and the City of St. Helena. The Board's decision to disapprove the City of Calistoga and the Town of Yountville was based on the following items: (1) diversion projection for the year 2000 falls below the 50% diversion mandate; and (2) no diversion program implementation progress has been identified for the mid-term planning periods. Conditional approval for Napa County and the City of St. Helena was based on inadequacies in the Special Waste Component, in the Disposal Facility Capacity Component, and in the identification of responsible agencies. A letter dated March 27, 1995, notified the four jurisdictions of the Board's decision on this matter.

To meet the 50% diversion mandate by sharing the diversion rates among the jurisdictions, the unincorporated Napa County (service zone 3), the Cities of St. Helena, Calistoga, and the Town of Yountville have formed a regional agency, the Upper Valley Waste Management Agency (Agency). The unincorporated Napa County is a member agency; however, only a portion of the unincorporated area's waste stream is included in the regional agency. As defined in the JPA, this area is "Napa County Solid Waste Service Zone Three," which is separated from the remaining unincorporated area wasteshed. By splitting the unincorporated area, Napa County can be liable for penalties twice: once as a member agency of the regional agency, and the other as the remaining unincorporated County, of which Napa County staff is fully aware.

Public Resources Code (PRC) on 40975(a) requires any agreement forming a regional agency to be submitted to the Board for review and approval at the time the Regional Agency Integrated Waste Management Plan (RAIWMP) is submitted to the Board for review and approval. However, the Agency has submitted the Joint Powers Agreement (JPA) prior to the submittal of the RAIWMP to get assurance from the Board that the JPA complies with the statutory requirements and before preparing the regional SRRE. The Board's approval of the JPA does not constitute automatic approval of the regional SRRE.

The Agency submitted its JPA to the Board on July 28, 1995. Prior to the submittal of the final JPA, the preliminary draft JPA was submitted on December 8, 1994, for Board staff review. Board staff and legal counsel reviewed the draft JPA and made recommendations based on the statutory requirements of the PRC Section 40975(a)(1-6).

II. PREVIOUS COMMITTE ACTION

At the August 9, 1995 Local Assistance and Planning Committee meeting, the Committee adopted staff recommendation to approve the Upper Valley Waste

Management Agency Joint Powers Agreement.

III. STAFF RECOMMENDATION

Board staff found that the final JPA substantially meets the statutory requirements of PRC Section 40975(a)(1-6) and recommends approval for the Upper Valley Waste Management Agency's JPA.

IV. ANALYSIS

The staff's review of the JPA was guided by PRC Section 40975 and Government Codes Section 6500 et seq. PRC Section 40975 requires jurisdictions who wish to regionalize to submit an agreement to the Board for review and approval.

The agreement must contain the following elements:

1. A listing of the cities and counties which are member agencies of the regional agency, including the name and address of the regional agency;

2. A description of the method by which any civil penalties imposed by the Board and how it will be allocated among the member agencies;

3. A contingency plan which shows how each member agency will comply with the requirements in the event that the regional agency is abolished;

4. A description of the duties and responsibilities of each city or county which is a member agency of the regional agency;

5. A description of source reduction, recycling, and composting programs to be implemented by the regional agencies.

To comply with these requirements, the agreement contains the following terms:

Members

Unincorporated Napa County (service zone 3), the Cities of St. Helena, Calistoga, and the Town of Yountville.

Power

The Agency, not the Members, is responsible for compliance with the Integrated Waste Management Act (Act). The Agency is authorized to provide the implementation of the requirements of PRC Section 40900 et seq. for the members including the following:

1) review local ordinances and resolutions to ensure consistency with the Act;
2) adopt, review, revise and recommend updates including those necessary due to any additions or changes to state or federal laws, of the Source Reduction and Recycling Element (SRRE), Household Hazardous Waste (HHWE), and Nondisposal Facility Element (NDFE) of the Agency to meet the requirements of the Act;
3) monitor and implement the Agency SRRE, HHWE, and NDFE; and

4) each member shall be responsible to implement the Agency SRRE, HHWE, and NDFE as stated in the Agency SRRE, HHWE, and NDFE.

Civil Penalty

Any civil penalties which are imposed by the Board pursuant to PRC Section 41813 and 41850 will be apportioned by the Agency. The Agency will determine the method of payment according to one of the following methods. This will be determined as the case arises:

1) the Agency shall pay the entire penalty;
2) an individual member is responsible for the assessment of the civil penalty and that the penalty shall be therefore imposed upon that member for payment of the penalty; or
3) that multiple members, but not all members, are responsible for the assessment of the civil penalty and that the penalty shall be therefore allocated equally and imposed upon those responsible members.

Contingency Plan

Upon dissolution, each member shall be responsible for complying with the requirements of the Act within their respective jurisdictional boundaries in accordance with the programs set out in the Agency SRRE, HHWE, and NDFE.

Staff Comments

This JPA proposes to include portions of the unincorporated County (County) between and around the three cities (Calistoga, St. Helena, and Yountville) to form the region. The boundary line for the region is not a jurisdiction boundary line, but rather a regional hauler's service area line. The County should consider the potential for changes in the regional hauler's service area, and any associated impacts to the regional area. This boundary configuration may impact the region's, and/or the remaining non-JPA portion of the County's, Solid Waste Generation Study (SWGS) base-year tonnage amounts and projections when developing the regional SRRE. It may also impact the region's and/or the remaining non-JPA portion of the County's use of Board-developed compliance measurement tools, such as the adjustment method and disposal reporting system. Should either the region or the remaining non-JPA portion of the County fail to meet its waste reduction goals, the region's boundary as proposed may present unusual problems if a future waste characterization study is required. Board staff anticipate the need to work with the new region and the County in developing solutions to any boundary related quantification problems which may arise.

ATTACHMENTS:

1: Upper Valley Waste Management Agency Joint Powers Formation Agreement

2: Resolution NO. 95-654 — Consideration of the Upper Valley Waste Management Agency Agreement for Unincorporated Napa County and the Cities of St. Helena, Calistoga, and the Town of Yountville, Napa County

VI. APPROVALS

Prepared by: Kaoru F. Cruz/Chris Schmidle Phone: 255-2391

Reviewed by: Dianne Range Phone: 255-2304

Reviewed by: Lloyd Dillon Phone: 255-2303

Reviewed by: Judith J. Friedman Phone: 255-2302

Legal Review: EB Date/time: 8/14/95 4:30pm

ATTACHMENT #1

JUL 28 1995

SECOND AMENDMENT TO

NAPA COUNTY AGREEMENT #3265,

CALISTOGA RESOLUTION #_____
ST. HELENA RESOLUTION #95-77
YOUNTVILLE RESOLUTION #_____

UPPER VALLEY WASTE MANAGEMENT AGENCY
JOINT POWERS AGREEMENT

THIS SECOND AMENDMENT TO NAPA COUNTY AGREEMENT #3265, Upper Valley Waste Management Agency Joint Powers Agreement is made as of this 27th day of June, 1995, by and between the COUNTY OF NAPA, a political subdivision of the STATE OF CALIFORNIA and the Cities of Calistoga and St. Helena, and the Town of Yountville (hereinafter referred to collectively as "MEMBERS");

RECITALS:

WHEREAS, by joint powers agreement (Napa County Agreement #3265) dated September 29, 1992 (hereinafter referred to as "JOINT POWERS AGREEMENT"), the MEMBERS formed the Upper Valley Waste Management Agency (hereinafter referred to as "AGENCY") as a joint powers entity to provide economical coordination of regional waste management services, including but not limited to uniform rate review and rate recommendations to the MEMBERS; and

WHEREAS, on March 15, 1994, the MEMBERS first amended the provisions of the JOINT POWERS AGREEMENT relating to 1) business address, 2) appointment of a technical advisory committee, 3) the expenditure of funds for purposes outlined in an approved budget, and 4) debts and liabilities to allocate tort responsibility among the parties in proportion to tonnage of solid waste generated, as permitted by Government Code section 895.6;

WHEREAS, the MEMBERS have or will be amending the terms and provisions of each of their certain franchise agreement(s), along with all supplemental agreements pertaining thereto, with Upper Valley Disposal Service and/or Clover Flat Landfill for solid waste and recycling services contingent upon the AGENCY entering into a franchise(s) to provide for solid waste handling services; and

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WHEREAS, the MEMBERS now wish to amend the JOINT POWERS AGREEMENT to 1) constitute the AGENCY as a regional agency for purposes of implementating of the provisions of the California Integrated Waste Management Act, 2) empower the AGENCY to act as the franchisor for solid waste handling services within the collective jurisdictional boundaries of the MEMBERS, and 3) adopt rates for those solid waste handling services by using a uniform rate methodology.

NOW, THEREFORE, BE IT AGREED as follows:

1. The foregoing recitals are true and correct.

2. Napa County Agreement #3265 (Upper Valley Waste Management Agency Joint Powers Formation Agreement), as amended by the First Amendment, is hereby further amended to read in full as set forth in Exhibit A, attached hereto and incorporated by reference herein.

3. This Second Amendment shall be effective as of the date first above written.

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IN WITNESS WHEREOF, this Second Amendment to the JOINT POWERS AGREEMENT is executed by the parties hereto as of the date first above written.

COUNTY OF NAPA

By _____
MEL VARREUHAN, Chair of the Board of Supervisors

ATTEST:
TERI SISSON, Deputy Clerk of the Board of Supervisors

By _____

APPROVED AS TO FORM:
Napa County Counsel

By _____

CITY OF CALISTOGA

By _____
LAVERNE OYARZO, Mayor of the City of Calistoga

ATTEST:
PATT OSBORNE, Clerk of the City Council of the City of Calistoga

By _____

APPROVED AS TO FORM:
Calistoga City Attorney

By _____

CITY OF ST. HELENA

By _____
GENE ARMSTEAD, St. Helena City Administrator

ATTEST:
DELIA GUIJOSA, Clerk of the City Council of St. Helena

By _____

APPROVED AS TO FORM:
St. Helena City Attorney

By _____

TOWN OF YOUNTVILLE

By _____
MARY LOU HOLT, Mayor of the Town of Yountville

ATTEST:
JOYCE HOUGHTON, Deputy Clerk of the Yountville Town Council

By _____

APPROVED AS TO FORM:
Yountville Town Attorney

By _____

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EXHIBIT A

UPPER VALLEY WASTE MANAGEMENT AGENCY

Joint Powers Formation Agreement

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UPPER VALLEY WASTE MANAGEMENT AGENCY
Joint Powers Formation Agreement

SECTION 1. DEFINITIONS

The terms defined in this Section that are capitalized in this AGREEMENT have the following meanings:

"ACT" means the California Integrated Waste Management Act of 1989 (California Public Resources Code Sections 40000 et seq.) and all regulations adopted under that legislation. as that legislation and those regulations may be amended from time to time.

"AGREEMENT" means this joint exercise of powers agreement, as it may be amended from time to time.

"AGENCY" means the Upper Valley Waste Management Agency. a joint exercise of powers authority created by the MEMBERS pursuant to this AGREEMENT.

"BOARD" means the BOARD of DIRECTORS of the AGENCY.

"DIRECTOR" means the representative appointee of a MEMBER to the BOARD.

"FISCAL YEAR" means the period commencing on each July 1 and ending on the following June 30.

"FRANCHISE" means an agreement for provision of SOLID WASTE HANDLING SERVICES.

"GOVERNMENT CODE" means Articles 1. 2 and 4 of Chapter 5 of Division 7 of Title 1 of the California Government Code (California Government Code Sections 6500 et seq.) and all regulations adopted under that legislation. as that legislation and those regulations may be amended from time to time.

"HOUSEHOLD HAZARDOUS WASTE ELEMENT" or "HHWE" means the element prepared pursuant to the ACT. which identifies a program for the safe collection. recycling, treatment and disposal of hazardous wastes which are generated by households within a jurisdiction and which should be separated from the SOLID WASTE stream.

"LANDFILL" means the Clover Flat Sanitary Landfill. including any accessory facilities related thereto.

"MANAGER" means the person, MEMBER agency or firm hired or contracted by the BOARD as the AGENCY's administrative officer to manage the affairs of the AGENCY and to effect the policies of the BOARD.

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"MEMBER" means any of the governing bodies of the signatories to this AGREEMENT and "MEMBERS" means all of the governing bodies of the signatories to this AGREEMENT.

"NAPA COUNTY SOLID WASTE SERVICE ZONE THREE (3)" means that area defined in the May 22, 1973 Napa County Franchise Agreement No. 604 as Napa County Garbage Service Zone 3, being an area in the Northern portion of Napa County, California, more particularly described as follows:

Commencing at the point formed by the intersection of the Range Line separating R4W and R5W, M.D.B. & M. with the westerly extension of a line parallel to, and distant 200 feet at right angles southerly from the centerline of the County Road known as "Trubody Lane"; thence from said point of commencement, leaving said Range Line, northwesterly, to the northeast corner of Section 3, T6N, R 5 W, M.D.B & M.; thence westerly, along the northerly line of said Section 3, to the northwest corner of said Section 3; thence leaving said Section line, northwesterly to the southeast corner of said Section 29; T7N, R5W, M.D.B. & M.; thence northerly along the easterly line of said Section 29, to the northeast corner of said Section 29; thence leaving said Section Line, northwesterly, to the southeast corner of Section 18, T7N, R5W, M.D.B. & M.; thence northerly along the easterly line of said Section 18, to the point of intersection with the Carne Humana Rancho Grant Line, said Rancho as shown on a map on file in the office of the County Recorder, Napa, California, in Book D of Patents, Page 127, entitled "Plat-Carne Humana Rancho"; thence westerly along said Grant Line to corner number CH2 of said Rancho; thence, leaving said Grant Line, westerly, across said Section 18, to the southeast corner of Section 12, T7N, R6W, M.D.B. & M.; thence northerly along the easterly line of said Section 12, to the northeast corner of said Section 12; thence westerly along the northerly line of Sections 12 and 11, T7N, R6W, M.D.B. & M.; to the southeast corner of Section 3, T7N, R6W, M.D.B. & M.; thence northerly, along the easterly line of said Section 3, to the northeast corner of said Section 3; thence westerly, along the northerly line of said Section 3, to the southeast corner of Section 34, T8N, R6W, M.D.B. & M.; thence northerly, along the easterly line of Sections 34 and 27, T8N, R6W, M.D.B. & M., to the northeast corner of said Section 27; thence westerly, along the northerly line of said Section 27; thence westerly, along the northerly line of said Section 27 to the southeast corner of Section 21, T8N, R6W, M.D.B. & M.; thence northerly along the easterly line of Section 21 and 16, T8N, R6W, M.D.B. & M. to the northeast corner of said Section 16; thence westerly, along the northerly line of said Section 16, to the southeast corner of Section 8, T8N, R6W, M.D.B. & M.; thence northerly, along the easterly line of said Section 8, to the point of intersection with said Carne Humana Rancho Grant Line; thence westerly, along said Grant Line, to corner number CH22, of said Rancho; thence leaving said Grant Line and continuing westerly, along the westerly extension of the last mentioned line, to the point of intersection with the easterly line of Section 12, T8N, R7W, M.D.B. & M.; thence northerly along the easterly line of said Section 12, to the northeast corner of said Section 12; thence westerly, along the northerly line of Sections 12, 11 and 10, T8N, R7W, M.D.B. & M., to the point of intersection with the boundary line separating Napa and Sonoma Counties; thence northwesterly, along said boundary line, to the point of intersection with the centerline of the State Highway, Route 103, Sign

Route 128, known as "Healdsburg Highway"; thence leaving said boundary line, northeasterly, to corner number CH28 of said Carne Humana Rancho; thence southeasterly, along said Rancho Grant Line, to the point of intersection with the Center Line of the State Highway; Route 49, Sign Route 29, known as "Lake County Highway"; thence leaving said Grant Line, northerly, along the centerline of said highway, to the point of intersection with the southerly line of Section 14, T9N, R7W, M.D.B. & M.; thence easterly, along the southerly line of Sections 14 and 13, T9N, R7W, M.D.B. & M., to the southeast corner of said Section 13; thence southerly, along the westerly line of Sections 19 and 30, T9N, R6W, M.D.B. & M., to Corner number CH30 of said Carne Humana Rancho; thence southeasterly, along said Carne Humana Rancho Grant Line through corners CH31, CH32, and CH33 to the point of intersection with the westerly line of section 34, T9N, R6W, M.D.B. & M.; thence leaving said Grant Line, east, across said Section 34, to the easterly line of said Section 34; thence southerly, along the easterly line of said Section 34; and along the easterly line of Section 3, T8N, R6W, M.D.B. & M., to the Southeast corner of said Section 3; thence Easterly, along the Southerly Line of Sections 2 and 1, T8N, R6W, M.D.B. & M., to the Southeast corner of said Section 1; thence Northerly, along the Easterly line of said Section 1 and the Easterly line of Section 36 and 25, T9N, R6W, M.D.B & M., to the Northeast corner of said Section 25; thence leaving said Section Line, Southeasterly to corner number LJ2 of the La Jota Rancho, said Rancho as shown on a map on file in the office of the County Recorder, Napa, California, in Book A of Patents, Page 6, entitled, "Plat of the Rancho De La Jota"; thence Southeasterly, Southwesterly and Northwesterly, along said La Jota Rancho Grant Line, through corners LJ1, LJ5 and LJ4, to the point of intersection with the Northerly Line of Section 17, T8N, R5W, M.D.B. & M.; thence leaving said Grant Line, Westerly along the Northerly Line of said Section 17, to the Northwest corner of said Section 17; thence Southerly, along the Westerly Line of Section 17 and 20, T8N, R5W, M.D.B. & M., to the Southwest corner of said Section 20; thence Easterly, along the Southerly Line of sections 20 and 21, T8N, R5W, M.D.B. & M., to the southeast corner of said Section 21; thence leaving said Section Line, Southeasterly, to the Southeast corner of Section 27, T8N, R5W, M.D.B. & M.; thence Southerly, along the Westerly Line of Section 35, T8N, R5W, M.D.B. & M., and the Westerly Line of Section 2, T7N, R5W, M.D.B. & M., to the point of intersection with the centerline of the State Highway, Route 102, Sign Route 128, known as "Rutherford - Winters Highway"; thence Southeasterly, along the Center Line of said Highway, to the point of intersection with the Westerly Line of Section 1, T7N, R5W, M.D.B. & M.; thence southerly, along the Westerly Line of said Section 1, to the Southwest corner of said Section 1; thence leaving said Section Line, Southeasterly, to the Northwest corner of Section 18, T7N, R4W, M.D.B. M.; thence Southerly, along the Westerly Line of said Section 18, to the Southwest corner of said Section 18; thence leaving said Section Line, Southeasterly, to the Northwest corner of Section 29, T7N, R4W, M.D.B. & M; thence continuing Southeasterly, to the Southeast corner of said Section 29; thence Southerly, along the Westerly line of Section 33, T7N, R4W, M.D.B. & M., to the Southwest corner of said Section 33, said Southwest corner also being on the Yajome Rancho Grant Line, said Rancho as shown on a map on file int he office of the County Recorder, Napa, California, in Book A of Patents, Page 72, entitled, "Plat of

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the Rancho Yajome"; thence Southerly and Easterly, along said Rancho Grant Line to the point of intersection with the Westerly Line of Section 3, T6N, R4W, M.D.B. & M.; thence Southerly, along the Westerly Line of said Section 3, to the Southwest corner of said Section 3; thence leaving said Section Line, Southwesterly, to a point on the Center Line of the County Road known as "Silverado Trail", said point being the point formed by the intersection of said Center Line with the Easterly extension of a Line parallel to, and distant 200 feet at right angles Southerly from the Center Line of the County Road known as "Trubody Lane"; thence continuing Southwesterly, along said Line parallel to, and distant 200 feet at right angles Southerly from the center line of said "Trubody Lane" and its Easterly and Westerly extensions, to the point of commencement; excluding therefrom all area that is within the incorporated limits of the Cities of St. Helena and Calistoga, and areas which are subsequently annexed to said Cities, at such time as they are annexed.

"NON-DISPOSAL FACILITY ELEMENT" or "NDFE" means the element which describe new facilities and the expansion of existing facilities, which will be needed to implement a jurisdiction's SRRE.

"SERVICE AREA" means those incorporated areas of Calistoga City, St. Helena City and Yountville Town, those unincorporated areas within NAPA COUNTY SOLID WASTE SERVICE ZONE THREE, and the unserved, unincorporated areas adjacent to NAPA COUNTY SOLID WASTE SERVICE ZONE THREE.

"SOLID WASTE" means the type of wastes commonly collected including putrescible and nonputrescible solid, semisolid and liquid wastes, including garbage, trash, refuse, paper rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes. SOLID WASTE also includes source separated recyclable or compostable materials intended for collection as part of a FRANCHISE. SOLID WASTE does not include any wastes defined as "hazardous wastes" or "medical wastes" under federal or state laws or regulations.

"SOLID WASTE HANDLING SERVICE" or "SOLID WASTE HANDLING SERVICES" means those service or services provided, or facility owned, operated or used by a FRANCHISE for the collection, transportation, processing, storage, transfer or disposal of SOLID WASTE generated in the SERVICE AREA.

"SOURCE REDUCTION AND RECYCLING ELEMENT" or "SRRE" means the element prepared pursuant to the ACT, which includes a program for management of SOLID WASTE generated within a jurisdiction, consistent with the California Integrated Waste Management Board's waste management hierarchy.

SECTION 2. FORMATION

2.1 The MEMBERS, pursuant to the GOVERNMENT CODE, do hereby form, establish and create the Upper Valley Waste Management Agency, it being understood that the BOARD shall be entitled to change the AGENCY's name from time to time if it so chooses. The AGENCY shall constitute a public entity separate and distinct from the MEMBERS thereof.

SECTION 3. PURPOSE

3.1 General. The AGENCY is formed for the purpose of providing coordination of economical, regional waste management services, including but not limited to franchising of SOLID WASTE HANDLING SERVICES, providing uniform rate review and rate setting for those services, and meeting the requirements of the ACT. This shall not prohibit any of the MEMBER(S) from individually or jointly contracting for other SOLID WASTE HANDLING SERVICES for which the AGENCY has not entered into, and is not planning to enter into, a FRANCHISE to provide those SOLID WASTE HANDLING SERVICES uniformly in the SERVICE AREA, as long as the MEMBER has the AGENCY establish a rate for those SOLID WASTE HANDLING SERVICES. Any such individual contract by the MEMBERS for SOLID WASTE HANDLING SERVICES shall be for terms of three (3) years or less.

3.2 Regional Agency Pursuant to Section 40970 et al. of the ACT. The AGENCY shall act as a Regional Agency to implement the ACT within the SERVICE AREA, except those unserved, unincorporated areas adjacent to NAPA COUNTY SOLID WASTE SERVICE ZONE THREE. The AGENCY, and not the MEMBERS, is responsible for compliance with Article I (commencing with Section 41780) of Chapter 6 of the ACT.

3.3 Common and Additional Powers. The AGENCY's purpose also includes the establishment of the AGENCY as an independent joint powers entity to enable the MEMBERS to jointly exercise the common powers of the MEMBERS set forth in Section 3.1 and for the exercise of such additional powers as are conferred under Section 6 or conferred by the GOVERNMENT CODE upon all joint powers authorities.

SECTION 4. ORGANIZATION

4.1 Composition. The AGENCY shall be composed of the County of Napa, the City of Calistoga, the City of St. Helena and the Town of Yountville.

4.2 Name. The official name of the AGENCY shall be the "UPPER VALLEY WASTE MANAGEMENT AGENCY" whose address is 1195 Third Street, Room 101, Napa, California, 94559.

4.3 BOARD. The power of the AGENCY is vested in its BOARD. The composition and voting power of the members of the BOARD shall be as follows:

	DIRECTORS	Voting Power
City of Calistoga	1	1
City of St. Helena	1	1
Town of Yountville	1	1
County of Napa (each DIRECTOR shall have one vote)	2	2
	TOTAL OF:	5 votes

Each MEMBER shall appoint its representative(s) to the BOARD and at least one person as an alternate to serve in the case of absence or conflict on the part of the appointed DIRECTOR. One of the County DIRECTORS shall be a Supervisor representing County Supervisorial District 2 or 3. For the County, with two DIRECTORS, alternate(s) shall be specifically designated for each particular DIRECTOR. Each DIRECTOR and alternate shall be an elected official of the governing body of the MEMBER that he or she represents.

If a DIRECTOR or alternate ceases holding any such elected position, he or she shall then cease to serve as a DIRECTOR or alternate. Vacancies shall be filled by the appointing MEMBER within thirty (30) days of the occurrence thereof. The AGENCY and the BOARD shall be entitled to rely on a written notice from the City or Town Clerk (in the case of the Cities and the Town) and the Clerk of the Board of Supervisors (in the case of the County) as conclusive evidence of the appointment and removal of the DIRECTORS and/or alternates representing that MEMBER. All designations must be placed on file with the Clerk of the AGENCY to be effective. All DIRECTORS serve solely at the pleasure of the appointing MEMBERS.

4.4 Voting. Each DIRECTOR shall have one vote on all matters presented to the BOARD for a vote. The affirmative vote of a majority of the voting power of the AGENCY as a whole (three affirmative votes) shall be required to approve an act of the AGENCY.

4.5 Quorum. A majority of the DIRECTORS (three) shall constitute a quorum for the transaction of business of the BOARD except that if there is less than a quorum present, the DIRECTOR who is present, or the MANAGER may adjourn any meeting.

4.6 Officers, Committees, Rules. The AGENCY may designate such officers, establish such committees, and adopt such rules as may be necessary or convenient to conduct its affairs.

4.7 Meetings. Regular meetings of the AGENCY shall be held at least three (3) times each FISCAL YEAR, at such times and places as may be established by the AGENCY by resolution. All meetings of the AGENCY, including regular, adjourned regular, and special meetings shall be called, noticed, held and conducted in accordance with the provisions of the Brown Act (Government Code Section 54950 et seq.).

4.8 Compensation. No compensation shall be received by any member of the AGENCY BOARD unless expressly provided by resolution of the AGENCY and with approval of a majority of the MEMBERS governing bodies.

4.9 Bylaws. The BOARD, from time to time, may adopt bylaws for the conduct of the AGENCY's affairs, provided that they are not inconsistent with this AGREEMENT.

SECTION 5. PERSONNEL AND ADMINISTRATION

5.1 Employees. The AGENCY may have its own employees or may contract with a MEMBER or firm for the furnishing of any necessary staff services associated with or required by the AGENCY.

5.2 MANAGER. Except and until the AGENCY exercises its option to obtain other employees or contractors, the MANAGER of the AGENCY shall be the Director of Environmental Management or his designee. The Director of Environmental Management shall contract with the AGENCY for services and shall serve until such time as the AGENCY exercises its option to obtain other employees or contractors. The MANAGER shall serve as the Purchasing Agent of the AGENCY.

5.3 Support Services. Except and until the AGENCY exercises it option under the GOVERNMENT CODE and Section 5.1 of the AGREEMENT, the County of Napa will provide support services to the AGENCY including all legal, financial, accounting, data processing, secretarial, purchasing and personnel services. The County Auditor-Controller and Treasurer-Tax Collector shall be the Auditor and Treasurer for the AGENCY pursuant to the GOVERNMENT CODE. Such services and their costs shall be included in the annual budget referred to in Section 7.1.

SECTION 6. POWERS

6.1 Approved Powers. To the full extent permitted by applicable law (including specifically the ACT and the GOVERNMENT CODE), the AGENCY is authorized, in its own name, to do all acts necessary or convenient for the exercise of such powers enumerated in the ACT or that each MEMBER could exercise separately including, without limitation, any and all of the following:

a. to enter into FRANCHISE(s) to provide for SOLID WASTE HANDLING SERVICES within the jurisdictions of the MEMBERS.

b. to establish rates, tolls, tipping fees, other fees, rentals and other charges in connection with FRANCHISE SOLID WASTE HANDLING SERVICES, as well as any and all services provided by the AGENCY, and to include in such rates

and charges amounts necessary to carry out those purposes described in Section 3 of this AGREEMENT;

c. to provide for the implementation of the requirements of the ACT for the MEMBERS. as a Regional Agency pursuant to the ACT, including the following:
   i. review local ordinances and resolutions to ensure consistency with the ACT.
   ii. adopt. review, revise and recommend updates. including those necessary due to any additions or changes to state or federal law, of the SRRE. HHWE. and NDFE of the AGENCY to meet the requirements of the ACT.
   iii. monitor and implement the AGENCY SRRE. HHWE and NDFE and make findings as to nonconformance as required by the ACT.
   iv. each MEMBER shall be responsible to implement the AGENCY SRRE. HHWE and NDFE as stated in the AGENCY SRRE, HHWE and NDFE.

d. to assist with the development of the Countywide Integrated Waste Management Plan and other documents including the Siting Element, the Countywide Hazardous Waste Management Plan. and any other regional waste management efforts. such as household hazardous waste collection and agricultural chemical collection events.

e. to sue and be sued:

f. to employ agents. employees and to contract for professional services:

g. to incur debts. liabilities and obligations:

h. to reimburse the MEMBER(S) for the costs of special services provided to the AGENCY:

i. to require that the MEMBERS direct all SOLID WASTE generated by MEMBERS to FRANCHISE SOLID WASTE facilities:

j. to make and enter into contracts. including contracts with any MEMBER. and to assume existing contracts made by any MEMBER:

k. to apply for and accept grants. advances and contributions;

l. to make plans and conduct studies; and

m. to coordinate efforts with established local. regional and state waste management agencies.

n. to provide annual reporting to each of the MEMBERS.

o. to review and make recommendations on pending SOLID WASTE and household hazardous waste legislation.

p. to represent the AGENCY on the Napa County and Cities Integrated Waste Management Local Task Force.

q. to assist with the development of local markets for recycled products and provide resources for information concerning product availability.

r. to conduct or contract for Household Hazardous Waste events and activities.

6.2 Limitations. Such powers shall be exercised subject only to the limitations set forth in this AGREEMENT, applicable law and such restrictions upon the manner of exercising such powers as are imposed by law upon the County of Napa in the exercise of similar powers.

6.3 Possible Future Responsibilities and Duties. Upon future approval and agreement by all of the MEMBERS, the AGENCY may conduct other related waste management responsibilities and duties.

6.4 Individual MEMBER services. Upon approval of the AGENCY and the governing body of a MEMBER, the AGENCY may contract to provide services individually for that MEMBER, pursuant to Section 3.1 of this AGREEMENT.

6.5 Individual MEMBER Franchise Fees. Upon written request of any MEMBER, the AGENCY shall require the collection of a franchise fee by the collection franchisee from the ratepayers within the MEMBER's jurisdiction within one hundred and twenty (120) days upon the receipt of a written request by a MEMBER.

SECTION 7. FINANCE

7.1 Budget. A budget for the AGENCY shall be adopted by the BOARD for the ensuing FISCAL YEAR prior to June 30 of each year. The budget shall include sufficient detail to constitute an operating guideline. It shall also include the anticipated sources of funds, and the anticipated expenditures to be made for the operations of the AGENCY including, but not limited to, franchising of SOLID WASTE SERVICES, setting rates, and implementing the ACT. Approval of the budget by the BOARD shall constitute authority for the MANAGER to expend funds for the purposes outlined in the approved budget, subject to the availability of funds on hand as determined by the Auditor-Controller; provided that this shall not be construed to limit the power of the BOARD to modify the budget in whatever manner it deems appropriate and instruct the MANAGER accordingly.

7.2 Landfill Surcharge. The MEMBERS agree that funds for carrying out the duties and responsibilities of this AGREEMENT shall come from a surcharge placed on fees collected at the LANDFILL. The MEMBERS understand that an allowance for this surcharge will be 'passed through' to the users of the SOLID WASTE SERVICES.

7.3 Rates. The BOARD shall establish rates to be charged for FRANCHISE SOLID WASTE SERVICES in amounts sufficient to provide for their efficient operation, including administrative, processing, storage, transportation and disposal costs, and for all duties and responsibilities of the AGENCY.

7.4 No General Fund Obligation. No MEMBER shall be obligated to expend any of its general fund monies to support the operations of the AGENCY unless said expenditure is first approved by their respective governing body.

7.5 Competitive Purchases. The BOARD shall establish procedures and policies to ensure competitive prices for the purchase of goods and services to the extent necessary. Formal bidding shall not be necessary except to the extent required by law for general law counties.

7.6 Accountability. The AGENCY shall be strictly accountable to all MEMBERS for all receipts and disbursements. The AGENCY may not obligate itself beyond the monies due to it under this AGREEMENT plus any monies on hand or irrevocably pledged to its support from other sources.

7.7 Debts, Liabilities and Obligations. The debts, liabilities, and obligations of the AGENCY shall be solely the obligation of the AGENCY and not the debts, liabilities, and obligations of the MEMBERS or its officers or employees except as required by GOVERNMENT CODE, in which event the right to pro rata contribution provided by section 895.6 shall be modified to the extent that "pro rata" shall mean that proportion of the liability which is equivalent to the ratio of the tonnage of SOLID WASTE generated and regulated within the jurisdiction of a particular MEMBER to the total tonnage of SOLID WASTE generated and regulated within the combined jurisdictions of the MEMBERS during the calendar year in which the event giving rise to the liability occurred.

7.8 Audit. The AGENCY shall cause an annual audit to be prepared and filed to the extent required by GOVERNMENT CODE.

7.9 Regional Agency Planning Civil Penalties. Any civil penalties which are imposed pursuant to the ACT will be apportioned by the AGENCY. The AGENCY shall review the civil penalty and determine one of the following concerning the payment of the penalty:

a. that the AGENCY shall pay the entirety of the penalty; or

b. that an individual MEMBER is responsible for the assessment of the civil penalty and that the penalty shall be therefore imposed upon that MEMBER for payment of the penalty: or

c. that multiple MEMBERS, but not all MEMBERS, are responsible for the assessment of the civil penalty and that the penalty shall be therefore allocated equally and imposed upon those responsible MEMBERS.

SECTION 8. WITHDRAWAL AND/OR TERMINATION

8.1 Withdrawal. A MEMBER may not withdraw from the AGENCY unless it has entered into an agreement with the AGENCY, at least ninety (90) days prior to the end of the fiscal year permitting a MEMBER to withdraw and specifying the terms and impact of its withdrawal, which approval shall not be unreasonably withheld. No withdrawal shall be effective unless and until the AGENCY and the MEMBER comply with any then-applicable requirements of law relating to changes in the composition of entities such as the AGENCY.

8.2 Franchise obligations upon withdrawal/termination. Upon withdrawal, those withdrawing MEMBER(S) or upon termination, all MEMBERS, shall succeed as franchisor(s) to existing AGENCY franchise(s) for that portion of the franchise operative within their respective jurisdictional boundaries for the remaining term of the franchise(s).

8.3 Continuance of AGENCY upon a Withdrawal. Upon withdrawal of any MEMBER, the remaining MEMBERS shall determine, by majority vote, whether the AGENCY shall continue in existence or be terminated.

8.4 Physical Asset Distribution upon Termination. In the event that the AGENCY is terminated, any physical assets remaining shall be sold and, after all liabilities, encumbrances and liens have been paid, the proceeds of the sale shall be allocated proportionately to the MEMBERS based on their estimated annual waste disposal, as determined by the most recent annual tonnages as submitted by the LANDFILL.

8.5 Funds of the AGENCY. All revenues shall become funds of the AGENCY. No revenues shall be returned to a withdrawing MEMBER unless the AGENCY as a whole dissolves, in which case, any remaining funds shall be distributed according to Section 8.6.

8.6 Assets. Subject to the then-applicable requirements of the GOVERNMENT CODE, upon dissolution of the AGENCY, the assets of the AGENCY remaining after payment of or adequate provision for all debts, liabilities and obligations, including franchise obligations,

of the AGENCY shall be divided among the MEMBERS in accordance with an unanimous agreement among them or. in the absence of such an agreement. in proportion to the total tonnage of SOLID WASTE each MEMBER generated. Any assets that are not conveniently divisible shall be sold at a duly noticed public auction, in which case the net proceeds from the sale shall be divided among the MEMBERS in accordance with that agreement or, in the absence of such an agreement, those same proportions. In-kind contributions shall be returned to the donating MEMBER.

8.7 Effective Date of Dissolution. No dissolution shall be effective unless and until the AGENCY and MEMBERS comply with any then-applicable requirements of the GOVERNMENT CODE and the ACT relating to changes in the composition of entities such as the AGENCY.

8.8 Regional Agency Compliance Upon Dissolution. Upon dissolution, each MEMBER shall be responsible for complying with the requirements of the ACT within their respective jurisdictional boundaries in accordance with the programs set out in the AGENCY SRRE, HHWE. and NDFE.

SECTION 9. MISCELLANEOUS

9.1 Amendments. Amendments to this AGREEMENT shall be made only with the consent of all existing MEMBERS at the time of the amendment without regard to voting power; any such consent shall be in the form of duly authorized resolutions of the MEMBERS' respective governing bodies. Notwithstanding the foregoing. no amendment shall require any MEMBER to contribute any funds to the AGENCY or become directly or contingently liable for any debts. liabilities or obligations of the AGENCY without the consent of that MEMBER evidenced in a written instrument signed by a duly authorized representative of that MEMBER.

9.2 Term and Continuance. The AGENCY became effective September 29, 1992 and this AGREEMENT shall continue until rescinded. renegotiated according to Section 9.1, or terminated.

9.3 Severability. Should any part, term or provision of this AGREEMENT be decided by a final judgement of a court or arbitrator to be illegal or in conflict with any law of the State of California or otherwise be unenforceable or ineffectual, the validity of its remaining parts. terms and provisions shall be not be affected.

9.4 No Conflicts. Unless otherwise required by law, during the term of this AGREEMENT, no MEMBER shall exercise any power or undertake any act which conflicts with or is inconsistent with the powers or objectives of the AGENCY.

9.5 Effective Dates. The terms of this AMENDMENT became effective as of September 29, 1992. The terms of the First Amendment became effective on March 15, 1994. The current terms of the AGREEMENT (Second Amendment) shall become effective as of the date noted at the start of this AGREEMENT

9.6 Filings. The MANAGER shall file all required notices with the Secretary of State in accordance with GOVERNMENT CODE and any other applicable State and Federal laws, as such may be amended from time to time.

9.7 Notices. All notices which any MEMBER or the AGENCY may wish to give in connection with this AGREEMENT shall be in writing and shall be served by personal delivery during usual business hours at the principal office of the MEMBER or AGENCY, to an officer or person apparently in charge of that office, or by depositing the same in the United States mail, postage prepaid, and addressed to the MEMBER or AGENCY at its principal office, or to such other address as the AGENCY or MEMBER may designate from time to time by written notice given to the other MEMBERS in the manner specified in this Section. Service of notice pursuant to this Section shall be deemed complete on the day of service by personal delivery (but 24 hours after such delivery in the case of notices of special meetings of the BOARD) or three (3) days after mailing if deposited in the United States mail.
Until changed by written notice to the AGENCY and the MEMBERS, notice shall be delivered as follows:

COUNTY OF NAPA:	Clerk of the Board of Supervisors 1195 Third Street, Room 310 Napa, CA 94559
CITY OF CALISTOGA:	Clerk of the Calistoga City Council 1232 Washington Street Calistoga, CA 94515
CITY OF ST. HELENA:	Clerk of the St. Helena City Council 1480 Main Street St. Helena, CA 94574
TOWN OF YOUNTVILLE:	Clerk of the Yountville Town Council 6550 Yount Street Yountville, CA 94599
AGENCY:	Upper Valley Waste Management Agency Environmental Management Director 1195 Third Street, Room 101 Napa, CA 94559

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9.8 Successors and Assigns. This AGREEMENT shall be binding upon and shall inure to the benefit of the permitted successors and assigns of the MEMBERS. However, no MEMBER shall assign any of its rights under this AGREEMENT except to a duly formed public entity organized and existing under the laws of the State of California and then only when approved in accordance with this AGREEMENT. No assignment shall be effective unless and until the AGENCY, the MEMBERS and the proposed assignee comply with all then-applicable requirements of the GOVERNMENT CODE and the ACT relating to changes in the composition of entities such as the AGENCY.

9.9 Section Headings. All section headings contained in this AGREEMENT are for convenience and reference. They are not intended to define or limit the scope of any provision of this AGREEMENT.

9.10 Arbitration. All disputes that arise in connection with the interpretation or performance of this AGREEMENT shall be resolved on an equitable basis by a single arbitrator under the commercial arbitration rules of the American Arbitration Association. The arbitrator's decision shall be final and binding on the AGENCY, all MEMBERS and all former MEMBERS involved or affected by the dispute. The AGENCY, any MEMBER and any former MEMBER that is party to the dispute may enforce any award, order or judgement of the arbitrator in any court of competent jurisdiction.

9.11 Law to Govern. It is understood and agreed by the parties that the law of the State of California shall govern the rights, obligations, duties and liabilities of the parties to this AGREEMENT and shall govern the interpretation of this AGREEMENT.

9.12 Entirety. The MEMBERS agree that this AGREEMENT represents the full and entire agreement between the MEMBERS hereto with respect to matters covered herein. This AGREEMENT supersedes any and all other communications, representations, proposals, understandings or agreements, either written or oral, between the MEMBERS hereto with respect to such subject matter.

9.13 Waiver. A waiver of any breach of any provision of this AGREEMENT shall not constitute or operate as a waiver of any other breach of such provision or of any other provision, nor shall any failure to enforce any provision hereof operate as a waiver of such provision or of any other provision.

ATTACHMENT #2
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION NO. 95-654

CONSIDERATION OF THE UPPER VALLEY WASTE MANAGEMENT AGENCY AGREEMENT FOR UNINCORPORATED NAPA COUNTY AND THE CITIES OF ST. HELENA, CALISTOGA, AND THE TOWN OF YOUNTVILLE, NAPA COUNTY

WHEREAS, Public Resources Code (PRC) Section 40970 authorizes cities and counties to form regional agencies to implement the requirements of PRC 40900 et seq. in order to reduce the cost of reporting and tracking of disposal and diversion programs by individual cities and counties and to increase the diversion of solid waste from disposal facilities; and

WHEREAS, PRC Section 40975(a) requires any agreement forming a regional agency shall be submitted to the Board for review and approval; and

WHEREAS, PRC Section 40975(b) requires the agreement to contain (1) a listing of the cities and counties which are member agencies of the regional agency, including the name and address of the regional agency; (2)a description of the method by which any civil penalties will be allocated among the member agencies; (3) a contingency plan which shows how each member agency will comply with the requirements in the event that the regional agency is abolished; (4)a description of the duties and responsibilities of each city or county which is a member agency of the regional agency; and (5) a description of source reduction, recycling, and composting programs to be implemented by the regional agencies; and

WHEREAS, unincorporated Napa County (service zone 3), the Cities of St. Helena, Calistoga, and the Town of Yountville have formed a regional agency, the Upper Valley Waste Management Agency, to comply with the requirements of PRC 40900; and

WHEREAS, all four member agencies have approved and adopted the newly formed agency Joint Powers Agreement and submitted to the Board for review; and

WHEREAS, representatives of the unincorporated County have been informed that the portion of the unincorporated County (zone 1 and 2) which is not within the regional agency is still obligated to meet the diversion mandates on its own, and the County has voluntarily chosen to split itself in this manner; and

WHEREAS, based on the review, Board staff found that the agreement substantially complies with PRC Section 40975 and recommends approval, and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the Joint Powers Agreement for the Upper Valley Waste Management Agency.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

BOARD MEETING
AUGUST 23, 1995

AGENDA ITEM 13

ITEM: CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE MULTIJURISDICTIONAL SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF CALISTOGA AND THE TOWN OF YOUNTVILLE, NAPA COUNTY

I. SUMMARY

On February 22, 1995 the California Integrated Waste Management Board voted to disapprove the City of Calistoga and the Town of Yountville's multijurisdictional Source Reduction and Recycling Element (SRRE) and to conditionally approve the multijurisdictional SRRE for the unincorporated Napa County and the City of St. Helena. The Board's decision to disapprove the City of Calistoga and the Town of Yountville was based on the following items: (1) diversion projection for the year 2000 falls below the 50% diversion mandate; and (2) no diversion program implementation progress has been identified for the mid-term planning periods. Conditional approval for Napa County and the City of St. Helena was based on inadequacies in the Special Waste Component, in the Disposal Facility Capacity Component, and in the identification of responsible agencies. A letter dated March 27, 1995, notified the four jurisdictions of the Board's decision on this matter.

ublic Resources Code Section 41811, in part, requires a jurisdiction that receives a Notice of Deficiency to correct the deficiencies and resubmit the SRRE to the Board within 120 days. For the City of Calistoga and the Town of Yountville that date was July 27, 1995. The Notice of conditional approval for the unincorporated Napa County's and the City of St. Helena's SRRE required those jurisdictions to submit additional information to correct the planning deficiencies by May 22, 1996.

This agenda item was prepared to request that the Board consider an upgrade of the disapproved multijurisdictional SRRE for the City of Calistoga and the Town of Yountville to a conditional approval. This request is being made based on the acknowledgement that the jurisdictions are working to correct deficiencies by forming a regional agency and to comply with the planning and diversion mandates of the Integrated Waste Management Act (Act), and also based on the projections submitted by the Upper Valley Waste Management Agency (Agency) indicating that as a region, they will meet the diversion mandates. The Committee's action to upgrade the disapproved SRRE to conditional approval would enable the jurisdictions to prepare and submit a regional SRRE by May 22, 1996, pending approval of their regional agency agreement.

II. PREVIOUS COMMITTE ACTION

At the August 9, 1995 Local Assistance and Planning Committee meeting, the Committee adopted staff recommendation to upgrade the multijurisdictional SRRE for the City of Calistoga and the Town of Yountville to conditonal approval.

III. ACTION BEFORE THE BOARD

Board members may:

1. Adopt the staff recommendation to upgrade the multijurisdictional SRRE for the City of Calistoga and the Town of Yountville to conditional approval and allow them to prepare a regional SRRE; or

2. Deny the request for the upgrade and hold a public hearing pursuant to PRC Section 41812 and 41813.

IV. STAFF RECOMMENDATION:

Staff recommends upgrading the previous status of the City of Calistoga and Town of Yountville's multijurisdictional SRRE to conditional approval based on the deficiencies that are projected to be corrected by forming regional agency which will, by the Agency's projections, meet the diversion mandates. Staff is recommending option 1 for the Committee because the jurisdictions, through the development and adoption of the JPA, have demonstrated that they are making substantial progress in complying with the planning and diversion mandates of the Act. The recommendation is conditional approval because the Agency has not submitted the regional SRRE; therefore, staff cannot verify the Agency's projections nor determine the regional SRRE adequacy.

As a condition, concurrent with the Board's approval of the JPA, the Agency is to submit its final regional SRRE with a revised regional Waste Characterization Study to the Board by May 22, 1996. If staff determines the regional SRRE substantially meets all the statutory and regulatory requirements, the status of the SRRE will be upgraded to approval. However, if the Agency fails to comply with the condition and does not submit the regional SRRE by the due date, the Board may revoke the Notice of Conditional Approval and issue a Notice of Deficiency to the City of Calistoga and the Town of Yountville pursuant to PRC Section 41810.1(c).

V. ANALYSIS

On March 9, 1995, Board staff met with Napa County staff to discuss the issues related to the four jurisdictions' multijurisdicitonal SRRE. Napa County staff stated that Napa County and the Cities of St. Helena, Calistoga, and the Town of Yountville were planning to form a regional agency which would allow them, under PRC 40970, to share diversion rates and to share in the implementation of their diversion programs. According to PRC 40970 - 40976, if a city or county forms a regional agency with another city or county for the purpose of complying with the Act, the member agencies are subject to the terms and conditions of its formation agreement, and that agreement must be submitted to the Board for approval at the time the Regional Agency Integrated Waste Management Plan is submitted to the Board for review and approval.

To that end, County staff have been working with the jurisdictions on the terms and agreements necessary for the regional agency formation. At the March meeting with Board staff, County staff indicated that it would take a few months for all jurisdictions to approve and adopt the Joint Powers Agreement (JPA), and felt that the regional SRRE could not be prepared until the JPA was in place. Further, County staff indicated that the July 27, 1995 timeframe

(the due date for submitting revised SRREs for the City of Calistoga and the Town of Yountville previously disapproved by the Board) for submittal of both the adopted JPA and regional SRRE for Board consideration of approval was not feasible.

Based on this, Board staff and County staff discussed the option of: (1) the County submitting the JPA for the four jurisdictions by July 27, 1995, and (2) that, pending approval of the JPA, Board staff would recommend to the Committee an upgrade of the disapproved SRREs for the City of Calistoga and the Town of Yountville to conditional approvals. As a condition of approval of the SRREs, the Agency must submit the regional SRRE to the Board by May 22, 1996. This is the annual report due date for the conditionally-approved multijurisdictional SRRE for Napa County and the City of St. Helena. Therefore, each of the four jurisdictions in the region would have conditionally-approved multijurisdictional SRREs until the submittal and Board approval of the regional SRRE. This option would allow the JPA to be heard at this Committee meeting and, if approved, enable the member agencies to begin the expeditious preparation of the regional SRRE.

Board staff has been continuously communicating with Napa County on the progress the jurisdictions are making, and have already reviewed and commented on the draft JPA submitted by the County on behalf of the jurisdictions in the region. In addition, the newly formed Upper Valley Waste Management Agency (unincorporated Napa County zone 3, Cities of St. Helena, Calistoga, and the Town of Yountville) submitted its Joint Powers Agreement adopted by all member agencies to the Board on July 28, 1995. According to the table submitted by the Agency, the diversion projections for the Agency shows 54.0% for 1995 and 55.0% for the year 2000 excluding the restricted wastes. However, Board staff have not had the opportunity to analyze the data; therefore, the actual diversion projections have not yet been verified by Board staff. Staff is working with the Agency on a detailed compliance schedule and will be working with them to make sure that the regional SRRE will meet all the statutory and regulatory requirements with adequate planning, program implementation and sufficient diversion projections.

Source Reduction and Recycling Element Data (as submitted by the Agency*)

Member Agencies		Base year			1995			2000	
	Dis.	Div.	Gen.	Dis.	Div.	Gen.	Dis.	Div.	Gen.
Calistoga Original Claim (tons)	8,203	961	9,164	6,246	3,925	10,171	7,440	4,692	12,132
Claimed diversion		10.5%			38.6%			38.7%	
St. Helena Original Claim (tons)	12,396	9,554	21,950	10,926	16,906	27,834	11,088	16,997	28,085
Claimed diversion		43.5%			60.7%			60.4%	
Yountville Original Claim (tons)	4,093	525	4,618	2,982	2,088	5,070	3,223	2,278	5,501
Claimed diversion		11.4%			41.2%			41.4%	
Unincorporated Napa County Zone 3 Original**	19,458	10,645	30,080	14,044	17,263	31,307	13,793	19,532	33,326
		35.4%			55.1%			58.6%	
Total (tons)	44,150	21,686	65,812	34,198	40,184	74,382	35,544	43,501	79,044
Diversions as region		33.0%			54.0%			55.0%	

* Board staff have not verified the data
** Unincorporated zone 3 is 51.5% of total unincorporated county

ATTACHMENT :

1: Resolution NO. 95-652 — Consideration of Staff Recommendations on the Adequacy of the Multi-Jurisdictional Source Reduction and Recycling Element for the City of Calistoga and the Town of Yountville, Napa County

VI. APPROVALS

Prepared by: Kaoru F. Cruz KFC Phone: 255-2391

Reviewed by: Dianne Range DR Phone: 255-2304

Reviewed by: Lloyd Dillon LD Phone: 255-2303

Reviewed by: Judith J. Friedman JJF Phone: 255-2302

Legal Review: EB Date/time: 8/14/95 5:00pm

ATTACHMENT #1
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION NO. 95-652

FOR CONSIDERATION OF CONDITIONAL APPROVAL OF THE MULTI-JURISDICTIONAL SRRE FOR THE CITY OF CALISTOGA AND THE TOWN OF YOUNTVILLE, NAPA COUNTY

WHEREAS, the City and the Town previously submitted a multijurisdictional Source Reduction and Recycling Element (SRRE) at the February 22, 1995 Board meeting, where the SRRE was disapproved; and

WHEREAS, that disapproval was based on the diversion projection for the year 2000 which resulted in the projection falling substantially below the diversion goal set forth in Public Resources Code (PRC) Section 41780 of 50 percent by the year 2000 and on lack of diversion program implementation progress for the mid-term planning period; and

WHEREAS, the Notice of Deficiency sent to the jurisdictions on March 27, 1995, required that the City and the Town revise their SRRE within 120 days, as necessary, and resubmit the document to the Board for reconsideration; and

WHEREAS, the City and the Town joined with unincorporated Napa County zone 3 and the City of St. Helena to form the Upper Valley Waste Management Agency (Agency) to allow them, under PRC Section 40970, as a region to comply with PRC Section 41780; and

WHEREAS, the JPA for the Agency was submitted to the Board on July 28, 1995; and

WHEREAS, the Board approved the JPA for the Agency on August 23, 1995; and

WHEREAS, based on the review of the JPA and discussion with the Agency for the submittal of the regional SRRE, Board staff found that the City and the Town have demonstrated efforts in making substantial progress in complying with the planning and diversion mandates of the Act, and the projections submitted by the Agency indicate that, as a region, they will meet the diversion mandates; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby conditionally approves the multijurisdictional Source Reduction and Recycling Element for the City of Calistoga and the Town of Yountville. As a condition, the JPA must be approved by the Board and the Agency is to submit its final regional SRRE with a revised Waste Characterization Study to the Board by May 22, 1996. The City of Calistoga and the Town of Yountville must also submit a compliance schedule to the Board within 60 days from the date of the Notice of Conditional Approval which describes the milestone dates for preparation and submittal of the regional SRRE to the Board.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

California Integrated Waste Management Board

LOCAL ASSISTANCE AND PLANNING COMMITTEE
August 9, 1995

AGENDA ITEM H/4

ITEM: CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE TRI-CITIES MULTI-JURSIDICTIONAL FINAL SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT, AND NONDISPOSAL FACILITY ELEMENT, FOR THE CITIES OF SAN CLEMENTE, DANA POINT, AND SAN JUAN CAPISTRANO, ORANGE COUNTY

STAFF COMMENTS:

City of San Clemente

The City of San Clemente's SRRE projects diversion for 1995 as 28.6% and 52.3% for the year 2000. The City's projections, as adjusted, result in achievement of both the 1995 and the year 2000 mandated diversion goals.

The City plans to expand its existing programs and implement new programs to meet the required diversion mandates. The City will continue the residential curbside recycling program in the short-term and expand the program to include commercial/industrial generators and a larger segment of the residential community. The City has experienced a 83% participation rate with regard to the pilot program.

The City participates in educational activities throughout the Tri-Cities region. Such activities include distribution of city flyers and informational pamphlets educating the community on various diversion opportunities. The City will implement a variable can rate system, establish procurement policies, establish business license fee incentives, and provide technical assistance to businesses within the Tri-Cities region. The City will encourage the development of additional buy-back centers and expansion of existing centers within its jurisdiction.

Amendments to existing contracts will provide for the recycling of construction and demolition debris by franchised waste haulers. This material will be diverted to appropriate grinding and recycling facilities in the region. School recycling programs will continue to be encouraged and supported by the City and increased educational awareness of source reduction and recycling options will be stressed. An intensive public information program will be implemented throughout the Tri-Cities region to complement the proposed programs described above. The program will consist of a media campaign, technical assistance for government, business and industry, distribution of printed "How To" material, seminars in cooperation with school districts, and a public recognition/awards program.

To ensure that processing capacity meets the anticipated levels of recyclable material collected in the Tri-Cities and nearby jurisdictions, a materials recovery facility (MRF) will be developed.

Staff recommend approval of the Tri-Cities Multijursidictional final Source Reduction and Recycling Element for the City of San Clemente.

ANALYSIS:

SRRE

SRRE ADEQUACY	YES	NO
All required documentation submitted	X	
CIWMB draft comments adequately addressed	X	
LTF comments addressed	X	
Meets SRRE criteria (in CIWMP Adequacy Report)	X	
Meets SWGS criteria (in CIWMP Adequacy Report)		X
1995 corrected diversion projection is 25% or more	X	
2000 corrected diversion projection is 50% or more	X	

Explanation of any "No" responses:

The Solid Waste Generation Study (SWGS), as submitted, does not meet the following criteria. Changes in tonnage are listed in the following table.

Normally Disposed. Hazardous waste is not "normally disposed," so it is not counted as disposal or diversion. Staff therefore subtracted commercial and industrial hazardous wastes, 558 tons in the base-year, 683 tons in 1995, and 827 tons in 20[illegible] from disposal and generation.

Restricted Materials. The City claimed diversion of 20 tons of restricted materials. Documentation of the diversion claim for the restricted waste was not received. Therefore, 20 tons were subtracted from diversion and generation in the base-year, 1995, and 2000.

The SWGS, as corrected, meets the SWGS criteria.

Areas of Concern

In 1990, approximately 521,740 tons of waste from industrial sources and 596,072 tons from demolition and construction sources were disposed of by Orange County jurisdictions. The amount was quantified by the Orange County Waste Characterization Methodology. The jurisdiction of origin was not determined for this waste, a total of 1,117,812 tons. When the Board reviews plan implementation by Orange County jurisdictions, this entire amount will need to be accurately assigned to the jurisdictions from which it originated. The jurisdictions within Orange County should re-examine this allocation issue, because it may dramatically affect goal achievement.

The Composting Component indicates that a program to divert yard waste for co-composting with sludge may be utilized as a contingency measure. Please note that Title 14 California Code of Regulations (CCR) Section 18775.2 requires jurisdictions which have selected programs involving sludge submit a request to the Board.

Funding Component - Because of recent budgeting challenges within Orange County, staff has concerns regarding the evaluation of funding mechanisms to accommodate potentially changing economic conditions, as they relate to the overall fiscal climate. In their first Annual Report to the Board, the City should include an evaluation of contingency funding mechanisms for those programs proposed to be funded through the County's general fund. The City should identify any changes in funding sources.

SAN CLEMENTE	Base-Year			1995			2000		
	Dis.	Div.	Gen.	Dis.	Div.	Gen.	Dis.	Div.	Gen.
Original Claim	46,874	3,085	49,959	40,433	15,909	56,342	31,308	33,438	64,746
Changes to claimed tonnages:									
Restricted materials:									
Inert solids	0	(-20)	(-20)	0	(-20)	(-20)	0	(-20)	(-20)
Scrap metals	0	0	0	0	0	0	0	0	0
Agricultural waste	0	0	0	0	0	0	0	0	0
White goods	0	0	0	0	0	0	0	0	0
Subtotal	0	(-20)	(-20)	0	(-20)	(-20)	0	(-20)	(-20)
Hazardous Waste	(-558)		(-558)	(-683)		(-683)	(-827)		(-827)
Corrected Totals	46,316	3,065	49,381	39,750	15,889	55,639	30,481	33,418	63,899
Claimed diversion rates		6.2%			28.2%			51.6%	
Corrected diversion rates		6.2%			28.6%			52.3%	

STAFF COMMENTS:

City of Dana Point

The City of Dana Point's SRRE projects diversion for 1995 as 25.8% and 50.8% for the year 2000. The City's projections, as adjusted, result in achievement of both the 1995 and the year 2000 mandated diversion goals.

The City plans to expand its existing programs and implement new programs to meet the required diversion mandates. The City will continue the residential curbside recycling program in the short-term and expanded the program to include commercial/industrial generators and a larger segment of the residential community. The City has experienced a 90% participation rate with regard to the pilot program.

The City participates in educational activities throughout the Tri-Cities region. Such activities include distribution of city flyers and informational pamphlets educating the community on various diversion opportunities. The City will implement a variable can rate system, establish procurement policies, establish business license fee incentives, and provide technical assistance to businesses within the Tri-Cities region. The City will encourage the development of additional buy-back centers and expansion of existing centers within its jurisdiction.

Amendments to existing contracts will provide for the recycling of construction and demolition debris by franchised waste haulers. This material will be diverted to appropriate grinding and recycling facilities in the region. School recycling programs will continue to be encouraged and supported by the City and increased

educational awareness of source reduction and recycling options will be stressed. An intensive public information program will be implemented throughout the Tri-Cities region to complement the proposed programs described above. The program will consist of a media campaign, technical assistance for government, business and industry, distribution of printed "How To" material, seminars in cooperation with school districts, and a public recognition/awards program.

To ensure that processing capacity meets the anticipated levels of recyclable material collected in the Tri-Cities and nearby jurisdictions, a MRF will be developed.

Staff recommend approval of the Tri-Cities Multijursidictional final Source Reduction and Recycling Element for the City of Dana Point.

ANALYSIS:

SRRE

SRRE ADEQUACY	YES	NO
All required documentation submitted	X	
CIWMB draft comments adequately addressed	X	
LTF comments addressed	X	
Meets SRRE criteria (in CIWMP Adequacy Report)	X	
Meets SWGS criteria (in CIWMP Adequacy Report)		X
1995 corrected diversion projection is 25% or more	X	
2000 corrected diversion projection is 50% or more	X	

Explanation of any "No" responses:

The SWGS, as submitted, does not meet the following criteria. Changes in tonnage are listed in the following table.

Normally Disposed. Hazardous waste is not "normally disposed," so it is not counted as disposal or diversion. Staff therefore subtracted commercial and industrial hazardous wastes, 543 tons in the base-year, 595 tons in 1995, and 659 tons in 2000 from disposal and generation.

The SWGS, as corrected, meets the SWGS criteria.

Areas of Concern

In 1990, approximately 521,740 tons of waste from industrial sources and 596,072 tons from demolition and construction sources were disposed of by Orange County jurisdictions. The amount was quantified by the Orange County Waste Characterization Methodology. The jurisdiction of origin was not determined for this waste, a total of 1,117,812 tons. When the Board reviews plan implementation by Orange County jurisdictions, this entire amount will need to be accurately assigned to the jurisdictions from which it originated. The jurisdictions within Orange County should re-examine this allocation issue, because it may dramatically affect goal achievement.

The Composting Component indicates that a program to divert yard waste for co-composting with sludge may be utilized as a contingency measure. Please note that 14 CCR Section 18775.2 requires jurisdictions which have selected programs involving sludge submit a request to the Board.

Funding Component - Because of recent budgeting challenges within Orange County, staff has concerns regarding the evaluation of funding mechanisms to accommodate potentially changing economic conditions, as they relate to the overall fiscal climate. In their first Annual Report to the Board, the City should include an evaluation of contingency funding mechanisms for those programs proposed to be funded through the County's general fund. The City should identify any changes in funding sources.

DANA POINT	Base-Year			1995			2000		
	Dis.	Div.	Gen.	Dis.	Div.	Gen.	Dis.	Div.	Gen.
Original Claim	38,230	1,294	39,524	31,716	10,794	42,510	22,820	22,880	45,700
Changes to claimed tonnages:									
Hazardous Waste	(-543)		(-543)	(-595)		(-595)	(-659)		(-659)
Corrected Totals	37,687	1,294	38,981	31,121	10,794	41,915	22,161	22,880	45,041
Claimed diversion rates		3.3%			25.4%			50.1%	
Corrected diversion rates		3.3%			25.8%			50.8%	

STAFF COMMENTS:

City of San Juan Capistrano

The City of San Juan Capistrano's SRRE projects diversion for 1995 as 25.9% and 50.4% for the year 2000. The City's projections, as adjusted, result in achievement of both the 1995 and the year 2000 mandated diversion goals.

The City currently implements a pilot residential curbside recycling program, City Hall recycling program, and provides recycling opportunities through the placement of reverse vending machines within the city limits. The City participates in educational activities throughout the Tri-Cities region. Such activities include distribution of city flyers and informational pamphlets educating the community on various diversion opportunities.

The City will implement a variable can rate system, establish procurement policies, establish business license fee incentives, and provide technical assistance to businesses within the Tri-Cities region. The City will expand the existing source separated residential curbside recycling program. This service will be expanded to include multi-family and commercial generators. The City has experienced a 80% participation rate with regard to the pilot program. The City will encourage the development of additional buy-back centers and expansion of existing centers within its jurisdiction.

Amendments to existing contracts will provide for the recycling of construction/demolition debris by franchised waste haulers. This material will be diverted to appropriate grinding and recycling facilities in the region. School

recycling programs will continue to be encouraged and supported by the City and increased educational awareness of source reduction and recycling options will be stressed. An intensive public information program will be implemented throughout the Tri-Cities region to complement the proposed programs described above. The program will consist of a media campaign, technical assistance for government, business and industry, distribution of printed "How To" material, seminars in cooperation with school districts, and a public recognition/awards program.

To ensure that processing capacity meets the anticipated levels of recyclable material collected in the Tri-Cities and nearby jurisdictions, a MRF will be developed.

Staff recommend approval of the Tri-Cities Multijursidictional final Source Reduction and Recycling Element for the City of San Juan Capistrano.

ANALYSIS:

SRRE

SRRE ADEQUACY	YES	NO
All required documentation submitted	X	
CIWMB draft comments adequately addressed	X	
LTF comments addressed	X	
Meets SRRE criteria (in CIWMP Adequacy Report)	X	
Meets SWGS criteria (in CIWMP Adequacy Report)		X
1995 corrected diversion projection is 25% or more	X	
2000 corrected diversion projection is 50% or more	X	

Explanation of any "No" responses:

The SWGS, as submitted, does not meet the following criteria. Changes in tonnage are listed in the following table.

Normally Disposed. Hazardous waste is not "normally disposed," so it is not counted as disposal or diversion. Staff therefore subtracted commercial and industrial hazardous wastes, 649 tons in the base-year, 711 tons in 1995, and 781 tons in 2000 from disposal and generation.

Restricted Materials. The City claimed diversion of 218 tons of restricted materials. Documentation of the diversion claim for the restricted waste was not received. Therefore, 218 tons were subtracted from diversion and generation in the base-year, 1995, and 2000.

The SWGS, as corrected, meets the SWGS criteria.

Areas of Concern

In 1990, approximately 521,740 tons of waste from industrial sources and 596,072 tons from demolition and construction sources were disposed of by Orange County jurisdictions. The amount was quantified by the Orange County Waste Characterization Methodology. The jurisdiction of origin was not determined for this waste, a total of 1,117,812 tons. When the Board reviews plan implementation

Orange County jurisdictions, this entire amount will need to be accurately assigned to the jurisdictions from which it originated. The jurisdictions within Orange County should re-examine this allocation issue, because it may dramatically affect goal achievement.

The Composting Component indicates that a program to divert yard waste for co-composting with sludge may be utilized as a contingency measure. Please note that 14 CCR Section 18775.2 requires jurisdictions which have selected programs involving sludge submit a request to the Board.

Funding Component - Because of recent budgeting challenges within Orange County, staff has concerns regarding the evaluation of funding mechanisms to accommodate potentially changing economic conditions, as they relate to the overall fiscal climate. In their first Annual Report to the Board, the City should include an evaluation of contingency funding mechanisms for those programs proposed to be funded through the County's general fund. The City should identify any changes in funding sources.

SAN JUAN CAPISTRANO	Base-Year			1995			2000		
	Dis.	Div.	Gen.	Dis.	Div.	Gen.	Dis.	Div.	Gen.
Original Claim	40,081	2,162	42,243	35,335	12,294	47,629	25,983	25,802	51,785
Changes to claimed tonnages:									
Restricted materials:									
Inert solids	0	(-198)	(-198)	0	(-198)	(-198)	0	(-198)	(-198)
Scrap metals	0	(-20)	(-20)	0	(-20)	(-20)	0	(-20)	(-20)
Agricultural waste	0	0	0	0	0	0	0	0	0
White goods	0	0	0	0	0	0	0	0	0
Subtotal	0	(-218)	(-218)	0	(-218)	(-218)	0	(-218)	(-218)
Hazardous Waste	(-649)		(-649)	(-711)		(-711)	(-781)		(-781)
Corrected Totals	39,432	1,944	41,376	34,624	12,076	46,700	25,202	25,584	50,786
Claimed diversion rates		5.1%			25.8%			49.8%	
Corrected diversion rates		4.7%			25.9%			50.4%	

City of San Clemente

HHWE

This HHWE adequately addresses the requirements of 14 CCR Sections 18750 et. seq. for the following areas:

HHWE Adequacy	Yes	No	HHWE Adequacy	Yes	No
Goals and Objectives	X		Program Implementation	X	
Existing Conditions	X		Monitoring and Evaluation	X	
Alternatives Evaluation	X		Education and Public Information	X	
Program Selection	X		Funding	X	

The City participates in the County-sponsored programs which include periodic Household Hazardous Collection events, a HHW hotline for event information, and flyers publicizing the events in conjunction with permanent drop-off facilities, and landfill load checking programs. The City proposes to expand the education and public information program to educate all City residents on HHW.

Staff recommend an approval for San Clemente's Household Hazardous Waste Element.

City of Dana Point

HHWE

This HHWE adequately addresses the requirements of 14 CCR Sections 18750 et. seq. for the following areas:

HHWE Adequacy	Yes	No	HHWE Adequacy	Yes	No
Goals and Objectives	X		Program Implementation	X	
Existing Conditions	X		Monitoring and Evaluation	X	
Alternatives Evaluation	X		Education and Public Information	X	
Program Selection	X		Funding	X	

The City participates in the County-sponsored programs which include periodic Household Hazardous Collection events, a HHW hotline for event information, and flyers publicizing the events in conjunction with permanent drop-off facilities, and landfill load checking programs. The City proposes to expand the education and public information program to educate all City residents on HHW.

Staff recommend an approval for Dana Point's Household Hazardous Waste Element.

City of San Juan Capistrano

HHWE

This HHWE adequately addresses the requirements of 14 CCR Sections 18750 et. seq. for the following areas:

HHWE Adequacy	Yes	No	HHWE Adequacy	Yes	No
Goals and Objectives	X		Program Implementation	X	
Existing Conditions	X		Monitoring and Evaluation	X	
Alternatives Evaluation	X		Education and Public Information	X	
Program Selection	X		Funding	X	

The City participates in the County-sponsored programs which include periodic Household Hazardous Collection events, a HHW hotline for event information, and flyers publicizing the events in conjunction with permanent drop-off facilities, and landfill load checking programs. The City proposes to expand the education and public information program to educate all City residents on HHW.

Staff recommend an approval for San Juan Capistrano's Household Hazardous Waste Element.

City of San Clemente

NDFE

This NDFE adequately addresses the requirements of 14 CCR Sections 18752 et. seq. for the following areas:

NDFE Adequacy	Yes	No	N/A
Facility descriptions - within a jurisdiction			X
Facility descriptions - outside a jurisdiction	X		
Transfer Station descriptions - within a jurisdiction			X
Transfer Station descriptions - outside a jurisdiction			X

The Nondisposal Facility Element identifies one existing composting facility and one recycling facility currently being used to reach the mandated goals. The NDFE also identifies one proposed material recovery facility. The facility is proposed to be in operation by October 1995.

Staff recommend approval for the City of San Clemente's Nondisposal Facility Element.

City of Dana Point

NDFE

This NDFE adequately addresses the requirements of 14 CCR Sections 18752 et. seq. for the following areas:

NDFE Adequacy	Yes	No	N/A
Facility descriptions - within a jurisdiction			X
Facility descriptions - outside a jurisdiction	X		
Transfer Station descriptions - within a jurisdiction			X
Transfer Station descriptions - outside a jurisdiction			X

The Nondisposal Facility Element identifies one existing composting facility and one recycling facility currently being used to reach the mandated goals. The NDFE also identifies one proposed material recovery facility. The facility is proposed to be in operation by October 1995.

Staff recommend approval for the City of Dana Point's Nondisposal Facility Element.

City of San Juan Capistrano

NDFE

This NDFE adequately addresses the requirements of 14 CCR Sections 18752 et. seq. for the following areas:

NDFE Adequacy	Yes	No	N/A
Facility descriptions - within a jurisdiction			X
Facility descriptions - outside a jurisdiction	X		
Transfer Station descriptions - within a jurisdiction			X
Transfer Station descriptions - outside a jurisdiction			X

The Nondisposal Facility Element identifies one existing composting facility and one recycling facility currently being used to reach the mandated goals. The NDFE also identifies one proposed material recovery facility. The facility is proposed to be in operation by October 1995.

Staff recommend approval for the City of San Juan Capistrano's Nondisposal Facility Element.

ATTACHMENTS:

1: Resolution No. 95-626 Approval for the SRRE for the Tri-Cities multi-jurisdictional for the cities of San Clemente, Dana Point, and San Juan Capistrano.

2: Resolution No. 95-627 Approval for the HHWE for the Tri-Cities multi-jurisdictional for the cities of San Clemente, Dana Point, and San Juan Capistrano.

3: Resolution No. 95-628 Approval for the NDFE for the Tri-Cities multi-jurisdictional for the cities of San Clemente, Dana Point, and San Juan Capistrano.

Prepared by: Jeff Martinez Phone: 255-2310

Reviewed by: Lloyd Dillon Phone: 255-2303

Reviewed by: Lorraine Van Kekerix SO for LVK Phone: 255-2670

Reviewed by: Judith J. Friedman Phone: 255-2302

Legal Review: Date/time: 7/28/95 4:00 pm

ATTACHMENT No. 1

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION No. 95-626

FOR CONSIDERATION OF APPROVAL OF THE TRI-CITIES MULTI-JURISDICTIONAL SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITIES OF SAN CLEMENTE, DANA POINT, AND SAN JUAN CAPISTRANO

WHEREAS, Public Resources Code (PRC) Sections 40900 et seq. describe the requirements to be met by cities and counties when developing and implementing integrated waste management plans; and

WHEREAS, PRC Section 41000 requires that each city prepare and adopt a SRRE which includes all of the components specified; and

WHEREAS, California Code of Regulations Title 14, Section 18767 requires that jurisdictions ensure their SRRE has complied with the California Environmental Quality Act and provides a Notice of Determination from the State Clearinghouse as required; and

WHEREAS, PRC Section 41001 requires that the City's SRRE include a program for the management of solid waste generated within the City, consistent with the waste management hierarchy provided in PRC Section 40051; and

WHEREAS, the City's SRRE shall place emphasis on implementation of all feasible source reduction, recycling, and composting programs while identifying the amount of landfill and transformation capacity that will be needed for solid waste which cannot be reduced at the source, recycled, or composted; and

WHEREAS, PRC Section 41780 and its implementing regulations require that the SRRE show how the County and cities will achieve the diversion goals of 25% by 1995, and 50% by 2000; and

WHEREAS, based on review of the City's SRRE, Board staff found that all of the foregoing requirements have been satisfied and the SRRE substantially complies with PRC Section 41000, et seq. and recommends approval; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the Source Reduction and Recycling Element for the Tri-Cities Multi-Jurisdictional for the cities of San Clemente, Dana Point, and San Juan Capistrano.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

ATTACHMENT No. 2

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION No. 95-627

FOR CONSIDERATION OF APPROVAL OF THE TRI-CITIES MULTI-JURISDICTIONAL HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITIES OF SAN CLEMENTE, DANA POINT, AND SAN JUAN CAPISTRANO

WHEREAS, Public Resources Code (PRC) Sections 40900 et seq. describe the requirements to be met by cities and counties when developing and implementing integrated waste management plans; and

WHEREAS, PRC Section 41500 requires that each city draft and locally adopt a Household Hazardous Waste Element (HHWE) which identifies a program for the safe collection, recycling, treatment, and disposal of household hazardous waste for the city; and

WHEREAS, California Code of Regulations Title 14, Section 18767 requires that each jurisdiction ensure that the California Environmental Quality Act has been complied with prior to adopting a HHWE; and

WHEREAS, the Tri-Cities Multi-Jurisdictional for the cities of San Clemente, Dana Point, and San Juan Capistrano drafted and adopted their final HHWE in accordance with statute and regulations; and

WHEREAS, the Tri-Cities Multi-Jurisdictional for the cities of San Clemente, Dana Point, and San Juan Capistrano submitted their final HHWE to the Board for approval which was deemed complete on April 28, 1995, and the Board has 120 days to review and approve or disapprove of the Element; and

WHEREAS, based on review of the HHWE, Board staff found that all of the foregoing requirements have been satisfied and that the HHWE substantially complies with PRC 41500, et seq., and recommends its approval;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the Household Hazardous Waste Element for the Tri-Cities Multi-Jurisdictional for the cities of San Clemente, Dana Point, and San Juan Capistrano.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

ATTACHMENT No. 3

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION No. 95-628

FOR CONSIDERATION OF APPROVAL OF THE TRI-CITIES MULTI-JURISDICTIONAL NONDISPOSAL FACILITY ELEMENT FOR THE CITIES OF SAN CLEMENTE, DANA POINT, AND SAN JUAN CAPISTRANO

WHEREAS, Public Resources Code (PRC) Sections 40900 et seq. describe the requirements to be met by cities and counties when developing and implementing integrated waste management plans; and

WHEREAS, PRC Section 41730 et seq. requires that each city and county prepare and adopt a Nondisposal Facility Element (NDFE) which includes a description of existing and new solid waste facilities, and the expansion of existing solid waste facilities, which will be needed to implement a jurisdiction's Source Reduction and Recycling Element (SRRE), to enable it to meet the requirements of Section 41780; and

WHEREAS, the NDFE may include the identification of specific locations or general areas for new solid waste facilities that will be needed to implement the SRRE; and

WHEREAS, based on review of the NDFE, Board staff found that all of the foregoing requirements have been satisfied and the NDFE substantially complies with PRC Section 41730, et seq., and recommends approval; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the Nondisposal Facility Element for the Tri-Cities Multi-Jurisdictional for the cities of San Clemente, Dana Point, and San Juan Capistrano. Pursuant to PRC Section 41736, at the first revision of the SRRE, the NDFE should be incorporated with the SRRE to become one document which may be modified, as necessary, to accurately reflect the existing and planned nondisposal facilities which will be used by a jurisdiction.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

California Integrated Waste Management Board

LOCAL ASSISTANCE AND PLANNING COMMITTEE
August 9, 1995

AGENDA ITEM 12/5

ITEM: CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT, AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF ORANGE, ORANGE COUNTY

STAFF COMMENTS:

The City's selected source reduction activities include backyard composting, quantity-based variable rate structures, public education, awards and public recognition incentives, adoption of city government procurement/waste management policies, and economic incentives. The City's recycling program consists of source separated curbside collection for single/multi-family residential and commercial/industrial waste generators, office paper recovery program, development of both mechanical and manual materials recovery facilities, and aggressive development of end use markets for recyclable materials. The City will continue to carry out its annual Christmas Tree collection/compost program in addition to supporting and participating in County sponsored composting programs. The City will provide curbside collection of residential green waste to be transported to regional composting facilities. The City will provide technical assistance through waste audits, creating a City recycling hotline, and distributing written information regarding source reduction and recycling practices.

The City of Orange's SRRE projects diversion for 1995 as 56.2% and 70.6% for the year 2000. However, adjustments to remove restricted and hazardous wastes change these percentages to 28.2% for 1995 and 54.3% for the year 2000. Even with the removal of these tonnages the City projects achievement for both the 1995 and the year 2000 mandated diversion goals.

Staff recommend approval for the City of Orange's Source Reduction and Recycling Element.

ANALYSIS:

SRRE

SRRE ADEQUACY	YES	NO
All required documentation submitted	X	
CIWMB draft comments adequately addressed	X	
LTF comments addressed	X	
Meets SRRE criteria (in CIWMP Adequacy Report)	X	
Meets SWGS criteria (in CIWMP Adequacy Report)		X
1995 corrected diversion projection is 25% or more	X	
2000 corrected diversion projection is 50% or more	X	

Explanation of any "No" responses:

The Solid Waste Generation Study (SWGS), as submitted, does not meet the following criteria. Changes in tonnage are listed in the table below.

Restricted Materials. The City's revised tables of May 30, 1995 claimed diversion of 165,026 tons of restricted materials. Documentation of the diversion claim for the restricted waste was not received. Therefore, 165,026 tons were subtracted from diversion and generation in the base-year, 1995, and 2000.

The SWGS, as corrected, meets the SWGS criteria.

Areas of Concern

The Composting Component states that compost/mulch may be used as fuel. Legislation regarding biomass conversion and transformation contained in AB 688 became effective January 1, 1995. The statute requires jurisdictions meet the appropriate conditions in PRC Sections 40106, 41781.2 (g), and 41783.1 to claim up to 10 of the 50% diversion goal for biomass conversion, or PRC Sections 40201 and 41783 for transformation; a jurisdiction may not claim future diversion credit for both biomass conversion and transformation. One of the conditions for claiming diversion from biomass conversion is that the jurisdiction include in its base-year disposal tonnages the amount of material disposed at the biomass conversion facility in the base-year. Other conditions include: the resulting ash must be tested and properly disposed, and the jurisdiction must be implementing all feasible SRRE programs.

The Special Waste component states that tires may be used as fuel. Only transformation at a facility with a Solid Waste Facility Permit or a biomass facility (as discussed above) may be claimed as diversion. Tires are not included in the definition of biomass.

In 1990, approximately 521,740 tons of waste from industrial sources and 596,072 tons from demolition and construction sources were disposed of by Orange County jurisdictions. The amount was quantified by the Orange County Waste Characterization Methodology. The jurisdiction of origin was not determined for this waste, a total of 1,117,812 tons. When the Board reviews plan implementation by Orange County jurisdictions, this entire amount will need to be accurately assigned to the jurisdictions from which it originated. The jurisdictions within Orange County should re-examine this allocation issue, because it may dramatically affect goal achievement.

Funding Component - Because of recent budgeting challenges within Orange County, staff has concerns regarding the evaluation of funding mechanisms to accommodate potentially changing economic conditions, as they relate to the overall fiscal climate. In their first Annual Report to the Board, the City should include an evaluation of contingency funding mechanisms for those programs proposed to be funded through the County's general fund. The City should identify any changes in funding sources.

City of Orange	Base-Year			1995			2000		
	Dis.	Div.	Gen.	Dis.	Div.	Gen.	Dis.	Div.	Gen.
Original Claim	215,720	182,123	397,843	185,638	237,821	423,459	135,837	326,514	462,351
Changes to claimed tonnages:									
Restricted materials:									
Inert solids	0	(-150,720)	(-150,720)	0	(-150,720)	(-150,720)	0	(-150,720)	(-150,720)
Scrap metals	0	(-14,306)	(-14,306)	0	(-14,306)	(-14,306)	0	(-14,306)	(-14,306)
Agricultural waste	0	0	0	0	0	0	0	0	0
White goods	0	0	0	0	0	0	0	0	0
Subtotal	0	(-165,026)	(-165,026)	0	(-165,026)	(-165,026)	0	(-165,026)	(-165,026)
Corrected Totals	215,720	17,097	232,817	185,638	72,795	258,433	135,837	161,488	297,325
Claimed diversion rates		45.8%			56.2%			70.6%	
Corrected diversion rates		7.3%			28.2%			54.3%	

HHWE

This HHWE adequately addresses the requirements of 14 CCR Sections 18750 et. seq. for the following areas:

HHWE Adequacy	Yes	No	HHWE Adequacy	Yes	No
Goals and Objectives	X		Program Implementation	X	
Existing Conditions	X		Monitoring and Evaluation	X	
Alternatives Evaluation	X		Education and Public Information	X	
Program Selection	X		Funding	X	

The City participates in the County-sponsored programs which include periodic Household Hazardous Waste Collection events, a HHW hotline for event information, and flyers publicizing the events in conjunction with permanent drop-off facilities, and landfill load checking programs. The City proposes to expand the education and public information program to educate all City residents on HHWE programs.

Staff recommend an approval for the City of Orange's Household Hazardous Waste Element.

NDFE

This NDFE adequately addresses the requirements of 14 CCR Sections 18752 et. seq. for the following areas:

NDFE Adequacy	Yes	No	N/A
Facility descriptions - within a jurisdiction	X		
Facility descriptions - outside a jurisdiction			X
Transfer Station descriptions - within a jurisdiction	X		
Transfer Station descriptions - outside a jurisdiction			X

The City's Nondisposal Facility Element identifies one existing materials recovery facility and transfer station that the City is using to reach the mandated goals. The City proposes to expand the existing facility to implement mixed waste processing in the future.

Staff recommend approval for the City of Orange's Nondisposal Facility Element.

ATTACHMENTS:

1: Resolution# 95-623 Approval for the SRRE for the City of Orange
2: Resolution# 95-624 Approval for the HHWE for the City of Orange
3: Resolution# 95-625 Approval for the NDFE for the City of Orange

Prepared by: Jeff Martinez Phone: 255-2310

Reviewed by: Lloyd Dillon Phone: 255-2303

Reviewed by: Lorraine Van Kekerix SO for LVK Phone: 255-2670

Reviewed by: Judith J. Friedman Phone: 255-2302

Legal Review: LTB Date/time: 7/28/95 4:10pm

ATTACHMENT No. 1

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION No. 95-623

FOR CONSIDERATION OF APPROVAL OF THE SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF ORANGE, ORANGE COUNTY

WHEREAS, Public Resources Code (PRC) Sections 40900 et seq. describe the requirements to be met by cities and counties when developing and implementing integrated waste management plans; and

WHEREAS, PRC Section 41000 requires that each city prepare and adopt a SRRE which includes all of the components specified; and

WHEREAS, California Code of Regulations Title 14, Section 18767 requires that jurisdictions ensure their SRRE has complied with the California Environmental Quality Act and provides a Notice of Determination from the State Clearinghouse as required; and

WHEREAS, PRC Section 41001 requires that the City's SRRE include a program for the management of solid waste generated within the City, consistent with the waste management hierarchy provided in PRC Section 40051; and

WHEREAS, City's SRRE shall place emphasis on implementation of all feasible source reduction, recycling, and composting programs while identifying the amount of landfill and transformation capacity that will be needed for solid waste which cannot be reduced at the source, recycled, or composted; and

WHEREAS, PRC Section 41780 and its implementing regulations require that the SRRE show how the city will achieve the diversion goals of 25% by 1995, and 50% by 2000; and

WHEREAS, based on review of the City's SRRE, Board staff found that all of the foregoing requirements have been satisfied and the SRRE substantially complies with PRC Section 41000, et seq. and recommends approval; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the Source Reduction and Recycling Elements for the City of Orange.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

ATTACHMENT No. 2

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION No. 95-624

FOR CONSIDERATION OF APPROVAL OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF ORANGE, ORANGE COUNTY

WHEREAS, Public Resources Code (PRC) Sections 40900 et seq. describe the requirements to be met by cities and counties when developing and implementing integrated waste management plans; and

WHEREAS, PRC Section 41500 requires that each city draft and locally adopt a Household Hazardous Waste Element (HHWE) which identifies a program for the safe collection, recycling, treatment, and disposal of household hazardous waste for the city; and

WHEREAS, California Code of Regulations (CCR) Title 14, Section 18767 requires that each jurisdiction ensure that the California Environmental Quality Act has been complied with prior to adopting a HHWE; and

WHEREAS, The City of Orange drafted and adopted their final HHWE in accordance with statute and regulations; and

WHEREAS, The City of Orange submitted their final HHWE to the Board for approval which was deemed complete on May 3, 1995, and the Board has 120 days to review and approve or disapprove of the Element; and

WHEREAS, based on review of the HHWE, Board staff found that all of the foregoing requirements have been satisfied and that the HHWE substantially complies with PRC 41500, et seq., and recommends its approval;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the Household Hazardous Waste Element for the City of Orange.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

ATTACHMENT No. 3

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION No. 95-625

FOR CONSIDERATION OF APPROVAL OF THE NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF ORANGE, ORANGE COUNTY

WHEREAS, Public Resources Code (PRC) Sections 40900 et seq. describe the requirements to be met by cities and counties when developing and implementing integrated waste management plans; and

WHEREAS, PRC Section 41730 et seq. requires that each city and county prepare and adopt a Nondisposal Facility Element (NDFE) which includes a description of existing and new solid waste facilities, and the expansion of existing solid waste facilities, which will be needed to implement a jurisdiction's Source Reduction and Recycling Element (SRRE), to enable it to meet the requirements of Section 41780; and

WHEREAS, the NDFE may include the identification of specific locations or general areas for new solid waste facilities that will be needed to implement the SRRE; and

WHEREAS, based on review of the NDFE, Board staff found that all of the foregoing requirements have been satisfied and the NDFE substantially complies with PRC Section 41730, et seq., and recommends approval; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the Nondisposal Facility Element for the City of Orange. Pursuant to Public Resources Code Section 41736, at the first revision of the SRRE, the NDFE should be incorporated with the SRRE to become one document which may be modified, as necessary, to accurately reflect the existing and planned nondisposal facilities which will be used by a jurisdiction.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

California Integrated Waste Management Board

LOCAL ASSISTANCE AND PLANNING COMMITTEE
AUGUST 9, 1995

AGENDA ITEM 18/16

ITEM: CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE MULTI-JURISDICTIONAL HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITIES OF DINUBA, EXETER, FARMERSVILLE, LINDSAY, PORTERVILLE, TULARE, VISALIA, WOODLAKE, AND THE UNINCORPORATED TULARE COUNTY

STAFF COMMENTS:

The County of Tulare and the cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, and Woodlake have joined together to prepare the HHWE on a regional basis. The Multi-Jurisdictional Household Hazardous Waste Element (HHWE) is a joint document between the cities and the County with the understanding that the County Environmental Health Department will work cooperatively with the cities to develop and implement the household hazardous waste programs. The programs in the HHWE will be funded by a tipping fee surcharge. The programs that the County and cities plan to implement include: periodic collection events, permanent household hazardous waste collection facilities, recycling programs, and load-checking programs as well as public education and information programs.

ANALYSIS:

This Household Hazardous Waste Element adequately addresses the requirements of 14 CCR Sections 18750 et. seq. for the following areas:

HHWE Adequacy	Yes	No	HHWE Adequacy	Yes	No
Goals and Objectives	X		Program Implementation	X	
Existing Conditions	X		Monitoring and Evaluation	X	
Alternatives Evaluation	X		Education and Public Information	X	
Program Selection	X		Funding	X	

Staff recommend approval for the Multi-Jurisdictional Household Hazardous Waste Element for the cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, Woodlake, and the unincorporated area of Tulare County.

Attachments

1: Resolution No. 95-621 — Approval of the Multi-Jurisdictional Household Hazardous Waste Element for the cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, Woodlake, and the unincorporated area of Tulare County

Prepared by: Trevor M. Anderson Phone: 255-2399

Reviewed by: Toni Terharr Phone: 255-2304

Reviewed by: Judith J. Friedman Phone: 255-2302

Legal Review: EB Date/time: 7/28/95 3:50 pm

ATTACHMENT #1

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION NO. 95-621

FOR CONSIDERATION OF APPROVAL OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITIES OF DINUBA, EXETER, FARMERSVILLE, LINDSAY, PORTERVILLE, TULARE, VISALIA, WOODLAKE, AND THE UNINCORPORATED TULARE COUNTY

WHEREAS, Public Resources Code (PRC) Sections 40900 et seq. describe the requirements to be met by cities and counties when developing and implementing integrated waste management plans; and

WHEREAS, PRC Section 41510 requires that each county draft and locally adopt a Household Hazardous Waste Element (HHWE) which identifies a program for the safe collection, recycling, treatment, and disposal of household hazardous waste for the unincorporated area of the county; and

WHEREAS, PRC Section 41500 requires that each city draft and locally adopt a Household Hazardous Waste Element (HHWE) which identifies a program for the safe collection, recycling, treatment, and disposal of household hazardous waste for the city; and

WHEREAS, California Code of Regulations (CCR) Title 14, Section 18767 requires that each jurisdiction ensure that the California Environmental Quality Act has been complied with prior to adopting a HHWE; and

WHEREAS, Tulare County and the cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, and Woodlake drafted and adopted their final HHWE in accordance with statute and regulations; and

WHEREAS, Tulare County and the cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, and Woodlake submitted their final HHWE to the Board for approval which was deemed complete on May 19, 1995, and the Board has 120 days to review and approve or disapprove of the Element; and

WHEREAS, based on review of the HHWE, Board staff found that all of the foregoing requirements have been satisfied and that the HHWE substantially complies with PRC 41500, et seq., and recommends its approval;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approve the Household Hazardous Waste Element for the unincorporated area of Tulare County and the cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, and Woodlake.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

BOARD MEETING
August 23, 1995

AGENDA ITEM #17

ITEM: CONSIDERATION OF THE STRATEGY FOR THE LOCAL GOVERNMENT ATTAINMENT OF 50%: EXAMINING THE COST EFFECTIVENESS OF LOCAL PROGRAM ALTERNATIVES AND SETTING PRIORITIES FOR LOCAL ASSISTANCE

I. SUMMARY

The California Integrated Waste Management Act of 1989 (AB 939) requires that cities and counties in the state are to reduce the amount of waste that is disposed of in 1990 by 25% in 1995 and 50% in the year 2000.

Over the past year, the Office of Local Assistance and Waste Characterization and Analysis Branch have been reviewing the 1) Source Reduction and Recycling Elements, 2) Household Hazardous Waste Elements, and 3) NonDisposal Facility Elements submitted by local governments.

Cities and counties have shown their support for the goals of AB 939 by submitting the Source Reduction and Recycling Elements (SRREs) that show their ability to meet and often exceed the 25% and 50% goals. The Local Assistance and Planning Committee (Committee) and Integrated Waste Management Board (Board) have approved 95% of the SRREs submitted.

As cities and counties meet the 25% goals, jurisdictions will begin the task of focusing on the 50% goals and the programs needed to reach this milestone. Often this will require cities and counties to reexamine the effectiveness and cost of current programs and focus on waste streams or waste generators that historically have not been targeted by programs.

To strengthen the partnership established between the Board and local government, the Board should provide information to assist local jurisdictions in analyzing and comparing cost-effectiveness of various local program options for achieving 50% diversion. The Committee and Board, with participation from local government and interested parties, should develop and adopt a state wide local assistance strategy to identify priorities for local government for plan implementation.

II. COMMITTEE ACTION

At it's August 9, 1995 Local Planning and Assistance Committee (Committee) meeting, the Committee approved the following motion:

1. Direct staff to conduct workshops statewide to receive input on the direction of local assistance to implement plans to reach 50%; and

2. Based on the information received through the workshops and input from Board staff, develop recommendations for:

- identifying cost-effective local waste management strategies,
- developing assistance tools for local governments; and
- setting priorities for the Board's local assistance.

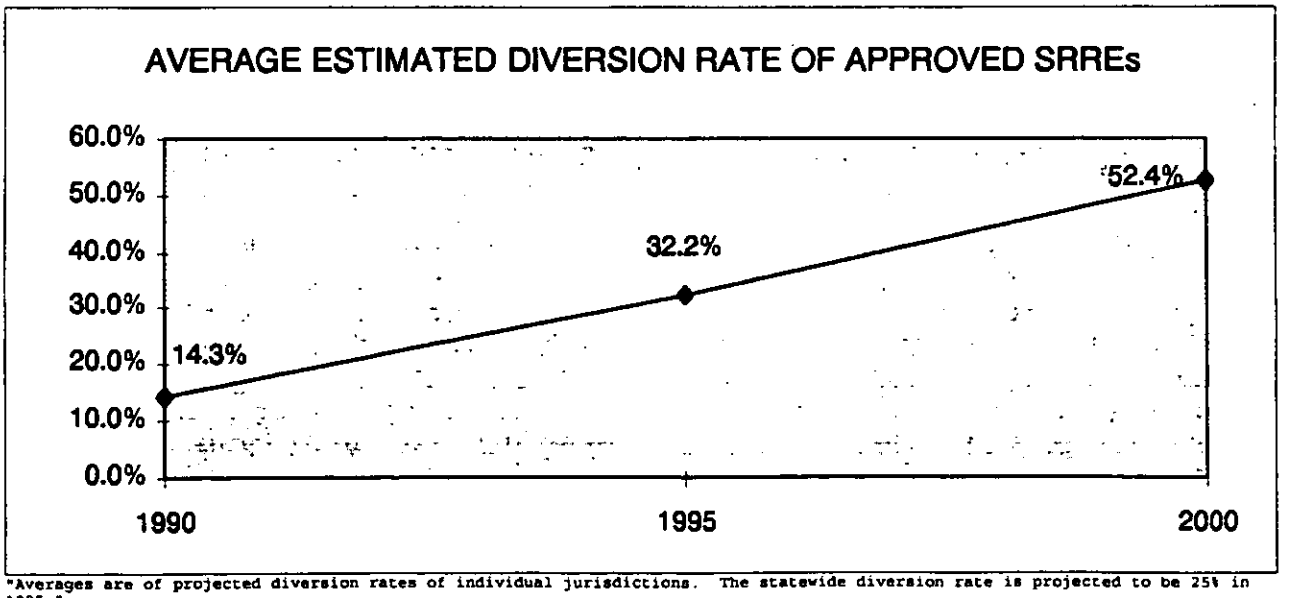
III. OPTIONS FOR THE BOARD

The Board may decide to:

1. Approve the Committee's recommendation
2. Not approve the Committee's recommendation

IV. ANALYSIS

AB 939 requires every city and county to prepare and adopt a Source Reduction and Recycling Element (SRRE). The SRRE is the "blueprint" that describes what programs they plan to implement to reach the 25 and 50 percent goals. To date, the Board has approved 288 SRREs, conditionally approved 46 SRREs, and disapproved 14 SRREs. This represents an approximately 95% approval/conditional approval rate.



"Averages are of projected diversion rates of individual jurisdictions. The statewide diversion rate is projected to be 25% in 1995."

IV. LGTAC Strategic Plan

In January of 1995, the "Local Government Technical Advisory Committee" (LGTAC) submitted to the Board a Strategic Plan. Among the recommendations in the Strategic Plan are proposals for evaluations of the most economical means to accomplish the AB 939 50% waste reduction/recycling goals.

V. Current Board Activities

Over the past three years, the Office of Local Assistance (OLA), the Waste Characterization and Analysis Branch (WCAB), and the Policy and Analysis Office (PAO) have been providing local government with tools to determine which programs to evaluate and select to meet the 25% and 50% goals.

To assist jurisdictions with the planning requirements, staff have developed a range of local assistance tools including:

- model plan elements, reports, and methods;
- a facility cost model to assist jurisdictions in determining the cost of various facility and types to experiment with scenarios; and
- a collection cost model to determine the cost of collection materials from commercial and residential entities.

The unique problems for rural areas have been addressed in special assistance packages directed at rural problems. The Board has developed the Rural Cookbook: "Recipes for Successful Waste Prevention and Diversion Programs" as a comprehensive guide for program development and implementation. As a follow-up to the Rural Cookbook, staff are currently conducting a cooperative marketing feasibility study.

To provide local governments a clear understanding of the SRRE approval process, staff developed, with input from local government and interested parties, the Plan Adequacy and Plan Implementation policy that was approved by the Committee and Board that outlines specific information to be contained in each element for approval. Staff continued to provide local assistance by developing the Waste Characterization Methodology.

The methodology will be a low-cost planning tool for local jurisdictions to calculate and analyze the waste stream.

As the planning process now shifts from Plan Adequacy to Plan Implementation, strategies and goals need to be developed that will assist local governments with the 50% goal.

VI. APPROVALS

Prepared By: J. Perry (for) Phone: 255-2175

Reviewed By: Wally Chu Phone: 255-2174

Legal Review: ER Date/Time: 8/11/95 1:40pm.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

BOARD MEETING
AUGUST 23, 1995

AGENDA ITEM 18

ITEM: Consideration of Staff's Methodology and Calculation of the Preliminary 1994 California Postconsumer Paper Utilization Rate

I. SUMMARY

Board staff estimates that, in 1994, *30.9 percent* of the postconsumer paper generated in California was recovered for recycling and alternative end-uses. The recovery percentage, referred to as the "preliminary utilization rate", was higher than the 1993 utilization rate of 27 percent.[1] However, the 30.9 percent preliminary utilization rate fell short of the 1994 "interim" utilization goal of 35.8 percent established by the Board.

The utilization rate is "preliminary" because some of the data used to calculate the rate is still unpublished and one statistic used was only 73 percent complete.

Board staff proposes to modify the method for calculating the utilization rate so that it is based on California-specific data or extrapolated from western regional data, rather than entirely from national data.

II. PREVIOUS BOARD/COMMITTEE ACTION

On December 15, 1993, the California Integrated Waste Management Board (the Board) established a goal for 50 percent "utilization" of the postconsumer paper generated in California by the year 2000.[2] The Board also directed staff to assemble a working group (the Recovered Paper Advisory Committee, or RPAC) to accomplish two main tasks:

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[1] Board staff estimate. See Agenda Item 9 from Board's Market Development Committee meeting on May 11, 1995

[2] "Utilization", in context of the Board's goals, refers to the consumption of *postconsumer* paper in a variety of end-uses, including alternative end-uses such as compost, cellulose insulation, building materials, and animal bedding. Utilization also includes recovered paper exports. Utilization does *not* include consumption of preconsumer paper, such as converting scrap or printing waste, nor does it include paper consumed through "transformation", regardless of energy recovery.

1. determine a replicable method for calculating the annual utilization *rate*, and
2. establish annual utilization *goals* for measuring progress towards the Board's target goal of 50 percent utilization.

On May 26, 1994, the Board approved RPAC's method to calculate the annual California paper utilization rate, and also approved annual utilization goals through 2000. The Board also directed staff to track the amount of postconsumer paper composted in California. The Board was concerned that, if significant amounts of postconsumer paper were composted, it could provide disincentive for the U.S. paper industry to build new recycling capacity, and could possibly displace the composting of green material.

On May 11, 1995, Board staff presented to the Market Development Committee a calculation of the 1993 California postconsumer paper utilization rate. The Committee directed staff to calculate the 1994 California postconsumer paper utilization rate at the earliest possible date, even if based on unpublished data, and to present that rate to the Committee as soon as possible.

The Committee also directed staff to seek comments from RPAC on the use of unpublished, *hard data* (i.e., not projected) to calculate the 1994 utilization rate and the rate for successive years as well. Staff had relied on published data to calculate the 1993 utilization rate because RPAC had generally agreed that published data was preferable to unpublished data.

At the time this Board item was printed, staff had yet to present the 1994 utilization rate item to the Market Development Committee. Staff will summarize the Committee action(s) at the August Board meeting.

III. OPTIONS FOR THE BOARD

1. Approve the preliminary 1994 California Postconsumer Paper Utilization Rate and the proposed revisions to the utilization rate calculation method.

2. Approve the preliminary 1994 rate, but keep unchanged the existing calculation method approved by the Board on May 26, 1994.

3. Direct staff to recalculate the preliminary 1994 rate, based on specific comments received at the Committee meeting, and keep unchanged the existing calculation method.

IV. STAFF RECOMMENDATION

Approve Option 1: "Approve the preliminary 1994 California Postconsumer Paper Utilization Rate and the proposed revisions to the utilization rate calculation method."

V. ANALYSIS

Background

The Board established postconsumer paper utilization goals primarily to help California local governments achieve their landfill diversion goals of 25 percent by 1995 and 50 percent by the year 2000. Even though the U.S. paper industry had exceeded its own paper recovery goals ahead of schedule and was aggressively pursuing a higher goal, the Board believed that additional utilization of postconsumer paper generated in California was necessary to achieve the State's diversion goals.

Because paper is such a large percentage of California's wastestream -- 28.7 percent in 1990 -- the Board believed that the diversion rate for paper would have to be significantly higher than 21.4 percent (the 1990 rate) in order for cities and counties to achieve their 25 percent and 50 percent diversion goals.

In its fourth meeting, on February 28, 1995, RPAC agreed on a method for calculating the California postconsumer utilization rate and also agreed on annual goals. RPAC's method for measuring utilization draws the best available data from a variety of replicable public information sources[3] and adjusts that data based on California-specific factors such as population, strength of recycling infrastructure, and annual economic indicators. Additionally, the RPAC utilization calculation excludes preconsumer paper scrap, which, for 1990, RPAC estimated to be approximately 35 percent of U.S. paper recovery.

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[3] The primary data source for calculating the utilization rate is Annual Statistical Summary: Recovered Paper Utilization published by the American Forest & Paper Association. A full list of data sources is provided in Agenda Item 24 from the California Integrated Waste Management Board's meeting May 26, 1994

The annual utilization goals RPAC agreed upon are as follows:

1993: 33.4%
1994: 35.8%
1995: 38.1%
1996: 40.5%
1997: 42.9%
1998: 45.3%
1999: 47.6%
2000: 50.0%.

On May 26, 1994, the Board adopted the methods and definitions for measuring the paper industry's voluntary progress towards meeting the utilization goals. In addition, the Board approved the annual utilization goals, as proposed by RPAC.

In simple terms, the preliminary 1994 California postconsumer paper utilization rate is calculated using the following formula:

$$\frac{\text{1994 California postconsumer paper utilization}}{\text{1994 California total paper generation.}}$$

Key Issues

1. Factors Contributing to the Preliminary 1994 Utilization Rate

The preliminary 1994 California postconsumer utilization rate of 30.9 percent was higher than the 1993 rate of 27 percent, but still lower than the 1994 goal of 35.8 percent. In addition, the preliminary 1994 rate was lower than the rate staff anticipated.[4]

A. Factors Leading to a Higher Rate in 1994 than 1993

There were two primary factors that contributed to the preliminary 1994 utilization rate increasing from 1993: a significant increase in recovered paper exports from California ports and a general economic recovery in the U.S. California recovered paper exports increased by 25 percent in 1994 over

[4] See Page 7, Agenda Item 9, Market Development Committee Meeting, May 11, 1995

1993.[5] Since California ships approximately 50 percent of its recovered paper to foreign markets, the increase in exports contributed significantly to the higher preliminary 1994 utilization rate.

The U.S. economy improved significantly in 1994, stimulating business demand for paper and paper products which, in turn, led to increased demand for recovered paper by U.S. recycled paper mills. In fact, contrary to convention, recovered paper demand by U.S. recycled paper mills played just as strong a role in boosting 1994 market prices as did demand by overseas mills.

B. Factors Contributing to a Lower-than-Anticipated Preliminary 1994 Utilization Rate

Staff anticipated that the 1994 utilization rate would be higher than it actually was. Staff speculates that there were three reasons why the preliminary 1994 utilization rate was not as high as initially projected:

1. the boom in recovered paper markets did not really take off until the latter half of 1994;
2. there was a "lag time" between increased recovered paper demand and supply; and
3. overall generation of paper increased in California, somewhat offsetting increased recovery.

Market demand for recovered paper was still relatively flat in the first half of 1994. However, about June, demand increased significantly and continued to spiral upward throughout the remainder of the year.

Even though market demand for recovered paper increased tremendously during the latter half of 1994, it is very likely that actual paper *recovery* increased at a slower pace. In general, paper recovery is responsive to increased market prices, but for some paper grades, particularly office-generated papers, increased recovery can lag considerably behind increased prices. Office paper is typically collected through programs provided by paper dealers and refuse haulers. To increase collection, new programs must be established (or recovery must be increased for existing programs). Since it takes time for new collection programs to be established, higher recovery levels can lag considerably behind higher paper market prices.

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[5] The increase in 1994 California recovered paper exports over 1993 was erroneously reported as 20 percent in Agenda Item 9 for the Board's Market Development Committee meeting on May 11, 1995

Generation of paper in California increased between 1993 and 1994, somewhat offsetting the gains made in paper recovery. Increased generation was due to increased economic activity in California. Estimated paper generation in California increased from 12,768,957 tons in 1993 to 13,095,208 tons in 1994, an increase of 326,251 tons (see Attachments 2 & 3). By contrast, estimated California postconsumer paper recovery increased from 3,460,067 tons in 1993 to 4,042,549 tons, an increase of 582,482 tons. Thus, the net increase in paper recovery in 1994 from 1993 was 256,231 tons.

2. Projections for 1995 California Postconsumer Paper Utilization Rate

If the 1995 utilization rate is to meet or exceed the 1995 goal of 38.1 percent, it will have to increase at least 7.1 percentage points from the preliminary 1994 rate (the equivalent of a 23 percent increase); this would require a tremendous increase in paper recovery in California. While recovered paper markets are still strong relative to historical levels, demand has slackened considerably since the start of the year. If market demand does not increase during the remainder of 1995, achievement of the 1995 utilization goal will be that much more difficult.

While it is speculative whether or not California can achieve a 23 percent increase in postconsumer paper recovery in 1995, there are at least two major factors that should push the 1995 utilization rate beyond the preliminary 1994 rate. First, the "lag time" between increased demand and increased recovery (see previous sub-section) will have passed by mid-1995, so new office paper collection programs should be drawing in additional tonnage of recovered paper.

A second, related factor foretelling a higher 1995 utilization rate is that a growing number of municipalities -- including the City of Los Angeles -- is planning or considering the addition of mixed paper to their residential curbside recycling programs. Curbside recycling has been referred to as the "next frontier" for paper recovery; many paper companies that would not have considered consuming residential mixed paper in the recent past are now seriously pursuing such paper as feedstock.

The recent boom in recovered paper demand has converted mixed residential paper from a negative-value grade to a grade worth about $100/ton (end-market value). The positive value of mixed paper has made collection of the material much more economically viable.

While it is likely that the 1995 California postconsumer paper utilization rate will increase over the preliminary 1994 rate, there are also factors that could temper this increase. One such factor is the possibility of continued shipping container shortages. Such shortages, which were severe on both the west and east coasts in March, April and May of this year, are caused by a low value of the U.S. dollar against Pacific Rim currency. When the value of the U.S. dollar is down, imports typically drop. A decline in imports results in a shortage of shipping containers, hampering exports of recovered paper. A healthy export market, with ample containers to supply that market, is critical to California increasing its 1995 postconsumer paper utilization rate.

3. Grade-Specific Utilization Rate for Old Newspapers and Old Corrugated Containers

On May 26, 1994, the Board directed staff to annually calculate utilization rates for old newspapers (ONP) and old corrugated containers (OCC). While these rates are determined in much the same manner as the overall postconsumer paper utilization rate, the Board did not establish utilization goals for ONP, OCC, or any other individual recovered paper grade.

Staff estimates that, in 1994, the utilization rate for ONP was *41 percent*. This rate was higher than the 1993 utilization rate of 37 percent.[6] Staff also estimates that, in 1994, the utilization rate for OCC was *45 percent*. This rate was higher than the 1993 utilization rate of 40 percent.[7]

The higher ONP and OCC rates can be explained by the same factors that led to a higher overall postconsumer paper utilization rate in 1994 (see previous Section V,1: "Factors Contributing to the Preliminary 1994 Utilization Rate").

4. Utilization of Postconsumer Paper to Produce Alternative Products

The 1994 California postconsumer utilization rate includes paper used to produce such alternative products as compost, cellulose insulation, and animal bedding. Alternative products accounted

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[6] Board staff estimate. See Agenda Item 9 from Market Development Committee meeting on May 9, 1995.

[7] *Revised* Board staff calculation. The 1993 ONP utilization rate reported to the Market Development Committee in Agenda Item 9 on May 11, 1995, was 39 percent.

for an estimated 2.9 percent (116,713 tons) of total utilization of California postconsumer paper in 1994.[8] Current figures are not available on how much postconsumer paper was used for various alternative products. However, assuming that the respective percentages of recovered paper used to produce alternative products in the U.S. in 1990 are similar to those in California today, 1990 U.S. figures[9] can be applied to California's 1994 tonnage of postconsumer paper utilized in alternative products to give a rough estimate of respective use, as illustrated in the following table.

ESTIMATED 1994 UTILIZATION OF CALIFORNIA POSTCONSUMER PAPER IN ALTERNATIVE PRODUCTS

	Tons	%
Cellulose Insulation:	33,263	28.5
Fillers & Fibers	28,711	24.6
Animal Bedding	13,772	11.8
Internal Packaging	11,088	9.5
Hydromulch	11,088	9.5
Wallboard	9,921	8.5
Medium Density Fiberboard	8,870	7.6
Totals	116,713	100.0

Note that compost is not listed as one of the alternative products in the preceding table. Recent inquiries revealed that composting of recovered paper in California is not occurring at any measurable rate, if at all.

4. Early Calculation of the 1994 Utilization Rate

Staff calculated the 1994 California postconsumer paper utilization rate much sooner than anticipated. At the Market Development Committee meeting on May 11, 1995, staff estimated that the earliest time of each year that the annual California postconsumer paper utilization rate could be calculated, using *published* data, was approximately one year following the end of

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[8] Staff estimate, based on 1994 U.S. alternative paper utilization of 904,000 tons, extrapolated to California based on population and "recycling infrastructure factor."

[9] Friberg, Tom; "Alternative Uses for Recovered Paper", Resource Recycling, January 1993

the target year.[10] The reason staff chose to rely on published data is that RPAC generally agreed that using published data was preferable to using unpublished data, since it allows for easy verification of the accuracy and validity of the utilization rate calculation.

The Committee expressed respect for RPAC's desire to use published data to calculate the utilization rate. However, the Committee felt that if staff had to wait a year to calculate each year's postconsumer paper utilization rate, the rate would be ineffective to assess the U.S. paper industry's progress towards achieving the 50 percent goal for the year 2000.

The Committee directed staff to calculate the 1994 California postconsumer paper utilization rate at the earliest possible date, regardless of whether or not the data used to make the calculation was published. It was understood that staff would use unpublished, *hard data* (i.e., not projected data) to calculate the 1994 utilization rate. The preliminary 1994 utilization rate was calculated entirely with hard data.[11]

The Committee also directed staff to seek comments from RPAC on the use of unpublished data in the calculation of successive year's utilization rates. Staff submitted to RPAC members a draft report presenting the preliminary 1994 utilization rate, requesting comments on calculating the rate prior to publication of all the data used in the calculation. Staff received comments from only one RPAC member specific to the pre-publication calculation of the utilization rate; that member supported such a procedure.

All of the data needed to calculate California's postconsumer paper recovery (the numerator in the utilization rate formula) was available by May 1994. Most of the paper recovery data was obtained from the document 1994 Annual Statistical Summary (of) Recovered Paper Utilization, published by the American Forest & Paper Association in May 1994.

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[10] See Agenda Item 9, Page 9, from Market Development Committee meeting on May 11, 1995

[11] The draft report sent to RPAC contained one preliminary statistic: California Retail Taxable Sales. That statistic is final in this agenda item, and does not change the utilization rate from the rate published in the draft report.

5. Proposed Revisions to the Method for Calculating California's Postconsumer Paper Utilization Rate

In calculating the preliminary 1994 California postconsumer paper utilization rate, staff identified two ways to improve the determination of actual paper utilization (the numerator in the utilization rate equation) by using available data more specific to California.

The existing method to determine California paper utilization relies initially upon U.S. paper recovery data, including both U.S. mill consumption and exports. The U.S. recovery data is extrapolated to California based on California's population size relative to the U.S. population (see Step 29, Attachment 1), and a factor which accounts for the relative strengths and weaknesses of California recycling infrastructure compared with those of the U.S. (see Step 30, Attachment 1).

In the proposed changes to the calculation method, California's paper utilization is determined by summing the following two figures:

1. the amount of California-recovered postconsumer paper exported to foreign markets, and
2. the amount of California-recovered postconsumer paper consumed at Mountain & Pacific Region paper mills.

The proposed changes to the calculation method would no longer require extrapolation from U.S. recovery figures. The proposed changes to the utilization rate calculation method are discussed in detail in Attachment 4.

Board staff requested RPAC's comments on the proposed changes to the calculation method. Two RPAC members provided comments, with both members supportive of the proposed changes.

6. Numeric Effects of Proposed Changes to the Utilization Rate Calculation Method

Applying the proposed changes to the calculation method for the preliminary 1994 California postconsumer paper utilization rate results in the following figures:

1. Total Paper Utilization Rate: *30.9 percent* (identical to the rate using the existing calculation method);
2. ONP Utilization Rate: *58.1 percent* (increases from 40.7 percent using existing calculation method); and
3. OCC utilization rate: *47.7 percent* (increases from 45.5 percent using existing calculation method).

4. "All Other" paper utilization rate: 14.7 percent (decreases from 16.8 percent using existing calculation method).

Attachment 5 contains an analysis of why the proposed changes to the calculation method have the numeric effects that they do to the total paper, ONP, OCC and "all other" paper utilization rates. Attachments 6 & 7 contain a step-by-step calculation and data spreadsheet illustrating how the utilization rates are determined using the proposed changes to the calculation method.

7. Revision of 1990-1993 OCC and "Other Paper" Utilization Rates

The spreadsheets for the 1994 & 1993 utilization rates (Attachments 2&3) indicate that the 1993, 1992, & 1990 utilization rates for OCC and are "revised, based on new data." The revised rates, and the reasons for the revisions, are discussed in Attachment 8.

8. Proposal to Change the Term "Utilization"

Staff proposes that the Committee change the term "utilization" for the California postconsumer paper utilization goals program. Staff proposes this change for the following two reasons:

a) The term "utilization" is inconsistent with the paper industry's conventional use of the term. The paper industry uses "utilization" in reference to recovered paper consumption at U.S. paper mills. "Utilization", as used by the paper industry, does *not* include exports or alternative end-uses. When referring to *total* paper recovered -- irrespective of end-use -- the industry appropriately uses the term "recovery." In contrast to the paper industry, the Board's use of the term "utilization" includes both exports and alternative end-uses.

b) The term "utilization" is an inaccurate descriptor of what we are measuring in the California postconsumer paper goals program. The term "utilization for recycling" was chosen for the goals program to distinguish paper that was recovered for recycling from paper that was recovered for less desirable end-uses such as composting or incineration. However, by including exports in calculating the "utilization" rate, the Board has no way of knowing in what manner that exported paper is utilized.

Based on the preceding reasons, "recovery" may be a more accurate descriptor of measuring progress in diverting paper from California's landfills, but may be too broad since the rate

calculated includes only postconsumer paper used for new paper production and other end uses, and exported. The exports probably include paper landfilled or incinerated.

Staff would appreciate suggestions from the public and direction from the Board for an appropriate term to describe the Board's postconsumer paper goals program.

VI. CONCLUSIONS REGARDING CHANGE BETWEEN 1993 & 1994 UTILIZATION RATES

While the preliminary 1994 California postconsumer paper utilization rate of 31% fell short of the Board's established 1994 utilization goal of 35.8%, staff believes it is still too early to conclude that progress in paper recovery is inadequate to reach the target goal of 50% utilization by the year 2000. As mentioned earlier (see Section V, Key Issues, Item 2), there is good reason to believe that the 1995 utilization rate will exceed the preliminary 1994 rate. Even if the 1995 rate does not meet the Board's goal of 38.1%, it is clear that the U.S. paper industry and all the players in paper recycling are making concerted efforts to increase the recovery and consumption of postconsumer paper in California and the rest of the country.

Perhaps most telling of the U.S. paper industry's efforts to increase capacity to consume postconsumer paper is the recent shortfall in *supply* of such paper. Because so many new recycling projects have come on line over the past couple of years, the competition for recovered paper has become extreme. This competition is only exacerbated when overseas demand runs high.

Recognizing the supply shortage, the Board, like many other state and private organizations, is turning its attention to increasing the supply of recovered paper. The Board plans to conduct two paper recycling workshops in the near future. The topic for both the workshops will be identifying optimal methods to increase recovery of postconsumer paper from the residential and commercial sectors. Given the high utilization rates for OCC and ONP (based on staff's proposed revised calculation methodology), exploring opportunities to increase recovery of the relatively untapped supplies of mixed commercial and residential paper is especially timely.

Since the weak link in paper recycling market development appears to have shifted from inadequate demand to inadequate supply, it seems prudent to postpone judgement on the U.S. paper industry's progress towards meeting California's postconsumer paper utilization goals. Once the recovery of postconsumer paper increases, it will be more fair to evaluate the U.S. paper

industry's ability and commitment to consume that paper in recycling operations.

VII. SUMMARY OF CALIFORNIA POSTCONSUMER PAPER UTILIZATION GOALS AND RATES

Year	Goal	Rate
1995	38.1%	n/a
1994	35.8%	31% (staff calculation)
1993	33.4%	27%
1992	n/a	31%

VIII. ATTACHMENTS

1. Step-by-Step Calculation of Preliminary 1994 California Postconsumer Paper Utilization Rate
2. Data Spreadsheet: Preliminary 1994 California Postconsumer Paper Utilization Rate
3. Data Spreadsheet: 1993 California Postconsumer Paper Utilization Rate
4. Explanation of Proposed Changes to the Utilization Rate Calculation Method
5. Analysis of Numeric Effects of Proposed Changes to the Utilization Rate Calculation Method
6. Step-by-Step Calculation of Preliminary 1994 California Postconsumer Paper Utilization Rate *Using Revised Calculation Method*
7. Data Spreadsheet: Preliminary 1994 California Postconsumer Paper Utilization Rate *Using Revised Calculation Method*
8. Revision of 1990, 1992 & 1993 OCC and "Other Paper" Utilization Rates

IX. APPROVALS

Prepared by: Brian Foran Phone 255-2467

Reviewed by: Bill Hurst Phone 255-2481

Reviewed by: John Smell Phone 255-2413

Reviewed by: David Gorg Phone 255-2320

ATTACHMENT 1

STEP-BY-STEP CALCULATION OF PRELIMINARY 1994 CALIFORNIA POSTCONSUMER PAPER UTILIZATION RATE

Listed below are the steps in the calculation of the preliminary 1994 California postconsumer paper utilization rate. Calculation of the preliminary 1994 utilization rate is preceded by calculation of the 1990 California postconsumer paper utilization rate, because one of the figures used in that calculation -- 1990 tonnage of paper generated in California -- is used as a "baseline" figure for calculating the 1994 utilization rate.

A detailed explanation of the entire utilization rate calculation, along with the data sources used for calculating the rate, is available by calling the California Integrated Waste Management Board at 916-255-2467.

1990 CALIFORNIA POSTCONSUMER PAPER UTILIZATION RATE (BASELINE):

1990 TONNAGE OF CALIFORNIA POSTCONSUMER PAPER UTILIZED (NUMERATOR):

(1)	US New Supply of Paper and Paperboard	86,696,000
(2)	Amount of Converting Scrap as a % of New Supply	x .09405
(3)	Amount of Converting Scrap Produced in US	8,153,759
(4)	% of Converting Scrap Recovered for Recycling	x .9422
(5)	Amount of Preconsumer Paper Utilized	7,682,472
(6)	US Mills Recovered Paper Consumption:	22,007,500
(7)	US Mills *Preconsumer* Paper Consumption:	- 7,682,472[12]
		14,325,028
(8)	US Recovered Paper Exports:	+ 6,504,900
		20,829,928
(9)	US Recovered Paper Imports:	- 122,500
		20,707,428
(10)	Other Uses:	+ 704,000
(11)	US Postconsumer Paper Utilization:	21,411,428

(12) CA Postconsumer Paper Utilization (extrapolated from US figure, based on population only):

$$(11) * (\%\ \text{US pop. in CA}) = 21{,}411{,}428 * \frac{29{,}976{,}000}{249{,}466{,}000} = 2{,}572{,}811$$

[12] (5) is 35% of (6)

(13) CA Postconsumer Paper Utilization Adjusted for Recycling Infrastructure:

$$(12) * \left\{ .5 \frac{(CC_{CA}/CC_{US})}{(P_{CA}/P_{US})} + .5 \frac{(MC_{MP}/MC_{US})}{(P_{MP}/P_{US})} \right\}$$

where:
- CC_{CA} = CA population with access to curbside collection
- CC_{US} = US population with access to curbside collection
- P_{CA} = CA population
- P_{US} = US population
- P_{MP} = Mountain & Pacific Region population
- P_{MP} = Mountain & Pacific
- MC_{MP} = Mtn & Pac mill consumption of recovered paper (less pulp substitutes)
- MC_{US} = US mill consumption of recovered paper (less pulp substitutes)

$$2{,}572{,}811 * .5\left(\frac{6{,}475{,}000}{37{,}054{,}300} * \frac{249{,}466{,}000}{29{,}976{,}000}\right) + .5\left(\frac{3{,}417{,}000}{19{,}003{,}800} * \frac{249{,}466{,}000}{52{,}786{,}000}\right) =$$

[2,572,811 * .5(1.454 + .850)] = [2,572,811 * 1.152] = 2,963,878

1990 CALIFORNIA TONNAGE OF TOTAL PAPER GENERATED (DENOMINATOR):

(14)	IDB[13] California Waste Paper Disposal (10/18/93):	11,167,887
(15)	Moisture Content Adjustment (12% moisture):	x .8789
		9,815,456

(16) CA Total Paper Generation: (13) + (15) = 12,779,334

1990 CALIFORNIA POSTCONSUMER PAPER UTILIZATION RATE:

(17) CA Postconsumer Paper Utilization Rate: (13)/(16) = 23.2%

PRELIMINARY 1994 CALIFORNIA POSTCONSUMER PAPER UTILIZATION RATE

1994 TONNAGE OF CALIFORNIA POSTCONSUMER PAPER UTILIZED (NUMERATOR):

(18)	1994 US New Supply of Paper and Paperboard	95,355,000
(19)	Tons Converting Scrap as % of New Supply	x .09405
(20)	Tons Converting Scrap Produced in US	8,968,36
(21)	% of Converting Scrap Recovered for Recycling	x .9422
(22)	Tons Preconsumer Paper Utilized	8,450,170

[13] Interim Database - compilation of data from California city & county Source Reduction & Recycling Elements

)	1994 US Mills Recovered Paper Consumption:	30,310,100
)	1994 US Mills Preconsumer Paper Consumption:	- 8,450,170[14]
		21,859,930
(25)	1994 US Recovered Paper Exports:	+ 7,704,900
		29,564,830
(26)	1994 US Recovered Paper Imports:	- 252,500
		29,312,330
(27)	US Other Uses:	+ 904,000
(28)	Total US Postconsumer Paper Utilization:	30,216,330

(29) CA Postconsumer Paper Utilization (extrapolated from US figure, based on population only):

$$(28) * (1994\ CA\ \%\ of\ US\ pop.) = 30{,}216{,}330 * \frac{31{,}431{,}000}{260{,}341{,}000} = 3{,}648{,}021$$

(30) CA Postconsumer Paper Utilization Adjusted for Recycling Infrastructure:

$$(29) * .5\ \frac{(CC_{CA}/CC_{US})}{(P_{CA}/P_{US})} + .5\ \frac{(MC_{MP}/MC_{US})}{(P_{MP}/P_{US})}$$

where:
- CC_{CA} = CA population with access to curbside collection
- CC_{US} = US population with access to curbside collection
- P_{CA} = CA population
- P_{US} = US population
- P_{MP} = Mountain & Pacific Region population
- P_{MP} = Mountain & Pacific
- MC_{MP} = Mtn & Pac mill consumption of recovered paper (less pulp substitutes)
- MC_{US} = US mill consumption of recovered paper (less pulp substitutes)

$$3{,}648{,}021 * .5\left(\frac{17{,}850{,}000}{108{,}000{,}000} * \frac{260{,}341{,}000}{31{,}431{,}000}\right) + .5\left(\frac{5{,}000{,}600}{27{,}022{,}300} * \frac{260{,}341{,}000}{56{,}859{,}000}\right) =$$

$$[3{,}648{,}021 * .5(1.369 + .847)] = [3{,}648{,}021 * 1.108] = 4{,}042{,}549$$

[14] (24) is 28.5% of (23)

1994 CALIFORNIA TONNAGE OF TOTAL PAPER GENERATED (DENOMINATOR):

(31) 1990 CA Total Paper Generation = (16) = 12,779,334

(32) 1994 CA Total Paper Generation (extrapolated from 1990 figure):

1994 Generation = (31) * (%ΔE + %ΔRS/%ΔCPI + %ΔP + %ΔPP)/4

where:
- E = California Civilian Employment
- RS = California Retail Taxable Sales
- CPI = US Consumer Price Index
- P = California Population
- PP = US Paper & Paperboard Production

1994 Gen. = $(31)*\{E_{94}/E_{90} + (RS_{94}/RS_{90} \div CPI_{94}/CPI_{90}) + P_{94}/P_{90} + PP_{94}/PP_{90}\}/4$

12,779,334 * {14,141,000/13,846,000 + (187,088,022,000/181,655,000,000 ÷ 148.2/130.7) + 31,431,000/29,976,000 + 90,538,000/80,344,000}/4 =

12,779,334 * .25(1.021 + .902 + 1.049 + 1.127) =

12,779,334 * 1.025 = 13,114,811

PRELIMINARY 1994 CALIFORNIA PAPER UTILIZATION RATE:

(33) CA Postconsumer Paper Utilization Recycling Rate:

(30)/(32) = 4,042,549/13,098,817 = 30.9%

DATA SPREADSHEET: PRELIMINARY1994 CALIFORNIA POSTCONSUMER PAPER UTILIZATION RATE

	TOTAL PAPER	ONP	OCC	ALL OTHER
	TONS	TONS	TONS	TONS
1994 NUMERATOR				
UTILIZED PRECONSUMER SCRAP				
US New Supply Paper & Paperboard	95,355,000	17,483,000	28,700,000	49,172,000
Converting Scrap as % of New Supply	9.41%	3.90%	8.00%	11.64%
Tons Converting Scrap	8,968,362	681,662	2,295,426	5,723,621
% Converting Scrap Utilized	94.22%	98.08%	95.03%	93.58%
Tons Utilized Preconsumer Scrap	8,450,170	668,574	2,181,343	5,356,164
US RECOVERY				
US Mill Recovered Paper Consumption	30,310,100	5,390,900	14,534,400	10,384,800
Less Utilized Preconsumer Scrap	8,450,170	668,574	2,181,343	5,356,164
subtotal	21,859,930	4,722,326	12,353,057	5,028,636
Plus Exports	7,704,900	1,366,900	3,420,600	2,917,400
subtotal	29,564,830	6,089,226	15,773,657	7,946,036
Less Imports	252,500	23,800	45,100	97,000
subtotal	29,312,330	6,065,426	15,728,557	7,849,036
Plus Other Uses	904,000	904,000	0	0
Total Postconsumer Utilization	30,216,330	6,969,426	15,728,557	7,849,036
ADJUSTING US UTILIZATION TO CALIFORNIA BASED ON:				
Population	3,648,021	841,420	1,898,911	947,615
Infrastructure	4,042,549	932,418	2,104,275	1,050,098
1994 DENOMINATOR		ONP	OCC	ALL OTHER
1990 CA Paper Generation	12,779,300	2,233,675	4,514,256	6,088,969
1994 Generation Extrapolation	13,114,811	2,292,319	4,632,775	6,248,831
1994 UTILIZATION RATE	30.9%	40.7%	45.5%	16.8%
1994 UTILIZATION *GOAL*	35.8%	not applicable	not applicable	not applicable
1993 UTILIZATION RATE	27%	37%	40%*	14%*
1992 UTILIZATION RATE	31%	44%	45%*	15%*
VARIABLES USED IN THE 1994 CALCULATION				
	TOTAL PAPER	ONP	OCC	ALL OTHER
Converting Scrap as % of New Supply	9.41%	3.90%	8.00%	11.64%
% Converting Scrap Utilized	94.22%	98.08%	95.03%	93.58%
CA Population (pop)	31,431,000	US Population (pop)	260,341,000	
CA pop with curbside	17,850,000	US pop with curbside	108,000,000	
Mountain & Pacific State (M&P) pop	56,859,000			
M&P Consumption (less pulp subs)	5,000,600	US Consmpt. (less PS)	27,022,300	
Total Generation (1990)	TOTAL PAPER	ONP	OCC	ALL OTHER
	12,779,300	2,233,675	4,514,256	6,088,969
Weighted Factors:	curbside recycling	0.5000	mill consumption	0.5000
Extrapolation Indicators	1990	1994	WEIGHTS	
CA Civilian Employment	13,846,000	14,141,000	0.25	
CA Retail Taxable Sales	181,655,000,000	187,088,022,000	0.25	
CA Population	29,976,000	31,431,000	0.25	
US Paper & Paperboard Production	80,344,000	90,538,000	0.25	
Consumer Price Index	130.70	148.20		
*** Revised rate, based on new data**				

DATA SPREADSHEET: 1993 CALIF. POSTCONSUMER PAPER UTILIZATION RATE

	TOTAL PAPER	ONP	OCC	ALL OTHER
	TONS	TONS	TONS	TONS
1993 NUMERATOR				
UTILIZED PRECONSUMER SCRAP				
US New Supply Paper & Paperboard	91,233,000	17,092,000	26,894,000	47,247,000
Converting Scrap as % of New Supply	9.41%	3.90%	8.00%	11.64%
Tons Converting Scrap	8,580,678	666,417	2,150,982	5,499,551
% Converting Scrap Utilized	94.22%	98.08%	95.03%	93.58%
Tons Utilized Preconsumer Scrap	8,084,887	653,622	2,044,078	5,146,480
US RECOVERY				
US Mill Recovered Paper Consumption	28,336,100	5,000,300	13,566,800	9,769,000
Less Utilized Preconsumer Scrap	8,084,887	653,622	2,044,078	5,146,480
subtotal	20,251,213	4,346,678	11,522,722	4,622,520
Plus Exports	5,888,400	1,288,900	2,485,300	2,114,200
subtotal	26,139,613	5,635,578	14,008,022	6,736,720
Less Imports	137,800	21,300	31,400	97,000
subtotal	26,001,813	5,614,278	13,976,622	6,639,720
Plus Other Uses	854,000	854,000	0	0
Total Postconsumer Utilization	26,855,813	6,468,278	13,976,622	6,639,720
ADJUSTING US UTILIZATION TO CALIFORNIA BASED ON:				
Population	3,305,302	796,089	1,720,185	817,189
Infrastructure	3,460,067	833,364	1,800,729	855,453
1993 DENOMINATOR		ONP	OCC	ALL OTHER
1990 CA Paper Generation	12,779,300	2,233,675	4,514,256	6,088,969
1993 Generation Extrapolation	12,768,957	2,231,867	4,510,602	6,084,041
1993 UTILIZATION RATE	27%	37%	40%*	14%*
1993 UTILIZATION *GOAL*	33.40%	not applicable	not applicable	not applicable
1992 UTILIZATION RATE	31%	44%	45%*	15%*
1990 UTILIZATION RATE	23%	33%	35%*	11%*
VARIABLES USED IN THE 1993 CALCULATION				
	TOTAL PAPER	ONP	OCC	ALL OTHER
Converting Scrap as % of New Supply	9.41%	3.90%	8.00%	11.64%
% Converting Scrap Utilized	94.22%	98.08%	95.03%	93.58%
CA Population (pop)	31,742,000	US Population (pop)	257,906,000	
CA pop with curbside	15,458,000	US pop with curbside	101,353,325	
Mountain & Pacific State (M&P) pop	56,044,000			
M&P Consumption (less pulp subs)	4,741,000	US Consmpt. (less PS)	25,534,000	
Total Generation (1990)	TOTAL PAPER	ONP	OCC	ALL OTHER
	12,779,300	2,233,675	4,514,256	6,088,969
Weighted Factors				
curbside	0.5000			
mill consumption	0.5000			
Extrapolation Indicators	1990	1993	WEIGHTS	
CA Civilian Employment	13,846,000	13,853,000	0.25	
CA Retail Taxable Sales	181,655,000,000	179,014,600,000	0.25	
CA Population	29,976,000	31,742,000	0.25	
US Paper & Paperboard Production	80,344,000	86,388,000	0.25	
Consumer Price Index	130.70	149.40		

*** Revised figure, based on corrected data**

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ATTACHMENT 4

EXPLANATION OF PROPOSED CHANGES
TO THE UTILIZATION RATE CALCULATION METHOD

A. Calculation of California-Recovered Postconsumer Paper Exported to Foreign Markets

The ideal California recovered paper exports statistic for calculating the California postconsumer paper utilization rate would distinguish paper recovered in California from that recovered elsewhere. Unfortunately, California recovered paper export data, compiled by the U.S Department of Commerce, does not distinguish where the paper originated.[15]

To estimate the percentage of recovered paper shipped from California ports that was *recovered in California*, staff surveyed six of the major export brokers in the state. Based on the responses from the brokers, staff estimates that *85 percent* of recovered paper shipped from California's ports is recovered in California.

Before adjusting California recovered paper exports to isolate the paper recovered in California, preconsumer recovered paper needs to be deducted, because the Board's California paper utilization rate measures utilization of *postconsumer* paper only. (See Attachment 5). Once preconsumer paper is deducted from California exports, the resultant figure is adjusted by multiplying by 85 percent, to deduct the estimated 15 percent of California exports that are recovered outside of California.

B. Calculation of California-Recovered Postconsumer Paper Consumed at Mountain & Pacific Region Paper Mills

Inquiries with paper recycling professionals revealed that very little California recovered paper is consumed at domestic mills outside of the Mountain & Pacific Region (MPR). (The MPR includes the following nine states: Arizona, California, Colorado, Hawaii, Idaho, Montana, New Mexico, Oregon, and Washington.) However, a fairly large amount of California's recovered paper is consumed at mills *within* the MPR. (For example, a considerable amount of office paper recovered in California is consumed by James River Corporation's deinking mill in Halsey, Oregon.)

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[15] Staff was informed by a private export data-tracking company that they are developing a field in their database that will be able to distinguish point of origin for California exports. This field may be available by the end of the year, at which time staff will try to obtain the data.

To help determine California's paper utilization, one must find out "How much of MPR paper mill recovered paper consumption is recovered from California?" To answer that question, MPR paper mill recovered paper consumption is extrapolated to California in almost the identical way that U.S. paper mill paper consumption is extrapolated to California in the existing calculation method. First, MPR paper mill consumption is adjusted to remove preconsumer scrap.[16] Second, the adjusted MPR mill consumption figure is extrapolated to California based on California's relative population size to the population in the MPR.

To further refine the MPR mill recovered paper consumption figure to California, the population-adjusted figure is multiplied by a factor that represents the strength of California's recycling infrastructure to that of MPR states. This factor is determined much the same way as the California infrastructure factor is determined in the existing calculation method (see Step 30, Attachment 1). Two criteria are used to determine the California recycling infrastructure factor: the relative strength of California's curbside recycling programs and the relative strength of California's paper mill recovered paper consumption. Both criteria are weighted equally.

There are two differences between the proposed calculation method and the existing calculation method in determining California's recycling infrastructure factor:

1. The proposed method compares the number of Californians provided curbside recycling collection to the number of individuals provided such service in the *MPR states*, while the existing method compares the number of Californians provided curbside recycling collection to the number of individuals provided such service in the entire U.S.

2. The proposed method compares the tonnage of recovered paper (less pulp substitutes) consumed at *California paper mills* to the tonnage of recovered paper (less pulp substitutes) consumed at *MPR paper mills*, while the existing method compares the tonnage of recovered paper (less pulp substitutes) consumed at MPR paper mills to the tonnage of recovered paper (less pulp substitutes) consumed at all U.S. paper mills.

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[16] The proposed revised calculation method deducts preconsumer scrap from both California exports and Mountain & Pacific Region mill consumption at a rate of 22.4 percent (based on the same percentage of U.S. paper recovery that is preconsumer scrap).

Graphically, the proposed formula for determining the California recycling infrastructure factor appears as follows:

$$\text{Infrastructure Factor} = MPMC_{CA} * \left[.5 \frac{(CC_{CA}/CC_{MP})}{(P_{CA}/P_{MP})} + .5 \frac{(MC_{CA}/MC_{MP})}{(P_{CA}/P_{MP})}\right]$$

where:
- $MPMC_{CA}$ = CA recovered paper consumed at Mountain & Pacific Region mills
- CC_{CA} = CA population with access to curbside collection
- CC_{MP} = Mountain & Pacific Region population with access to curbside collection
- P_{CA} = CA population
- P_{MP} = Mountain & Pacific Region population
- MC_{CA} = California mill consumption of recovered paper (less preconsumer scrap)
- MC_{MP} = Mountain & Pacific Region mill consumption of recovered paper (less preconsumer scrap)

In summary, the proposed changes to the California postconsumer paper utilization rate calculation method attempt to make the method more accurate by using data more specific to California, and, where extrapolation is necessary, extrapolating from data where California paper recovery has a direct impact.

ATTACHMENT 5

ANALYSIS OF NUMERIC EFFECTS OF PROPOSED CHANGES TO THE UTILIZATION RATE CALCULATION METHOD

A. Total Paper Utilization Rate

The reason that the utilization rate determined by the proposed calculation method is the same as the rate determined by the existing method is that, using the proposed method, the decrease in one value (mill consumption) is proportional to the increase in another value (foreign exports). The fact that the overall utilization rate was nearly identical using both the existing calculation method and the proposed calculation method is coincidental, but it does lend credibility to both methods.

The existing calculation method significantly overestimates California's contribution to U.S. mill consumption, while underestimating California's contribution to exports from the U.S. For both calculation methods, "utilization" is a measure of domestic mill consumption plus foreign exports. The existing method, by extrapolating from U.S. data, reflects the ratio of U.S. mill consumption to foreign exports; this ratio, for 1994, was nearly 4:1. However, California's ratio between domestic mill consumption and foreign exports is not nearly as high. In 1994, the estimated ratio of California recovered paper consumed at U.S. mills to foreign exports was only 1.15:1.

By contrast, the proposed calculation method directly reflects the ratio of *California's* contribution to U.S. (Mountain & Pacific) mill consumption to foreign exports *originating in California*. While the "mill consumption" half of the ratio in the proposed method is much smaller than that in the existing method, the "exports" half of the ratio increases a proportionate amount, leading to a tonnage figure for "postconsumer paper utilization" nearly identical to that in the existing method.

B. ONP Utilization Rate

The ONP utilization rate calculated using the proposed method (58.1%) is significantly higher than the ONP rate calculated by the current method (40.7%). Staff attributes the higher rate to the fact that ONP accounts for a much larger percentage of California's overall paper recovery -- for both domestic mill consumption as well as foreign exports -- than it does for overall U.S. paper recovery. The following table illustrates the preeminence of ONP in California paper recovery:

1994 U.S. & California ONP Recovery
(expressed as percentage of mill consumption and exports)

	Mill Consumption		Exports	
	ONP	Other	ONP	Other
U.S.	17.8%	82.2%	17.7%	82.3%
Calif.	25.6%*	74.4%*	27.6%	72.4%

*Calif. recovered paper consumed at Mountain & Pacific Region paper mills

The most likely explanation for why California has such a greater relative recovery of ONP than the rest of the nation is that California has such a well-established network of curbside recycling programs, which provide the primary means of ONP recovery. In fact, in 1994, 57 percent of Californian's were provided access to curbside recycling programs, while only 41.5 percent of the U.S. population had access to curbside recycling.[17]

C. OCC Utilization Rate

The OCC utilization rate calculated using the proposed method is approximately two percentage points higher than the rate using the existing method. The difference between the two rates is not statistically significant. However, a statistical comparison between California and the U.S. of OCC mill consumption and exports shows that it is not a random determination that California has a greater OCC utilization rate than the rest of the country.

In the following chart, OCC represents a fairly higher percentage of (California-generated) recovered paper consumed at Mountain & Pacific paper mills than it does for the rest of the U.S. OCC *exports*, on the other hand, are very similar between California and the rest of the U.S.

[17] Steuteville, Robert; "The State of Garbage in America", Biocycle, Page 54, April 1995

1994 U.S. & California OCC Recovery
(expressed as percentage of mill consumption and exports)

	Mill Consumption		Exports	
	OCC	Other	OCC	Other
U.S.	48%	52%	44.4%	55.6%
Calif.	54%*	46%*	43.7%	56.3%

*Calif. recovered paper consumed at Mountain & Pacific Region paper mills

The most likely explanation for why California has a greater relative mill consumption of OCC than the rest of the U.S. is that there is a much higher ratio of recycled paper*board* mills to recycled paper mills in the Mountain & Pacific region than there is in the rest of the U.S. Paperboard mills typically rely on OCC as their primary feedstock, while paper mills typically rely on fine printing & writing papers (such as office paper).

D. "Other Paper" Utilization Rate

The utilization rate for all "other paper" (other than ONP and OCC) calculated with the proposed method (14.7%) declined by approximately 2 percentage points from the rate calculated with the existing method (16.8%). The reason for the decline was purely based on the facts that the utilization rates for ONP and OCC increased using the proposed method, and that the utilization rate for "total paper" remained the same. Since more recovered paper was "allocated" to ONP and OCC, there was less to be allocated to "other paper."

ATTACHMENT 6

STEP-BY-STEP CALCULATION OF PRELIMINARY 1994 CALIFORNIA POSTCONSUMER PAPER UTILIZATION RATE *USING REVISED CALCULATION METHOD*

Listed below are the steps in the calculation of the preliminary 1994 California postconsumer paper utilization rate *using the revised calculation method, as proposed by staff.* The steps essentially follow the steps in the spreadsheet in Attachment 7.

Calculation of the preliminary 1994 utilization rate using the revised calculation method is preceded by calculation of the 1990 tonnage of paper generated in California, because that figure is used as a "baseline" for calculating 1994 California paper generation, which is the denominator of the formula for determining the 1994 utilization rate.

Data sources used for the following calculation are available by calling the California Integrated Waste Management Board at 916-255-2467.

1990 TONNAGE OF CALIFORNIA POSTCONSUMER PAPER GENERATED:

(1)	1990 California Tonnage of Postconsumer Paper "Utilized" (see Attachment 1, steps 1-13, for calculation method)	2,963,878
(2)	1990 California Paper Disposal[18]	11,167,887
(3)	Moisture Content Adjustment (12% moisture):	x .8789
(4)	1990 Adjusted California Paper Disposal	9,815,456
(5)	CA Total Paper Generation [(1) + (4)]	12,779,334

PRELIMINARY 1994 CALIFORNIA POSTCONSUMER PAPER UTILIZATION RATE

1994 TONNAGE OF CALIFORNIA POSTCONSUMER PAPER RECOVERED (Numerator)

(6)	1994 Mountain & Pacific Region (MPR) Mill Total Paper Consumption	5,218,800
(7)	Preconsumer Scrap as Percentage of MPR Mill Total Paper Consumption[19]	X .219
(8)	1994 Preconsumer Scrap Consumed at MPR Mills	1,142,917

[18] CIWMB "Interim Database", revised 10-18-93. The Interim Database is a compilation of waste composition data from California city & county Source Reduction & Recycling Elements

[19] Based on U.S. data. See Attachment 1 for estimate of preconsumer scrap utilized as a percentage of U.S. paper recovery.

(9)	1994 MPR Mill *Postconsumer* Paper Consumption [(6)-(8)]	4,075,883
(10)	California Population as Percentage of MPR Population	X .553
(11)	MPR Mill Postconsumer Paper Consumption Originating from California (*based on population only*)	2,253,963

(12) MPR Mill Postconsumer Paper Consumption Originating from California (*based on both population and recycling infrastructure*) =

$$[11] \times \left[.5 \frac{(CC_{CA}/CC_{MP})}{(P_{CA}/P_{MP})} + .5 \frac{(MC_{CA}/MC_{MP})}{(P_{CA}/P_{MP})}\right] =$$

where:
- $MPMC_{CA}$ = CA recovered paper consumed at Mountain & Pacific Region mills (estimate, based on population)
- CC_{CA} = CA population with access to curbside collection
- CC_{MP} = Mountain & Pacific Region population with access to curbside collection
- P_{CA} = CA population
- P_{MP} = Mountain & Pacific Region population
- MC_{CA} = California mill consumption of recovered paper (less preconsumer scrap)
- MC_{MP} = Mountain & Pacific Region mill consumption of recovered paper (less preconsumer scrap)

$$2{,}253{,}963 \times \left[.5 \frac{(17{,}850{,}000/23{,}665{,}000)}{(31{,}431{,}000/56{,}859{,}000)} + .5 \frac{(1{,}739{,}374/\ 4{,}078{,}284)}{(31{,}431{,}000/56{,}859{,}000)}\right] =$$

$$2{,}253{,}963 \times [.5\ (.754/.553) + .5\ (.426/.553)] =$$

$$2{,}253{,}963 \times [.682 + .385] = 2{,}253{,}963 \times 1.067 =$$ 2,404,979[20]

(13)	1994 California Postconsumer Recovered Paper Utilized in Alternative Products	116,713
(14)	1994 Total California Recovered Paper Exports	2,281,700
(15)	Preconsumer Scrap as Percentage of Total California Recovered Paper Exports[21]	X .219
(16)	1994 California Preconsumer Paper Exports	499,692
(17)	1994 California *Postconsumer* Paper Exports [(14) - (16)]	1,782,008
(18)	Percentage of California Paper Exports Originating Outside of California[22]	X .15
(19)	1994 California Postconsumer Paper Exports Originating Outside of California	267,301
(20)	1994 California Postconsumer Paper Exports Originating *Within* California [(17) - (19)]	1,514,707
(21)	1994 Total California Postconsumer Paper Recovery [(12) + (13) + (20)]	4,036,399[23]

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[20] This figure does not equal the infrastructure-adjusted figure in Attachment 7 due to rounding.

[21] Based on U.S. data. See Attachment 1 for estimate of preconsumer scrap utilized as a percentage of U.S. paper recovery.

[22] As estimated by Board staff, based on informal survey of seven major paper exporters in state.

[23] Figure does not equal "Total Postconsumer Recovery" figure in Attachment 7 due to rounding.

94 CALIFORNIA TONNAGE OF PAPER GENERATED (Denominator)

(22) 1990 CA Total Paper Generation = (16) = 12,779,334

(23) 1994 CA Total Paper Generation (extrapolated from 1990 figure):

1994 Generation = (31) X (%ΔE + %ΔRS/%ΔCPI + %ΔP + %ΔPP)/4

where:
- E = California Civilian Employment
- RS = California Retail Taxable Sales
- CPI = US Consumer Price Index
- P = California Population
- PP = US Paper & Paperboard Production

1994 Gen. = $(31)X\{E_{94}/E_{90} + (RS_{94}/RS_{90} \div CPI_{94}/CPI_{90}) + P_{94}/P_{90} + PP_{94}/PP_{90}\}/4$

12,779,334 X {14,141,000/13,846,000 + (187,088,022,000/181,655,000,000 ÷ 148.2/130.7) + 31,431,000/29,976,000 + 90,538,000/80,344,000}/4 =

12,779,334 X .25(1.021 + .902 + 1.049 + 1.127) =

12,779,334 X 1.025 = 13,114,811[24]

PRELIMINARY 1994 CALIFORNIA PAPER UTILIZATION RATE:

) Preliminary California Postconsumer Paper Utilization Rate:

[(21)/(23)] = 4,036,399 / 13,114,811 = 30.8%[25]

[24] Figure does not equal "1994 Generation Extrapolation" in Attachment 7 due to rounding

[25] Figure does not equal "1994 Utilization Rate" (30.9%) in Attachment 7 due to rounding

DATA SPREADSHEET: PRELIMINARY 1994 CALIF. POSTCONSUMER PAPER UTILIZATION RATE USING REVISED CALCULATION METHOD

	TOTAL PAPER	ONP	OCC	ALL OTHER
	TONS	TONS	TONS	TONS
1994 NUMERATOR				
M&P MILL POSTCONSUMER PAPER CONSUMPTION				
M&P Mill Total Paper Consumption	5,218,800	1,338,600	2,818,600	1,061,600
Less Utilized Preconsumer Scrap	1,140,516	117,171	343,292	68,155
M&P Mill Postconsumer Consumption	4,078,284	1,221,429	2,475,308	993,445
M&P MILL POSTCONSUMER PAPER CONSUMPTION ADJUSTED TO CALIFORNIA BASED ON:				
Population	2,254,429	675,192	1,368,321	549,165
Infrastructure	2,407,768	721,116	1,461,391	586,518
CALIFORNIA EXPORTS				
Total California Recovered Paper Exports	2,281,700	629,200	997,800	654,700
Less Exported Preconsumer Scrap	498,642	55,076	121,527	267,306
Postconsumer Recovered Paper Exported	1,783,058	574,124	876,273	387,394
Less Exports Originating Outside California	267,459	86,119	131,441	58,109
Postcnsmr Exports Originating Within Calif.	1,515,599	488,006	744,832	329,285
MILL CONSUMPTION + EXPORTS	3,923,367	1,209,122	2,206,222	915,803
Plus Consumption in Alternative Products	116,713	121,145	0	0
TOTAL CA POSTCONSUMER RECOVERY	4,040,080	1,330,267	2,206,222	915,803
1994 DENOMINATOR		ONP	OCC	ALL OTHER
1990 CA Paper Generation	12,779,300	2,233,675	4,514,256	6,088,969
1994 Generation Extrapolation	13,114,811	2,292,319	4,632,775	6,248,831
1994 UTILIZATION RATE	**30.9%**	58.1%	47.7%	14.7%
1994 UTILIZATION *GOAL*	35.8%	not applicable	not applicable	not applicable
1993 UTILIZATION RATE	27%	37%	40% *	14%*
1992 UTILIZATION RATE	31%	44%	45%*	15%*
1990 UTILIZATION RATE	23%	33%	35%*	11%*
VARIABLES USED IN THE 1994 CALCULATION				
	TOTAL PAPER	ONP	OCC	ALL OTHER
% Calif. Exports Originating Outside Calif.	15.00%	15.00%	15.00%	15.00%
U.S. New Supply	95,355,000	17,483,000	28,700,000	49,172,000
Preconsumer Scrap as % of New Supply	9.41%	3.90%	8.00%	11.64%
Tons Preconsumer Scrap Generated	8,968,362	681,662	2,295,426	5,723,621
% Preconsumer Scrap Recovered	94.22%	98.08%	95.03%	93.58%
Tons Preconsumer Scrap Recovered	8,450,170	668,574	2,181,343	5,356,164
Total Tons U.S. Recovered Paper	38,666,500	7,638,000	17,909,900	13,118,600
Precnsmr Scrap Recvrd/Total Paper Recvrd	0.2185	0.0875	0.1218	0.4083
CA Population	31,431,000	U.S. Population	260,341,000	
CA pop with curbside	17,850,000	M&P pop. w/ curbside	23,665,000	
Mountain & Pacific State (M&P) Population	56,859,000			
M&P Mill Consumption	5,218,800	A Mill Paper Consumption	2,225,800	
less preconsumer scrap	1,140,516	less preconsumer scrap	486,426	
M&P Mill Postconsumer Consumption	4,078,284	A Mill Postcnsmr Cnsmptn	1,739,374	
Weighted Factors	Curbside:	0.50	Mill Consumption:	0.50
Extrapolation Indicators	1990	1994	WEIGHTS	
CA Civilian Employment	13,846,000	14,141,000	0.25	
CA Retail Taxable Sales	181,655,000,000	187,088,022,000	0.25	
CA Population	29,976,000	31,431,000	0.25	
US Paper & Paperboard Production	80,344,000	90,538,000	0.25	
Consumer Price Index	130.70	148.20		
* Revised rate, based on new data				

ATTACHMENT 8

REVISION OF 1993, 1992 & 1990 OCC AND "OTHER PAPER" UTILIZATION RATES

A. OCC Utilization Rates

The 1993, 1992 & 1990 OCC utilization rates are each slightly higher than previously published. (No rate was calculated for 1991.) The changes in the rates are as follows:

	Old Rate	New Rate
1993	39%	40%
1992	44%	45%
1990	34%	35%

The reason for the revised OCC utilization rates is that staff replaced the previous "OCC new supply" figures in the 1993, 1992 & 1990 utilization rate spreadsheets with new, more accurate data provided by the American Forest & Paper Association (AFPA). Staff had previously estimated the new supply figures for corrugated containers by compiling new supply data for three paper grades used to make corrugated containers. The 1993, 1992 & 1990 AFPA new supply data for corrugated containers is lower than each of the figures that staff estimated, and thus, slightly increase the OCC utilization rates for those years.

B. "Other Paper" Utilization Rates

The 1993 1992 & 1990"other paper" utilization rates listed on the 1994 & 1993 utilization rate spreadsheets (Attachments 2&3) are slightly different than the rates previously published. The changes in the rates are as follows:

	Old Rate	New Rate
1993	13%	14%
1992	17%	15%
1990	12%	11%

There are two reasons for the revised rates:

1. The OCC utilization rates for 1993 1992, & 1990 were all revised to be slightly higher than the original rates, which effectively lowers the rates for "other paper."

2. For the 1993 "Other Paper" utilization rate only, the "U.S. Mill Recovered Paper Consumption" figure for "Other Paper" in the 1993 spreadsheet was revised to be nearly 1 million tons higher than the original figure (entered incorrectly in the spreadsheet). This higher mill consumption figure offsets the reducing effect of the higher 1993 OCC utilization rate and results in an "Other Paper" rate slightly higher than the original.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
August 23, 1995

AGENDA ITEM 19

ITEM: CONSIDERATION OF MODIFICATIONS TO THE SUPPLIER-SPECIFIC INFORMATION REQUIREMENTS OF THE NEWSPRINT CERTIFICATION PROGRAM

I. SUMMARY

Staff is proposing that the the California Integrated Waste Management Board (Board) initiate the Rulemaking process to modify the Recycled-Content Newsprint Regulations, which appear in Title 14, California Code of Regulations (CCR), Sections 17950 - 17974, to eliminate "Section V of CIWMB Form 430" (Form 430) and use alternative sources of supplier-related information to meet program objectives. On July 13, 1995, the Market Development Committee directed staff to refine this recommendation by providing that an annual status report be submitted to the Board, including an analysis each year of whether audits should be conducted. Staff were directed to develop audit criteria with input from all interested parties and to provide details regarding the costs of an audit program.

II. PREVIOUS COMMITTEE ACTION

At the time of this writing, the Market Development Committee (Committee) has not considered staff's modified recommendation.

III. STAFF RECOMMENDATION

Staff recommends that the Board initiate a Rulemaking process to eliminate "Section V of the Form 430" and use alternative sources of supplier-related information to develop lists of newsprint suppliers needed to meet the objectives of the Newsprint Certification Program. Staff further recommends that an annual report be made to the Committee on the status of the Newsprint Certification Program, including a recommendation as to whether audits should be performed. Staff also recommends that the Board adopt an audit policy which would specify certain audit criteria that staff would consider in making a determination as to whether or not audits are necessary.

IV. ANALYSIS

Background

California's Recycled-Content Newsprint Law [Public Resources Code (PRC) Sections 42750 through 42791] mandates that newsprint consumers use a specified amount of recycled-content newsprint (containing at least 40 percent post-consumer fiber). This law is administered by the Board and requires printers and printer/publishers to certify their recycled content usage. The completed Form 430s are submitted to the Board and are retained as records. The Form 430s have been the subject of public information requests under the California Public Records Act (Government Code Section 6250 et seq.).

Information derived from "Section V of the Form 430s" is currently used to meet various Newsprint Certification Program objectives. These objectives include internal auditing of Form 430s, developing lists of newsprint suppliers, and developing newsprint comparable quality standards. Staff have determined that the elimination of "Section V" would affect the Newsprint Certification Program. If "Section V" is eliminated from the form, staff will need to look for other means to gather newsprint supplier lists and discontinue internal auditing procedures which rely on "Section V" information.

The regulated community has requested that the Board modify the Recycled-Content Newsprint Regulations because it is felt that the Board's existing regulations concerning disclosures pursuant to public records requests do not provide sufficient protection for persons who report confidential and proprietary information in the Form 430s. During discussions with Board staff in March 1995, industry representatives proposed to eliminate "Section V" of the Form 430 to ensure that confidential information would not be released to the public.

During the July 13, 1995, Market Development Committee meeting, staff proposed that the Committee approve pursuing the modification of the Recycled-Content Newsprint Regulations to eliminate supplier-specific reporting requirements. Staff recommended to the Committee that submittal of this information in "Section V" be discontinued because alternative sources of supplier-related information can be used to attain some of these program objectives, while other program objectives can be achieved by working with the regulated community to improve the accuracy of reporting information contained in "Section II of the Form 430."

Following the presentation, the Committee discussed modifications to the staff recommendation. The modifications included requiring staff to present an annual report on the status of the Newsprint Certification Program to the Committee. The annual status report would include a staff recommendation as to whether or not audits of

newsprint consumers should be conducted. (This would not mean that staff would need Board approval to conduct an audit of a specific newsprint consumer to resolve a specific question or problem if it was deemed necessary by staff.) The need for audits would be based on certain criteria. The Committee directed staff to seek comments from interested parties on proposed criteria that would trigger the need for audits, and to estimate the cost of performing audits. Following discussion, the Committee directed staff to continue this Item to the August 17, 1995 Committee meeting to allow staff time to research and develop the Committee's proposed modifications to the staff recommendation.

Estimates of Audit Costs by Outside Contractor

Staff received 4 estimates for performing 20 field audits of newsprint consumers by certified public accountants (CPAs). The CPAs were provided with the Form 430 and general information about the Recycled-Content Newsprint Regulations. CPAs were asked to estimate their out-of-pocket expenses based on the assumption that 10 audits would be in Northern California and 10 audits would be in Southern California. CPAs were informed that the purpose of the audits was to: 1) verify the accuracy of total metric tons of newsprint used by each consumer; total metric tons of non-recycled-content newsprint used by each consumer; actual percent of recycled-content newsprint used by each consumer, and 2) verify the accuracy of exemption(s) claimed in Sections III and IV of the Form 430. The estimates provided by CPAs were $12,500, $15,850, $18,420 and $55,000. (See Attachment #1 for details.)

Estimates of Audit Costs by Board Staff

The Board's Accounting and Audits Section provided an estimate of $21,660 to perform 20 field audits. This estimate assumed that audits would be conducted by an Associate Management Auditor. Itemized travel and per-diem expenses included in this estimate totaled $6,420. (See Attachment #1 for details.) The Board's Accounting and Audits Section provided an estimate of $11,430 to perform 20 desk audits.

Note: Field audits are conducted at the place of business of the entity being audited or the location where records are retained. Desk audits require that the entity being audited submit copies of certain records to the auditor.

Discussion of Options

On July 13, 1995, staff presented four options to the Committee which would eliminate or modify supplier-specific reporting requirements contained in the Form 430. The recommended option was subsequently refined according to the Committee's direction. This option is as follows:

Recommended Option

1) **Eliminate "Section V of the Form 430" and Use Alternative Sources of Supplier Information. Adopt an audit policy and require staff to present an annual status report.**

This option would modify the regulations to eliminate "Section V of Form 430" altogether. Alternative sources of supplier-related information would be used to meet the Newsprint Certification Program's objectives.

Alternative sources of supplier information are available from trade journals, informal industry surveys, local business permits, industry directories and data compiled by industry sources. These sources of information can be used to fulfill some of the Newsprint Certification Program's information requirements.

During recent discussions with Board staff, industry representatives made specific offers to assist the Board in obtaining supplier information. For instance, the American Forest and Paper Association has agreed to provide the Newsprint Certification Program with their aggregate data of total newsprint shipments to California. This data will augment the Board's ability to reconcile aggregate newsprint consumption as reported by newsprint consumers. (This data for 1993, 1994, and the first quarter of 1995, was received by staff on June 30, 1995.) In addition, industry representatives have offered to review and comment upon the Board's supplier list which will be developed from alternative sources of information.

Industry representatives also made specific offers to address the reduction of reporting errors that are made when completing the Form 430s. The major trade associations offered to allow the Newsprint Certification Program to publish notices in their newsletters to assist the Newsprint Certification Program in communicating to the regulated community the need to improve the accuracy of aggregate newsprint consumption data being submitted on certifications.

The proposed modifications to the regulations, under this option, do not affect the Board's authority to perform compliance audits (see PRC § 42771). However, there is currently no explicit audit policy for newsprint certifications. Staff recommends that the Board adopt a policy concerning the need for audits of newsprint consumers to augment the program's capability to verify the reliability of reporting information. Staff believe that the loss of "Section

V" information may reduce the accuracy of the Newsprint Certification Program's internal auditing efforts, therefore, the development of an external audit policy is recommended.

Annual Status Report

Under this option, staff would present an annual Newsprint Certification Program status report to the Committee. This report would be for the previous calendar year. This report would include:

- An accounting of total recycled-content newsprint used by all California newsprint consumers
- An accounting of total recycled-content newsprint shipped into California by recycled-content newsprint suppliers
- A statement as to whether or not total recycled-content newsprint used by all California newsprint consumers can be reconciled with total newsprint shipped into California by all newsprint suppliers
- An analysis of exemption claims made by newsprint consumers as a group
- A summary of all late and delinquent newsprint consumer certifications
- A discussion of the extent to which industry assisted staff in verifying the adequacy of supplier lists developed from alternative sources of supplier information
- A specific recommendation as to whether audits should be conducted and the specific facts leading staff to recommend audits

Audit Criteria

The proposed audit policy should delineate criteria that staff would use in making a recommendation as to whether audits are warranted. The "audit trigger" criteria would be used to rate overall compliance by the regulated community rather than focussing on individual certifications. Staff anticipate that approximately 20 audits of newsprint consumers would be performed should the Board direct staff to audit.

After having considered comments from both industry and the environmental community, staff have developed and propose that the Committee adopt the following "audit triggering" criteria (see Attachment #2 for details of comments from interested parties):

- Evidence of a significant reduction in the rate of consumption of recycled-content newsprint by California consumers
- Evidence of a significant increase in late or delinquent submittals of newsprint certifications
- Evidence that the total recycled-content newsprint shipped into California (as reported to the Board by newsprint suppliers) cannot be reconciled with the total newsprint consumed in California (as reported by newsprint consumers collectively in the Form 430s)
- A significant increase in identifiable reporting errors by newsprint consumers and manufacturers
- A significant increase in exemption claims by newsprint consumers
- A significant increase in exemption claims without adequate documentation (i.e. failure to complete the "Good Faith Certification in Section IV of the Form 430s")
- Staff's ability to verify the accuracy of supplier lists developed from alternative sources of information

Other Options Considered

The Committee previously considered three other options which are listed below. See Attachment 3 for more details.

Option 2) Initiate a Rulemaking to Eliminate "Section V of the Form 430." Require the Regulated Community to Participate in an Auditing Program.

Option 3) Initiate a Rulemaking to Eliminate "Section V of the Form 430." Require a Certification by a Certified Public Accountant.

Option 4) Initiate a Rulemaking to Modify "Section V of the Form 430" to Eliminate the Requirement that Newsprint Consumers Provide their Supplier Identification Information.

V. ATTACHMENTS

1. Compliance Audit Estimates

3. Other Options Previously Considered by the Market Development Committee

VI. APPROVALS

Prepared By: Rick Muller Rick Muller Phone: 255-2359

Reviewed By: Mindy Fox Mindy Fox Phone: 255-2449

Reviewed By: John Smith John Smith Phone: 255-2413

Approved By: Daniel Gorfain Daniel Gorfain Phone: 255-2320

Legal Review: _____ Date/Time: _____

Estimated Cost of 20 Audits By Board Staff

FIELD	Estimate Per Diem	Travel Cost	Salary For Audit	Post Audit Cost	Total Cost
Accounting & Audit Section	$4,720	$1,700	$7,620	$7,620	$21,660

DESK	Estimate Per Diem	Travel Cost	Salary For Audit	Post Audit Cost	Total Cost
Accounting & Audit Section	n/a	n/a	$11,430	n/a	$11,430

Estimated Cost of 20 Audits By Outside Auditor

FIELD	Costs For Audit Time	Out-Of-Pocket Costs	Total Cost
Company A	$10,000	$2,500	$12,500
Company B	$12,600	$3,250	$15,850
Company C	$12,000	$6420*	$18,420
Company D	$55,000	Included	$55,000

*Projected by Board staff because Company B was unwilling to give this estimate

Attachment #2

Proposed Audit Criteria and Pertinent Comments

(1) A significant reduction in the rate of consumption of recycled-content newsprint by California consumers

(2) A significant increase in late or delinquent newsprint certifications

(3) Total recycled-content newsprint shipped into California (as reported to the Board by newsprint suppliers) cannot be reconciled with the total newsprint consumed in California (total consumption as reported by newsprint consumers collectively in the Form 430s)

(4) A significant increase in identifiable reporting errors by newsprint consumers and manufacturers

(5) A significant increase in exemption claims by newsprint consumers

(6) Staff are unable to attain alternative sources of supplier information or to verify the accuracy of supplier lists developed from alternative sources of information

Comments from Interested Parties Concerning Audit Criteria

Contacts: Mr. Thomas Newton, California Newspaper Publishers Association (CNPA) and Karen L. Jarrell, Jefferson Smurfit Corporation

Specific Comments: Delete criterion 6.

Supporting Arguments: This criterion is unrelated to whether consumers have or have not complied with the law. The law allows audits to ensure that recycled-content newsprint is used by consumers; not to allow the Board to gather information about suppliers.

Response: Staff incorporated this recommendation in the Agenda Item. Criterion 6 now reads "Staff are unable to verify the accuracy of supplier lists developed from alternative sources of information."

Contact: Mr. Joseph Schwarzmann, Pacific Bell Directory

Specific Comments: Recommend using a figure of 10% in lieu of the word "significant" for criteria 1,2,4, and 5.

Supporting Arguments: If the Board were to accept the "significant" language of the criteria, it could become an issue as to what exactly a "significant" amount means.

Response: Staff did not incorporate these comments in the final Agenda Item. Staff recommend that these criteria should not be a rigid set of standards, but rather a flexible framework used only to provide general guidance to staff in making a determination as to whether or not to recommend audits. The determination that a particular audit trigger is "significant" may depend on the interpretation of a particular set of considerations, including considerations that may be weighed differently from one year to the next. For example, current market conditions for newsprint may be one factor that is considered in making a determination as to the extent that an increase in exemption claims is significant. Obviously, market conditions for newsprint are subject to change.

* * * * * * * * * * * *

Contact: Mr. Jim Richards, Printing Industry of Northern California

Specific Comments: The word "significant," used in criteria 1,2,4, and 5, needs to be articulated.

Supporting Arguments: The rate of consumption of recycled-content newsprint will be naturally reduced as the amount of consumption is increased, the closer one gets to a saturation point. A significant increase in exemption claims by newsprint consumers might be attributed to prior uncaptured user/reports.

Response: (Same response as above.)

* * * * * * * * * * * *

Contact: Mr. Rick Best, Californian's Against Waste

Specific Comments: The Board's audit policy should include the use of selective audits.

Supporting Argument: Since the Board would only audit about 20 newsprint consumers, the audits should be targeted to maximize the chances that errors are identified and corrected.

Response: This recommendation was not incorporated into the Agenda Item, however, staff have determined that the standard audit procedure used by the Board's Accounting and Audit Sections includes the use of a combination of selective and random audits.

ATTACHMENT 3

OTHER OPTIONS PREVIOUSLY CONSIDERED BY THE MARKET DEVELOPMENT COMMITTEE

2) **Initiate a Rulemaking to Eliminate "Section V of the Form 430." Require the Regulated Community to Participate in an Auditing Program.**

This option would modify the Recycled-Content Newsprint Regulations to eliminate "Section V of Form 430" and require newsprint consumers to participate in an "off-site" auditing program. Newsprint consumers would provide their customer invoices of newsprint purchases to a designated third party who would act as their agent. Staff would then conduct off-site audits. The Board would not retain information which links consumers with suppliers, but might retain non-confidential information reviewed during the auditing process to develop a list of newsprint suppliers as mandated by PRC Section 42774. This option would allow for cross-checking of consumption data and for the development of supplier lists without requiring additional staff resources.

Problems associated with this option include apprehension on the part of industry trade associations to serve as the third parties, and the fact that the Recycled-Content Newsprint Law does not require that newsprint consumers pay for any expenses related to auditing. In the absence of such a provision, staff are concerned that the auditing approach described above would be unenforceable.

3) **Initiate a Rulemaking to Eliminate "Section V of the Form 430." Require a Certification by a Certified Public Accountant.**

This option would modify the Recycled-Content Newsprint Regulations to eliminate "Section V of Form 430" and to require that large volume newsprint consumers have a certified public accountant verify the accuracy of aggregate consumption information reported in Section II. Alternative sources of supplier-related information would be used to meet the Newsprint Certification Program's objectives. The underlying strategy behind this approach is that a CPA review for large volume newsprint consumers would reduce the error rate in completing the Newsprint Certification Forms.

Board staff believe the CPA review requirement for large volume newsprint consumers would reduce the error rate in completing the Newsprint Certification Forms; however, there may to be dissatisfaction on the part of the regulated

community regarding this option due to a perception of unfairness. During the initial Rulemaking, the majority of participants expressed the opinion that all newsprint consumers should be subject to the same requirements.

4) **Initiate a Rulemaking to Modify "Section V of the Form 430" to Eliminate the Requirement that Newsprint Consumers Provide their Supplier Identification Information.**

This approach would eliminate the requirement that newsprint consumers identify each of their newsprint suppliers by name, contact person, phone number, and address. Instead, newsprint consumers would report their supplier-specific tonnage information for anonymous suppliers A, B, C, etc. Consumers would continue to report total newsprint by grade used from each supplier, recycled-content newsprint by grade used from each supplier and nonrecycled-content by grade used from each supplier; but the actual suppliers would not be identified. This modification of "Section V" would allow staff to continue to cross-check the accuracy of aggregate newsprint data reported in Section II of the Form 430. Since the specific suppliers would not be identified, the linkage between consumers and suppliers would not be part of the Board's records and the industry's confidentiality concerns would be abated.

This option would alleviate the concern of newsprint consumers and suppliers who do not want the Board to retain records that contain confidential supplier-specific information; internal auditing would still be possible; and staff would develop the mandated list of newsprint suppliers from alternative sources. However, industry representatives have informed staff that some newsprint suppliers could still be deciphered because newsprint consumers often report (on the Form 430) the newsprint grades they use by trade name rather than by a standard newsprint grade. Thus, some confidentiality concerns might remain were this option chosen.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
August 23, 1995

AGENDA ITEM 20

ITEM: CONSIDERATION OF AUTHORIZATION FOR STAFF TO PREPARE A PILOT RECYCLING MARKET DEVELOPMENT ZONE (RMDZ) LOAN SALE AGREEMENT FOR BOARD APPROVAL

I. SUMMARY

This agenda item builds on information presented at the September 21, 1994 and December 14, 1994 Board meetings, and the March 8, 1995 Market Development Committee (MDC) meeting. It concludes that a pilot loan sale by the Board to meet anticipated market demand in 1996-97 is warranted at this time. It presents a revised process and timeline for the sale of Recycling Market Development Zone Program (Program) loans. It further seeks direction from the Board to work with the Community Reinvestment Fund, Inc. (CRF) to prepare a specific loan sale agreement to be brought back to the Board for its review and approval.

Since December 1994, staff has worked to respond to issues and questions raised by the Board with respect to the pilot loan sale. Staff conducted an analysis of the impact a loan sale would have on available capital and on repayment into the Integrated Waste Management Account (IWMA). The private sector was surveyed to consider whether the Program would unfairly compete with the private lending industry. A thorough search was done to identify specific parties who might be interested in purchasing the Board's loans and the general terms under which such purchasers would step forward.

II. COMMITTEE ACTION

Due to noticing requirements for the Board meeting, this item was prepared prior to the Market Development Committee on August 17, 1995. Action taken by the Committee will be included in staff's oral presentation to the Board.

III. OPTIONS FOR THE BOARD

The Board may:

1. Direct staff to proceed with a pilot loan sale and work with the Community Reinvestment Fund, Inc. to prepare a specific loan sale agreement to be brought back to the Board for review and approval.

2. Request further evaluation from staff.

3. Recommend that the Board not sell Program loans at this time.

IV. STAFF RECOMMENDATION

Staff recommends that the Board direct staff to proceed with a pilot sale of RMDZ loans on the secondary market and work with the Community Reinvestment Fund, Inc. to prepare a specific proposed loan sale agreement to be brought back to the Board for review and approval.

V. ANALYSIS

Background

Pursuant to earlier Board direction, staff investigated options to increase the amount of financing available for recycling-based businesses. This resulted in various public meetings and workshops (Attachment #1) to discuss the benefits and costs of several options including selling Program loans, leveraging other financial programs, and issuing bonds. While other options are being explored or developed, the consideration of a pilot sale of Program loans at this time appears warranted. The sale of loans is the only option for which the Board currently has statutory authority.

The recent increase in the number of Recycling Market Development Zone (RMDZ) designations from 29 to 40 and the expansion of existing RMDZs, is expected to substantially increase demand. (Attachment #2)

The Program is currently scheduled to sunset on July 1, 1997. An "RMDZ Loan Program Evaluation" report was adopted by the Board in May of this year, and submitted to the Governor and the Legislature. The report recommends that the Program sunset date be extended to July 1, 2006, the annual $5 million transfer from the IWMA be extended to July 1, 2000, and the lending of principal and interest repayments be continued through July 1, 2006. These revisions are supported by the Governor and were recently amended into SB 174 (Killea). (Attachment #3)

Decision to Sell Loans

A sale of Program loans in the coming months will enable the Board to better meet market demand for capital, by increasing the amount of financing available to recycling-based businesses in time to help achieve the AB 939 diversion mandates by the year 2000. The achievement of the diversion mandate has been a primary objective of the Program since its inception.

If the loan program is not extended beyond its current 1997 sunset date, a loan sale this year would provide an additional $5.5 to $7.5 million in available loans funds to RMDZ borrowers. Such an infusion would increase the amount of available financing in 1996, while effecting a minimal decrease in total eventual interest earnings and repayment into the IWMA.

Should the loan program be extended as proposed by the Board, a loan sale in the short term will only result in a small reduction in the total amount available to lend over the proposed ten year life of the Program, due to the discounting of the sold loans. (Attachments #2 & #4)

The table below summarizes the estimated dollar amounts available to lend (in millions of dollars) without a loan sale, and in the alternative, with a single $7.5 million or $10 million sale:

Total Lending	Program Sunset 1997	AB 939 Deadline 2000*	Proposed Sunset 2006*
No Loan Sale	$38	$86	$216.5
$7.5 Million Sale	$42	$88	$215.3
$10 Million Sale	$43.5	$88	$214.8

* If the Program sunset date is extended to July 1, 2006.

Although the difference in the total amount available for lending by the years 2000 and 2006 with and without a loan sale would be minimal, it is important to consider that increased financing in 1996 will make increased diversion capacity and economic benefits possible at an earlier date with a greater potential cumulative effect by the year 2000. The increased investment will benefit the 109 cities and counties within the 40 RMDZs, in their efforts to achieve the AB 939 diversion mandate. (Atch #5)

The Board has the statutory authority to sell Program loans, subject to a maximum discount of 25%. After consulting with the Board's Legal Office, the Board's outside counsel which advises the Board regarding the Program, the Department of Finance, and the Board's Administrative Services and Finance Division, staff concludes that there are no legal or administrative impediments to selling Program loans. In addition, because the loan sale does not constitute a procurement of materials, supplies, equipment, or services, the Board is not required to issue a Request for Proposals (RFP) to select a buyer for this loan sale.

Selection of a Purchaser

During November and December of 1994, the Board advertised in both *The Wall Street Journal* and *The Bond Buyer* on separate occasions, soliciting an expression of interest from potential purchasers of the Program loans. Staff received 12 telephone requests for additional information on the Program and individual loans. Three potential purchasers continued to show an interest.

The Board's financial consultant reviewed the prospective preliminary offers from the three potential investors and concluded that the Community Reinvestment Fund, Inc. (CRF) presented, by far, the best and only offer (Attachment #6) which appeared to be within the 25% statutory discount limit on the loan sale which the Board may accept. The Community Reinvestment Fund, Inc. is a $10 million non-profit corporation that provides new loan capital by creating a secondary market for economic development loans. By purchasing loans, the CRF enables the lender, typically a nonprofit or a government agency, to re-lend loan dollars much earlier than would otherwise be the case.

In addition, the Board's outside legal counsel contacted various brokerage houses to determine if other investors could provide a more advantageous offer, or one equal to that of CRF. That inquiry also led to the conclusion that CRF's offer represented the best offer for the Board to accept.

An advantage of selling loans to CRF is its ability to attract foundation grants and Program Related Investments (PRI). PRIs are investments or loans made by foundations which have a different motivation than most investors. As an example, the Ford Foundation recently lent the CRF $2 million at 1% for 10 years and gave them a $400,000 grant. The participation by these socially motivated investors allows CRF to offer a "contingent deferred cash payment", explained in the following section. The amount of this contingent payment will be based upon the losses incurred once the loans are purchased from the Board. (Atch #4)

CRF's Proposed Preliminary Offer

CRF would purchase the Board's loan pool in a cash transaction for approximately 87% of the then outstanding principal balance of the loans. CRF would make a cash payment of 85% of the purchase price to the Board at the closing. The loan sale agreement will provide that CRF will pay the remaining 15% of the purchase price to the Board on a deferred basis, subject to performance of the loan portfolio. (Atch #7) CRF will own and service the loans.

CRF will obtain the funds necessary for closing by issuing bonds which will be purchased by outside investors and by CRF itself. The Board will not be a participant in, or in any way be responsible for, the issuance of the bonds by CRF. The bonds will be secured by the loan portfolio, and paid off from the loan payments made to CRF from the loan portfolio. The proceeds from the bond sale will fund the payment of the 85% portion of the purchase price due to the Board at the closing. The actual sale of the loans to CRF will be contingent upon CRF successfully raising the necessary money for the purchase. If the bond sale is not completed, no sale of the loans will take place.

Loan payments received by CRF after the closing will be applied by CRF first to the repayment of the bonds, and after the repayment of the bonds, to the deferred 15% portion of the purchase price to the Board. The payment of the remaining 15% of the purchase price is subordinate to the repayment of the bonds, and contingent on the performance of the loan portfolio. (See Attachment #8). If all loans in the portfolio are paid in full (with no defaults), the bondholders will be paid in full and the Board will receive the full amount of its 15% deferred portion of the purchase price; to the extent loans in the portfolio do not perform (defaults in payment, bankruptcies, etc.), the bondholders will be paid first, and the Board will receive less than its full 15% deferred payment. As a result, once the loans are sold to CRF, the maximum exposure to the Board for loan losses in the event of defaults, is its remaining 15% deferred, contingent payment.

Timeline

Various tasks must be completed by both the Board and CRF in order to consummate a sale of Program loans. The specific tasks include negotiation of a Confidentiality Agreement, a Qualified Sellers Agreement, and a Loan Purchase Agreement, as well as bond marketing by CRF to investors. A loan sale could be consummated by the end of December 1995. The specific tasks and timeline for completion of the sale are included as Attachment #9.

V. FUNDING INFORMATION

Fiscal Impacts N/A

Amount Requested in Item: $5.5 - 7.2 Million

Fund Source:

- ☐ Used Oil Recycling Fund
- ☐ Tire Recycling Management Fund
- ☐ Recycling Market Development Revolving Loan Account
- ☐ Integrated Waste Management Account
- ☐ Other RMDZ Loan Sale
  (Specify)

Approved From Line Item:

- ☐ Consulting & Professional Services
- ☐ Training
- ☐ Data processing
- ☐ Other _____
  (Specify)

Redirection:

If Redirection of Funds: $_____

Fund Source: _____

Line Item: _____

VII. ATTACHMENTS

1. A chronology of meetings, workshops, and other activities relative to the proposed sale of Program loans.

2. A summary of the need and effect of a sale of Program loans.

3. Proposed statutory changes to the loan Program included in the Governor's proposed CIWMB/Division of Recycling reorganization bill, also contained in SB 174 (Killea).

4. A comparison of the structure and net cash of selling Program loans to a private purchaser versus CRF.

5. A graph illustrating funds available as a result of a loan sale.

6. Memorandum from Scott Rodde, Director of the National Development Council (NDC) regarding issues concerning the sale of California Integrated Waste Management Board Loans to Community Reinvestment Fund (CRF).

7. Memo from CRF regarding the purchase of Program loans.

8. An explanation of how the proposed CRF sale would be structured.

9. A detailed list of tasks and the timeline for the sale of Program loans.

VIII. APPROVALS

Prepared by: Calvin Young Phone: 255-2476

Reviewed by: Robert Caputi Phone: 255-2442

Reviewed by: Carole Brow Phone: 255-2426

Reviewed by: Daniel Gorfain for Phone: 255-2320

Reviewed by: Marie LaVergne for Phone: 255-2269

Legal Review: Date/Time: 8/14/95

LOAN SALE CHRONOLOGY

June 3, 1993 Market Development Committee (MDC) Workshop on Financing Options for Recycling-Based Manufactures
The workshop discussed the problems faced by recycling-based manufactures accessing necessary capital and staff received direction to consider different options for increasing financing availability.

July 28, 1993 Board Agenda Item #23
Builds on information discussed at the June 3, 1993, MDC Workshop on Financing Options for Recycling-based Manufacturers and discussion at the July 14, 1993, MDC meeting. The item discusses why a guaranteed loan program is not feasible at this time and why the Board should focus on selling RMDZ loans. It concludes that no one financing structure will satisfy all needs and that the Board should move toward providing a variety of financing options.

August 31, 1994 Board Agenda Item #6
Approved a $50,000 Contract Concept for financial and legal consultation to support loan sales.

September 21, 1994 Board Agenda Item #14
The item was a pivotal point in the consideration of selling program loans, issuing bonds, and leveraging other existing financing programs. It follows extensive discussion at the September 7, 1994, MDC meeting at which Board Members Rellis, Chesbro, Heidig, and Egigian were present.

The Board directed staff to return to the MDC and Board with a specific pilot proposal (including options) for selling program loans. The proposal was to be presented in the context of a comprehensive approach to financing recycling-based businesses. Staff was further directed to continue investigating the feasibility of issuing bonds, pursue participation in the California Capital Access Program, identify and pursue other leveraging options, and prepare various legislative concepts.

November 23, 1994 Binder of Reference Material Related to the Sale of RMDZ Loans Was Delivered to Each Board Member and the Executive Director

December 14, 1994 Board Agenda Item #20
The item builds on information previously presented and responds to questions surrounding the possible impact of expanded loan activity on private sector lenders due to selling RMDZ loans. Additionally, while previous meetings discussed conceptual approaches to selling program loans, this item presented a specific proposal. *The Board approved the specific process and timeline for the sale of program loans by August, 1995.*

March 8, 1995 MDC Agenda Item #13
Provides an update on the progress made regarding selling RMDZ loans with the MDC recommending the Board maintain the existing timeline rather than selecting a specific investor now and accelerate the sale. The item was pulled from the Board agenda.

March 22, 1995 Meeting to Discuss Loan Sale and Bond Issuance
Participants (MDC Chairman & staff, Division Deputy, loan staff, inside & outside legal counsel, and outside financial consultant) met to discuss various issues related to the sale of RMDZ loans. Based on inquiries made to large brokerage houses, only CRF was found to meet the requirements of a 25 % statutory maximum discount. It was also decided that the existing consultants have the necessary expertise to complete the loan sale without the use of an outside financial advisor.

April, 1995
Process was suspended pending a review by new Board members.

LOAN SALE NEED / EFFECT

LOAN DEMAND (Dollars in millions):

	Applications		Approved Loans	
	#	$	#	$
1993	33	$19.8	22	$8.5
1994	53	$24.3	29	$11.8
1995	37	$21.1 (6 months)	11	$4.8 (6 months)

1. The Loan Evaluation Report projected loan demand at $28 million a year based on a projection of the first quarter of 1995.

2. The 40 Zone Administrators estimated potential demand at $60 million a year when surveyed for the Loan Program evaluation.

LOAN ACTIVITY (Dollars in millions):

	1993/1994	1994/1995	1995/1996	1996/1997	1997/1998	1998/1999	1999/2000
Without Loan Sales	$5.6	$13.4	$9.0	$10.0	$13.0	$16.0	$19.0
With $7.5 Million Sale	$5.6	$13.4	$13.0	$10.0	$12.5	$15.0	$18.5
With $10 Million Sale	$5.6	$13.4	$14.5	$10.0	$12.0	$14.5	$18.0

LONG TERM EFFECT (Dollars in millions):

	1993/2000	1993/2006
No Loan Sale	$86.0	$216.5
$7.5 Million Sale 95/96	$88.0	$215.3
$10 Million Sale 95/96	$88.0	$214.8

REPAYMENT TO IWMA (Dollars in millions): As of June 30, 2012

	Allocation	Earnings	Total
No Loan Sale	$45.0	$37.5	$82.5
$7.5 Million Sale 95/96	$45.0	$35.5	$80.5
$10 Million Sale 95/96	$45.0	$35.0	$80.0

7/27/95

TO: Carole Brow

FROM: Pat Chartrand

SUBJECT: Info on RMDZ Provisions in SB 174/Status of SB 174

The Governor's CIWMB/DOR reorganization bill, now embodied in SB 174 (Killea), proposes the following changes to the RMDZ loan program:

- Extends the annual $5 million transfer from the Integrated Waste Management Account (IWMA) to the Recycling Market Development (RMD) Revolving Loan Subaccount for purposes of making RMDZ loans from FY 1996-97 through FY 2000-01. Specifies that repayment shall be made pursuant to a schedule determined by the CIWMB based on an analysis of the availability of funds and program needs.

- Requires the CIWMB to submit a report to the Legislature on the RMD revolving loan program on or before March 31, 1999.

- Commencing July 1, 1996, upon appropriation by the Legislature, allows the CIWMB to expend funds from the Beverage Container Recycling Fund and the IWM Fund in an amount not to exceed $1.75 million annually for purposes of making loans appropriate to the purposes of that fund. Requires that the annual transfer of funds from the IWMA to the RMD revolving loan subaccount be reduced so that the total annual transfer of additional funds to the subaccount does not exceed $5 million.

- Allows the CIWMB to expend funds from the Beverage Container Recycling Fund only if the Board determines that provisions of SB 1178 (O'Connell - also 95-96 session) have been funded, if that bill is enacted into law. Specifies that Beverage Container funds may only be expended to make loans to local governing bodies and private business entities for the purposes of recycling beverage containers covered by the Bottle Bill.

- Extends the sunset date on the RMDZ program from July 1, 1997 to January 1, 2007

- States that any loan outstanding on July 1, 2006 shall be repaid within the established term of the loan (not more than 10 years).

SB 174 is currently awaiting a hearing in the Assembly Appropriations Committee (no date set yet). After that, it must go back to the Senate for concurrence in Assembly amendments. It's very difficult to predict whether the bill will be successful this year or not.

COMPARISON OF LOAN SALE OPTIONS

PRIVATE INVESTOR LOAN SALE:

Loans	7,500,000
Loan Sale Cash Proceeds	5,504,000
Total Program Loans	$13,004,000

Sale Transaction:

Loan Portfolio Sold	7,500,000
Interest Rate Discount	(1,025,000)
Risk Discount	(971,000)
Net Proceeds from Sale	$5,504,000

CRF LOAN SALE:

Loans	7,500,000
Loan Sale Cash Proceeds	5,504,000
Total Program Loans	$13,004,000

Sale Transaction:

Loan Portfolio Sold	7,500,000
Interest Rate Discount	(1,025,000)
Net Proceeds from Sale	$6,475,000

Yield from Sale:

Loan Sale Cash Proceeds	5,504,000
Contingent Deferred Cash Payment *	971,000
Net Proceeds from Sale	$6,475,000

* Dependent upon actual losses of loans sold.

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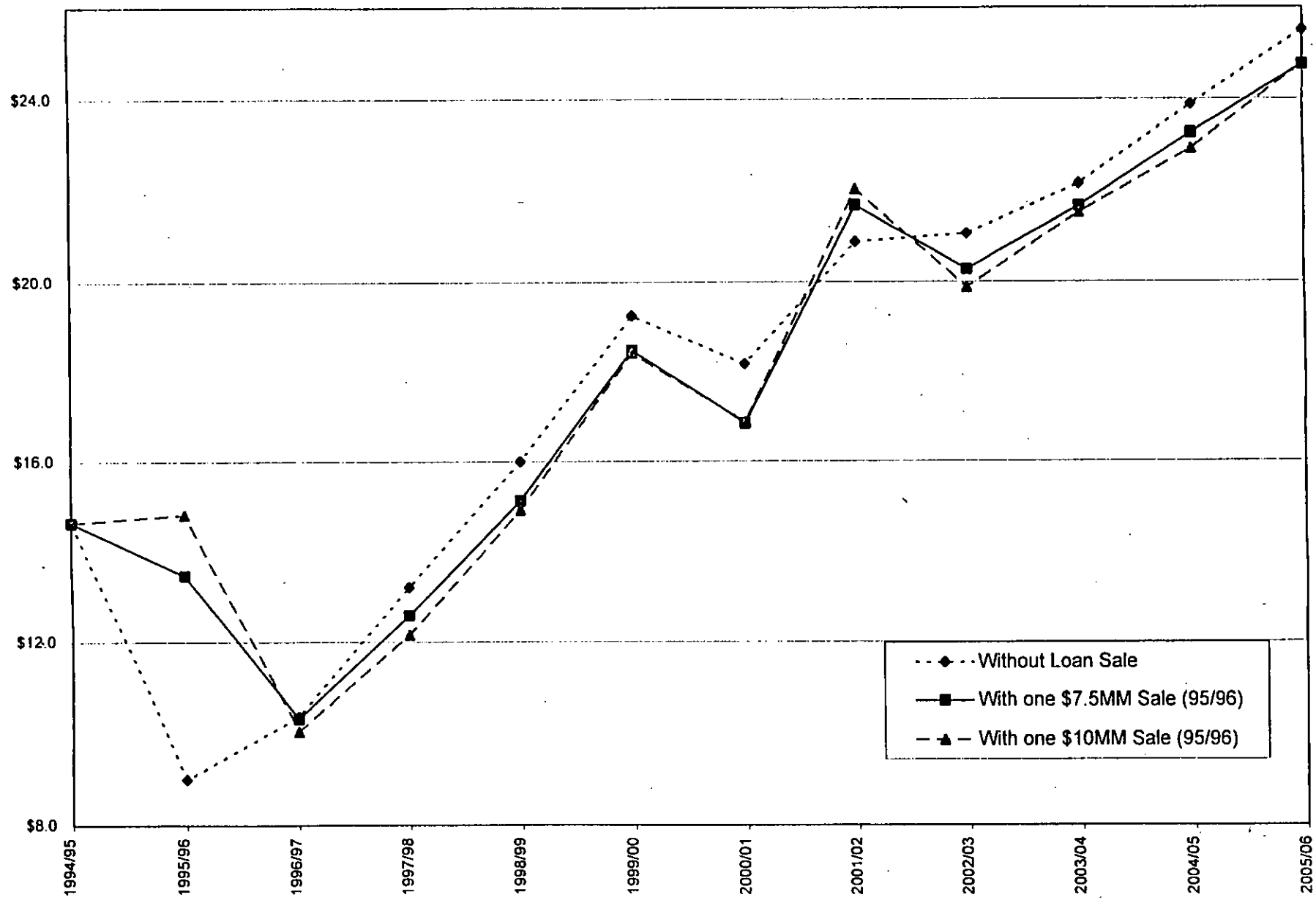
EFFECTS OF A LOAN SALE
Funds Available (in millions)



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8/7/95

Atch 6

THE NATIONAL DEVELOPMENT COUNCIL

MEMORANDUM

DATE: 8/1/95

TO: Bob Caputi (916-255-2573 - FAX)

FROM: Scott Rodde, Senior Director
The National Development Council

RE: The National Development Council (NDC) Opinion With Respect To Certain Issues Concerning The Sale Of California Integrated Waste Management Board (Board) Loans To Community Reinvestment Fund (CRF).

This memorandum examines three issues. The scope of the search for loan purchasers. The reasons why CRF was selected. The experience and capacity of CRF to protect the Board's interests.

Scope Of Search

The Board has sought potential purchasers for its loans through a process that involves public advertising and individual contacts. The latter were conducted through its outside legal advisor (Doug Hodell of Carroll, Burdick & McDonough) and its outside financial advisor (Scott Rodde of The National Development Council). A written opinion from Tom Lockard of Stone & Youngberg, San Francisco was also obtained. It states that a sale of the Board's loan portfolio would be priced at approximately 65% of par.

Five face-to-face and/or phone interviews were conducted with potential private buyers by The National Development Council. The results of these interviews are consistent with the Stone & Youngberg assessment. The National Development Council's loan sale experience over the past 25 years acting as a financial advisor to over 250 federal, state and local agencies is also consistent with the Stone & Youngberg assessment.

We believe the Board has sought out all reasonably eligible potential purchasers and that the CRF offer represents the best overall return to the Board for the reasons noted below.

1500 Third Street, Suite D
Napa, California 94558
TEL (707)257-1020
FAX (707)257-1500

Corporate Headquarters
41 East 42nd Street, Suite 1500
New york, New York 10017
TEL (212) 682-1106
FAX (212) 573-6118

CRF Offer

We have analyzed CRF's structured financing/portfolio purchase proposal as updated to market conditions as of May 23, 1995. In financial terms the CRF proposal represents an effective sale at 87.8% of par. This is a materially better offer than any other private market participant has offered for three reasons.

- As a nonprofit buyer CRF is trying to provide the best possible offer to its non-profit and public sellers to further the seller's goals rather than maximize its own profit.

- CRF has a unique ability to attract program related investments and outright grants to fund a portion of its loan purchases. The benefits from these lower cost sources of funding are passed on to loan sellers such as the Board, thereby reducing the discounts realized on loan sales. An example of low cost funding is the $2,400,000 financing from Ford Foundation which CRF closed on 6/30/95. This financing included a $2,000,000 loan at 1% interest for 10 years and a $400,000 grant.

- Finally, by structuring the financing to include the Board as a deferred loss reserve participant, CRF is able to offer a better overall return. Private buyers demand the loss reserve as an up-front discount to protect their profit. The CRF structure allows the Board to retain the deferred loss reserve position and, therefore, the possibility of payment from the reserve. If the portfolio pays as scheduled, this reserve is paid to the Board. If the portfolio does not pay as scheduled, the Board has not suffered any added loss compared to a typical private sale.

CRF Experience And Capacity

CRF is the only existing corporation involved in establishing a secondary market for economic development loans. During the past six and one half years CRF has purchased approximately 750 loans totalling over $19,000,000 from forty organizations in nine states. Sellers of business loans include Oakland Business Development Corporation, the City of Tacoma, Washington, the City of St. Paul, Minnesota, and three Michigan Strategic Fund BIDCOs. To fund these purchases CRF has closed seven bond sales totalling $16,000,000. CRF's bond buyers include the Metropolitan Life Insurance Company Foundation who recently made its third substantial bond purchase.

CRF is led by Frank Altman who was previously Assistant Commissioner of Financial Management in the Minnesota Department of Energy and Economic Development where he managed a portfolio of business and energy loans in excess of $70 million. Mr. Altman is supported by a twelve person staff and a thirteen member board, who have extensive professional experience in public finance and economic development. Bond council to CRF is Altheimer & Grey (Bruce Bonjour), Chicago.

In addition to its loan purchasing and resale activity, CRF also engages in portfolio management and training. CRF is master servicer for all development loans in its portfolio. At present, CRF services more than $20,000,000 in loans on behalf of four organizations located in Minnesota and California. By making its loan servicing capacity available, CRF tries to improve the quality of loan servicing undertaken by its clients. CRF conducts two day seminars on structuring and writing loans for secondary market resale. To date more than 300 loan fund administrators have attended.

We have reviewed audited financial statements for CRF for 6/30/93 and 6/30/94 as well as management financial statements for the period ending 12/31/94. The audits were performed by Arthur Anderson LLP. The financial statements reflect profitable operations and a very conservative balance sheet with capital equal to 24% of liabilities as of 6/30/94. This is three times the capital that a typical regulated financial institution would have. The recent Ford Foundation funding has dramatically increased the company's liquidity. This will be reflected in the company's audited statements as of 6/30/95. These statements will be available to the Board in late September.

Taken as a whole, CRF's loan purchases, bond sales, management team, equity capital and long term financial support from Ford Foundation present a picture of an emerging successful financial organization filling the unique needs of publicly supported lenders in a professional manner.

COMMUNITY REINVESTMENT FUND

To: Scott Rodde

From: Gary Holmquist

Date: May 23, 1995

Subject: California Integrated Waste Management Board

Last week Nadine Ford submitted 31 loans underwritten by California Integrated Waste Management. I have priced these loans with a very positive result, the discount associated with the interest rate differential between the loan rates and the market interest rate is lower than we originally anticipated due primarily to two factors:

- Interest rates have dropped dramatically over the past two months. Previous estimates assumed a Market Rate of interest of 9.25%. The current Market Rate of interest is estimated at 8.75%.
- The term of the loans in the previous estimates was 10 years versus the actual Weighted Average Maturity of 7.14 years. The shorter the term, the better the return for the Board due to the concessionary interest rates on the loans.

In March, the Market Value discount of the hypothetical loan portfolio was estimated at 82.5% of the Face Value of the loans. Based on the information provided by Nadine, the Market Value Discount has improved to 87.2%. The following summarizes the information provided to CRF and the input used to calculate the Market Value Discount:

Remaining Balance of the Loans:	$10,606,000
Weighted Average Coupon:	4.72%
Weighted Average Maturity:	7.14 years
Market Value Interest Rate:	8.75%
Market Value of the Portfolio:	$9,250,700
Market Value Percentage:	87.2%

The above figures assume a transaction closing of September, 1995 (loan balances based on loan payments made through September, 1995).

The next step in the transaction is the evaluation of the 31 loans. From the credit evaluations, CRF will be able to determine how the purchase will be structured.

Scott, there are two points I need to emphasize:

- First, interest rates have moved down to a very beneficial range for the Board. It is very important for the Board to move quickly to maximize their return form this transaction.
- Second, it is the intent of CRF to pursue Program Related Investments (below market interest rate investments) for the purchase of a portion of the bonds. Any PRI involvement lowers the Market Interest Rate and, consequently, lowers the discount. CRF has started to make contacts over the past few months. In order for these contacts to come to fruition, the deal must move ahead in a timely manner or CRF will lose the opportunity to obtain these PRI dollars.

If I can start underwriting in early June, I still believe CRF can meet the September funding goal.

2400 Foshay Tower 821 Marquette Avenue Minneapolis, Minnesota 55402 (612) 338-3050 FAX 338-3236

HOW CRF DEALS STRUCTURED:

LOAN PORTFOLIO (NO SALES)

LOAN A	$100,000
LOAN B	$300,000
LOAN C	$100,000
LOAN D	$100,000
LOAN E	$25,000
LOAN F	$75,000
LOAN G	$50,000
LOAN H	$250,000

$1,000,000 LOAN PORTFOLIO

LOAN PORTFOLIO SOLD

C *	B	A TRANCHE
CIWMB	CRF	INVESTORS
150K	250K	600K
15%	25%	60%

IF $100,000 LOSS

C *	B	A TRANCHE
CIWMB	CRF	INVESTORS
50K	250K	600K
6%	28%	66%

IF $300,000 LOSS

C *	B	A TRANCHE
CIWMB	CRF	INVESTORS
0K	100K	600K
0%	14%	86%

*** Represents the contingent deferred cash payment.**

= LOAN LOSS ABSORBED

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

SCHEDULE FOR SALE OF RMDZ LOAN PORTFOLIO TO COMMUNITY REINVESTMENT FUND, INC.

ID No.	Task Name	Duration	August	September	October	November	December
1.	MDC Approval to Negotiate Sale	August 17					
2.	CIWMB Approval to Negotiate Sale	August 23					
3.	Negotiation and Execution of Confidentiality Agreement	5-10 days					
4.	Negotiate QSA and LPA (must be completed by September 20 to make October MDC & CIWMB meetings)	30 days					
5.	CIWMB Staff Preparation of Loan Files	15 days					
6.	Deliver Loan Files to CRF	5 days					
7.	CRF Review of Loan Files	30-45 days					
8.	Submittal of QSA and LPA to Staff Prior to MDC meeting	September 21					
9.	Submittal of form of QSA & LPA to DOF and GSA for review and approval	10 days					
10.	MDC Approval of Sale on terms in QSA and LPA	October 12					
11.	CIWMB Approval of Sale on terms of QSA and LPA	October 24					
12.	CRF Board Approval	October 25					
13.	Execution of QSA and LPA (effectiveness subject to closing and all required approvals, if any)	October 26					
14.	Review and approval by GSA and other agencies, as required	10 days					

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ID No.	Task Name	Duration	August	September	October	November	December
15.	CRF Marketing Period	60 days					
16.	Submittal of Final Terms to MDC for Closing Approval, if required	November 13					
17.	MDC Approval of Final Terms of Sale and Closing, if required	December 4					
18.	CIWMB Approval of Final Terms of Sale and Closing, if required	December 13					
19.	CRF Board Approval of Final Terms of Sale and Closing, if required	December 14					
20.	Closing	December 15-19					

Key to abbreviations:

CRF = Community Reinvestment Fund, Inc.
CIWMB = California Integrated Waste Management Board
MDC = Market Development Committee
GSA = California General Services Administration
LPA = Loan Purchase Agreement
QSA = Qualified Seller Agreement
DOF = California State Department of Finance

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
August 23, 1995

AGENDA ITEM 21

ITEM: CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR THE ESCONDIDO DISPOSAL, INC., MATERIALS RECOVERY FACILITY, SAN DIEGO COUNTY

PREVIOUS COMMITTEE ACTION:

At the time this item went to print, the Permitting and Enforcement Committee had not yet taken action on this item.

I. BACKGROUND:

Facility Facts

Name:	Escondido Disposal Inc. (EDI), Material Recovery Facility, Facility No. 37-AA-0906
Facility Type:	Material Recovery Facility/Transfer Station
Location:	1044 W. Washington Ave., Escondido, CA 92025
Area:	4.21 acres
Setting:	Zoned General Industrial
Operational Status:	Proposed
Proposed Tonnage:	700 Tons Per Day (TPD)
Operator:	Escondido Disposal Inc. (EDI) John McDermott, General Manager
Owner:	Jemco Equipment James Mashburn, Vice President
LEA:	San Diego County Department of Environmental Health Gary Stephany, Director

Proposed Project

The proposed permit would allow the operation of a new materials recovery facility (MRF) and transfer station to be located in the City of Escondido. The facility would accept both mixed wastes and commingled recyclables. The maximum permitted tonnage would be 700 TPD. All wastes, including recyclable materials will be from the City of Escondido.

II. SUMMARY

Site History The EDI corporate yard is currently located at the proposed site. The existing facility is currently used for offices, inside storage, fleet parking and maintenance operations. EDI currently operates approximately 30 collection trucks from the site.

Project Description

The facility will be located within the City of Escondido, in San Diego County, near the intersection of I-15 and the Route 78 Freeway. The proposed project will be located at EDI's existing corporate yard. The existing building and site design will be modified to accommodate the proposed operation. The transfer operation will be completed first, followed by the installation of the MRF equipment.

The proposed facility will serve two functions: first as a transfer station for waste destined for landfills, and second as a material processing operation to separate recyclables out of the waste stream.

The transfer facility component consists primarily of an enclosed tipping floor area (approximately 29,500 sq. ft.) with the capability of directing waste to the material recovery sortation line or the loadout conveyor for direct transfer of residual waste. The materials recovery component will be capable of accepting and processing source separated recyclables and selected mixed waste loads. The project will be designed for a maximum daily capacity of 700 tons per day. The hours of operation will be: Monday -Friday 7:00 AM to 11:00 PM; Saturday 7:00 AM to 12:00 PM.

All collection trucks (residential and commercial) will approach the scale house for weighing and load checking. Once checked, the vehicle will proceed inside the building through a door on the west side of the north building. The driver will be directed by on-site personnel to dump the load onto the tipping floor.

Empty trucks will exit through the door located at the east end of the building. They will exit the site through the main driveway.

Once a load has been deposited on the tipping floor, front end loaders will push the materials onto an in-floor conveyor. The conveyor will then carry the materials up to a sort line where the recyclables will be sorted by sorting personnel. The separated materials will be stored in metal bins located below the sort line. Some incoming material will be directly transferred from the tipping floor to the loadout area. This material will not be sorted and will go directly to the landfill for disposal.

Transfer trucks retrieving recyclables will enter the site through the western driveway and maneuver into the loadout area where they will be loaded for transport.

Environmental Controls The operator intends to utilize strict operating practices to avoid creating any nuisance. The industrial setting of the facility and its enclosed design also facilitate this objective. Environmental controls associated with dust, vectors and birds, drainage, litter, noise, odor and fire have been addressed in the Report of Station Information as follows.

All non-landscaped areas will be paved which will significantly reduce the amount of dust generated at the site. Adequate ventilation will be provided through doors and the roof ventilation system. The system will be designed to remove contaminants and odors.

All waste materials delivered to the site will arrive in enclosed refuse collection vehicles. All wastes will be unloaded, processed and transferred within an enclosed structure. Exterior litter will be regularly removed from the site as part of standard facility housekeeping. The result of these measures will be the reduction of potential bird problems at the facility. Other vectors will be controlled at the facility through the regular removal of all wastes from the facility and general housekeeping measures.

The vehicle/equipment washing facility will be self-contained. Any process wash water will be discharged into an industrial clarifier which will be connected to an existing sanitary sewer system. The facility has been granted a NPDES permit from the Regional Water Quality Control Board.

The Site Supervisor will assign an employee to monitor litter inside the facility. This procedure will be conducted after transfer operations have ceased. In the event of high winds, the Supervisor may choose to implement this procedure more than once a day on an as needed basis. However, since all operations will be conducted within an enclosed building, litter control is not expected to be a problem. Recyclable materials will be stored adjacent to loadout areas. Residual waste will be transported to a landfill on a continuous basis.

All unloading, processing and transfer operations will occur within an enclosed building. In addition, the facility is located within an existing heavy industrial area. The facility will be required under the land use permit to abide by the industrial noise standards of the City of Escondido. According to this standard, at no time will the off-site noise levels exceed 65 d.b.. On-site noise mitigation measures will include the following: ear protection for all facility employees; use of electric powered equipment instead of gasoline or diesel powered wherever possible, and providing muffler systems for all on-site vehicles and motorized equipment such as loaders and forklifts.

The building will have fire sprinklers throughout. Fire hydrants will also be installed as required by the Escondido Fire Department. Fire extinguishers will also be located throuhgout the facility.

The Hazardous Waste Screening Program will consist of: training of personnel in the identification and handling of hazardous materials and screening of every load that enters the site. In addition, wasteload inspections will be conducted on the tipping floor. If hazardous wastes are found, these materials will be isolated. The site supervisor will then contact pertinent agencies and a licensed hauler for removal and transportation.

Resource Recovery

The proposed facility will provide for the processing of commingled recyclable materials collected through residential curbside and commercial source separated recycling programs including buy back centers. The facility will also processes unseparated municipal solid waste.

Materials to be processed through the sort lines will include the following: aluminum, plastic, tin cans, glass, newsprint, old corrugated containers, mixed paper, and high grade paper.

According to the proposed permit, the operator must recover for reuse or recycling at least 15% of the total volume of material received by the facility on a daily basis.

III. ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code (PRC), Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on July 18, 1995, the last day the Board may act is September 15, 1995.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation and have found that the permit is acceptable for the Board's consideration of concurrence. In making this determination the following items were considered:

1. Conformance with the County Plan

   A Countywide Integrated Waste Management Plan has not yet been approved by the Board. At its February 24, 1995 meeting, SANDAG, serving as the San Diego region's Integrated Waste Management Task Force, reviewed and provided comments on the Escondido Disposal, Inc., Materials Recovery Facility/Transfer Station. The LEA concluded that the subject facility is consistent with PRC 50000 (a)(4). Board staff agree with said determination. The analysis used in making this determination is included as Attachment 4.

2. Consistency with General Plan

   The City of Escondido determined that the proposed facility is consistent with, and is designated in, the City of Escondido General Plan. Board staff agree with said finding. The analysis used in making this determination is included as Attachment 4.

3. Consistency with Waste Diversion Requirements

   Staff of the Board's Diversion, Planning and Local Assistance Division make an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed project would prevent or substantially impair the achievement of waste diversion goals. Based on available information, staff have

determined that the issuance of the proposed permit would neither prevent nor substantially impair the City of Escondido from meeting its waste diversion goals. The analysis used in making this determination is included as Attachment 4.

4. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency. The City of Escondido prepared a mitigated negative declaration (MND), SCH# 94111011, for the proposed project. The

document was approved by the Lead Agency on December 13, 1994, and a Notice of Determination was filed with the County Clerk on December 19, 1994.

After reviewing the MND for the proposed project, Board staff determined that the CEQA documents are adequate for the Board's evaluation of the proposed project for those project activities which are within this Agency's expertise and/or powers or which are required to be carried out or approved by the Board.

5. Consistency with State Minimum Standards

The LEA has made the determination that the facility's design and operation is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal based on their review of the submitted Report of Facility Information and supporting documentation. Board staff agree with said determination.

IV. STAFF RECOMMENDATION

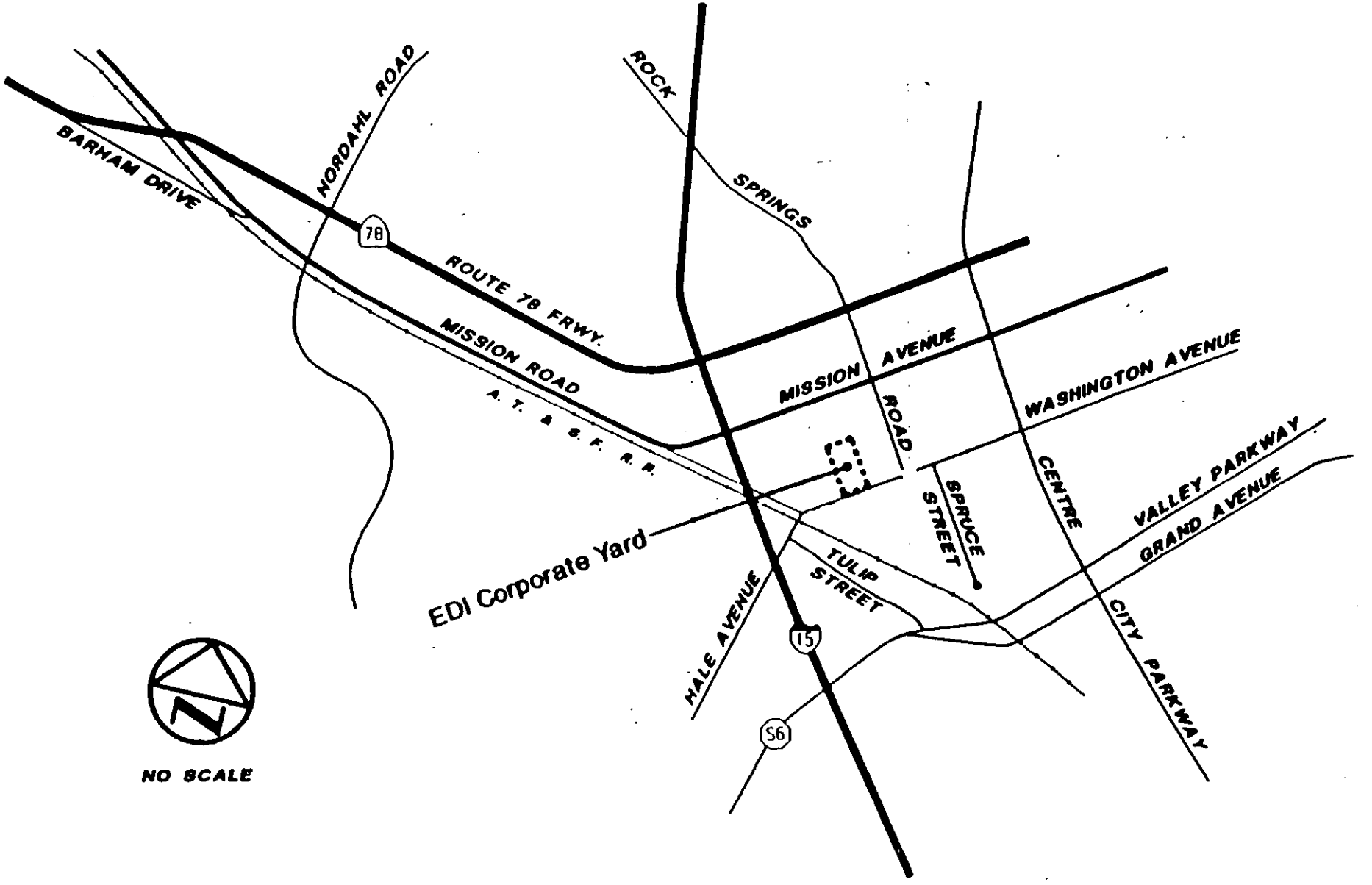
Because a new Solid Waste Facility Permit is proposed, the Board must either concur with or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 95-647 concurring in the issuance of Solid Waste Facility Permit No. 37-AA-0906.

V. ATTACHMENTS

1. Location Map
2. Site Map
3. Proposed Permit No. 37-AA-0906
4. AB2296 Finding of Conformance
5. Permit Decision 95-647

Prepared by:	Amalia Fernandez AF 8/8/95	Phone: 255-3301
Reviewed by:	Suzanne Hambleton/Don Dier SH 8/8/95	Phone: 255-2453
Approved by:	Douglas Y Okumura	Phone: 255-2431
Legal Review:	EB	Date/Time 8/11/95

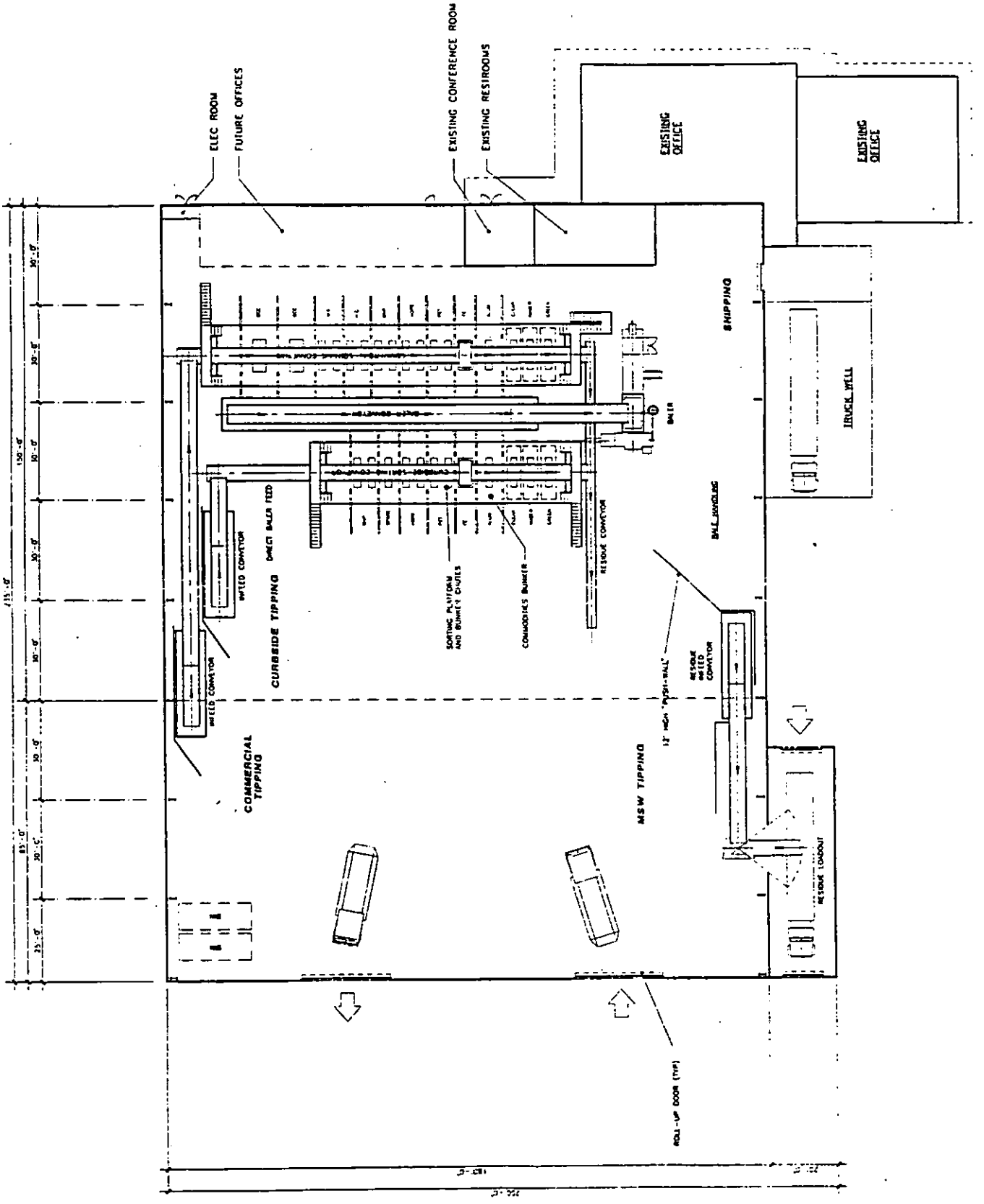


ENGINEERING ASSOCIATES
Mail P.O. Box 6087 · 92412
Phone (909)884-6804 FAX (909)889-6143
225 East Airport Drive, San Bernardino, California

LOCAL VICINITY MAP

ATTACHMENT 1

ATTACHMENT 2



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SOLID WASTE FACILITY PERMIT

37-AA-0906

2. Name and Street Address of Facility:	3. Name and Mailing Address of Operator:	4. Name and Address of Owner:
Escondido Disposal, Inc., Material Recovery Facility (EDI MRF) 1044 W. Washington Avenue Escondido, CA 92025	Escondido Disposal, Inc. 1044 W. Washington Avenue P.O. Box 1818 Escondido, CA 92033	Jemco Equipment 1044 W. Washington Avenue P.O. Box 1818 Escondido, CA 92033

5. Specification:

a. Permitted Operations:

[ ] Composting Facility (mixed wastes)
[ ] Composting Facility (yard waste)
[ ] Landfill Disposal Site
[X] Material Recovery Facility
[ ] Processing Facility
[X] Transfer Station
[ ] Transformation
[ ] Other: _____

b. Permitted Hours of Operation:
Monday - Friday 7:00AM to 11:00 PM; Saturday 7:00 AM to 12:00 PM (*see RSI page III-12 for operations breakdown)

c. Permitted Tons per Operating Day: Total: 700 Tons/Day

Non-Hazardous - General	up to	700	Tons/Day
Non-Hazardous - Sludge		-	Tons/Day
Non-Hazardous - Separated or comingled recyclables	up to	700	Tons/Day
Non-Hazardous - Other (See Section 14 of Permit)		-	Tons/Day
Designated (See Section 14 of Permit)		-	Tons/Day
Hazardous (See Section 14 of Permit)		-	Tons/Day

d. Permitted Traffic Volume: Total: 121 Vehicles/Day

Incoming waste materials	88	Vehicles/Day
Outgoing waste materials (for disposal)	24	Vehicles/Day
Outgoing materials from material recovery operations	9	Vehicles/Day

e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	4.21 a	N/A a	N/A a	4.21 a	N/A a	N/A a
Design Capacity		N/A cy	N/A tpd	700 tpd	N/A tpd	N/A tpd
Max. Elevation (Ft. MSL)		N/A ft				
Max. Depth (Ft. BGS)		N/A ft				
Estimated Closure Date		N/A				

This permit is granted solely to the operator named above, and is not transferable. Upon a change of operator, the permit is subject to revocation suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permit.

6. Approval:

_____
Approving Officer Signature
GARY R. STEPHANY, Director
Name/Title

7. Enforcement Agency Name and Address:
San Diego County
Department of Environmental Health
P.O. Box 85261
San Diego, CA 92186-5261

8. Received by CIWMB:
JUL 1 3 1995

9. CIWMB Concurrence Date:

10. Permit Review Due Date:

11. Permit Issued Date:

ATTACHMENT 3

SOLID WASTE FACILITY PERMIT	Facility/Permit Number: 37-AA-0906

12. Legal Description of Facility (attach map with RFI):
1044 W. Washington Avenue, City of Escondido, County of San Diego, California 92025
Section 20, Township T12S, Range R2W, SBBM at latitude N 33° 07' 24", longitude W 117° 05' 52"

13. Findings:

a) This facility is a material recovery facility and the site identification and description of the facility has been submitted to the task force created pursuant to PRC 40950 for review and comment, pursuant to the procedures set forth in PRC 50000 (a)(4)(c). The task force provided written comments, San Diego Association of Governments Board of Directors Agenda Report No. 95-2-14, within 90 days of the site identification and description of the facility being submitted, pursuant to PRC 50000 (a)(4)(c).

b) This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.

c) The LEA has determined that the proposed design of the facility would allow for the facility operations to be conducted in compliance with the State Minimum Standards, based on a review of the May 1995 Report of Station Information.

d) The LEA has reviewed and considered the information, including the environmental effects of issuing this Solid Waste Permit, contained in the Negative Declarsation approved by the City of Escondido dated December 13, 1994, and finds that there are no significant unmitigatable environmental effects arising out of the issuance of this Solid Waste Facility Permit.

e) A County-wide Integrated Waste Management Plan has not been approved by the CIWMB.

f) The following authorized agent has made a determination that the facility is consistent with, and designated in, the applicable general plan: Sid Hollins, Mayor of the City of Escondido Public Resources Code, Section 50000.5(a).

g) The following local governing body has made a written finding that surrounding land use is compatible with the facility operation, as required in Public Resources Code, Section 50000.5(b). City Council of the City of Escondido

14. Prohibitions:
The permittee is prohibited from accepting any liquid waste sludge, non-hazardous waste requiring special handling, designated waste, or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable permits.

No other materials except commercial waste, residential waste, source separated recyclables and construction/demolition wastes may be accepted at this facility.

The permittee is additionally prohibited from accepting the following items:

Hazardous materials, biohazardous waste, liquids, waste containing more than 50% water, friable and non-friable asbestos, large dead animals, radioactive wastes, and green materials/wastes.

15. In addition to the terms of this SWFP, the following documents also describe and restrict the operation of this facility (insert document date in space):

		Date			Date
[X]	Report of Station Information	5-95	[ ]	Contract Agreements - Operator and Contract	N/A
[X]	Conditional Use Permit: CUP 94-23-CUP	5-24-95	[ ]	Waste Discharge Requirements	N/A
[X]	Air Pollution Control District Waiver	11-15-94	[ ]	Local & County Ordinances	N/A
[X]	Negative Declaration, SCH# 94111011	12-19-94	[ ]	Final Closure & Post Closure Maintenance Plan	N/A
[ ]	Lease Agreements - Owner and Operator	N/A	[ ]	Amendments to RFI	N/A
[ ]	Preliminary Closure/Post Closure Plan	N/A	[X]	Other (list): WQ Order No. 91-13-DWQ	4-6-92
[ ]	Closure Financial Responsibility Document	N/A			

10

SOLID WASTE FACILITY PERMIT	Facility/Permit Numb[illegible] 37-AA-0906

16. Self Monitoring:

a. Results of all self-monitoring programs as described in the Report of Facility Information, will be reported as follows:

Program	Reporting Frequency	Agency Reported To
A. Weight and types of waste received per day and per month.	N/A	Available to LEA at facility upon request.
B. Weight and types of recycled materials per week and per month.	N/A	Available to LEA at facility upon request.
C. Weight of non-processible residue disposed of per day and per month and name and location of the disposal site receiving the waste.	N/A	Available to LEA at facility upon request.
D. Number and types of commercial vehicles using the facility per day and per month.	N/A	Available to LEA at facility upon request.
E. Types and quantities of hazardous, infectious, radioactive or prohibited waste found in incoming waste and the disposition of these wastes.	N/A	Available to LEA at facility upon request.
F. Log of special occurrences shall be maintained.	N/A	Available to LEA at facility upon request.
G. Log of complaints received	N/A	Available to LEA at facility upon request.

SOLID WASTE FACILITY PERMIT	Facility/Permit Number: 37-AA-0906

17. LEA Conditions:

1. The design and operation of this facility must comply with the State Minimum Standards for Solid Waste Handling and Disposal for a Transfer/Processing Station.
2. Any change which would cause the design or operation of the facility to not conform to the terms and conditions of the permit may be considered significant change and require a permit revision. If the operator proposes a significant change, an application for permit revision shall be submitted to the LEA 150 days prior to the change.
3. This permit is not transferable. A change in the operator of this facility would require an application for a new permit.
4. The permit is subject to review by the LEA and may be modified, suspended or revoked for sufficient cause after a hearing.
5. The operator shall maintain a copy of the permit, Report of Station Information and State Minimum Standards for Transfer/Processing Station at the site at all times.
6. There shall be no scavenging.
7. The Operator shall recover for reuse or recycling at least fifteen (15) percent of the total volume of material received by the facility.
8. If the proposed dust control systems fail to be adequate for the control of dust in the operations of the facility, the LEA may require additional mitigation measures be installed.
9. On-site storage of residual waste contained in transfer vehicles shall be tarped and shall not remain on-site for more than twenty-four (24) hours.
10. All recyclables shall be removed from the facility within thirty (30) days from the accumulation date unless written approval to exceed this time limit is obtained from the LEA.
11. Additional information regarding the design and operation of this facility must be provided to the LEA upon request.

State of California

California Environmental
Protection Agency

MEMORANDUM

To: Amalia Fernandez
Permits Branch
Permitting & Enforcement Division

Date: July 19, 1995

RECEIVED
JUL 20 1995

From: Lloyd Dillon
Office of Local Assistance
Planning and Local Assistance Division
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: Conformance Findings for the Escondido Disposal Inc., MRF, Facility Number 37-AA-0906

This is a new permit for the Escondido Disposal Inc., Materials Recovery Facility, which has not operated before. The EDI MRF and the land will be owned by Jemco Equipment. The facility operator is EDI, a separate corporation owned by the same principles of Jemco Equipment.

The proposed project will be located at EDI's existing corporate yard at 1044 West Washington Avenue, in the City of Escondido. The existing building and site design will be modified to accommodate the proposed operation. Site improvements may be constructed in one phase. The transfer operation will be completed first, followed by the installation of the MRF equipment.

The proposed MRF will serve two functions: first as a transfer station for waste destined for the landfill and second as a material processing operation to separate recyclables out of the waste stream. The facility will be permitted to process 700 tons per day. The EDI MRF will be designed to accept residential and commercial wastes and recyclables from the City of Escondido and surrounding North County communities. The City of Escondido's current daily rate of disposal is 300-350 TPD.

The EDI corporate yard is owned by EDI and is approximately 4.21 acres. The site is designated by the City's General Plan as "PI" and is zoned "M-2." All existing adjacent land uses are industrial in nature. The EDI corporate yard includes offices and maintenance facilities, vehicle parking, outside storage.

The EDI corporate yard is located near the northeast corner of West Washington Avenue and Metcalf Street. Construction of the facility will require the expansion of the existing warehouse from 31,800 square feet to 48,000 square feet. The facility will accommodate a conveyor residual loadout system and recyclable sorting line for residential and commercial materials.

Most of the exterior walls of the existing structure will be retained. However, the roof will need to be raised to a clear height of 35 feet to provide adequate clearance for truck dumping and recovery equipment. The will require the removal and relocation of the existing canopy.

PRC 50000: Conformance with the CoSWMP
At its February 24, 1995 meeting, SANDAG, serving as the San Diego region's Integrated Waste Management Task Force, reviewed and provided comments on the Escondido Disposal, Inc. Transfer Station/Materials Recovery Facility. Consequently, this action satisfies the provisions of Public Resources Code 50000.

PRC 50000.5: Consistency with the General Plan
This statutory requirement, in part, specifies that until a countywide integrated waste management plan has been approved by the Board, no person shall establish or expand a solid waste facility unless the facility is found consistent with the applicable general plan of the city or county.

The Escondido City Council adopted Resolution No. 95-158 approving a Conditional Use Permit (CUP) for a MSW transfer station and MRF on May 24, 1995. Pertinent findings of fact were:

1) The facility's "proposed use is consistent with the General Plan of the City of Escondido since the General Industrial Land-Use designation and M-2 zoning permits solid waste transfer and recycling facilities through the processing of a Conditional Use Permit; and

2) "The proposed use would also be in conformance with General Plan Policy G5.1-G5.3 which supports efforts to maintain adequate facilities for solid waste disposal, as well as permit solid waste transfer stations and collection facilities for recycling materials."

PRC 44009: Waste Diversion Requirements
The proposed facility will receive mixed residential wastes, mixed commercial wastes, source separated recyclable materials, and construction/demolition wastes from the City of Escondido,

with future provision to accommodate surrounding North County communities. Materials designated for recovery will be sorted to remove recyclables for transfer to secondary materials markets. The residual waste will be transported to an approved and permitted landfill. The proposed facility will be able to transfer wastes and recyclable materials to any designated short-term or long-term disposal site or processing site within or outside the region.

In conjunction with the City of Escondido, EDI established a residential curbside recycling program. This program has expanded to cover more than 23,000 single family residences (averaging a 36% participating rate), resulting in an average monthly diversion of more than 300 tons of recyclable material.

The City of Escondido's SRRE considered several alternatives that could assist the City in achieving their diversion goals. City-specific recycling alternatives include investigating the feasibility of the siting and construction of a MRF/Processing Facility to support the city's projected needs; and investigating the feasibility of the siting and construction of a solid waste transfer station for citywide separation of wastestream into recyclables, "green waste" for composting, and solid waste for landfilling or incineration." The proposed facility is consistent with the City's SRRE in these respects.

Board staff have reviewed the proposed Solid Waste Facilities Permit, the Report of Station Information, and the Source Reduction and Recycling Element for the City of Escondido.

Based on this review, staff have determined that the proposed permit for the Escondido Disposal Inc., MRF should not prevent or substantially impair the achievement of the waste diversion goals of AB 939.

Summary of Conclusions
Based upon the review of the submitted documents, the proposed permit modification conforms with the provisions of AB 2296 as follows:

1. The permit is consistent with the state's waste diversion requirements (PRC 44009).

2. The facility is in conformance with the County's Solid Waste Management Plan (PRC 50000).

3. The facility is consistent with the City's General Plan (PRC 50000.5).

References

1. Proposed Escondido Disposal Inc., MRF Permit Number 37-AA-0906, dated July 18, 1995.

2. Escondido Disposal Inc. MRF Report of Station Information, May 1995, prepared by C.M. Engineering Associates, Inc.

3. Source Reduction and Recycling Element for the City of Escondido, August 1994.

California Integrated Waste Management Board
Permit Decision No. 95-647
August 23, 1995

WHEREAS, the San Diego County Department of Environmental Health, acting as the Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to, the issuance of a new Solid Waste Facilities Permit for the Escondido Disposal Inc., Materials Recovery Facility; and

WHEREAS, the City of Escondido, the lead agency for the CEQA review, prepared a Mitigated Negative Declaration for the proposed project; and Board staff reviewed the MND and provided comments to the City on December 5, 1994; and the proposed project will not have a significant effect on the environment; and mitigation measures were made a condition of the approval of the proposed project; and the City filed a Notice of Determination with the County Clerk on December 19, 1994; and

WHEREAS, the project description in the CEQA document is consistent with the proposed permit; and

WHEREAS, the City of Escondido has approved a Conditional Use Permit (Case No. 94-23CUP) to permit the development of a materials recovery facility and transfer station; and

WHEREAS, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, compliance with the California Environmental Quality Act, and consistency with the General Plan of the City of Escondido.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 37-AA-0906.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
August 23, 1995

AGENDA ITEM 22

ITEM: CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR THE FORESTHILL TRANSFER STATION, PLACER COUNTY

I. COMMITTEE ACTION:

As of the date that this item went to print, the Permitting and Enforcement Committee had not made a recommendation on the issuance of this proposed permit.

II. BACKGROUND:

Facility Facts

Name:	Foresthill Transfer Station, Facility No. 31-AA-0621
Facility Type:	Existing Small Volume Transfer Station
Location:	East of Todd Valley and West of Foresthill
Area:	Two acres
Setting:	The surrounding land use is zoned forestry to the north of facility, industrial park to the west, and residential and set back to the south and east. To the south and adjacent of the transfer station is also an inactive landfill
Permitted Daily Capacity:	Permitted to receive a maximum of 90 cubic yards per day (12.24 tons per day at 272 pounds per cubic yards); is currently receiving an average of 118 cubic yards
Proposed Daily Capacity:	Proposed to receive a maximum of 350 cubic yards (47.6 tons) of waste per day
Operational Status:	Active, permitted
Operator:	Mr. John Rowe, General Manager, Auburn Placer Disposal Service

Owner: Mr. Jack Warren, Assistant Director
Placer County Department of Public Works

LEA: Mr. Richard H. Swenson, Director
Solid Waste Management Program,
Placer County Department of Health & Human Services

Proposed Project

The proposed permit is to allow for the following:

- Increase the permitted tonnage from 12.24 tons to 47.6 tons per day
- Change the facility classification from a small volume to a large volume transfer station

III. SUMMARY:

Site History The facility is located on land owned by the Federal Bureau of Land Management (BLM) and leased to Placer County Department of Public Works. The facility is operated by Auburn Placer Disposal Service, a subsidiary company of Norcal Waste Systems, Inc. The facility is operating under a Solid Waste Facilities Permit (permit) that was issued December 1982.

Project Description The facility is open to vehicles of the Auburn Placer Disposal Service seven days a week from 6 a.m. to 5 p.m. The facility is open to the public four days each week (Friday - Monday) from 8 a.m. to 5 p.m. Waste received at the facility includes non-hazardous municipal waste.

Refuse handling at the facility will be as follows: Upon entering the station, loads are visually inspected for prohibited waste by the attendant before being directed to the unloading area. An attendant is present during all hours the facility is open to the public. Vehicles delivering waste will enter the site from the northeast side and unload directly onto transfer trailer. The refuse in the transfer trailers are removed at least every 48 hours.

Environmental Controls Environmental control measures are implemented to mitigate potential problems associated with the operations of this transfer station.

Provision for fire control include, a 250 gallon storage tank and a pump capable of supplying 35 gallons per minute at 50 pounds of pressure. In addition, open areas of the facility are either paved or graveled as dust control measures.

The procedures for litter control measures include daily cleaning of loose materials and windblown litter. An attendant picks up all litter daily, and performs clean-up when boxes are exchanged. The area within 30 feet of the perimeter fence is also cleaned.

Noise is not expected to be a problem at this facility since there are no homes within 1000 feet of the facility.

Odor is not expected to be a problem at this facility since the removal of refuse is at frequencies no longer than 48 hours, maximum.

Vector control will be accomplished by requiring and ensuring that all solid wastes are cleared and cleaned daily. In addition, all waste are stored in containers.

Resource Recovery No scavenging by the public is permitted at the facility. However, containers for collection of various types of presorted recyclable materials are provided for use by the public. Containers are provided for glass, plastic, aluminum, wood, tires, white goods, and auto batteries. Additional information regarding resource recovery is provided in Attachment 4.

IV. ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on July 25, 1995, the last day the Board may act is September 23, 1995.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the permit and supporting documentation, and have found that the proposed permit is acceptable for the Board's consideration of concurrence. In making the determination the following requirements were considered:

1. Conformance with County Solid Waste Management Plan

   The LEA has determined that the proposed facility is in conformance with the Placer County Solid Waste Management Plan (CoSWMP) dated 1989. The facility is described on pages 107 - 108 of the CoSWMP. Board staff agree with the said finding.

2. Consistency with General Plan

The LEA has determined that the proposed facility is consistent with the Placer County General Plan. Board staff agree with the stated determination.

3. Consistency with Waste Diversion Requirements

Staff of the Board's Diversion, Planning and Local Assistance Division make an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed project would prevent or substantially impair the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the permit would neither prevent nor substantially impair Placer County from meeting it's waste diversion goals. The analysis used in making this determination is included as Attachment 4.

4. California Environmental Quality Act

State law requires the preparation, circulation and adoption/certification of an environmental document and adoption of a Mitigation Reporting or Monitoring Program.

The Placer County Planning Department (County), acting as the lead agency prepared a Negative Declaration (ND), EIAQ-3075, for the proposed project. The document was originally prepared September 14, 1993, and circulated locally for comments in February 1994, and adopted on March 15, 1994. Lead Agency however, failed to circulate the document through the State Clearinghouse. On February 15, 1995 the Lead Agency circulated the ND (SCH #95022039) for State Agency review. The document was readopted by the Lead Agency on June 6, 1995, and a Notice of Determination was filed on June 13, 1995.

After reviewing the ND, and responses to comments for the project, Board staff have determined that the CEQA documents are adequate for the Board's evaluation of the project activities which are within this Agency's expertise and/or powers or which are required to be carried out or approved by the Board.

5. Compliance with State Minimum Standards

The LEA has made the determination that the facility's design and operation are consistent with State Minimum Standards for Solid Waste Handling based on their review of

the Report of Station Information and monthly inspections. Board staff agree with said determination.

However, the operations of the facility are not in compliance with PRC Section 44014(b) - Terms and Conditions of the permit. The facility is currently receiving waste volumes in excess of the amount specified in the 1982 permit. Upon Board concurrence with the proposed permit and and issuance of the revised permit by the LEA, the violation of PRC Section 44014(b) will be remedied.

V. STAFF COMMENTS:

Because a revised Solid Waste Facilities Permit is proposed, the Board must either concur or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 95-637, concurring in the issuance of Solid Waste Facilities Permit No. 31-AA-0621

VI. ATTACHMENTS:

1. Location Map
2. Site Map
3. Permit No. 31-AA-0621
4. AB 2296 Finding of Conformance
5. Permit Decision No. 95-637

Prepared by: Beatrice Cuenca Poroli Phone:255-4176

Reviewed by: Cody Begley/Don Dier Jr. Phone:255-2327

Approved By: Douglas Okumura Phone:255-2431

Legal Review: EB Date/Time: 8/11/95

IV. STAFF COMMENTS:

Because a revised Solid Waste Facilities Permit is proposed, the Board must either concur or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 95-637, concurring in the issuance of Solid Waste Facilities Permit No. 31-AA-0621

V. ATTACHMENTS:

1. Location Map
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5. Permit Decision No. 95-637

Prepared by: Beatrice Cuenca Poroli Phone:255-4176

Reviewed by: Cody Begley/Don Dier, Jr. Phone:255-2327

Approved By: Douglas Okumura Phone:255-2431

Legal Review: Date/Time:

ATTACHMENT 1

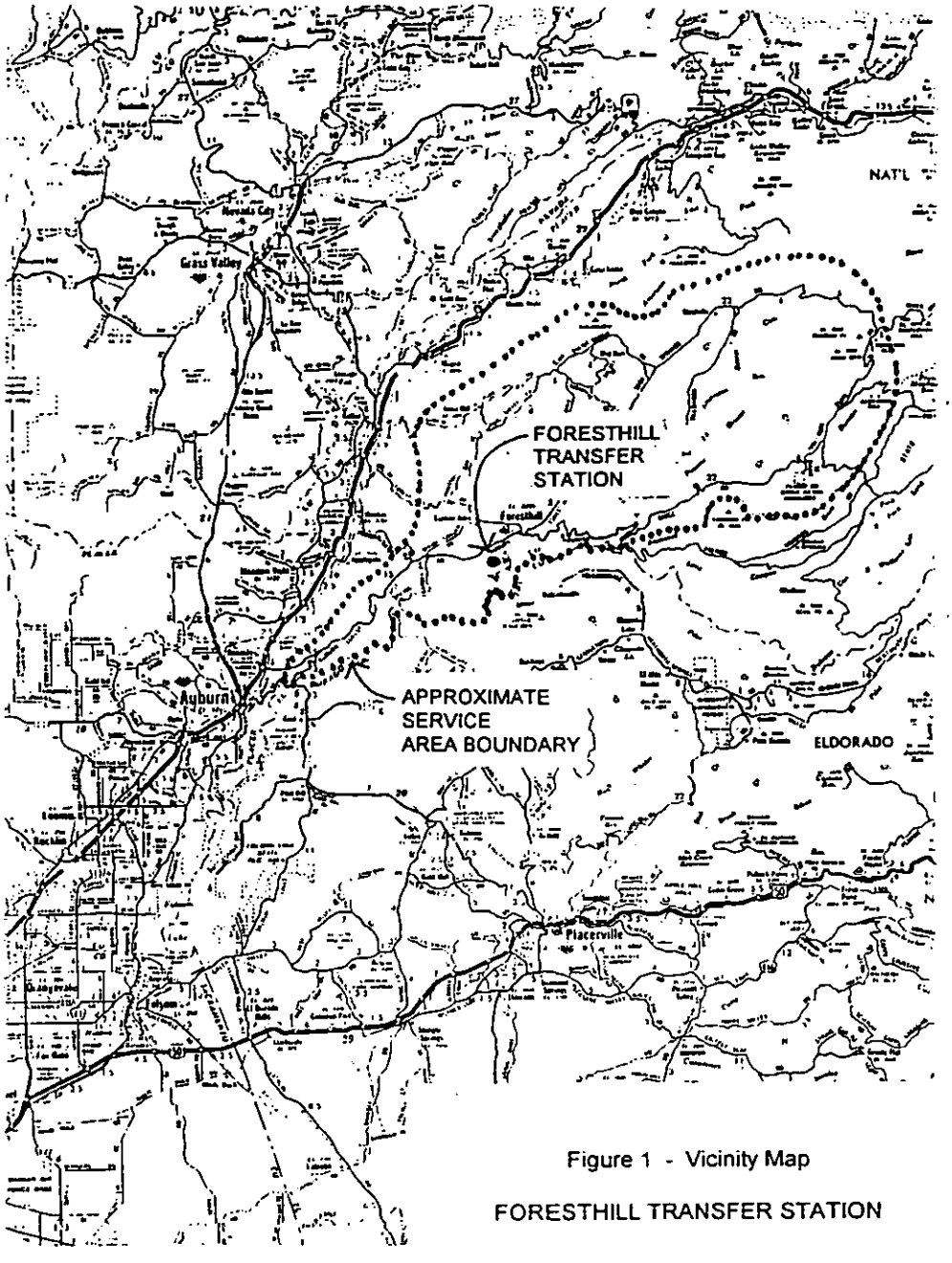
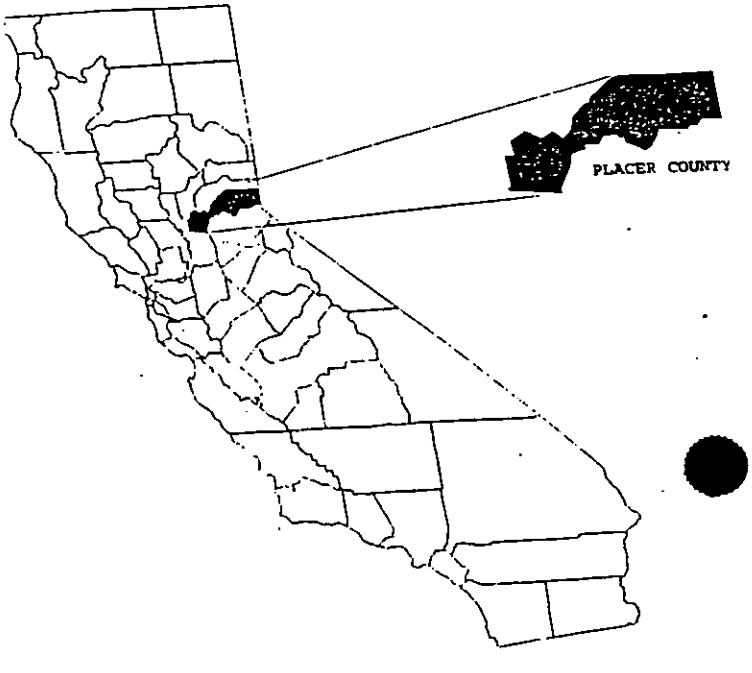
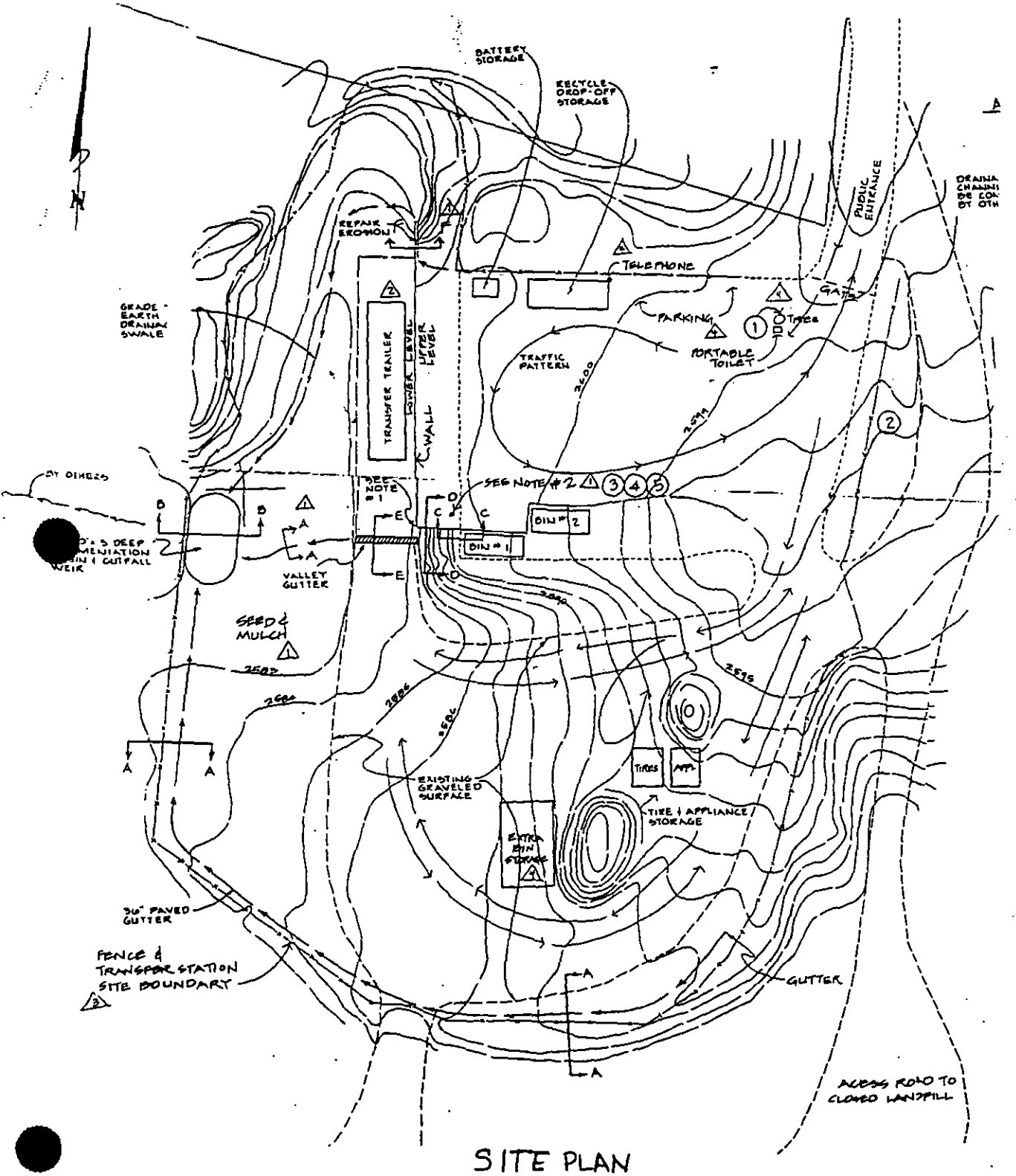


Figure 1 - Vicinity Map

FORESTHILL TRANSFER STATION




BATTERY STORAGE
RECYCLE DROP-OFF STORAGE
REPAIR EROSION
TELEPHONE
PUBLIC ENTRANCE
GATE
PARKING
TIRES
PORTABLE TOILET
TRAFFIC PATTERN
TRANSFER TRAILER
LOWER LEVEL
UPPER LEVEL
WALL
GRADE - EARTH DRAINAGE SWALE
SEE NOTE #1
SEE NOTE #2
BIN #2
BIN #1
VALLEY GUTTER
SEED & MULCH
EXISTING GRAVELED SURFACE
TIRES
APP.
TIRE & APPLIANCE STORAGE
EXTRA BIN STORAGE
36" PAVED GUTTER
FENCE & TRANSFER STATION SITE BOUNDARY
GUTTER
ACCESS ROAD TO CLOSED LANDFILL

SITE PLAN

ATTACHMENT 3

SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number: 31-AA-0621

2. Name and Street Address of Facility:
Foresthill Transfer Station
6699 Patent Road
Foresthill CA

3. Name and Mailing Address of Operator:
Auburn Placer Disposal Service
P O Box 6566
Auburn CA 95604

4. Name and Mailing Address of Owner:
Bureau of Land Management (land owner)
63 Natomas St., Folsom CA
Placer Co. Dept. of Public Works (facility owner); 11444 B Ave., Auburn CA 95603

5. Specifications:

a. Permitted Operations:

___	Composting Facility (mixed waste)	___	Processing Facility
___	Composting Facility (yard waste)	_X_	Transfer Station
___	Landfill Disposal Site	___	Transformation Facility
___	Material Recovery Facility	___	Other:

b. Permitted Hours of Operation: Public hours: 8:00 a.m. - 5:00 p.m Friday, Saturday, Sunday and Monday. Open to operator: 6:00 a.m. - 5:00 p.m., 7 days/week.

c. Permitted Tons Per Operating Day:

Total:	47.6 maximum	Tons/Day
Non-Hazardous - General	Average 45.2*	Tons/Day
Non-Hazardous - Sludge	0	Tons/Day
Non-Hazardous - Separated or commingled recyclables	Average 2.4*	Tons/Day
Non-Hazardous - (see Section 14 of Permit)	0	Tons/Day
Designated (See Section 14 of Permit)	0	Tons/Day
Hazardous (See Section 14 of Permit)	0	Tons/Day

*These quanitities may vary but in no case shall the total max tonnage/day exceed 47.6 tons/day.

d. Permitted Traffic Volume:

Total	250	Vehicles/Day
Incoming waste materials	246	Vehicles/Day
Outgoing waste materials (for disposal)	3	Vehicles/Day
Outgoing materials from material recovery operations	1 (as needed)	Vehicles/Day

e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	2 a	a	2 a	a	a	a
Design Capacity		cy	98.6 tpd	tpd	tpd	tpd
Max. Elevation (Ft. MSL)		ft				
Max. Depth (Ft. BGS)		ft				
Estimated Closure Date						

This permit is granted solely to the operator named above, and is not transferable. Upon a change of operator, the permit is no longer valid. Further, upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permits.

6. Approval:

Approving Officer Signature
Richard Swenson,
Director, Environmental Health
Name/Title

7. Enforcement Agency Name and Address:

Placer County Dept. of Health & Human Services
Division of Environmental Health
11454 B Avenue
Auburn CA 95603

8. Received by CIWMB: JUL 2 5 1995

9. CIWMB Concurrence Date:

10. Permit Review Due Date:

11. Permit Issue Date:

25

SOLID WASTE FACILITY PERMIT

Facility/Permit Number: 31-AA-0621

12. Legal Description of Facility (attach map with RFI):
See map with RSI labeled Fig. 2

Findings:

a. This permit is consistent with the County Solid Waste Management Plan or the County-wide Integrated Solid Waste Management Plan (CIWMP). Public Resources Code, Section 50000, Placer County SWMP 1989, pages 107-108.

b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.

c. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA.

d. The following local fire protection district has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151. Foresthill Fire Protection District, P O Box 1099, Foresthill CA 95631.

e. An environmental determination (i.e., Notice of Determination) is filed with the State Clearinghouse for all facilities which are not exempt from CEQA and documents pursuant to Public Resources Code, Section 21081.6. Notice of Determination filed by Placer County 6/13/95.

f. A County-wide Integrated Waste Management Plan has not been approved by the California Integrated Waste Management Board.

g. The following authorized agent has made a determination that the facility is consistent with, and designated in, the applicable general plan: Susan Maggi, Placer County Planning Dept., Public Resources Code, Section 50000.5(a).

h. The following local governing body has made a written finding that surrounding land use is compatible with the facility operation, as required in Public Resources Code, Section 50000.5(b). Placer County Planning Dept.

14. Prohibitions:

The permittee is prohibited from accepting any liquid sludge, non-hazardous waste requiring special handling, designated waste, or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable permits.
Non hazrdous municipal wastes, construction/demolition debris, tires, batteries, woodwaste.

The permittee is additionally prohibited from the following items: Acceptance of dead animals, acceptance of liquid wastes, including septage, acceptance of friable asbestos containing materials, acceptance of infectious/medical wastes.

15. The following documents also describe and/or restrict the operation of this facility (insert document date in spaces):

	Date:		Date:
_X_ Report of Facility Information	11/21/94	_X_ Contract Agreements - operator and facility owner (Franchise Agreement 2232)	5/18/94
_X_ Conditional Use Permits CUP 634	12/28/82	___ Waste Discharge Requirements	
___ Air Pollution Permits and Variances		___ Local & County Ordinances	
_X_ Negative Declaration Clearinghouse #95022039	3/15/94	___ Final Closure & Postclosure Maintenance Plans	
_X_ Lease Agreements - land owner and facility owner Right of Way Grant #CACA31717	10/4/93	___ Amendment to RFI	
___ Preliminary Closure/Post Closure Plan		_X_ Other (list): Encroachment permit	9/16/94
___ Closure Financial Responsibility Document			

SOLID WASTE FACILITY PERMIT

Facility/Permit Number: 31-AA-0621

16. Self Monitoring:

a. Results of all self-monitoring programs as described in the Report of Facility Information, will be reported as follows:

Program	Reporting Frequency	Agency Reported To
1. Tonnage Records: The operator shall maintain, and keep current, a record of estimated daily quantities (volumes and tonnage) and types (non recoverable wastes, separated recyclables) of wastes received at the facility.	Monthly. Tonnage and volume records for the preceding year shall be maintained by the operator.	Local Enforcement Agency (LEA) upon request.
2. Log of Special Occurrences: The operator shall maintain a daily log of special occurrences including fires, injury, property damage, accidents, explosions, incidents regarding hazardous wastes, flooding or other unusual occurrences. This log shall be separate from, or hi-lited if included in, the daily operations log.	Monthly. Log of special occurrences for the preceding year shall be maintained by the operator.	LEA upon request.
3. Vehicle Records: The operator shall maintain a record of number and types of vehicles utilizing the site. This record shall reflect vehicles bringing wastes for disposal, and vehicles removing materials for recovery operations.	Monthly. Vehicle records for the preceding year shall be maintained by the operator.	LEA upon request.

SOLID WASTE FACILITY PERMIT

Facility/Permit Number: 31-AA-0621

17. LEA Conditions:

A. Facility shall comply with all Federal, State and Local requirements and enactments.

B. The facility's design and operation shall comply with the State Minimum Standards for Solid Waste Handling and Disposal, T-14 California Code of Regulations, Section 17401 et seq, and Division 30 California Public Resources Code.

C. Facility operation shall be in conformance to the conditions imposed by Placer County Conditional Use Permit, File Number CUP 634.

D. Facility operations shall be consistent with and properly reflected by the Report of Station information.

E. The facility shall receive no more than 47.6 tons (350 cu yds) of wastes (non recoverable wastes plus recoverable wastes) per day.

F. All non recoverable wastes shall be removed from the facility at least every 48 hours.

G. To the extent possible, white goods, aluminum, scrap metal, glass and other recoverable materials shall be salvaged and recycled consistent with proper station operation. Storage shall be in clearly designated areas, as specified in the Report of Station Information.

H. Salvaged materials shall be removed every 30 days, or when the quantity reaches 50 cubic yards, whichever comes first.

I. Water or other liquid which has percolated through waste material and has extracted or dissolved substances therefrom shall be contained and shall not be permitted to leave the site.

J. At all times that no one is on site, the facility shall be secured.

K. At all times wastes and salvage shall be contained so as to preclude ingress, egress, or harborage of vectors.

L. The station shall be cleaned daily of all loose materials and litter so as to prevent odor, vector breeding, and litter nuisances.

M. The area surrounding the facility 30 feet from the perimeter fence shall be cleaned monthly of all loose materials and litter.

N. The operator shall take all reasonable measures to preclude the movement of household hazardous waste through this facility. In the event household hazardous wastes are found and must be stored on site, storage shall not exceed 90 days.

O. An attendant shall be present during all hours the facility is open to the public to insure proper unloading and screening of wastes.

P. No significant change in design or operation of this facility shall be taken without prior application to and approval by the appropriate regulatory agencies (ie: LEA, CIWMB, CVRWQCB, etc.)

ATTACHMENT 4

State of California

California Environmental Protection Agency

MEMORANDUM

To: Cody Begley, Senior WMS **Date:** January 26, 1995

From: Catherine Donahue
Catherine Donahue, AWMS
Local Assistance Branch, North
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: REVIEW OF THE PERMIT FOR THE FORESTHILL TRANSFER STATION, FACILITY NO. 31-AA-0621, TO DETERMINE CONFORMANCE WITH AB 2296

The Foresthill Transfer Station requires a solid waste facility permit because of increased tonnage to be accepted at the facility. The Foresthill Transfer Station is located off Todd Valley Road, at the end of Patent Road. The permitted tonnage for this facility will increase from 90 cubic yard to 350 cubic yards (47.6 tons) per day.

Based upon review of the documents submitted to the Office of Local Assistance, the proposed permit conforms with the provisions of AB 2296 as follows:

1. The permit is consistent with the state's waste diversion requirements (PRC Section 44009).

2. The facility is in conformance with the Placer County CoSWMP, in accordance with PRC Section 50000.

3. The facility is consistent with the County's General Plan (PRC Section 50000.5).

PRC Section 44009: Waste Diversion Requirements

The Board approved the Placer County SRRE in February 1994. The County's Source Reduction and Recycling Element describes how the diversion goals will met through such activities as procurement policies, public awareness, backyard composting, curbside recycling, and two material recovery facilities (MRFs) at each of the landfills (the Eastern Regional Landfill and the Western Regional Landfill). The Transfer Station will not salvage materials on site. Materials such as white goods, aluminum, scrap metals, and glass that are received separated from other materials will be stored in appropriate bins or areas until transfer to the MRF at the Western Regional Landfill.

Board staff have reviewed the proposed permit and the SRRE. Based upon this review, Board staff finds that the transfer station will not prevent or impair the County's efforts to achieve its diversion goals.

PRC Section 50000: Consistency with CoSWMP

The Foresthill Transfer Station is identified and described in the 1989 Placer County CoSWMP. The transfer station meets the requirements of PRC Section 50000.

PRC Section 50000.5: Consistency with General Plan

The Planning Department for Placer County has determined that the Foresthill Transfer Station is consistent with the County's General Plan. The facility meets the requirements of PRC Section 50000.5.

ATTACHMENT 5

California Integrated Waste Management Board
Permit Decision No. 95-637
August 23, 1995

WHEREAS, the Foresthill Transfer Station is owned by Placer County Department of Public Works and operated by Auburn Placer Disposal Services; and

WHEREAS, the Placer County Department of Health and Human Services, acting as the Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to a revised Solid Waste Facilities Permit for the Foresthill Transfer Station; and

WHEREAS, the proposed permit will increase the total permitted tons per day from 12.24 tons to 47.6; change the facility classification from a small volume to a large volume transfer station; and

WHEREAS, Placer County Planning Department (County), acting as the lead agency for CEQA review, prepared an Negative Declaration (ND), SCH# 95022039, for the proposed project and Board staff reviewed the ND and provided comments to County; and the proposed project will not have a significant effect on the environment; and mitigation measures were not made a condition of the approval of the proposed project; and the County filed the Notice of Determination with the County Clerk on June 13, 1995; and

WHEREAS, the proposed permit is consistent with the project description in the CEQA document; and

WHEREAS, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met, including conformance with the County Solid Waste Management Plan, consistency with the General Plan.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 31-AA-0621.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
August 23, 1995

AGENDA ITEM 23

ITEM: CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR THE UNIVERSITY OF CALIFORNIA, DAVIS SANITARY LANDFILL, YOLO COUNTY

I. COMMITTEE ACTION:

As of the date that this item went to print, the Permitting and Enforcement Committee had not made a recommendation on the issuance of this proposed permit.

II. BACKGROUND:

Facility Facts

Name:	University of California, Davis Sanitary Landfill Facility No. 57-AA-0004
Facility Type:	Existing Class III Landfill
Location:	County Road 98 and north of Putah Creek
Area:	Permitted for 19 acres Proposed 53 acres
Setting:	The surrounding land use includes agricultural on the north, east, and south. To the west of the facility is the Wildlife and Fisheries Biology Experimental Ecosystem
Operational Status:	Active, permitted
Permitted Tonnage:	Permitted to receive 32.5 tons of waste per day; is operating under a Notice and Stipulated Order of Compliance which limits the facility to a maximum of 500 tons of waste per day
Proposed Tonnage:	Proposed to receive a maximum of 500 tons per day

Volumetric Capacity:	Capacity of 1,532,246 cubic yards of which approximately 419,746 cubic yards is remaining Proposed additional capacity of 1,037,198 cubic yards with an estimated closure date of 2040
Operator:	Mr. Joseph Stagner, Solid Waste Manager Office of Environmental Services Facilities Department University of California, Davis
Owner:	Ms. Janet C. Hamilton, Vice Chancellor Regents of the University of California
LEA:	Mr. Thomas Y. To, Director Yolo County Health Department Environmental Health

Proposed Project

The proposed permit is to allow for the following:

- Increase the permitted tonnage from 32.5 to 500 tons per day or 4,578 tons per month
- Increase the acreage from 19 to 53 acres
- Increase the elevation to 102 feet above mean sea level
- Incorporate a manure composting operation
- Incorporate a metal and wood salvaging operation
- Extend the hours of operation from to 6 a.m. - 4 p.m. Monday through Friday, and 8 a.m. - 2 p.m. on Saturdays to 6 a.m. to 5 p.m., seven days a week
- The relocation of the landfill entrance, scales, scalehouse, and ancillary facilities

III. SUMMARY:

Site History The disposal site has been in operation since 1967. The landfill is currently operating under a Solid Waste Facilities Permit issued September 1978. The University has been operating under a Stipulated Notice and Order (STIP)for operating the landfill outside the terms and conditions of the 1978 permit. Specifically, the violations that were identified by the LEA were: receiving waste in excess of the permitted tonnage, the receipt of sewage sludge and ash, wood and metal salvaging operations, and operating a manure composting facility. The STIP was originally issued December 16, 1991 and was amended February

18, 1992, September 14, 1992 and September 20, 1993. The LEA monitored the operators progress toward the submission of a complete application package for permit revision or return to operating the facility in a manner consistent with the terms and conditions of the 1978 permit.

Project Description University of California, Davis Sanitary Landfill only serves the University of California, Davis; the general public is directed to the County landfill. The facility is entirely on University property owned by the Regents of the University of California. The facility's proposed total acreage of 53 is the combination of the existing 19 acres and an additional 34 acres. A 300 foot buffer zone is provided between WMU 2 and the parcel to the west. Buffer zones on the north and east sides of the landfill are not required as these areas are campus property used for agricultural purposes. A buffer on the southern side of the landfill already exists.

Wastes received at the facility include campus residential, commercial, industrial, construction/demolition wastes, tires, sewage sludge, agricultural, and non-designated incinerator ash. The facility will receive an average of 40 tons of waste per operating day with a maximum of 500 tons per day not to exceed a monthly maximum of 4,578 tons. The proposed hours of operation will be from 6 a.m. to 5 p.m., seven days a week.

Vehicles enter the main gate and are directed to the scale by chained paths. The scale attendant directs drivers to the appropriate unloading area. Signs and access roads provide directional control to each unloading area. Vehicles that contain only refuse go directly to the active face of the landfill for unloading. Loads containing mostly wood and/or yard waste are directed to the wood processing area.

The active face consists of daily lifts of one to two feet. The average area of active face is approximately 800 to 1,600 square feet. Winter tipping pads, used only when the active face is not accessible to vehicles, are kept close to the working face. The average push distance from the winter pad to the active face is about 50 feet.

The manure composting operation will be situated on the top deck of the middle portion of the landfill. Manure and bedding materials from campus agricultural operations are transported to the site for composting year round. Windrows will be 175 feet long, 10 feet wide, and 7 feet high, and an average of 12 windrows will be in place at any given time. To assure pathogen reduction windrow temperatures will be monitored for fifteen days after construction, during which time the windrow will be turned at least five times. Each windrow will be monitored and

temperatures recorded several times per week, and turned as required to maintain efficient aerobic decomposition of the materials.

Environmental Controls Environmental control measures for potential impacts from dust, litter, noise, odor, vectors, fire and landfill gas are addressed in the Report of Disposal Site Information as follows:

Dust will be controlled by proper maintenance of haul roads by grading and watering, and installation of vegetation to control erosion. Odor will be controlled by the timely placement of daily, intermediate, and final cover. Odor will also be minimized by maintaining a small active face and by the regular cleaning of landfill equipment.

An ongoing litter collection program is practiced to minimize litter in areas surrounding the site. Personnel regularly patrol the landfill perimeter and pick up litter blown from the working face. Portable litter fences will also be used and cleaned daily.

Vectors will be controlled by covering wastes with compacted soil and minimizing the work area over which refuse is spread to minimize bird problems.

There are no operations at the facility which generate excessive noise levels other than the equipment used on site. Noise is minimized through the use of modern and well maintained landfill and equipment. The nearest residences are 1,200 feet northwest of the northern boundry. Any noise will be minimized by the large buffer zone of open space that surrounds the site. All heavy equipment operators wear hearing protection devices. Noise has not been a problem at this site due to its remote location and the operational measures that have been put into practice.

Fire control measures at the site include installation of fire extinguishers, which are inspected and maintained by the campus fire department, on all heavy equipment. Dry grasses are mowed annually after the wildflowers go to seed. A fire break is maintained outside the perimeter fence. The landfill operator is trained in basic fire prevention measures and the site is inspected regularly by management and the campus Fire Department. Water is available on-site via both the campus domestic water distribution system and nearby retention basins serving the campus Wildlife and Fisheries Biology Experimentation Area.

Resource Recovery No scavenging is permitted at the landfill. The resource recovery operations include a wood and yard waste recovery facility, a metal recovery facility, and a manure

composting operation. The wood and yard waste processed at the facility are used as fuel or landscaping amendments. The County has projected a diversion rate of 38.6% by 1995. The University of California, Davis, expects to achieve a diversion rate of close to 40.9% by 1995. Additional information on resource recovery is provided in Attachment 4.

IV. ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on July 27, 1995, the last day the Board may act is September 25, 1995.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation and have found that the permit is acceptable for the Board's consideration of concurrence. In making this determination the following items were considered:

1. Conformance with County Plan

   The LEA has determined that the facility is found in the Yolo County Solid Waste Management Plan dated 1989. Board staff agree with said determination.

2. Consistency with General Plan

   On November 15, 1989, the Yolo County Community Development Agency determined that the facility is consistent with the County General Plan. On September 23, 1994, the University of California, Davis Planning Office made the written finding that surrounding land use is compatible with the facility operation. The LEA has found that the proposed facility is consistent with, and is designated in, the applicable General Plan. Board staff agree with said finding.

3. Consistency with Waste Diversion Requirements

   Staff of the Board's Diversion, Planning and Local Assistance Division make an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed project would prevent or substantially impair the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the proposed permit would neither prevent nor significantly impair the County of Yolo

from meeting its waste diversion goals. The analysis used in making this determination is included as Attachment 4.

4. California Environmental Quality Act (CEQA)

State law requires the preparation and adoption or certification of an environmental document for any project subject to CEQA, prior to the approval of that project by a public agency. State law also requires that the public agency adopt a Mitigation Reporting or Monitoring Program, prior to project approval, for mitigation measures required in, or incorporated into, the project in order to mitigate or avoid significant effects on the environment.

The University of California at Davis, Planning and Budget Office, acting as Lead Agency, prepared and certified a final Environmental Impact Report (EIR), SCH #93081104, for this proposed project on July 6, 1995. The original Draft EIR was completed on August 9, 1994 and circulated for public and agency review. CIWMB staff reviewed the original Draft EIR and sent comments to the Lead Agency on September 27, 1994. The Lead Agency subsequently prepared a Revised Draft EIR in order to assess new information and to address issues raised by individuals and agencies. The Revised Draft EIR was circulated for public review in August, 1994. CIWMB staff reviewed the Revised Draft EIR and sent comments to the Lead Agency on May 18, 1995. As required by CEQA, the final EIR identified the proposed project's potentially significant environmental effects and provided mitigation measures that would reduce those effects to less than significant levels where feasible. CIWMB staff reviewed the final EIR on July 12, 1995. The Lead Agency prepared and submitted adequate responses to CIWMB comments in the final EIR. The design and operational aspects in the EIR's project description are consistent with the proposed SWFP as conditioned by the LEA.

A Mitigation Reporting or Monitoring Program (MRMP) was adopted. Potential environmental impacts and mitigation measures associated with the proposed project for revision of the Solid Waste Facility Permit (SWFP) at the University of California, Davis Landfill, SWFP #57-AA-0004, are identified and incorporated in the MRMP.

Significant unavoidable adverse impacts to: air quality; surface water quality; reduction in groundwater recharge potential; loss of prime agricultural land; exposure of people to seismic effects; loss of grasslands for resident and migratory wildlife; and loss of historic and prehistoric resources were identified in Section 2.0, Table 2-1 of the

final EIR. A Finding of Facts and Statement of Overriding Considerations for these impacts was issued for the project on July 6,1995 by the Associate Vice Chancellor for Planning and Budget at the University of California at Davis. These unavoidable significant impacts are not within the CIWMB approval authority. CIWMB staff have reviewed these findings and the statement and consider them to be consistent with CEQA Guidelines in Title 14 CCR, Section 15093. A Notice of Determination (NOD) for the project was filed with the State Clearinghouse on June 14, 1994.

After reviewing the Draft and Final EIR for this project, CIWMB staff have determined that the cited CEQA documents are adequate for the CIWMB's environmental evaluation of this proposed project for those project activities which are within this agency's expertise and/or powers or which are required to be carried out or approved by the CIWMB.

5. Consistency with State Minimum Standards

The facility's proposed design and operation as described in the Report of Disposal Site Information, are for the most part, consistent with the State Standards for Solid Waste Handling and Disposal. However, the following violations remains outstanding:

a) Public Resource Code, Section 44014(b) - Terms and Conditions of the Permit

As described in the site history portion of this agenda item, since 1991 the site has been operated under a STIP for: receiving waste volumes in excess of the amount specified in the 1978 permit, operating a manure composting facility, and a metal and wood recovery program.

These violations will be corrected upon Board concurrence with the proposed permit and its subsequent issuance by the LEA.

b) State Minimum Standards, 14 CCR 17258.23 - Explosive Gas Control

On December 1993, the LEA notified the Board staff that the operator had detected methane levels in excess of five percent on Well #7, which is a 20 feet deep probe at the northeast corner of the permitted site boundary.

In the proposed permit, the LEA has certified that the site is in compliance with the State Minimum Standards

for Solid Waste Handling and Disposal, except for the above listed long term violation. The LEA recognizes the outstanding violation and has issued the operator a notice of violation to address the violation. Despite the outstanding violation, the LEA submitted the proposed permit because, as they stated, the violation does not constitute a significant threat to public health and safety or the environment. In support of this position, the LEA provided the following reasons:

1. Methane gas has not been detected in ambient air at any concentration at the permitted site boundary;
2. The landfill is located in a sparsely populated area;
3. The routine air monitoring of occupied structures on the landfill has not revealed significant concentrations of methane; and
4. The nearest occupied off-site structure is 1,200 feet northeast of the landfill.

Furthermore, it is the LEA's position that the operator has taken appropriate measures to abate the violation. The University initiated quarterly monitoring of landfill gas and began the study to design and implement a program to control the landfill gas. The University conducted and submitted a Report of Landfill Gas Investigation for the landfill on July 1,1994 which was approved by the Board's Closure and Remediation Branch on July 25, 1994. On May 17, 1995 the Board's Closure and Remediation Branch received a Landfill Gas Feasibility Study and approved it on June 1, 1995. Subsequent to this, the University awarded a contract for the design and installation of the landfill gas remediation system. The methane gas migration remediation system is anticipated to be in place by September 30, 1995.

Board staff are in agreement with the LEA's stipulations that the violation does not constitute a significant and immediate threat to public health and safety and the environment. Furthermore, the existing and proposed measures to evaluate and remediate the violation by the installation of a landfill gas monitoring system, will achieve the desired goal of compliance with the State Minimum Standards.

6. <u>Financial Assurance and Operating Liability</u>

The University of California, Davis has established acceptable financial mechanisms, in the form of a Trust Fund for closure costs and Pledge of Revenue Agreement for

postclosure maintenance costs of this facility. These mechanisms meet the financial assurance requirements of Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.5, section 18284 and 18290 respectively. In addition, based on the data provided by the University, the closure fund balance is adequate.

Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, section 18230 does not require State and Federal operators to demonstrate operating liability coverage.

7. Closure and Postclosure Maintenance Plans

The preliminary closure and postclosure maintenance plans for this facility were submitted to the Board on August 1994 and were deemed complete by the Board's Closure and Remediation Branch on October 1994.

V. STAFF RECOMMENDATION:

Because a revised Solid Waste Facilities Permit is proposed, the Board must either concur or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 95-638 concurring in the issuance of Solid Waste Facilities Permit No. 57-AA-0004.

VI. ATTACHMENTS:

1. Location Map
2. Site Map
3. Permit No. 57-AA-0004
4. AB2296 Finding of Conformance
5. Permit Decision No. 95-638

Prepared by: Beatrice Cuenca Poroli Phone: 255-4167

Reviewed by: Don Dyer/Cody Begley Phone: 255-2453

Approved by: Douglas Y. Okumura Phone: 255-2431

Legal Review: Date/Time: 8/11/95

Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, section 18230 does not require State and Federal operators to demonstrate operating liability coverage.

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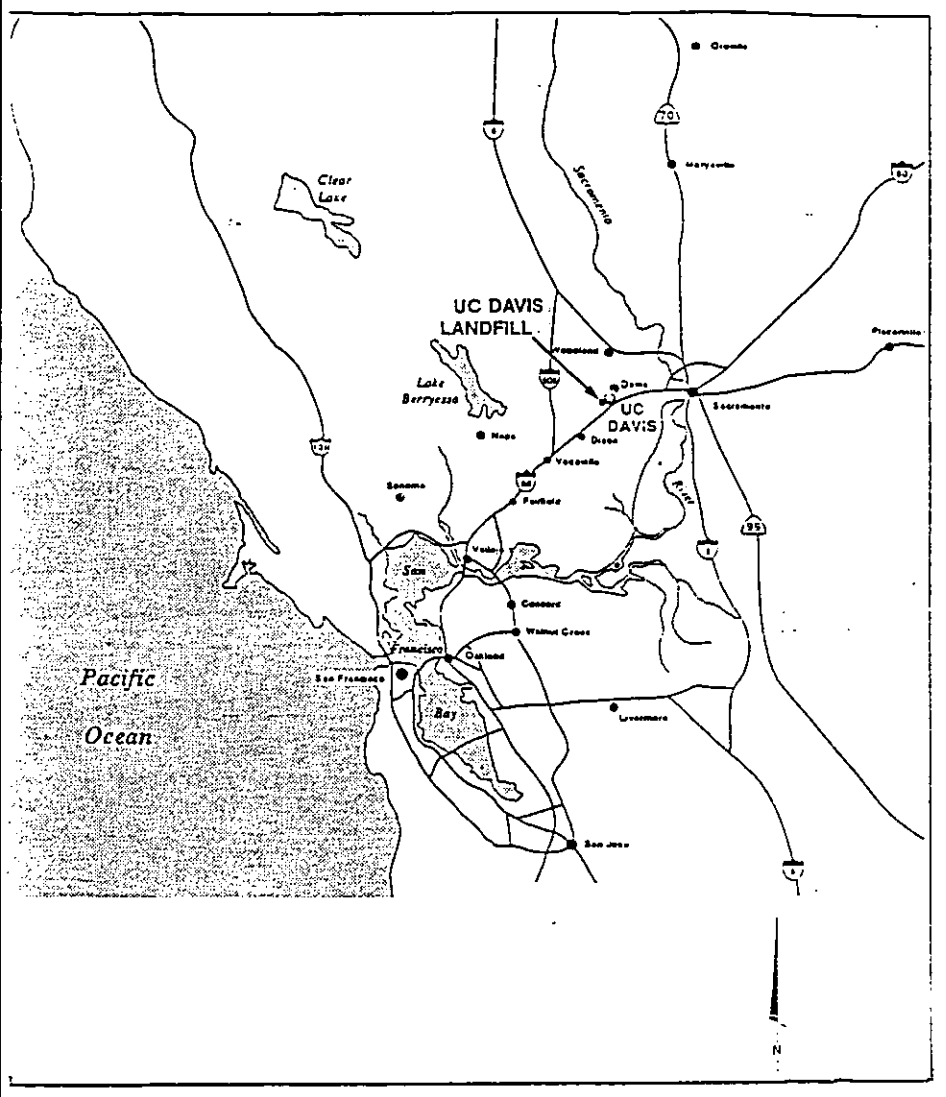
Prepared by: Beatrice Cuenca Poroli Phone: 255-4167

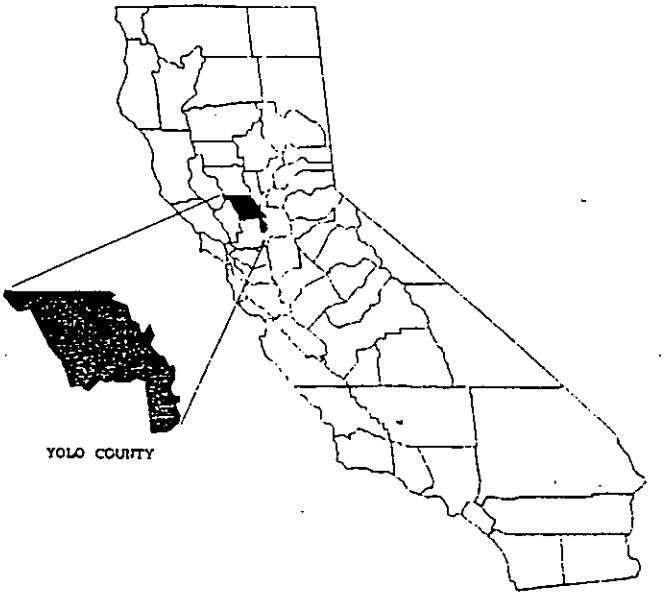
Reviewed by: Don Dier/Cody Begley Phone: 255-2453

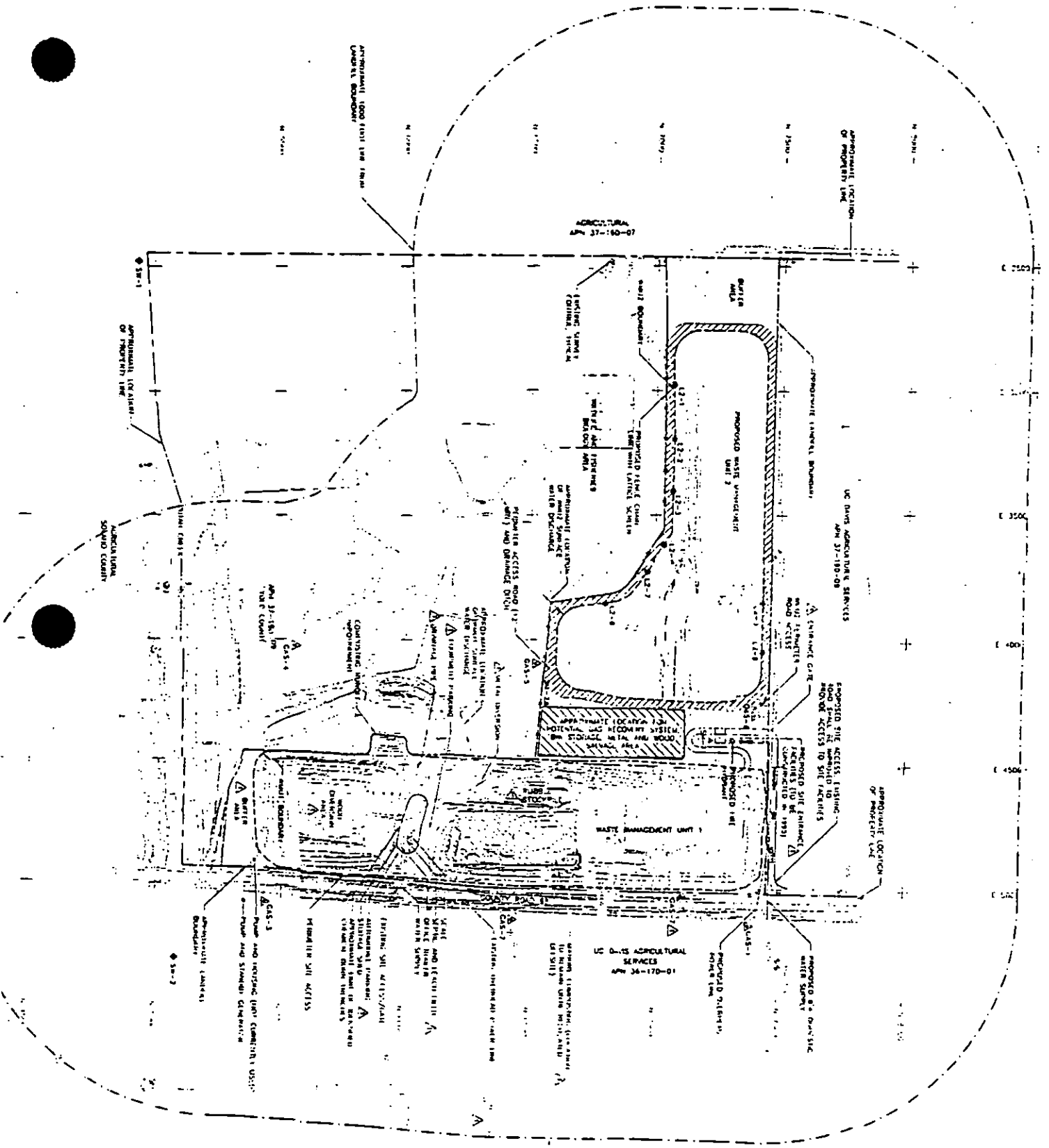
Approved by: Douglas Y. Okumura Phone: 255-2431

Legal Review: Date/Time: 8/2/95 2:30 p.m.

ATTACHMENT 1






SITE PLAN
WASTE MANAGEMENT UNIT 1
UC DAVIS AGRICULTURAL SERVICES
APN 34-170-01
UC DAVIS AGRICULTURAL SERVICES
APN 37-150-09
AGRICULTURAL
APN 37-150-07
PROPOSED WASTE MANAGEMENT UNIT 2
PROPOSED SITE ACCESS (USING ROAD SHOWN TO BE IMPROVED TO PROVIDE ACCESS TO SITE FACILITIES
PROPOSED SITE ENTRANCE FACILITIES (TO BE CONSTRUCTED IN 1991)
PROPOSED ENTRANCE GATE
PROPOSED FENCE
PROPOSED WATER SUPPLY
APPROXIMATE LOCATION OF PROPERTY LINE
APPROXIMATE LANDFILL BOUNDARY
AGRICULTURAL SOUTH COUNTY
COUNTERFIRE DITCH
PUMP AND HOUSING (NOT CURRENTLY USED)
PUMP AND STORAGE GENERATOR
SEWAGE SEPTIC AND LEACH FIELD
EXISTING SITE ACCESS/GATE
EXISTING SITE ACCESS
BUFFER AREA
SW-1
SW-2
GAS-1
GAS-2
GAS-3
GAS-4
GAS-5

ATTACHMENT 3

SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number:

57-AA-0004

2. Name and Street Address of Facility:

University of California, Davis
Class III Sanitary Landfill
County Road 98
Davis, CA 95616

3. Name and Mailing Address of Operator:

University of California, Davis
Facilities Department
Office of Environmental Services
Davis, Ca 95616

4. Name and Mailing Address of Owner:

Regents of the University of California
300 Lakeside Drive, 22nd Floor
Oakland, CA 94612-3550

5. Specifications:

a. Permitted Operations:

[x] Composting Facility (manure)
[ ] Composting Facility (yard waste)
[x] Landfill Disposal Site
[ ] Material Recovery Facility
[ ] Processing Facility
[ ] Transfer Station
[ ] Transformation Facility
[ ] Other:

b. Permitted Hours of Operation: Monday through Sunday, 6:00 a.m. to 5:00 p.m.

c. Permitted Tons per Operating Day (Maximum): .....500..... Total: Tons/Day
.....4578..... Tons/Month

Non-Hazardous - General .....70..... Tons/Day

Non-Hazardous - Separated or commingled recyclables .....15..... Tons/Day

Non-Hazardous - Inert construction/demolition waste .....355..... Tons/Day
Non-Hazardous - Compost Feedstock .....60..... Tons/Day

d. Permitted Traffic Volume: .....70..... Total: Vehicles/Day

Incoming waste materials .....60..... Vehicles/Day
Outgoing waste materials (for disposal) .....2..... Vehicles/Day
Outgoing materials from material recovery operations .....8..... Vehicles/Day

e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	53 a	39 a	— a	— a	5 a	— a
Design Capacity		954,571 (wmu-1 & wmu-2) cy	— tpd	— tpd	60 tpd	— tpd
Max. Elevation (Ft. MSL)		102 ft				
Max. Depth (Ft. BGS)		26 ft				
Estimated Closure Date		2040				

The permit is granted solely to the operator named above, and is not transferable. Upon a change of operator, this permit is no longer valid. Further, upon a significant change in design or operation from the described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previous issued solid waste facility permits.

6. Approval:

Approving Officer Signature

Thomas Y. To, R.E.H.S., MPH - Director, Yolo County Environmental Health
Name/Title

7. Enforcement Agency Name and Address:

Yolo County Environmental Health
10 Cottonwood Street
Woodland, CA 95695

8. Received by CIWMB: JUL 27 1995

9. CIWMB Concurrence Date:

10. Permit Review Due Date:

11. Permit Issued Date:

44

SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

57-AA-0004

[illegible]al Description of Facility (attach map with RFI): The facility is located in Yolo County, West of County Road 98 and North of Putah Creek. The facility is located in Section 24 of Township 8 North, range 1 East Mount Diablo Baseline and Meridian. The site latitude and longitude are 38° 33' N, 121° 48' W. The facility is located entirely within Yolo County Assessor's Parcel Number 037-190-09-1. There is no street address.

13. Findings:

a. This permit is consistent with the County Solid Waste Management Plan . Public Resources Code, Section 50000 (December, 1989, page 58).

b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.

c. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA (July, 1995) except for a violation of Title 14, Section 17258.23 - Explosive Gas Control. In December, 1993 the operator detected methane in excess of the Lower Explosive Limit (LEL) of 5% in air in the 20' deep probe at Landfill Gas Well #7 at the Northeast corner of the Permitted Site Boundary (PSB). To comply with the standard, the operator immediately placed the results in the operating record, took appropriate steps to protect human health, and notified the LEA. Additionally, the operator is conducting routine, quarterly monitoring for methane and is implementing a LEA/CIWMB approved (March 14, 1995) remediation plan for the migration of landfill gas in compliance with the standard. The methane gas migration remediation system will be in place by September 30, 1995. The LEA has found that this violation does not pose a significant threat to public health and safety or the environment based upon the following: 1) Methane gas has not been detected in ambient air at any concentration at the PSB, 2) The landfill is located in a sparsely populated area, 3) The routine air monitoring of occupied structures on the landfill has not revealed significant concentrations of methane, and 4) The nearest occupied off-site structure is 1,200 feet Northeast of the landfill.

d. The following local fire protection district has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151 (U.C. Davis Fire).

e. An Environmental Impact Report (SCH# 93081104) was filed with the State Clearinghouse pursuant to Public Resources Code, Section 21081.6 (Notice of Determination filed July 7, 1995).

f. A County-wide Integrated Waste Management Plan has not been approved by the CIWMB.

g. The following authorized agent has made a determination that the facility is consistent with, and designated in, the applicable general plan: Yolo County Community Development Agency (November, 1989). Public Resources Code, Section 50000.5(a).

h. The following local governing body has made a written finding that surrounding land use is compatible with the facility operation, as required in Public Resources Code, Section 50000.5(b): U.C. Davis Planning.

[illegible]hibitions:

The permittee is prohibited from accepting any liquid waste sludge, non-hazardous waste requiring special handling, designated waste, or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable permits.

Wastes including campus residential, commercial, industrial, demolition, agricultural, non-designated dried sewage sludge, non-designated incinerator ash, treated medical waste, inerts, tires, properly decayed former low level radiological waste.

The permittee is additionally prohibited from the following items:

Disposal of hazardous wastes, designated wastes, asbestos, dead animals, untreated medical waste, liquid wastes, household hazardous waste, and radiological wastes (with the exception of those listed above).

15. The following documents also describe and/or restrict the operation of this facility (insert document date in space):

	Date		Date
[x] Report of Facility Information	06/95	[ ] Contract Agreements - operator and contract	N/A
		[ ] Operating Liability	Exempt
[ ] Land Use Permits and Conditional Use Permits	N/A		
		[x] Waste Discharge Requirements (94-266)	09/94
[ ] Air Pollution Permits and Variances	N/A	[ ] Local & County Ordinances	N/A
[x] EIR SCH 93081104	07/95	[ ] Final Closure & Post Closure Maintenance Plan	N/A
[ ] Lease Agreements - owner and operator	N/A	[ ] Amendments to RFI	N/A
[x] Preliminary Closure/Post Closure Plan	03/94	[x] Other (list):	
CIWMB accepted for filing	10/94	Mitigative Measures (MMIS)	07/95
[x] Closure Financial Responsibility Document	09/94	Wetlands Permit	09/94
		Gen. Ind. Storm. Discharge Permit	01/93
		NPDES Order No. 95-187	06/95

SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

57-AA-0004

16. Self Monitoring:

a. Results of all self-monitoring programs as described in the Report of Facility Information, will be reported as follows:

Program	Reporting Facility	Agency Reported To
Report of quantities and type of waste received (daily average, monthly and annual total):	Annual	LEA
Report of quantities and types of recycables received (daily average, monthly and annual total):	Annual	LEA
Summary of environmental measurements of water quality, landfill gas, and chemical burn trench soil remediation:	Quarterly	LEA
Environmental measurements of manure compost:	Annual	LEA
Summary of analytical data of chemical contamination not previously defined in air, soil, or groundwater:	Ten (10) working days	LEA
Log of special occurences which include, but not limited to: fires, explosions, accidents, unauthorized disposal of hazardous, medical, or radiological wastes, equipment failures, and operational difficulties:	Available upon request	LEA
Report of significant occurences:	Within seventy-two (72) hours	LEA
Summary of hazardous waste screening and load checking programs:	Annual	LEA
Report of any nuisance, health or safety complaints regarding this facility, written or verbal, and actions taken by the operator to address/correct:	Within seven (7) calendar days	LEA

SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

57-AA-0004

17. LEA Conditions:

A. This facility shall comply with all State Minimum Standards for solid waste handling and disposal.

B. This facility shall comply with all Federal, State, and local enactments, including all mitigation measures given in any certified environmental document filed pursuant to Public Resources Code, Section 21081.6.

C. Open burning of wastes is prohibited.

D. Standing water on covered fill areas is prohibited.

E. Manure compost shall be tested as follows: a representative composite sample shall be taken for every 5000 cubic yards produced and analyzed pursuant to the Environmental Health Standards contained in 14 CCR (metals and pathogen reduction).

F. Metal salvage shall be removed every 45 days or earlier if directed by the LEA.

G. This permit does not sanction additional composting operations unless approved by the LEA and CIWMB.

H. This permit reflects the following changes: increase in maximum daily tonnage from 32.5 TPD to 500 TPD (monthly tonnage maximum - 4578 TPM), increase in acreage from 19 to 53 acres (23 acres existing, construction of a new 16 acre waste management unit, and 14 acres for ancillary facilities), increase in elevation to 102 feet above mean sea level, operation of manure composting, metal and wood salvage operations, operating hours of 6:00 a.m. to 5:00 p.m., 365 days a year, and relocation of landfill entrance, scales, scalehouse, and ancillary facilities.

I. Any design or operational change not sanctioned by this permit shall be prohibited unless approved by the LEA and CIWMB.

J. All additional information concerning the landfill shall be provided to the LEA upon request.

K. This permit supersedes any other previously dated Solid Waste Facility Permit.

L. The owner/operator shall record and maintain an operating record as required pursuant to 14 CCR, Section 17258.29.

M. Manure composting operations area sited on a waste management unit's intermediate cover shall be located on foundation substrate that is stabilized, either by natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or failure of pads or structural foundations.

State of California

California Environmental
Protection Agency

M E M O R A N D U M

To: Cody Begley, Supervisor
Permits Branch, North
Permitting and Enforcement Division

Date: July 6, 1995

From: Kaoru Cruz
Office of Local Assistance, Bay Area Section
Diversion, Planning and Local Assistance Division
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: CONFORMANCE FINDING FOR THE UNIVERSITY OF CALIFORNIA, DAVIS LANDFILL, FACILITY NUMBER 57-AA-0004

The proposed project involves a permit revision for the University of California, Davis Landfill (UCDL) located in an unincorporated portion of Yolo County. The permitted area for the existing solid waste disposal facility is 19 acres. Only the university uses the landfill.

Currently, salvage operations have been in place at the landfill. 228 ton of scrap metals/white goods, 3,135 ton of concrete and asphalt, 561 ton of wood, and small amount of tires have been recovered at the landfill in 1990.

The proposed permit revision addresses maximum daily tonnage increase, permitted acreage increase, elevation increase to 102 feet above mean sea level, metal and wood salvage operations, operation hours change, and relocation of landfill entrance, scales, scalehouse and ancillary facilities.

SUMMARY OF CONCLUSIONS

Based upon the review of submitted documents, the proposed permit revision conforms with the provisions of AB 2296 as follows:

1. The permit is consistent with the State's waste diversion requirements (PRC 44009).

2. The facility is in conformance with the County's Solid Waste Management Plan (CoSWMP) (PRC 50000).

3. The facility is consistent with the Yolo County's General Plan (PRC 50000.5).

PRC 44009: Waste Diversion Requirement

Board staff have reviewed the proposed UCDL Solid Waste Facilities Permit (SWFP), the Report of Facility Information, and the Yolo County's Final Source Reduction and Recycling Element (SRRE). The County has projected to divert 38.6% by 1995 and 59.8% by the year 2000 including restricted waste types (10,103 tons) since their SRRE has not been reviewed yet. The U.C. Davis has projected to divert 40.9% by 1995 within the campus, 69.3% by the year 2000 including restricted waste types.

Diversion programs planned for the County unincorporated Area include source reduction programs, recycling programs (drop-off centers, office paper recovery, mixed waste recovery, commercial collection, and self-haul bin transfer), yard debris composting, anaerobic digestion, and MSW composting. Diversion programs for the U.C. Davis include source reduction program and implementation of a centrally coordinated campus wide recycling program such as Project Recycle, Student Housing Residence Hall, mixed paper collection, ReproGraphic recycling program, inter-department programs, and Central Stores/Receiving Purchasing Program. Composting programs selected for the U.C. Davis are Manure Composting and Wood and Green Waste Chipping Program, which is planned for the mid-term planning period. Currently, Manure Composting is not in operation.

Based on this review, staff have determined that the proposed permit revision for the UCDL will not prevent or substantially impair the County of Yolo's achievement of the AB 939 diversion goals.

PRC 50000: Conformance with the CoSWMP

According to the draft SWFP and a letter written by J. Bruce Sarazin of Department of Public Health, dated September 30, 1994, the LEA has certified that the facility is in conformance with the latest revision of the Yolo County Solid Waste Management Plan. The facility is identified and described in Section 8.1 and subsection 8.1.2 and page 5 of Appendix A of the 1989 Yolo County Solid Waste Management Plan (CoSWMP) and therefore, meets the requirement of PRC Section 50000.

PRC 50000.5: Consistency with the General Plan

On November 15, 1989, the Yolo County Community Development Agency has determined that the facility is consistent with the County General Plan. On September 23, 1994, the U.C. Davis Planning Office made the written finding that surrounding land use is compatible with the facility operation. Therefore, the facility meets the requirement of PRC Section 50000.5.

California Integrated Waste Management Board
Permit Decision No. 95-638
August 23, 1995

WHEREAS, the University of California, Davis Sanitary Landfill is owned by Regents of the University of California and operated by the University of California, Davis as a Class III landfill for the handling and disposal of nonhazardous solid waste; and

WHEREAS, the County of Yolo Department of Environmental Health, acting as the Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to a revised Solid Waste Facilities Permit for the University of California, Davis Sanitary Landfill; and

WHEREAS, the Yolo County Health Department issued a Stipulated Notice & Order (STIP) initially issued December 16, 1991, amended February 18, 1992, September 14, 1992 and September 20, 1993 to allow the site to continue operating outside the terms and conditions of the 1978 permit. The terms of the STIP limit the site to a maximum daily tonnage of 500 tons per day. The STIP also allowed the continued operation of a manure composting facility, and the wood and metal recycling; and

WHEREAS, the STIP mandated the operator to obtain a revised Solid Waste Facilities Permit while allowing the facility to, in the interim, operate the landfill as provided in the STIP; and

WHEREAS, the proposed permit will increase the total permitted tons per day from 32.5 to 500 ton per day; increase the acreage from 19 to 53 acres; increase elevation to 102 feet mean sea level; the addition of a manure composting operation; metal and wood salvaging operations; change hours of operation from 6 a.m. - 4 p.m. Monday through Friday, and 8 a.m.- 2 p.m. on Saturdays to 6 a.m.- 5 p.m., seven days a week; and

WHEREAS, the University of California at Davis, Planning and Budget Office, the Lead Agency for CEQA review, prepared an Environmental Impact Report (EIR) for the proposed project; and CIWMB staff provided comments to the Lead Agency on September 21, 1993, September 27, 1994 and May 18,1995; and the project will have unavoidable significant impacts to: air quality, surface water quality, reduction in groundwater recharge potential, loss of prime agricultural land, exposure of people to seismic effects, loss of grasslands for resident and migratory wildlife and loss of historic and prehistoric resources; and mitigation measures were made a condition of the approval of the proposed

project; and a Mitigation Reporting or Monitoring Program has been prepared; and a Statement of Overriding Considerations was adopted for this project; and the unavoidable significant impacts are not within the CIWMB approval authority; and the University of California Planning and Budget Office certified the Final EIR on July 6, 1995(SCH #93081104); and

WHEREAS, the proposed permit is consistent with the project description in the CEQA document; and

WHEREAS, the LEA has stipulated that the operator is taking adequate measures to abate a violation of state minimum standards by conducting quarterly monitoring for methane and is implementing a LEA/Board approved remediation plan for the migration of landfill gas; and

WHEREAS, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, and consistency with the General Plan.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 57-AA-0004.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
August 23, 1995

AGENDA ITEM 24

ITEM: Consideration of Concurrence in the Issuance of a New Solid Waste Facilities Permit for the Covelo Solid Waste Transfer and Recycling Center, Mendocino County

I. PREVIOUS COMMITTEE ACTION

At the time this item went to print the Permitting and Enforcement Committee had not taken action on the item.

II. BACKGROUND

Facility Facts

Name:	Covelo Solid Waste Transfer and Recycling Center, Facility No. 23-AA-0004
Facility Type:	Small Volume Transfer Station
Location:	90500 Refuse Road, Covelo
Area:	Three acres
Setting:	Rural
Operational Status:	Active
Permitted Volume:	99 cubic yards per day
Operator:	Solid Waste of Willits, Inc. Gerald W. Ward, CEO
Owner:	County of Mendocino
LEA:	Mendocino County Division of Environmental Health Gerald F. Davis, Director

Proposed Project

Solid Waste of Willits, Inc. is requesting a new Solid Waste Facilities Permit (permit) to operate the Covelo Solid Waste Transfer and Recycling Center. This facility is currently being operated by the County of Mendocino Solid Waste Division under a permit issued on August 14, 1990. Solid Waste of Willits, Inc.

has entered into a contract with Mendocino County to operate the transfer station. The only changes in the operation are the addition of recycling activities including a certified buy back center, drop off bins for recyclables, batteries, and used motor oil.

III. SUMMARY

Project Description

This facility is located at 90500 Reuse Road in the city of Covelo. The facility covers approximately 3 acres of a 10 acre site that includes a closed landfill. The land is zoned PF (Public Facilities) for which transfer stations are a conforming use. The facility is owned by Mendocino County and will be operated by Solid Waste of Willits, Inc. The proposed permit will restrict the operator to receive a maximum of 99 cubic yards of waste per day which will include a maximum of 30 cubic yards per day of recyclables. The site will accept waste from the Covelo/Round Valley area of Mendocino County. The days and hours of operation will be Saturday and Sunday from 9 a.m. to 4 p.m. and Wednesdays from 12 p.m. to 4 p.m. Only mixed municipal and demolition wastes from commercial and residential generators will be accepted. Waste will be deposited into two 48 yard containers which will be transferred to the Willits landfill.

Environmental Controls

Environmental controls for dust, noise, odor, vectors, traffic, and litter are described in the July 18, 1995, Plan of Operation. The LEA and Board staff have determined that these controls, if followed, will continue to allow the facility to comply with State Minimum Standards for Solid Waste Handling and Disposal.

Resource Recovery

This facility has a number of recycling programs on site. The operator has constructed a certified buy back center where the public can return California Redemption Value containers. There is also a drop off area, with bins, for the collection of mixed paper, cardboard, plastics, tin cans, glass, and office paper. Separate areas are provided for the public to drop off miscellaneous metals, appliances, wood, and tires. In addition the operator accepts motor oil, and batteries. Motor oil will be placed into a 500 gallon tank surrounded by a chain link fence.

IV. ANALYSIS

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on July 20, 1995, the last day the Board may act is September 18, 1995.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation and have found that the permit is acceptable for the Board's consideration of concurrence. In making this determination the following items were considered:

1. Conformance with County Plan

   The LEA has determined that the facility is found on page 62 of the Mendocino County Solid Waste Management Plan dated 1983. Board staff agree with said determination.

2. Consistency with General Plan

   Pamela Townsend, Mendocino County Planning and Building Services Department has determined that the facility is consistent with the Mendocino County General Plan. The LEA has found that the proposed facility is consistent with, and is designated in, the applicable General Plan. Board staff agrees with said finding.

3. Consistency with Waste Diversion Requirements

   Staff of the Board's Diversion, Planning and Local Assistance Division make an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed project would prevent or substantially impair the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the proposed permit would neither prevent nor substantially impair the County of Mendocino from meeting its waste diversion goals. The analysis used in making this determination is included as Attachment 4.

4. California Environmental Quality Act (CEQA)

   State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency. Pamela Townsend,

Planner II, Mendocino County Planning and Building Services Department, stated that "A 'change of operator' at the Covelo Transfer Station could not result in a potentially significant direct or indirect adverse effect on the environment, and in the absence of other potential changes to the environment, is not a 'project' nor subject to review under the California Environmental Quality Act". The LEA and Board staff agrees with this determination.

5. Consistency with State Minimum Standards

Board staff and the LEA determined during an inspection on July 18, 1995, that the facility's design and operation is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal.

V. STAFF RECOMMENDATION

Because a new Solid Waste Facilities Permit is proposed, the Board must either concur or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 95-641 concurring in the issuance of Solid Waste Facilities Permit No. 23-AA-0004.

VI. ATTACHMENTS

1. Location Map
2. Site Map
3. Permit No. 23-AA-0004
4. AB2296 Finding of Conformance
5. Permit Decision No. 95-641

VII. APPROVALS

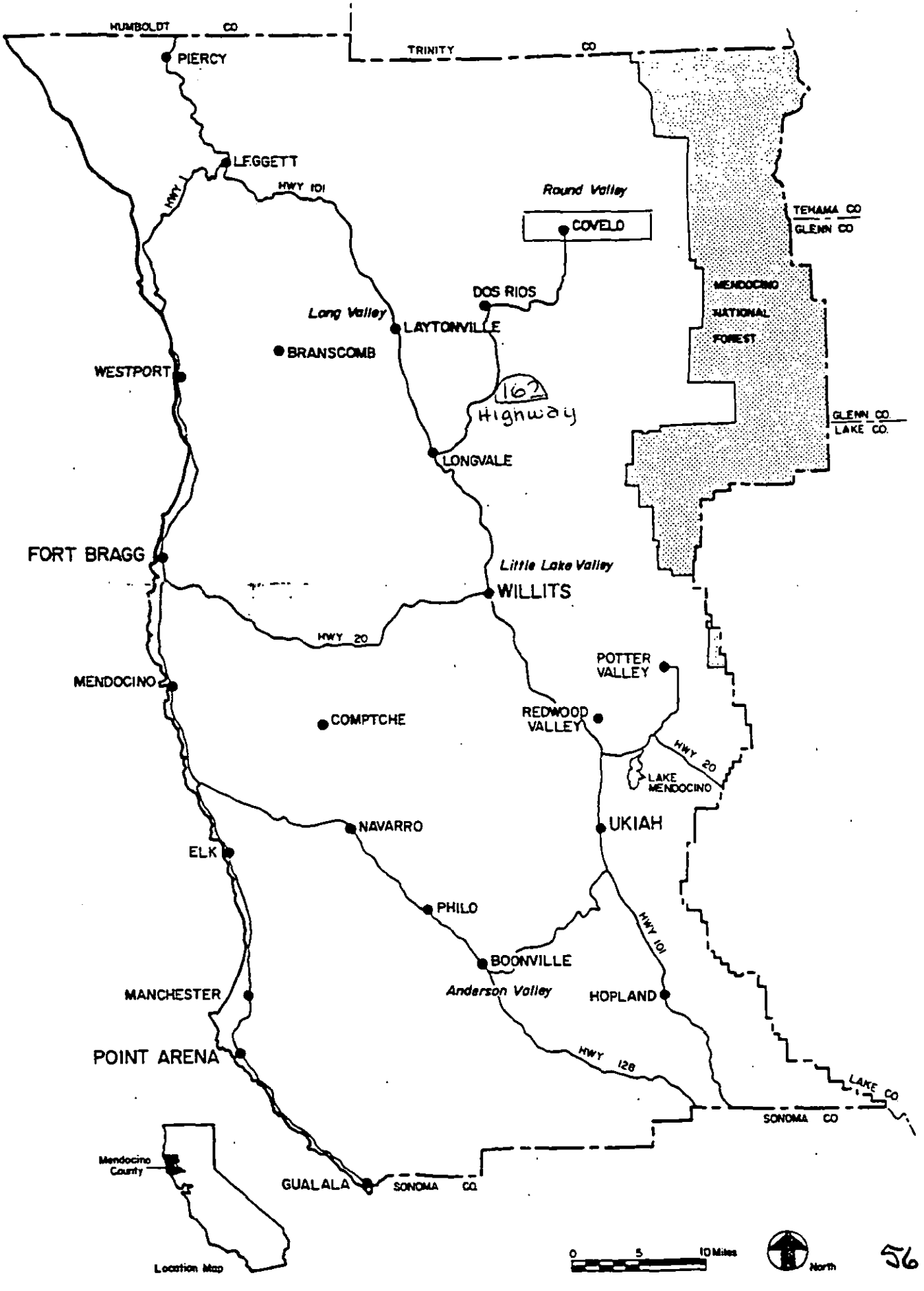
Prepared by: RK Russ J. Kanz Phone: 255-4162

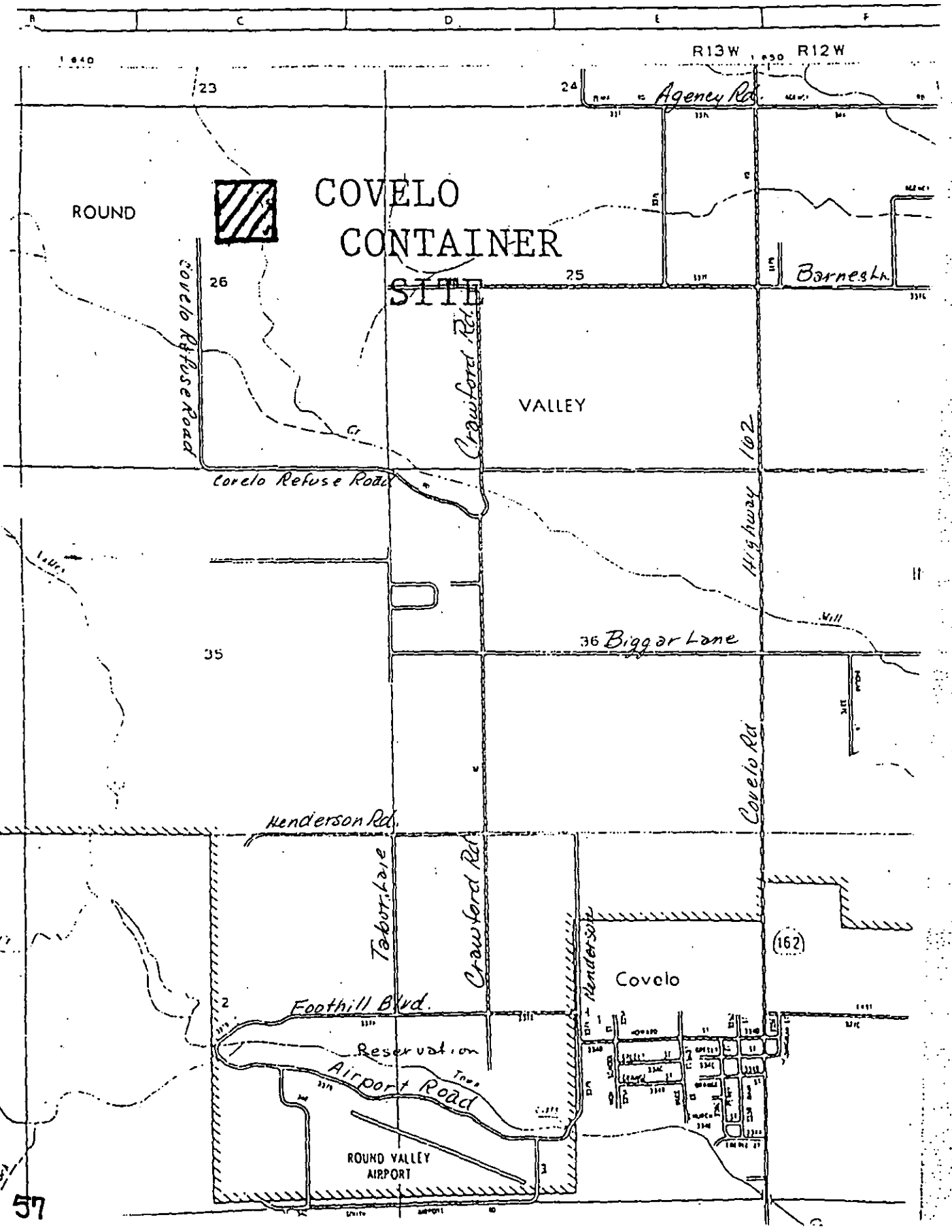
Reviewed by: C.B. Don Bier/Cody Begley Phone: 255-2453

Approved by: Douglas Y. Okumura Phone: 255-2431

Legal Review: EB Date/Time: 8/11/95

MENDOCINO COUNTY




R13W
R12W
Agency Rd.
COVELO
CONTAINER
SITE
ROUND
VALLEY
Covelo Refuse Road
Crawford Rd.
Highway 162
Barnes Ln.
Covelo Refuse Road
36 Biggar Lane
Covelo Rd.
Henderson Rd.
Tabor Lane
Crawford Rd.
Henderson
Covelo
(162)
Foothill Blvd.
Reservation
Airport Road
ROUND VALLEY
AIRPORT

ATTACHMENT 3

SOLID WASTE FACILITY PERMIT

1. Facility/Perm...

23-AA-0004

2. Name and Street Address of Facility:

Covelo Solid Waste Transfer
and Recycling Center
90500 Refuse Road
Covelo, CA 95428

3. Name and Mailing Address of Operator:

Solid Wastes of Willits, Inc.
P.O. Box 1425
Willits, CA 95490

4. Name and Mailing Address of Owner:

County of Mendocino
559 Low Gap Road
Ukiah, CA 95482

5. Specifications:

a. Permitted Operations: [x] Transfer Station

b. Permitted Hours of Operation: 9:00 a.m. to 4:00 p.m. Sat. & Sun.
12:00 p.m. to 4:00 p.m. Wed.

c. Permitted Tons per Operating Day: Total: 99 Cubic Yards/Day

Non-Hazardous - General	69	Cubic Yards/Day
Non-Hazardous - Sludge		Tons/Day
Non-Hazardous - Separated or comingled recyclables	30	Cubic Yards/Day
Non-Hazardous - Other (See Section 14 of Permit)		Tons/Day
Designated (See Section 14 of Permit)		Tons/Day
Hazardous (See Section 14 of Permit)		Tons/Day

d. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	THREE ACRES a	a	3 ACRES a	a	a	a
Design Capacity		cy	99 cytd	tpd	tpd	tpd
Max. Elevation (Ft. MSL)		ft				
Max. Depth (Ft. BGS)		ft				
Estimated Closure Date						

The permit is granted solely to the operator named above, and is not transferable. Upon a change of operator, the permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supercede the conditions of any previous issued solid waste facility permits.

6. Approval:

Approving Officer Signature

Candi L. Zizek, REHS III

Name/Title

7. Enforcement Agency Name and Address:

Mendocino County
Division of Environmental Health
880 North Bush Street
Ukiah, CA 95482

FACILITY FILE CARBON COPY
ORIGINAL TO FILE# Proposed Permit my drawer
SUBMITTED BY DATE 7-20-95
COPY TO 23AA0004
COPY TO SH/FK
COPY TO CB/RK
COPY TO

8. Received by CIWMB: JUL 20 1995

9. CIWMB Concurrence Date:

Permit Review Due Date:

11. Permit Issued Date:

SOLID WASTE FACILITY PERMIT

Facility/Permit Number:
23-AA-0004

12. Legal Description of Facility (attach map with RFI): 90500 Refuse Road, Covelo, CA 95428
NE 1/4 Section 26, T23N, R13W, MDB&M

13. Findings:

a. This permit is consistent with the County Solid Waste Management Plan or the County-wide Integrated Solid Waste Management Plan (CIWMP). Public Resources Code, Section 50001. LEA certifies that site is in compliance with PRC, Section 50000(a)(1). Facility is identified on page 62 of the COSWMP (1983 revision).

b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.

c. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA. Date of last LEA inspection was July 6, 1995.

d. The following local fire protection district has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151. California Department of Forestry/Mendocino Ranger Unit, 7501 N. Hwy 101, Willits, CA 95490

e. An environmental determination (i.e. Notice of Determination) is filed with the State Clearinghouse for all facilities which are not exempt from CEQA and documents pursuant to Public Resources Code, Section 21081.6. This facility was determined to be exempt from CEQA per Pam Townsend, Planner II of Mendocino County Planning & Building Department.

f. A County-wide Integrated Waste Management Plan has not been approved by the CIWMB, 7/19/95.

g. The following authorized agent has made a determination that the facility is consistent with, and designated in, the applicable general plan: Pam Townsend, Planner II, on 3/3/95. Public Resources Code, Section 50000.5(a).

h. The following local governing body has made a written finding that surrounding land use is compatible with the facility operation, as required in Public Resources Code, Section 50000.5(b). Mendocino County Planning & Building Department on 3/3/95

14. Prohibitions:

The permittee is prohibited from accepting any liquid waste sludge, non-hazardous waste requiring special handling, designated waste, or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable permits.

waste oil, batteries, household batteries.

The permittee is additionally prohibited from the following items:

15. The following documents also describe and/or restrict the operation of this facility (insert document date in space):

	Date		Date
[ ] Report of Facility Information	5/16/95	[ ] Contract Agreements - operator and contract	2/28/95
[ ] Land Use Permits and Conditional Use Permits	N/A	[ ] Waste Discharge Requirements	N/A
[ ] Air Pollution Permits and Variances	N/A	[ ] Local & County Ordinances CUP exempt	1/10/95
[ ] EIR or Negative Declaration	N/A	[ ] Final Closure & Post Closure Maintenance Plan	N/A
[ ] Lease Agreements - owner and operator	2/10/95	[ ] Amendments to RFI	N/A
[ ] Preliminary Closure/Post Closure Plan	N/A	[ ] Other (list): CDF clearance	1/30/95
[ ] Closure Financial Responsibility Document	N/A		

SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

23-AA-0004

16. Self Monitoring:

a. Results of all self-monitoring programs as described in the Report of Facility Information, will be reported as follows:

Program	Reporting Facilty	Agency Reported To

SOLID WASTE FACILITY PERMIT	*Facility/Permit Number:* **23-AA-0004**

17. LEA Conditions:

1. *Operator must limit storage of tires at the site to 499. More than 499 tires stored at the site would require application for a Waste Tire Facility Permit.*

2. *Operator is to provide the LEA an annual report of weight/volume records of all waste received and transferred from the facility. Operator is to include weight/volume records of diverted wastes, garbage and buy-back recyclables.*

3. *At the present time, Operator will collect lead acid batteries, household batteries and used oil. In the future, Operator may collect used oil filters, latex paint and antifreeze.*

State of California

California Environmental
Protection Agency

MEMORANDUM

To: Russ Kanz
Permits Branch, North
Permitting and Enforcement Division

Date: July 31, 1995

From: Alan White
Alan White
Office of Local Assistance, Northern Section
Diversion, Planning and Local Assistance Division
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: REVIEW OF THE PROPOSED REVISED PERMIT FOR THE COVELO SOLID WASTE TRANSFER STATION AND RECYCLING CENTER FACILITY NO. 23-AA-0004 FOR CONFORMANCE WITH AB 2296

The proposed project involves a revised permit for the Covelo Solid Waste Transfer Station and Recycling Station (Covelo site)located in north eastern Mendocino County, approximately three and half miles northwest of downtown Covelo. This was the site of a former county landfill that has been converted to a transfer station and recycling center. Its primary service area is the Covelo/Round Valley area, and the northeastern portion of Mendocino County.

The 3 acre site consists of a waste disposal area with two large refuse containers, and a separately designated recycling center. The Covelo site accepts mixed municipal and demolition wastes from commercial and residential generators. The recycling area includes a certified "buy-back" center and drop-off areas and bins for different categories of recyclables. It has been estimated by the County that by using this procedure at the facility, the County has reduced the incoming waste stream in 1994 by 91 tons.

SUMMARY OF CONCLUSIONS

Based upon the review of the submitted documents, the proposed permit conforms with the provisions of AB 2296 as follows:

1. The permit is consistent with the State's waste diversion requirements (PRC 44009).

2. The facility is in conformance with the County's Solid Waste Management Plan (CoSWMP) (PRC 50000).

3. The facility is consistent with the County's General Plan (PRC 50000.5).

PRC 44009: WASTE DIVERSION REQUIREMENTS

The County's Final Source Reduction and Recycling Element (SRRE) describes the programs which the County will use to achieve the diversion goals established by AB 939. The addition of buy-back service in the area including Round Valley was estimated to have the potential of diverting approximately 1% of the unincorporated area's wastestream on page 4-17 of the SRRE.

Overall, the County expects to meet a 1995 diversion rate of 47% and 51% by 2000 through a combination of local and regional source reduction, recycling and composting programs.

Board staff have reviewed the proposed permit, and the final Source Reduction and Recycling Element for the Unincorporated Area of Mendocino County. Based on this review, and in consultation with the Mendocino County Solid Waste Authority, Board staff find that the proposed permit for the Covelo site will not prevent or impair the jurisdiction's achievement of AB 939 diversion goals.

PRC 50000: CONFORMANCE WITH THE CoSWMP

The Covelo transfer station was specifically identified in the Mendocino County Solid Waste Management Plan (CoSWMP) on page 62. Therefore it does meet the requirements of PRC Section 50000.

PRC 50000.5: CONSISTENCY WITH THE GENERAL PLAN

The Mendocino County Planning and Building Department made the determination on March 3, 1995 that the transfer station is consistent with the County's General Plan.

California Integrated Waste Management Board
Permit Decision No. 95-641
August 23, 1995

WHEREAS, the Mendocino County Division of Environmental Health, acting as the Local Enforcement Agency, submitted to the Board on July 20, 1995, for its review and concurrence in, or objection to a new Solid Waste Facilities Permit for the Covelo Solid Waste Transfer and Recycling Center; and

WHEREAS, Mendocino County Planning and Building Services Department, the lead agency for CEQA review, determined that "A 'change of operator' at the Covelo Transfer Station could not result in a potentially significant direct or indirect adverse effect on the environment, and in the absence of other potential changes to the environment, is not a 'project' nor subject to review under the California Environmental Quality Act", and the LEA agrees with this determination; and

WHEREAS, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board; and

WHEREAS, it was determined during an inspection on July 18, 1995, that the facility's design and operation is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, consistency with the General Plan, and compliance with the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 23-AA-0004.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting

August 23, 1995

AGENDA ITEM 25

ITEM: Consideration of Concurrence in the Issuance of a Revised Solid Waste Facility Permit for the Kiefer Landfill, Sacramento County

I. COMMITTEE ACTION:

As of the date that this item went to print, the Permitting and Enforcement Committee had not made a recommendation or decision on this item.

II. BACKGROUND:

Facility Facts

Name:	Kiefer Landfill Facility No. 34-AA-0001
Owner/Operator	Sacramento County Solid Waste Management Division, Bob Shanks, Acting Chief
Facility Type:	Class III Municipal Solid Waste Landfill
Location:	Kiefer Boulevard at Grant Line Road Sacramento County
Acreage:	650 acres total, 232 acres for disposal
Current Landfill Height:	Approximately 310 feet mean sea level (MSL)
Proposed Landfill Height:	325 feet MSL
Setting:	The surrounding area is zoned for open space and agricultural use
Permitted Daily Capacity:	Average of 1,500 tons per day (TPD)
Proposed Daily Capacity:	5,738 TPD, 3,499 TPD average, scaled up to a maximum of 6,196 TPD in 1998
Operational Status:	Active, operating under a Notice and Order issued by the LEA 8/9/90, revised 10/14/92, 5/25/95

Waste Types:	Residential, commercial, industrial, construction and demolition waste, autoclaved infectious wastes, pesticide containers, small and large dead animals, and County Regional Wastewater Treatment Plant grit and screenings
Volumetric Capacity:	31.3 million cubic yards total; approximately 21 million cubic yards in place; estimated closure year is 2001
LEA:	Sacramento County Environmental Management Department, Mel Knight, Director

Proposed Project:
The proposed Solid Waste Facility Permit (SWFP) allows the site to accept up to 5,738 tons per operating day of waste, specifies a 232 acre disposal area, allows operations all year from 6:30 a.m. to 4:30 p.m. Monday through Friday, and 8:30 a.m. to 4:30 p.m. on Saturday and Sunday. It also establishes a maximum elevation of 325 feet MSL. The proposed SWFP incorporates by reference the 1995 Report of Disposal Site Information, reflects an increase in tonnage, a decrease in operating hours, and addition of recycling activities.

Two projects were recently brought before the Sacramento County Board of Supervisors with regard to a SWFP revision:

1) Kiefer Landfill Permit Revision: 232 acre landfill footprint, height limit of 450 feet MSL.

   On May 31, 1994 the County Board of Supervisors certified the Environmental Impact Report (EIR) for the Kiefer Landfill Permit Revision. On the same date, the County Board placed an administrative landfill height limit of 325 feet MSL.

2) Kiefer Landfill Expansion Project: 675 acre footprint, height limit of 450 feet MSL, purchase of a 2,000-foot buffer around the site.

   On March 14, 1995, the County Board of Supervisors required a supplemental Environmental Impact Report (EIR) for the expansion project.

The proposed permit revision is only for No. 1 above with a maximum landfill height of 325 feet MSL.

III. SUMMARY:

Site History:

The disposal facility was first operated by the County of Sacramento, Department of Public Works in 1967 when it was opened to the public for disposal of municipal solid waste.
The site's current SWFP was issued in 1978 and states that the site receives an average of 1,500 tons per day (TPD) of waste, and there is no landfill height limitation nor a Report of Disposal Site Information (RDSI). Until 1983, the site had accepted, but no longer accepts, septage and sewage sludge. With the closing of the City of Sacramento Landfill in December, 1994, Kiefer is now the only landfill in Sacramento County that accepts Class III municipal solid waste.

A Notice and Order was issued by the LEA on August 9, 1990, revised October 14, 1992, and May 5, 1995 directing Sacramento County Public Works Agency to revise their permit due to the increase of daily tonnage. The County had initiated the California Environmental Quality Act (CEQA) requirements in 1990.

The Central Valley Regional Water Quality Control Board (RWQCB) issued Waste Discharge Requirements No. 95-078 on March 24, 1995. The discharge of wastes at this facility has resulted in groundwater contamination. Cleanup and Abatement Order No. 91-725 was issued on May 8, 1991 to initiate corrective action measures.

Facility Description:

The site is located at the intersection of Grant Line Road and Kiefer Boulevard, about 15 miles east of the City of Sacramento and approximately 1/2 mile north of Sloughhouse. It is open to both city and county collection vehicles, commercial haulers and the general public.

The existing 232 acre landfill area consists of two landfill modules: One 165 acre unlined module (M-1) and one lined 67-acre lined module (M-1L). Land within 1,000 feet of the facility is used for pasture, livestock grazing and agriculture.

The landfill currently receives wastes from the North Area and South Area Transfer Stations in Sacramento County, McClellan Air

Force Base, residences in the unincorporated areas of Sacramento County, and the Cities of Folsom, Isleton and Galt. Closure of the Sacramento City Landfill in 1994 has resulted in the diversion of a significant portion of the City's residential waste stream to Kiefer Landfill.

Access to the site is directly off Kiefer Boulevard, and is controlled by a fence and a lockable gate. Incoming vehicles are weighed at the scalehouse, and movable signs direct traffic to the proper unloading areas. At least one full time spotter is at the unloading area at all times to direct traffic. Site personnel include one senior sanitation supervisor, 3 on-site engineering personnel, and 33 equipment operators, maintenance and scalehouse personnel.

Environmental Controls:

A program is in place to reduce the possibility of **hazardous waste** disposal. This program includes proper signage, periodic issuance of literature to site users, visual inspection of vehicles at the gatehouse, random load checks, and the observation of unloading at the active face. Personnel are trained in hazardous material recognition. The site has an EPA Generator Identification Number for the hazardous waste storage bin maintained on-site for those wastes which escape the initial screenings.

Leachate collection is not provided for in the older unlined 165 acre fill area. A liner and leachate collection and removal system have been installed in Phases I and II of Module M-1L. Collected leachate drains to the low points of the module and then into a collection sump. Leachate is disposed of at the Sacramento Regional Wastewater Treatment Plant.

The landfill has a **gas migration monitoring system** on the Kiefer Boulevard property boundary. Landfill gas exceeds 5% by volume methane at the property boundary, in violation of 14 CCR 17258.23. A gas control plan has been submitted by the operator, and implementation will be required pursuant to a revised Notice and Order issued by the LEA. (Refer to Analysis, No. 5, Consistency with State Minimum Standards.)

Litter is reduced by placement of litter fences downwind from the working face. On an average, two to three workers are assigned to daily litter control.

Noise impacts are minimized by proper equipment maintenance. The surrounding area is sparsely populated. The nearest residence is

located approximately 1,410 feet south of the property boundary.

Odors, vectors and birds are controlled by proper refuse compaction, cover application, and the minimization of working face surface area. Site personnel inspect site areas for any signs of pest activity and will contact pest control specialists for advice for any services needed.

Dust is mitigated by road maintenance and watering; frequent fine water spray applications where needed with two water trucks, and planting and maintenance of a vegetative cover on completed fill slopes.

Fire prevention and control is provided by equipment maintenance and fire extinguishers located on landfill vehicles and inside the entrance and maintenance buildings. Firebreaks are maintained around most of the site. The American River Fire District responds to emergencies and is located 2.5 miles from the facility.

Telephones are provided at the scalehouse, administration and maintenance buildings.

Resource Recovery Programs:

Materials recovered from the incoming waste stream include wood materials, appliances, concrete, and tires. Asphalt and demolition debris are recovered from the incoming wastes and stockpiled for use as foundation and wet-weather disposal pads and access roads.

IV. ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit: Pursuant to Public Resources Code (PRC) Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facility Permit. The LEA has submitted a proposed permit to the Board. Since the permit was received from the LEA on July 31, 1995, the last day the Board could act is September 29, 1995.

Staff have reviewed the proposed permit and supporting documentation and have found that the permit is acceptable for the Board's consideration of concurrence. In making this determination the following items were considered:

1. PRC 44009: Consistency with Waste Diversion Requirements
   Staff of the Board's Diversion, Planning and Local Assistance Division make an assessment to determine if the

record contains substantial evidence that the proposed project would impair the achievement of waste diversion goals. Insufficient evidence exists for staff to make a determination of whether Board concurrence in the issuance of the proposed permit would prevent or substantially impair achievement of the diversion requirements prescribed in PRC Section 41780. The analysis used in making this determination is included as Attachment 4.

2. PRC Section 50000: Conformance with County Plan
Since the site is a disposal site and the proposed permit would allow the site to accept a significant increase in the amount of waste, the LEA must certify compliance with Section 50000 of the Public Resources Code (PRC). The LEA has certified on the proposed permit that the facility is in conformance with the latest County Solid Waste Management Plan (CoSWMP). The facility is identified and described in the 1988 CoSWMP and, therefore, meets the requirement of PRC Section 50000.

3. PRC Section 50000.5: Consistency with General Plan
The LEA has made a determination that the facility is consistent with, and designated in, the 1992 Sacramento County General Plan. On February 2, 1989, the Director of the Planning and Community Development Department made a written finding that the surrounding land use is compatible with the facility operation, and the permit is in conformance with the General Plan. Board staff agree with said finding.

4. California Environmental Quality Act (CEQA)
State law requires the preparation and adoption or certification of an environmental document for any project subject to CEQA, prior to the approval of that project by a public agency. State law also requires that the public agency adopt a Mitigation Reporting or Monitoring Program, prior to project approval, for mitigation measures required in, or incorporated into, the project in order to mitigate or avoid significant effects on the environment.

The County of Sacramento, acting as Lead Agency, prepared and certified an Environmental Impact Report (EIR), SCH #91102033, for this proposed project on May 31, 1994. The 1990 RDSI for this facility was incorporated into the EIR by reference. As required by CEQA, this environmental document identified the proposed project's potentially significant environmental effects and provided mitigation measures that would reduce those effects to less than significant levels

where feasible. CIWMB staff reviewed the Draft EIR and provided comments to the Lead Agency on March 16, 1993. The Lead Agency prepared and submitted adequate responses to comments in the final EIR. The design and operational aspects in the EIR's project description are consistent with the proposed SWFP as conditioned by the LEA.

A Mitigation Reporting or Monitoring Program (MRMP) was adopted for the project. Potential environmental impacts and mitigation measures associated with the proposed project for revision of the SWFP at the Kiefer Landfill, SWFP #34-AA-0001, are identified and incorporated in the MRMP.

Significant unavoidable adverse impacts to air quality and aesthetics (landfill height) were identified on Page 4-1 of the EIR. A Finding of Facts and Statement of Overriding Considerations for these impacts was issued for the project on May 31, 1994 by the Sacramento County Board of Supervisors (Resolution #94-0663). CIWMB staff have reviewed these findings and the statement and consider them to be consistent with CEQA Guidelines in Title 14 CCR, Section 15093. A Notice of Determination for the project was filed with the State Clearinghouse on June 14, 1994.

After reviewing the Draft and Final EIR for this project, as well as referenced material, CIWMB staff have determined that the cited CEQA documents are adequate for the CIWMB's environmental evaluation of this proposed project for those project activities which are within this agency's expertise and/or powers or which are required to be carried out or approved by the CIWMB.

5. Consistency with State Minimum Standards
The LEA and Board staff have determined that the facility's design and operation, for the most part, are consistent with the State Minimum Standards for Solid Waste Handling and Disposal based on a review of the submitted Report of Facility Information, supporting documentation, and their inspection of the site on July 3, 1995. The inspection was conducted with Board staff, and the following violation remains outstanding:

Title 14, California Code of Regulations (14 CCR), Section 17258.23: Landfill gas at the site boundary exceeds the lower explosive limit.

In the proposed permit, the LEA has certified that the site is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal, except for the above listed

violation. The operator has submitted a Landfill Gas Migration Mitigation Work Plan, dated July 1995, with an implementation schedule that has been deemed adequate by the LEA and Board staff. The LEA will issue an amended Notice and Order that will include a construction completion date for the landfill gas control system of October 1, 1996, as proposed in the Work Plan, and a date at which compliance shall be achieved.

6. Closure/Post Closure Maintenance Plans and Financial Mechanism Requirements
Board staff have reviewed the preliminary closure and postclosure maintenance plans and deemed them complete on February 10, 1995. In addition, the closure/postclosure maintenance fund balance is adequate at this time.

7. Operating Liability
Based on the documents provided by the County, the Certificate of Self-Insurance and Risk Management, and Enterprise Fund meet the requirements of Title 14 California Code of Regulations (14 CCR), Division, 7, Chapter 5, Articles 3.3 and 3.5, sections 18237 and 18285, respectively.

V. STAFF RECOMMENDATION:

Because a revised Solid Waste Facility Permit is being proposed, the Board must either object to or concur with the proposed permit as submitted by the LEA. Staff support the LEA's enforcement efforts in issuing a Notice and Order to address the landfill gas violation and concur that the violation is being adequately addressed through the revised Notice and Order and the operator's submittal of the Landfill Gas Migration Mitigation Work Plan to reach compliance. Staff, therefore, recommend that the Board adopt Permit Decision No. 95-640 concurring in the issuance of Solid Waste Facility Permit No. 34-AA-0001.

ATTACHMENTS:

1. Location Map
2. Facility Map
3. Proposed Permit No. 34-AA-0001
4. Diversion, Planning and Local Assistance Division Analysis
5. Proposed Resolution No. 95-640

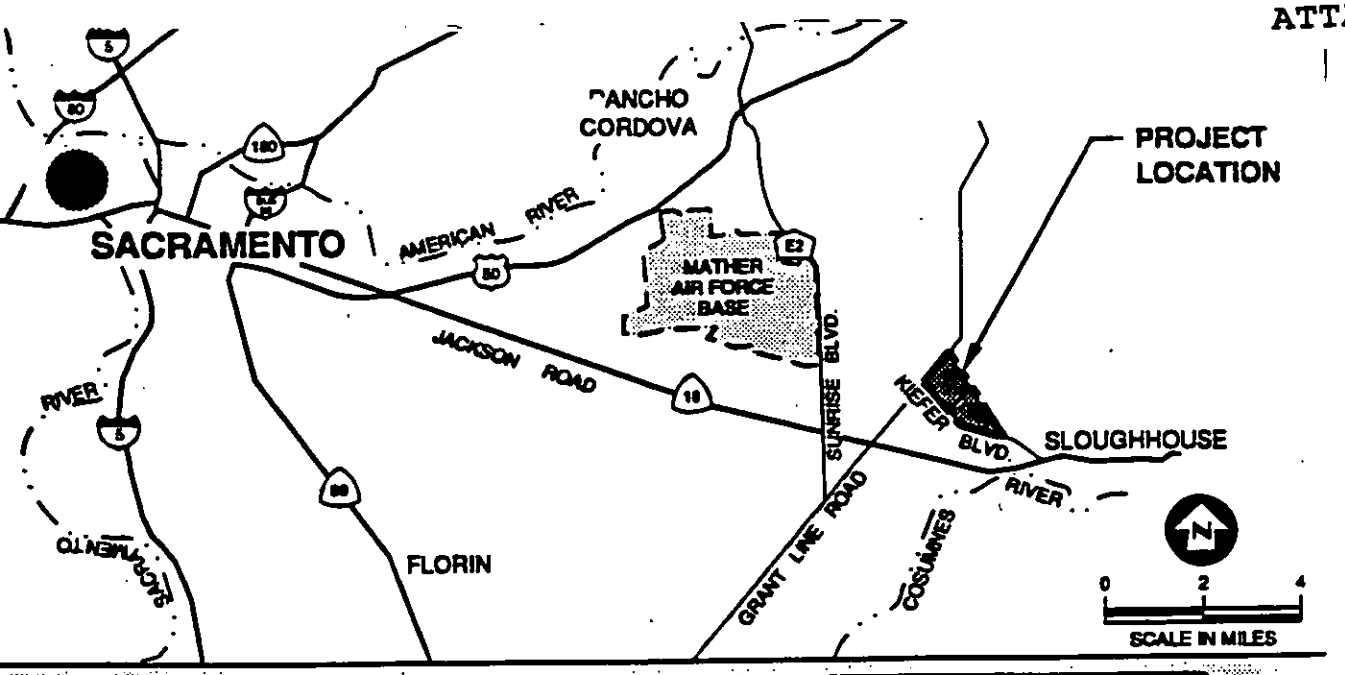
Prepared By: Sadie Galos Phone: 255-4163

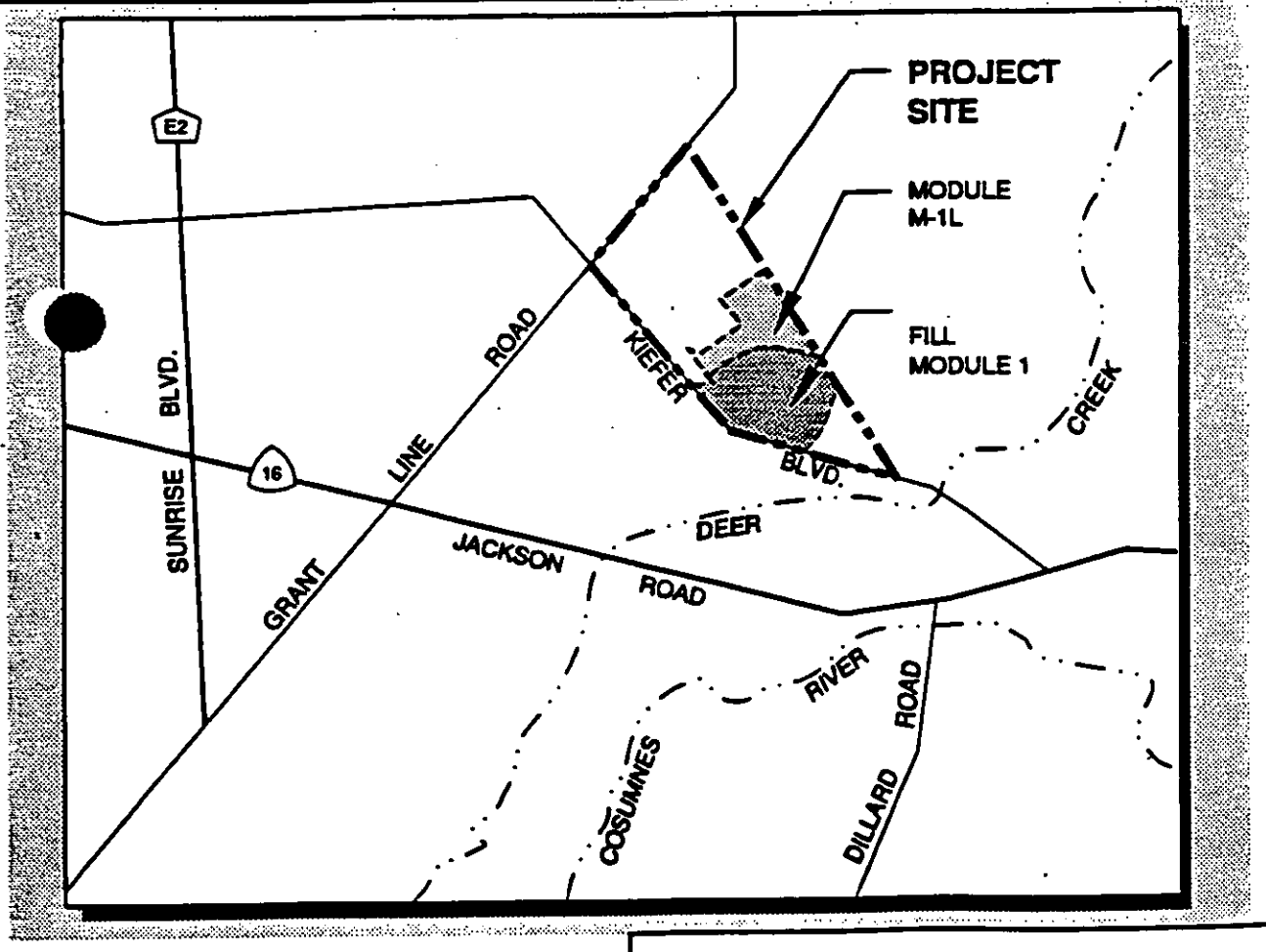
Approved By: Cody Begley/Don Dier, Jr. Phone: 255-4165

Approved By: Douglas Okumura Phone: 255-2431

Legal Review: Date/Time: 8/11/95

ATTACHMENT 1





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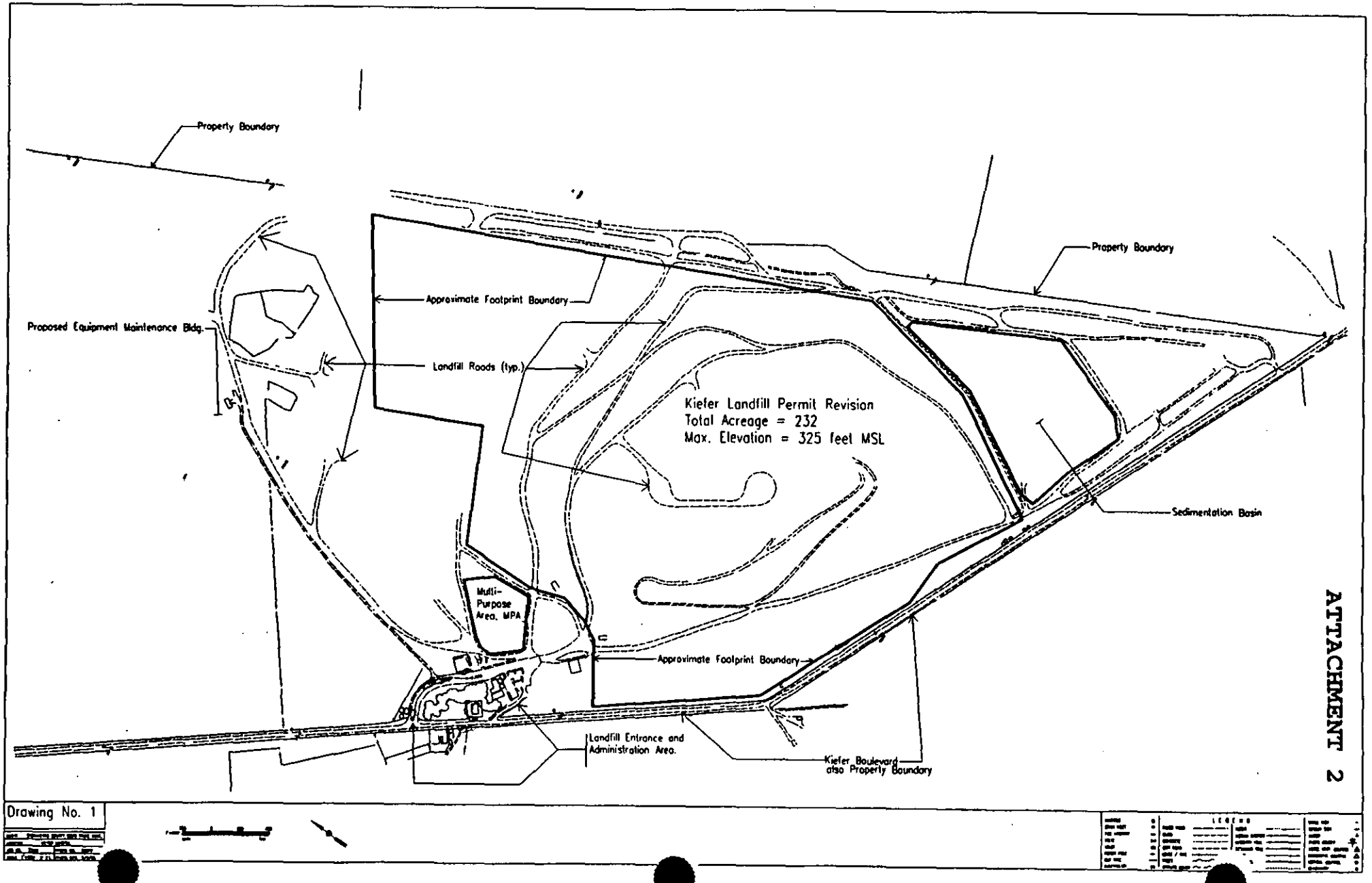
SCALE IN MILES

PROJECT LOCATION

KIEFER LANDFILL
SACRAMENTO COUNTY, CALIFORNIA



ATTACHMENT 2

SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number: 34-AA-0001

2. Name and Street Address of Facility:
KIEFER LANDFILL
Kiefer Blvd and Grant Line Road
Sacramento, California

3. Name and Mailing Address of Operator:
Sacramento Co. Public Works Agency
Solid Waste Management Division
9700 Goethe Rd, Suite E
Sacramento, CA 95827

4. Name and Mailing Address of Owner:
Sacramento Co. Public Works Agency
Solid Waste Management Division
9700 Goethe Rd, Suite E
Sacramento, CA 95827

5. Specification: a. Permitted Operations:

[ ] Composting Facility (mixed waste)
[ ] Composting Facility (yard waste)
[X] Landfill Disposal Site
[ ] Material Recovery Facility
[ ] Processing Facility
[ ] Transfer Station
[ ] Transformation Facility
[ ] Other:

b. Permitted Hours of Operations: 6:30 a.m.-4:30 p.m. M-F
8:30 a.m.-4:30 p.m. S/S

c. Permitted Tons per Operating Day:

	5738 Maximum	Tons/Day (see condition 29)
	3499 Average	Tons/Day (see condition 29)
Non-Hazardous - General	Same as above	
Non-Hazardous - Sludge	0	Tons/Day
Non-Hazardous - Separated or commingled recyclable	Any within total	Tons/Day
Non-Hazardous - Other	Any within total	Tons/Day
Designated	0	Tons/Day
Hazardous	0	Tons/Day

d. Permitted Traffic Volume:

	850	Vehicles/Day
Incoming waste materials	Any within total	Vehicles/Day
Outgoing waste materials (for disposal)	Any within total	Vehicles/Day
Outgoing materials from material recovery operation	Any within total	Vehicles/Day

e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal footprint	Transfer Station	MRF	Composting	Transformation
Permitted Area (in acres)	650	232	None	None	None	None
Design Capacity		31 million Cu/yds	None	None	None	None
Max. Elevation (Ft. MSL)		325				
Max. Depth (Ft. BGS)		100				
Estimated Closure Date		2001				

The permit is granted solely to the operator named above, and is not transferable. Upon a change of operator, this permit is no longer valid. Further, upon a significant change in design or operation from the described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previous issued solid waste facility permits.

6. Approval:

Art Seipel, R.E.H.S.
Senior Environmental Health Specialist

7. Enforcement Agency Name & Address:

Sacramento County
Environmental Management Department
8475 Jackson Road, Suite 240
Sacramento, CA 95826

8. Received by CIWMB:
JUL 3 1 1995

9. CIWMB Concurrence Date:

10. Permit Review Due Date:

11. Permit issued Date:

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SOLID WASTE FACILITY PERMIT

Facility/Permit Number:
34-AA-0001

12. Legal Description of Facility (attach map with RFI):
APN 126-090-16,17,18,19,20,21 Fifteen miles East of Sacramento, one mile North of Sloughhouse in Sections 22,26,27,34 and 35, T8N, R7E, MDB & M.

13. Findings:

a. This permit is consistent with the 1988 Sacramento County Solid Waste Management Plan. 50000 (a)(1)

b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.

c. The American River Fire Protection District has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151

d. A Notice of Determination has been filed with the State Clearinghouse (schedule # 91102033).

e. A County-wide Integrated Waste Management Plan has not been approved by the CIWMB.

f. The Planning and Community Development Department and the LEA have determined that the facility is consistent with, and designated in, the 1992 Sacramento County General Plan. Public Resources Code, Section 50000.5(a).

g. The Director of the Planning and Community Development Department has made a written finding on 2/2/89 that the surrounding land use is compatible with the disposal facility operation, as required in Public Resources Code, Section 50000.5(b).

h. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Disposal, except for a violation of The California Code of Regulations Title 14 (14CCR), Section 17258.23. The operator has submitted a Landfill Gas Migration Mitigation Workplan dated July, 1995. An amended Notice and Order will be issued by the LEA to the operator setting compliance dates for (1) the completion of the installation an approved landfill gas control system and (2) the compliance with 14CCR Section 17258.23.

This landfill is in a sparsely populated area. The distance to the nearest off-site occupied structure from the existing site boundary is approximately 2740 feet. (See condition #28 - page 6)

14. Prohibitions:
See Conditions Pages 4 - 6

15. The following documents also describe and/or restrict the operation of this facility (insert document date in space):

		Date			Date
[x]	Report of Disposal Site information	05/95	[x]	Waste Discharge Requirements	03/95
[x]	Periodic Site Review	12/90	[x]	USEPA Generator ID CAL 000 112 251	05/95
[x]	Land use compliance letter	02/89	[x]	Prelim./Closure and Post Closure Maintenance Plan	12/90
[x]	Notice of Determination filing	06/94	[x]	Closure / Post Closure Maintenance Fund Statement	10/93
[x]	LEA Permit Review	05/95			
[x]	Operating Liability Coverage, CIWMB letter	01/95			

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SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

34-AA-0001

16. Self Monitoring:

a. Results of all self-monitoring programs as described in the Report of Facility Information, will be reported as follows:

Program	Reporting Frequency	Agency Reported To
1) Calculate the amount of waste received monthly on a per day basis.	Quarterly*	LEA*
2) Log and report all written complaints regarding the facility and the operator's actions taken in response to the complaint. Notify the LEA within one day of the action taken.	Quarterly*	LEA*
3) Log and report all employee and customer injuries.	Quarterly*	LEA*
4) Log and report all unscheduled shutdowns.	Quarterly*	LEA*
5) Log of special or unusual occurrences, i.e. accidents, injury, fires, explosions, hazardous waste incidents, public nuisance incidents, etc and the operator's response to correct the problem.	Quarterly*	LEA*
6) Monthly calculate and report the number of vehicles utilizing the facility per day of operation.	Quarterly*	LEA*
7) Report the results of the daily random waste load checking program.	Quarterly*	LEA*
8) Log and report the types and quantities of prohibited waste found in the waste stream and disposition of these materials.	Quarterly*	LEA*
9) Log the average daily quantity of recycled material stored on site and the amounts shipped off site must be calculated and reported monthly in cubic yards or weight.	Quarterly*	LEA*
10) An employee training log with dates of training, course descriptions, etc, shall be maintained and kept current.	Upon Request of LEA	LEA*
11) Water quality control of contaminants -monitoring, reporting, remediation and related programs including: Waste Discharge Requirements, water SWATs, Clean-up & Abatement Orders/ Workplans/ Remediation Schedules, NPDES Permits.	(per local RWQCB*)	LEA, local California Regional Water Quality Control Board (CRWQCB)*
12) Air Quality management of emissions - monitoring, reporting, remediation and related programs including: LFG monitoring/ control, air SWATs, AQMD equipment permits.	(per local AQMD*)	LEA, local Air Quality Management District (AQMD) *
	(* = Reporting due by the 15th of the month following the end of the reporting period, OR else when due as specified by the controlling regulatory authority.)	(* = Plus reporting to all other local, state and federal regulatory authority with jurisdiction at the facility.)

SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

34-AA-0001

17. LEA Conditions:

(NOTE: LEA conditions listed here shall be in addition to conditions of other documents controlling operation of this facility.)

1. The operator shall comply with all State Minimum Standards of Solid Waste Handling and disposal as specified in Title 14 of the California Code of Regulations (CCR). The operator shall not operate this facility without possession of all required permits/ regulatory approvals. The operator shall inspect the site at least once each day of operation to ensure compliance with all applicable standards/ conditions/ mitigation/ permits/ regulations.

2. The operator shall comply with all federal, state, and local requirements and enactments including all mitigation and monitoring measures developed in accordance with any certified environmental document filed pursuant to Public Resources Code Section (PRC) §21081.6, and all administrative/enforcement orders of all regulatory agencies with jurisdiction at this facility.

3. The operator shall maintain a complete copy of this Solid Waste Facilities Permit (SWFP), of all other required regulatory permits and of all regulatory inspection reports, at the facility or other approved location readily accessible to facility personnel, LEA staff and other regulatory personnel.

4. The operator shall notify the LEA in writing [with proposed amendments to the Report of Disposal Site Information (RDSI)], at least one hundred twenty (120) days in advance of proposed significant changes (as determined by the LEA), in the design/ operation of the facility to allow for early consultation, completion of all required documents/ due process review/ filing and the completion of all related permitting processes. Such notification shall include changes (including new additions) of: processing/ composting/ baling/ materials recovery facility (MRF)/ transfer station and/or transformation facility, changes in permitted hours/ days of operation, permitted tons/day per category, permitted traffic volumes/day per category, permitted total area, disposal footprint, maximum elevation, maximum depth of waste, and/or estimated closure year, which may be later proposed for this facility.

5. This facility is authorized to conduct limited salvaging and to the store recovered materials (if such salvaging/ storage is properly described in the RDSI or amendments thereto) for brief periods of time [not to exceed thirty (30) days for any category of material] and only in containers as approved by the LEA. Such limited salvaging/ storage shall only be conducted as pre-approved by the LEA to preclude the creation of health hazards or public nuisances. The facility shall not to be used as a materials recovery facility (MRF), processing facility, transfer station and/or transformation facility. No crushing, grinding, mechanical sorting or other processing shall occur at this facility except as approved by the LEA.

6. The LEA reserves the right to suspend and/or modify operations at this facility when deemed necessary due to any emergency, potential health hazard, and/or public nuisance.

7. Additional information concerning the design/ operation of this facility shall be furnished upon request to the LEA and other regulatory personnel.

8. This SWFP is subject to review by the LEA and may be suspended, revoked or modified at any time for sufficient cause.

9. As outlined in Section 16, the operator shall maintain at the facility, or other approved location, accurate daily records of the tonnage/day and number of vehicles/day per: incoming solid waste, outgoing recovered material (per category); and an estimate (by weight, volume or count) of the total amount of recovered material (per category) stored on-site for brief periods of time. Such records shall be readily accessible at the facility to the LEA/ other regulatory personnel. A written summary of such tons/day per category, vehicles/day per category, and estimates/day per category, shall be furnished quarterly to the LEA within fifteen (15) days of the end of each quarter.

10. As outlined in Section 16, the operator shall furnish a written summary of all written complaints (including all regulatory notices such as: Notices of Violation, Notice and Orders, Clean-up & Abatement Orders) concerning the facility received by the operator during a quarter, and the operator's responses/ corrective actions taken, to the LEA within fifteen (15) days of the end of each quarter.

11. As outlined in Section 16, the operator shall maintain at the facility, or other approved location, a log of special/unusual occurrences (S/U O). The log shall include, but not be limited to: fires, explosions, discharges of unusual waste, significant incidents of personal injury, accidents and/or property damage. Each log entry shall be accompanied by a summary of the responses/ corrective actions taken by the operator to mitigate any negative impacts of each occurrence. Days without incidents of S/U O shall be noted with an appropriate negative entry for such days such as: "No S/U O today". The operator shall maintain this log at the facility or other approved location in a manner readily accessible to facility personnel and to the LEA/ other regulatory personnel. A written summary of the log entries during a quarter shall be furnished to the LEA within fifteen (15) days of the end of each quarter.

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SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

34-AA-0001

17. LEA Conditions (continued):

12. The operator shall maintain an LEA approved hazardous/ PCB/ prohibited waste screening/ exclusion (load checking) program at the facility which will adequately protect public health and the environment from illegal on-site disposal of hazardous/ PCB/ prohibited wastes. On site load checking shall occur at all times by personnel trained in such activities. Signs, brochures, and/or other appropriate communication measures shall be utilized by the operator to direct site users to the nearest Household Hazardous Waste (HHW) collection facility, and inform site users of pending HHW Round-up activities scheduled for communities within the sites waste-shed. A written summary of all program activities/ results during a quarter, shall be furnished to the LEA within fifteen (15) days of the end of each quarter.

13. The operator shall comply with the requirements of all applicable laws pertaining to employee health and safety including maintaining an up-to-date written CAL-OSHA Injury Illness Prevention Program (IIPP) - (pursuant to Title 8 CCR), on-site and readily available for review by all facility personnel and by the LEA staff and other regulatory personnel. The IIPP shall include a comprehensive training plan, availability of all necessary on-site work/ protection/ safety equipment, and adequate on-site first aid supplies. Whenever personnel are at the facility they shall have immediate radio and/or telephone access to a 911 emergency dispatcher.

14. The operator shall comply with all Waste Discharge Requirements, Clean-up & Abatement Orders, monitoring, remediation schedules and related requirements of the Regional Water Quality Control Board (RWQCB). The operator shall provide in the operating record and to the LEA, a RWQCB approved unsaturated zone monitoring program and approved statistical analysis of SWAT groundwater samples. Degradation of waters connected to this site shall be promptly remediated in the manner specified by the RWQCB.

15. The operator shall submit information to the LEA indicating compliance with all rules of the local Air Quality Management District (AQMD) including: landfill gas (LFG) monitoring/control, fugitive dust (PM_{10} control, air SWAT compliance and AQMD equipment permits. The operator shall annually assess the need for and implement adequate LFG monitoring/ venting/ collection programs, as may be required by federal, state, [14 CCR Sec. 17258.23(a)(b)] regional, and/or local air quality management standards/ rules. All required AQMD permits shall be obtained/ retained. The operator shall take every reasonable precaution to control fugitive dust emissions including the use of water and dust palliatives. The operator shall properly maintain all facility equipment and structures according to the manufacturer's specifications and good engineering/ maintenance practices.

16. At all times, there shall be adequate portable litter-control fencing and litter picking personnel to preclude litter from blowing and accumulating off-site.

17. At all times, the site perimeter shall be provided with adequate security gates and fencing in good repair (or equivalent effective barriers).

18. Waste and cover material shall be spread and compacted utilizing methods to maximize compaction and to decrease the attraction of animals, birds and vectors to the site. Personnel shall not secure the site each day until the operator's inspection confirms that at least six (6) inches of compacted cover has been deposited over all waste and sufficient to prevent such attraction. On-site litter shall not be allowed to accumulate, so as to create such an attraction.

19. The operator shall take immediate and independent action to prevent and suppress fires on the project area. The facility shall be maintained with a clearance of flammable material for a minimum distance of one hundred fifty (150) feet from the periphery of any exposed flammable solid waste, or additional minimum flammable clearance provisions determined by the local fire protection agency (pursuant to PRC §4373).

20. The operator shall properly equip and maintain noise attenuation and spark arrestor devices (such as mufflers) on all combustion engines utilized at this facility. All equipment components shall be maintained in good mechanical condition and properly operated to prevent excessive noise levels and circumstances capable of starting accidental fires.

21. The operator shall provide final cover over all areas in accordance with the Preliminary Closure and Post Closure Maintenance Plan approved by the LEA and the CIWMB. Where and when final elevation has been attained or a discrete segregated area of the site can no longer receive waste, final cover shall also be provided.

22. Site entry signs shall prominently display all required regulatory information.

23. If required to be installed, all appropriate water treatment facility permits and associated well permits must be properly secured with copies submitted to the LEA.

24. Any proposal for the use of alternative daily cover material shall be reviewed and approved by the LEA and the CIWMB prior to implementation.

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SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

34-AA-0001

17. LEA Conditions (continued):

25. If and when any proposed plans for alternate daily cover are submitted to the LEA/CIWMB for demonstration, it will include appropriate consultation with the RWQCB to insure that any such use of alternative daily cover is consistent with the existing goals, objectives, outstanding Clean-up and Abatement Orders, and related issues.

26. The operator shall maintain an adequate vector monitoring/ control program with updates as directed by the LEA.

27. Wastes containing liquids, including "grits and screenings" from the Sacramento Regional Wastewater Treatment Plant, may not be accepted at this disposal facility except as allowed by the discharge requirements established by the RWQCB which is the lead agency that regulates such discharges. The LEA maintains the right to restrict or prohibit any material which by the result of moisture or any other characteristic that prevents proper disposal and cover of the solid wastes.

28. The operator will install a landfill gas control system in accordance with the July 1995 Landfill Gas Migration Mitigation Workplan. The operator will also comply with the August 1995 amended Notice and Order from the LEA addressing the landfill gas migration violation identified during the July 3, 1995 inspection.

29. The operator shall limit the tonnage placed at the facility to the amounts identified in the Final Environmental Impact Report (March 1994 State Clearinghouse # 91102033). Average and peak tonnage limits are identified below.

Yr	Average daily tonnage (based on 365 days/yr)	Average weekly Tonnage	Maximum daily tonnage
1995	3,499	24,563	5,738
1996	3,610	25,342	5,920
1997	3,725	26,150	6,109
1998	3,843	26,980	6,196
1999	3,966	27,838	6,196
2000	3,270	22,953	5,362
2001	3,357	23,565	5,505

30. The following as defined in the corresponding 14 CCR Sections are acceptable for disposal: Agricultural solid waste (17225.3); Non hazardous, cold ashes (17225.5); Bulky waste (17225.8); Construction & demolition waste (17225.15); Dead animals (1722.18); Garbage (17225.30); Properly treated medical waste (Health & Safety Code. Ch.6 Sec. 25023.5); Putrescible waste (17225.52); Rubbish (17225.59); Street refuse (17225.71); Non friable asbestos.

31. In addition to any other activities identified in Title 14 CCR, the following are specifically prohibited:

    1. Standing water on fill areas.
    2. Vector propagation.
    3. Off-site migration of waste, litter or leachate.
    4. Off-site subsurface migration or onsite structure accumulation of explosive gas.
    5. Any exposed landfilled waste following a daily operation.
    6. Placement of any wastes or cover material at a height exceeding 325 feet MSL.

32. This permit supersedes the solid waste facility permit 34-AA-001 issued 1/16/78.

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State of California

MEMORANDUM

California Environmental Protection Agency

TO: Sadie Galos
Permits Branch

Date: July 27, 1995

FROM: Tracey M. Harper, AWMS
Office of Local Assistance, Bay Section

SUBJECT: Conformance Finding for Kiefer Landfill, Facility File No. 34-AA-0001

The proposed permit revision involves the Kiefer Landfill located in the unincorporated area of Sacramento County. The 650 acre site is an existing landfill.

The proposed permit revision includes increasing the daily tonnage from the 1978 permitted average daily of 1,500 to between 3,207 and 3,966 average daily tons per day with a maximum peak of 6,196 tons per day. The actual average daily tonnage disposed from January 1, 1995 to May 1, 1995 was between 3,500 and 3,700. The peak tonnage recorded this year has been 4,189 tons on May 22, 1995.

The Kiefer Landfill receives waste from throughout Sacramento County including the unincorporated area and all the incorporated cities; Folsom, Galt and Isleton.

Based upon the review of submitted documents, the proposed permit revision conforms with the provisions of AB 2296 as follows:

1. Insufficient evidence exists for staff to make a determination of whether Board concurrence in the issuance of the proposed permit would prevent or substantially impair achievement of the diversion requirements prescribed in PRC Section 41780.

2. The facility is in conformance with the County's Solid Waste Management Plan (CoSWMP) (PRC 50000).

3. The facility is consistent with Sacramento County's General Plan (PRC 50000.5).

FINDING OF CONSISTENCY WITH WASTE DIVERSION GOALS (PRC SECTION 44009)

Board staff have reviewed the proposed Kiefer Landfill Permit, the Report of Disposal Site Information, the County's Final Source Reduction Recycling Element (SRRE), Non-Disposal Facility Element (NDFE) and Preliminary Draft Household Waste Element (HHWE) as well as the SRRE, NDFE and HHWE for the cities of Folsom, Galt and Isleton.

The County's SRRE was formally disapproved at the December 21, 1994, Board meeting due to significant planning deficiencies. According to the disapproved SRRE, the County expects to achieve a diversion rate of 35% for 1995 and an adjusted rate of 42.1% for the year 2000. Sacramento County petitioned for, and received on July 25, 1995, an extension of time until February 10, 1996, in which to submit a revised SRRE. The SRRE was found to be deficient in part due to the lack of forecasting achievement of 50% for the year 2000, as well as the lack of identified programs for the medium-term planning period (1996-2000). Also, the Disposal Capacity Component was found to be insufficient. The Component identifies Kiefer Road Landfill as the only landfill permitted to take municipal solid waste in the County. According to the SRRE, the projected disposal amounts from the Unincorporated Area of Sacramento County are forecast to decrease from 723,400 tons in 1990 to 554,465 tons in the year 2000 and 593,794 tons for the year 2005.

The City of Sacramento's NDFE was approved by the Board on January 25, 1995, while the SRRE and HHWE were approved on February 22, 1995. The City of Sacramento expects to achieve an adjusted diversion rate of 39.6% for 1995 and 53.9% for the year 2000. The City plans to achieve the diversion mandate through a variety of programs including: backyard composting; expansion of residential curbside collection; multi-family recycling collection; expansion and development of commercial recycling; and various rate/fee modifications. The Disposal Capacity Component correctly foresaw the closure of the 28th Street City Landfill. Waste previously disposed in the City Landfill was projected to be routed to either the Kiefer Landfill or the Yolo County Landfill. The SRRE projects that 181,703 tons of waste generated within the City will be disposed of outside the jurisdiction in 1995. That amount is expected to increase to 378,349 tons by the year 2000.

The City of Folsom's SRRE, NDFE and HHWE were approved by the Board on July 25, 1995. The City of Folsom plans to achieve a diversion rate of 55.9% for 1995 and 86.4% for the year 2000. The City plans to achieve the diversion mandate through a variety

of programs including: utilization of the Correctional Resource Recovery Facility; composting; and a drop-off center. The Disposal Capacity Component indicates Folsom relies almost entirely on the Kiefer Road landfill for its disposal requirements and plans to do so in the future. According to the SRRE, in 1990 approximately 32,510 tons per year of Folsom waste was disposed of at the landfill. This amount was forecast to increase until the Correctional Resource Recovery Facility was brought on line last year. The disposal tonnage is then forecast to decrease through the year 2000 with approximately 8,372 tons being disposed.

The City of Galt's SRRE, NDFE and HHWE were approved by the Board on May 23, 1995. The City of Galt plans to achieve a diversion rate of 23.9% for 1995 and 51.6% for the year 2000. The City plans to achieve the diversion mandate through a variety of programs including: quantity based user fees; curbside recycling expansion; multi-family recycling program; and development of a material recovery operation. The Disposal Capacity Component lists Kiefer Landfill as the sole disposal destination for the City of Galt's waste. According to the SRRE, of the 2,315 tons per day or 845,000 tons annually of refuse received by Kiefer in 1990, approximately 7,869 tons came from Galt. The City forecasts disposing of 11,541 tons in 1995, 16,926 tons in 2000, and 24,823 tons in 2005 in the Kiefer Landfill.

The City of Isleton's final SRRE has not been submitted to the Board for consideration. However, the 1994 preliminary draft SRRE calls for achieving a 25% diversion rate for 1995 and 50% for the year 2000. The Disposal Capacity Component indicates the City relies exclusively on the Kiefer Landfill for its disposal requirements. According to the preliminary draft SRRE, in 1990 approximately 32,510 tons were disposed of at the Kiefer Landfill.

Based upon this review, staff could not determine whether issuance of the proposed permit would prevent or substantially impair achievement of the diversion requirements for those jurisdictions which dispose of their waste at Kiefer Landfill.

PRC 50000: Conformance with the CoSWMP

According to the draft SWFP, the LEA has certified that the facility is in conformance with the latest County Solid Waste Management Plan. The facility is identified and described on page 9 and 35 of the 1988 Sacramento County Solid Waste Management Plan (CoSWMP) and therefore, meets the requirement of PRC Section 50000.

PRC 50000.5: Consistency with the General Plan

According to the draft SWFP, the LEA has made a determination that the facility is consistent with, and designated in, the 1992 Sacramento County General Plan. On February 2, 1989 the Director of the planning and Community Development Department made a written finding that the surrounding land use is compatible with the facility operation, and the permit is in conformance with the General Plan.

California Integrated Waste Management Board
Permit Decision No. 95-640
August 23, 1995

WHEREAS, Sacramento County owns and operates the Kiefer Landfill; and

WHEREAS, the Sacramento County Solid Waste Management Environmental Management Department, the Solid Waste Local Enforcement Agency (LEA), identified significant changes that had occurred at the site in the permit review report dated April 21, 1995; and

WHEREAS, the LEA issued a Notice and Order to the facility operator on August 9, 1990, revised October 14, 1992, and May 25, 1995, which allowed continued operations until the permit could be revised; and

WHEREAS, Sacramento County Environmental Management Department, acting as the LEA, has submitted to the Board for its review and concurrence with, or objection to, a revised Solid Waste Facility Permit for the Kiefer Landfill; and

WHEREAS, the County of Sacramento, Department of Environmental Review and Assessment, the lead agency for CEQA review, prepared an Environmental Impact Report (EIR) for the proposed project; and Board staff provided comments to the Lead Agency on March 16, 1993; and the proposed project will have unavoidable significant effects on air quality and aesthetic impacts; and mitigation measures were made a condition of the approval of the proposed project; and a Mitigation Reporting and Monitoring Program has been prepared; and a Statement of Overriding Considerations was adopted for this project; and Sacramento County certified and adopted the Final EIR on May 31, 1994 (SCH# 91102033); and

WHEREAS, an application for a permit revision has been submitted and accepted as complete and correct by the LEA on May 12, 1995; and

WHEREAS, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board; and

WHEREAS, on July 3, 1995, the LEA and CIWMB Enforcement staff conducted an inspection at the site and found a violation of 14 CCR 17258.23, landfill gas in excess of the lower explosive limit at the facility boundary; and

WHEREAS, the LEA, with knowledge of the outstanding violation of the State Minimum Standards, has submitted a proposed permit for the Board's consideration of concurrence because the LEA has determined that the operator is taking adequate measures towards compliance by providing a Landfill Gas

Migration Mitigation Work Plan containing an implementation schedule; and

WHEREAS, the LEA will issue a Notice and Order that will include a completion date for the landfill gas control system and a date at which compliance with 14 CCR 17258.23 shall be achieved; and

WHEREAS, Board staff are in agreement that the Landfill Gas Migration Mitigation Work Plan, dated July 1995, is adequate and with the LEA's proposed enforcement action to revise the Notice and Order to the operator in efforts to achieve compliance with the State Minimum Standards; and

WHEREAS, the Board finds that all State and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, consistency with the Sacramento County General Plan, and compliance with CEQA; and

WHEREAS, insufficient evidence exists for staff to make a determination of whether Board concurrence in the issuance of the proposed permit would prevent or substantially impair achievement of the diversion requirements prescribed in Public Resources Code Section 41780.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facility Permit No. 34-AA-0001.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
August 23, 1995

AGENDA ITEM 26

ITEM: CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITY PERMIT FOR THE NEW CUYAMA SMALL VOLUME TRANSFER STATION, SANTA BARBARA COUNTY

I. COMMITTEE ACTION:

Permitting and Enforcement Committee recommendations were not available at the time this item went to print.

II. BACKGROUND:

Facility Facts

Name:	New Cuyama Small Volume Transfer Station Facility No. 42-AA-0052
Facility Type:	Proposed Small Volume Transfer Station
Location:	5073 Highway 166, Cuyama
Area:	The site boundary will encompass .9 acres
Setting:	Rural, zoned UT (Public Utility)
Operational Status:	Planned, not constructed yet
Waste Types:	Household waste, residential yard waste, and small volumes of commercial/industrial waste
Proposed Permitted Tonnage:	99 cubic yards per operating day
Volumetric Capacity:	150 cubic yards (three-fifty cubic yard roll-off boxes)
Owner/Operator:	Ron Cortez, Deputy Director County Santa Barbara Public Works Solid Waste Management Division
LEA:	Gary W. Erbeck, Director Santa Barbara County Environmental Health Services Division

Proposed Project

The proposed project will establish a Small Volume Transfer Station on .9 acres of an existing County Road Yard Maintenance site that is located at 5073 Highway 166, Cuyama California.

III. SUMMARY:

Site History Federal regulations, 40 CFR parts 257 and 258 (Subtitle D) have established nationwide standards for siting and operations of municipal solid waste landfills. Waste disposal at the two Cuyama Valley landfills is currently accomplished through burial in unlined trenches. Subtitle D requirements would necessitate the valley landfill operators to line their trenches, apply daily cover at the end of each operating day, comply with post-closure maintenance fund requirements, as well as other mandates. The Santa Barbara County Waste Management Division considers the continued operation of Cuyama Valley landfills under the new regulations to be financially infeasible. Therefore, the County plans to close the landfills and replace them with transfer stations.

Project Description The New Cuyama Small Volume Transfer Station will consist of two roll-off boxes placed below grade in an excavated and paved depression (pit) adjacent to a paved at-grade, ground level, tipping area. The roll-off boxes will be placed inside the pit and staggered one in front of the other with the tops of the boxes setting approximately flush with grade level. A ramp will slope from ground level to the bottom of the pit allowing transfer trucks access to remove the full roll-off boxes and replace them with empty boxes. Waste material delivered to the transfer station will be transferred to a landfill every seven days or more frequently if needed.

The Cuyama Transfer Station site will be available for use by local residents, small businesses, and a refuse collection firm that services near by environs. Dischargers will enter the site through large gates that are located at the southern fence line. After the dischargers enter the facility, the site attendant will direct and position their vehicles in front of one of the roll-off boxes. A backup bar will be placed in front of the pit to prevent vehicles from backing up too far. The area in front of the roll-off boxes provides plenty of room for vehicles with trailers to turnaround and back up to the disposal area. Waste material will be deposited by the discharger directly into the roll-off box. The site is designed to accommodate up to six vehicles simultaneously.

An attendant will be at the transfer station at all times during operating hours. The attendant will be responsible for opening

and closing the station, directing traffic, screening the waste material for hazardous waste, or other waste material not accepted at the station, and performing housekeeping duties, recording the number of vehicles entering the station, and documenting any special occurrences.

The facility would include a full perimeter chain link fence. The fencing will be six feet in height and have a visual screening barrier (slats) installed within the wires. Landscaping consisting of trees and shrubs will be planted around the inside of the fence to provide additional visual screening of the facility from traffic on Highway 166.

Environmental Controls The Plan of Operation submitted for this site has adequately described and prescribed environmental control measures that will minimize the effects of nuisance, dust, vectors and birds, drainage, litter, noise, odor, and loose materials. The Plan of Operation also describes station security, housekeeping, litter cleanup, container cleaning, station maintenance, and the hazardous waste screening program in a manner that if applied as described will meet State Minimum Standards.

Resource Recovery Automobile tires and white metal materials will be accepted and stored in a separate (3rd) roll-off container at the site. Removal of these materials will occur when sufficient quantities accumulate or on an as needed basis. No other on-site material processing is proposed.

IV. ANALYSIS:

Requirements for Concurrence with the Solid Waste Facility Permit
Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur with or object to the issuance of a Solid Waste Facility Permit. Since the proposed permit for this facility was received on July 26, 1995, the last day the Board can act is September 24, 1995.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation and have found the permit to be acceptable for the Board's consideration of concurrence. In making this determination the following items were considered:

1. Conformance with County Plan

   The Santa Barbara County Local Task Force (LTF) reviewed a description of the proposed project and found the project consistent with locally adopted Source Reduction and Recycling Elements. The LTF sent a letter, dated November

15, 1994, to the Board disclosing the results of their review. Based on this information, the Local Enforcement Agency (LEA) certified in the proposed permit that the requirements of Public Resources Code 50000(a)(4) have been satisfied. Board staff agree with said determination (Attachment 4).

2. Consistency with General Plan

On December 6, 1994, in Resolution 94-560, the Santa Barbara County Board of Supervisors determined that the proposed facility would be consistent with the Land Use Element of the County's Comprehensive Plan and compatible with current surrounding land uses. The LEA, in the proposed permit, made findings stating that the proposed project is consistent with the general plan and that the surrounding land uses are compatible. Board staff agree with said findings (Attachment 4).

3. Consistency with Waste Diversion Requirements

Staff of the Board's Diversion, Planning and Local Assistance Division make an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed project would prevent or substantially impair the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the proposed permit would neither prevent nor substantially impair Santa Barbara County from meeting its waste diversion goals (Attachment 4).

4. California Environmental Quality Act (CEQA)

State law requires the preparation and certification/adoption of an environmental document whenever a project requires discretionary approval by a public agency. The County of Santa Barbara, Planning and Development, prepared a Mitigated Negative Declaration (MND) which includes an analysis of the proposed project. The MND was not circulated through the State Clearinghouse (SCH) as required by California Code of Regulations, Title 14, Section 15073(c). However, the MND was circulated to the Integrated Waste Management Board, the Regional Water Quality Control Board, and Cal Trans for review during the designated public review period. Board staff reviewed the MND and provided comments to the County. The document was considered and approved by the lead agency on December 6, 1994, and a Notice of Determination was filed with the Santa Barbara County Clerk on December 14, 1994.

After reviewing the environmental documentation for this site, Board staff have determined that the MND is adequate and appropriate for the Board's use in evaluating this project.

5. Consistency with State Minimum Standards

Based on a review of the submitted Plan of Operation and supporting documentation, the LEA has determined that the proposed design and proposed operation plans of the facility are in compliance with State Minimum Standards for Solid Waste Handling and Disposal. Board staff agree with said determination.

V. STAFF RECOMMENDATION:

Because a new Solid Waste Facility Permit is proposed, the Board must either concur with or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 95-644 concurring with the issuance of Solid Waste Facility Permit No. 42-AA-0052.

VI. ATTACHMENTS:

1. Location Map
2. Site Map
3. Permit No.42-AA-0052
4. AB2296 Finding of Conformance
5. Permit Decision No. 95-644

Prepared by: Terry Smith TS. 8-7-95 Phone: 255-4174

Reviewed by: Don Dier/Suzanne Hambleton Phone: 255-2453

Approved by: Douglas Y. Okumura Phone: 255-2431

Legal Review: EB Date/Time: 8/11/95

After reviewing the environmental documentation for this site, Board staff have determined that the MND is adequate and appropriate for the Board's use in evaluating this project.

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V. ATTACHMENTS:

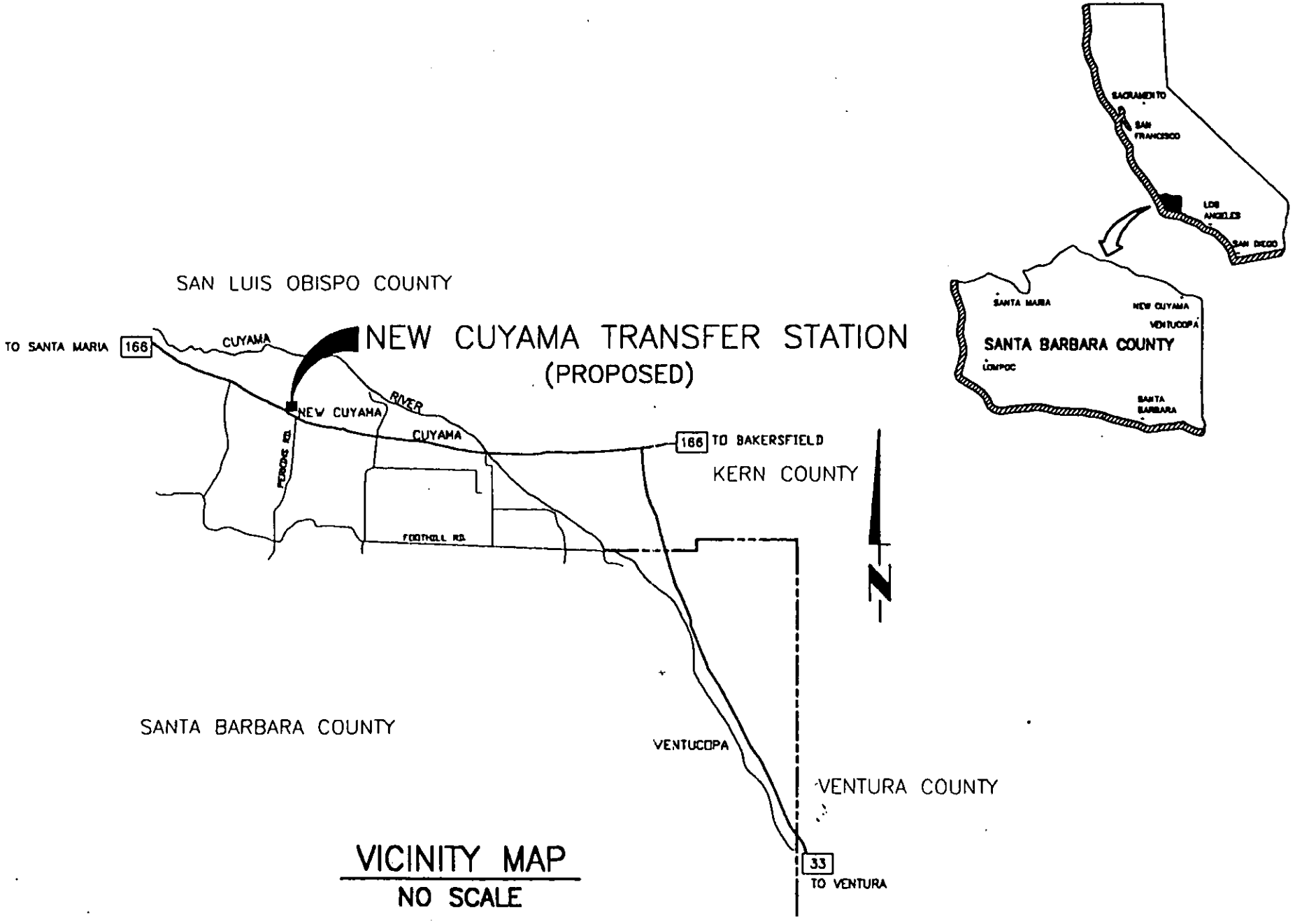
1. Location Map
2. Site Map
3. Permit No.42-AA-0052
4. AB2296 Finding of Conformance
5. Permit Decision No. 95-644

Prepared by: Terry Smith TS 8-3-95 Phone: 255-4174

Reviewed by: Don Dier/Suzanne Hambleton 8/3 SH 8/3/95 Phone: 255-2453

Approved by: Douglas Y. Okumura Phone: 255-2431

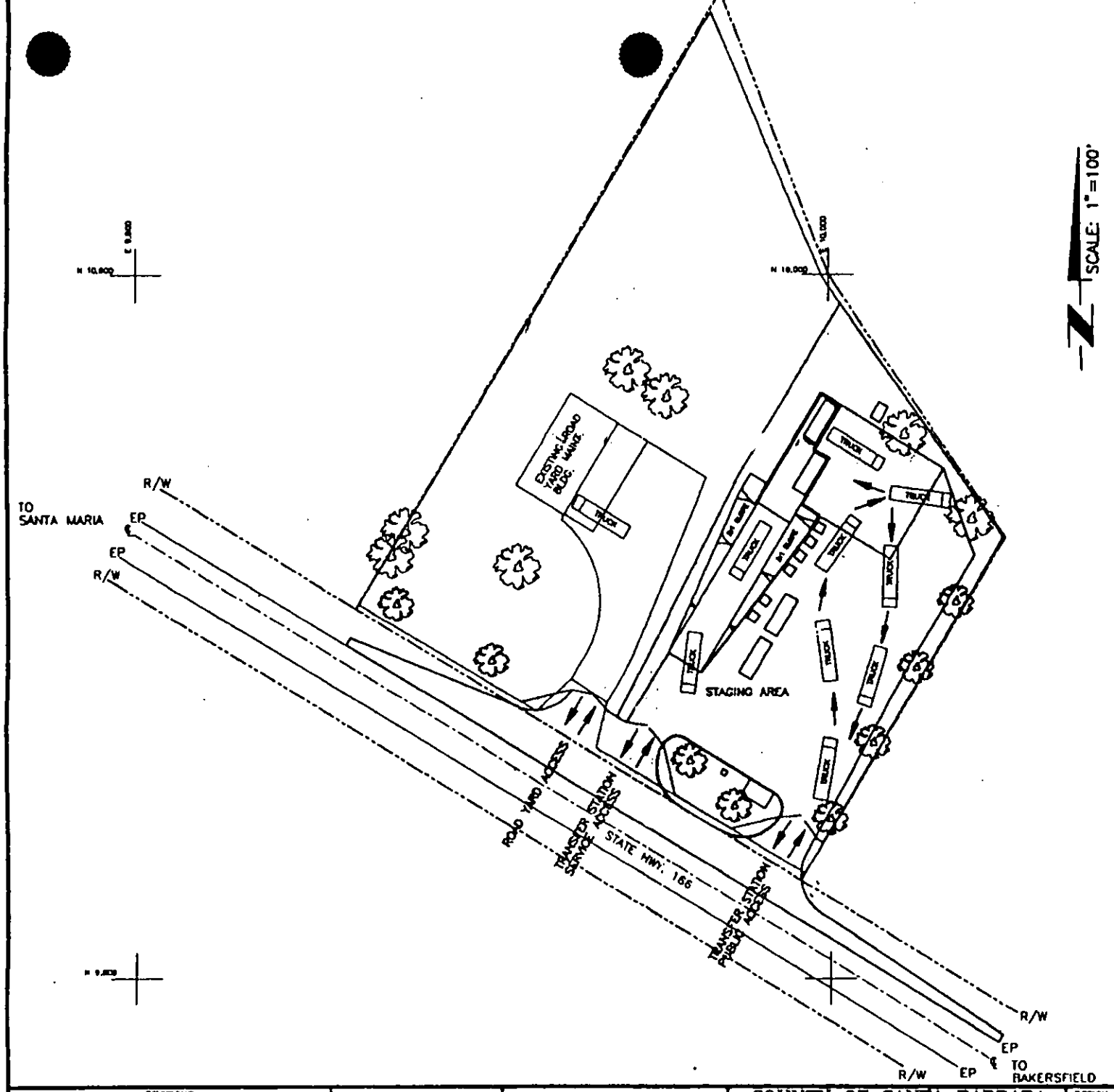
Legal Review: ETB Date/Time: 8/3/95 2:15 pm



VICINITY MAP
NO SCALE

REGIONAL/SITE LOCATION MAP

Attachment 1



REVISIONS:	CONSTRUCTION STARTED:	APPROVED BY:	COUNTY OF SANTA BARBARA, DEPARTMENT OF PUBLIC WORKS	DESIGN BY: DW	CHECKED BY:	SCALE:
	CONSTRUCTION COMPLETED:			DRAWN BY: DW	APPROVAL RECOMMENDED BY:	

Attachment 2

SOLID WASTE FACILITY PERMIT

1. Facility/Per

2. Name and Street Address of Facility:	3. Name and Mailing Address of Operator:	4. Name and Mailing Address of Owner:
New Cuyama Small Volume Transfer Station 5073 Highway 166 New Cuyama, CA 93254	County of Santa Barbara Public Works Solid Waste Management Division 120 Cremona Dr., Suite C Goleta, CA 93117	County of Santa Barbara Public Works Department 123 E. Anapamu Street Santa Barbara, CA 93101

5. Specifications:

a. Permitted Operations: Transfer Station

b. Permitted Hours of Operation: Tuesday, Thursday and Sunday 11:00am - 5:00pm, except the following holidays: New Year's Day, Martin Luther King's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor day, Thanksgiving Day, and Christmas Day.

c. Permitted Volume Per Operating Day:

	Total:	99	Cubic yards/Day
Non-Hazardous - General		80	Cubic yards/Day
Non-Hazardous - Sludge		0	Cubic yards/Day
Non-Hazardous - Separated or commingled recyclables		10	Cubic yards/Day
Non-Hazardous - (see Section 14 of Permit)		9	Cubic yards/Day
Designated (See Section 14 of Permit)		0	Cubic yards/Day
Hazardous (See Section 14 of Permit)		0	Cubic yards/Day

d. Permitted Traffic Volume:

	Total:	54	Vehicles/Day
Incoming waste materials		50	Vehicles/Day
Outgoing waste materials (for disposal)		2	Vehicles/Day
Outgoing materials from material recovery operations		2	Vehicles/Day

e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	0.9 a	N/A a	0.9 a	N/A a	N/A a	N/A a
Design Capacity		N/A cy	150 cy	N/A tpd	N/A tpd	N/A tpd
Max. Elevation (Ft. MSL)		N/A ft				
Max. Depth (Ft. BGS)		N/A ft				
Estimated Closure Date		N/A				

This permit is granted solely to the operator named above, and is not transferable. Upon a change of operator, the permit is no longer valid. Further, upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permits.

6. Approval: Approving Officer Signature Gary W. Erbeck/Director Name/Title	7. Enforcement Agency Name and Address: Santa Barbara County Environmental Health Services Division 120 Cremona Drive, Suite C Goleta, CA 93117
8. Received by CIWMB:	9. CIWMB Concurrence Date:
10. Permit Review Due Date:	11. Permit Issue Date:

12. Legal Description of Facility:
The facility is located at 5073 Highway 166, New Cuyama, County of Santa Barbara, CA 93254, assessor's Parcel Number 149-320-005. The property is located on Township 10 North, Range 26 West, SBB & M. The station is located at 34°57' N latitude, 119°43' W longitude. Access to the station is from Highway 166.

13. Findings:

a. Based on the Local Task Force letter, dated 15 November 1994, to the CIWMB, this permit meets the requirements of the Public Resources Code, Section 50000(a)(4).

b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB), as required in the Public Resources Code, Section 44010.

c. LEA review of the Operation Plan shows that the facility is designed to comply with the State Minimum Standards for Solid Waste Handling and Disposal. Verification is provided through monthly LEA inspections.

d. The Santa Barbara County Fire Department has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151, and as noted in SB County Fire Departmental Inspection Report dated March 21, 1995.

e. A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA. A Notice of Determination was filed with the Santa Barbara County Clerk on December 14, 1994 in compliance with the California Environmental Quality Act (CEQA) and pursuant to Public Resources Code, Section 21081.6.

f. A County-wide Integrated Waste Management Plan has not been approved by the California Integrated Waste Management Board.

g. The Santa Barbara County Planning & Development Department made a determination on October 12, 1994 that the facility is consistent with, and designated in, the applicable general plan. Public Resources Code, Section 50000.5(a).

h. The Santa Barbara County Planning Commission has made a written finding on October 12, 1994 that surrounding land use is compatible with the facility operation, as required in Public Resources Code, Section 50000.5(b).

14. Prohibitions:

The permittee is prohibited from accepting any liquid sludge, non-hazardous waste requiring special handling, designated waste, or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable permits.

a. Non-hazardous bulky wastes as defined in 14 CCR 17225.8.
b. Properly treated medical waste as defined in CA Health & Safety Code Ch. 6.1, Section 25023.5.
c. Tires, but never more than 500 at any time.

The permittee is additionally prohibited from the following items:

a. All Liquid wastes, including grease.
b. Sewage sludge or septic tank pumping waste.
c. Burning waste.
d. Hot ashes.
e. Untreated medical waste.
f. Friable asbestos.
g. 55 gallon drums, unless approved by the loadchecker.

15. The following documents also describe and/or restrict the operation of this facility:

	Date:		Date:
_X_ Report of Facility Information	October 1994	___ Contract Agreements - operator and contract	N/A
___ Land Use Permits and Conditional Use Permits	N/A	___ Waste Discharge Requirements	N/A
___ Air Pollution Permits and Variances	N/A	___ Local & County Ordinances	N/A
_X_ Mitigated Negative Declaration	September 1994	___ Final Closure & Postclosure Maintenance Plans	N/A
___ Lease Agreements - owner and operator	N/A	___ Amendment to RJT	N/A
___ Preliminary Closure/Post Closure Plan	N/A	_X_ Other (list): Exemption for a NPDES Permit	February 1995

16. Self Monitoring:

a. Results of all self-monitoring programs as described in the Report of Facility Information, will be reported as follows:

Program	Reporting Frequency	Agency Reported To
1. Log of Special Occurrences, which includes records of fires, explosions, injury and property damage accidents, earth slides, sudden settlement, flooding, or other unusual events with a brief description of the response to and resolution of each incident.	Daily Log with Quarterly Reports	Public Works Department & Environmental Health Services Division
2. Load Checking and Hazardous Waste Screening Program, including acceptance and/or disposal of hazardous waste or other inappropriate waste, closures, rejection of waste loads.	Quarterly	Public Works Department & Environmental Health Services Division
3. Vehicle Count & Volume Intake	Quarterly	Public Works Department & Environmental Health Services Division
4. Notification of all complaints regarding the facility and the operator's actions to resolve the complaints.	Within 24 hours	Environmental Health Services Division

17. LEA Conditions:

A. This facility shall comply with State Minimum Standards for Solid Waste Handling and Disposal.

B. This facility shall comply with all Federal, State and Local Requirements and enactments, including all mitigation measures given in any applicable Environmental document filed pursuant to Public Resources Code, Section 21081.6, such as the Mitigated Negative Declaration filed for this project.

C. The following, as defined in the indicated corresponding 14 CCR Sections, are acceptable for disposal: Agricultural solid waste (17225.3); Non-hazardous, cold ashes (17225.5); Bulky waste (17225.8); Construction & demolition waste (17225.15); Garbage (17225.30); Properly treated medical waste (Health & Safety Code, Chapter 6.1, Section 25023.5); Putrescible wastes (17225.52); Rubbish (17225.59); Street refuse (17225.71).

D. The following activities are prohibited:

1) Scavenging.
2) Eating/Smoking near waste processing.
4) Vector propagation and harborage.
5) Off-site migration of waste, litter or leachate.
6) Off-site discharge of dust or odors sufficient to constitute a health hazard or public nuisance.
7) On-site structure accumulation of explosive gas sufficient to create a safety hazard.

E. Any change that would cause the design or operation of this facility not to conform to the terms and conditions of the permit is prohibited. Any significant change that may be proposed for this facility shall require submission of an amended Report of Facility Information and application for a revised solid waste facility permit to the LEA at least 120 days prior to the anticipated date for implementation of the change. Notification to the LEA of the intended change must be made at least 150 days prior to the anticipated date of implementation.

F. The operator shall comply with the Waste Tire Storage and Disposal Standards in Title 14, Chapter 3, Article 5.5, Section 17355.

G. The LEA reserves the right to require the operator to provide more stringent dust and odor control measures, if the proposed dust and odor control procedures prove inadequate or ineffective.

J. Retain in an operating record at or near the facility and available for inspection, hazardous and PCB waste screening program records, including, but not limited to:

1) Records of random inspections,
2) Training of facility personnel to recognize regulated hazardous wastes and PCB wastes, and
3) Notification of the LEA and the Director of the Department of Toxic Substances control whenever such wastes are discovered, and
4) Volume intake.

K. Any additional information concerning the design and operation of this facility shall be furnished by the operator upon the LEA's request.

L. The LEA reserves the right to suspend or modify waste receiving operations when deemed necessary due to an emergency, a potential health hazard or the creation of a public nuisance.

M. This permit is subject to review at least once every five years and may be suspended, revoked or modified at any time for sufficient cause.

N. The operator shall maintain a copy of this permit and the Report of Station Information at the facility to be available at all times to facility personnel and enforcement agency representatives.

O. Roll-off bins must be properly sealed during all non-operating hours and only the bins which are not full are to be open during operating hours.

P. The site should be free of all litter at the close of each operating day.

Q. Visual screening must be maintained. Missing fence slats will be replaced in the chainlink fence. Trees and Shurbs must be planted to provide additional screening from Hwy 166.

R. Drainage water from the rolloff bin area must be collected, stored and analyzed prior to being used for irrigation.

ncis.pmt

END

97

State of California

California Environmental Protection Agency

MEMORANDUM

To: Suzanne Hambleton
Permits Branch
South Section
Permitting and Enforcement Division

Date: August 2, 1995

From: Lloyd Dillon
Office of Local Assistance
Diversion, Planning, and Local Assistance Division
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: CONFORMANCE FINDINGS FOR THE NEW CUYAMA SMALL VOLUME TRANSFER STATION, FACILITY NO. 42-AA-0052

The proposed new permit for the subject facility will authorize the facility operator to accept less than 100 cubic yards per day of residential, commercial, and industrial nonhazardous solid waste. The address of the facility is 5073 Highway 166, in the City of New Cuyama, in Santa Barbara County. The facility is on property owned by Santa Barbara County and will be operated by the Santa Barbara County Public Works Department.

Public Resources Code (PRC) 44009: Waste Diversion Requirements

Board staff reviewed the proposed permit for the subject facility and determined that the implementation of the diversion activities, recommended in the Source Reduction and Recycling Elements by the jurisdictions within the County, will not be affected by the issuance of the requested permit.

According to the Report of Station Information the subject facility will accept nonhazardous solid waste from the towns of Cuyama and New Cuyama, the community of Ventucopa, and rural areas of the Cuyama Valley. The facility will accept normal household waste, residential yard waste, and small volumes of commercial and industrial waste from small businesses. Waste removed from the transfer station is proposed to be taken to the Tajiguas Landfill for disposal, or another permitted landfill.

Automobile tires and scrap metal materials will be accepted in a separate area of the transfer station for the purpose of recycling. Non-friable asbestos will be accepted if properly

bagged and accommodated by a Non-Hazardous Waste Manifest Form. No other organized recycling programs currently exist within the New Cuyama wasteshed. Residents and business owners are directed to take their recyclable materials to buy-back centers located in the Santa Maria area. The Santa Barbara County Solid Waste Local Task Force (LTF) approved the aforementioned strategy for diverting materials at the subject facility in a letter addressed to Board staff, dated March 3, 1995.

Based on this review staff have determined that the issuance of the proposed permit for the subject facility should not prevent or substantially impair the facilities fulfillment of the waste diversion requirements of AB 939.

PRC 50000: Local Task Force Review and Comment

Santa Barbara County and its incorporated cities prepared a Multijurisdictional Nondisposal Facility Element (NDFE) which includes a description of the subject facility. The LTF received and commented on the draft NDFE. Comments were submitted to the County and have been incorporated. The LTF has found the NDFE to be consistent with the locally adopted Source Reduction and Recycling Elements of the jurisdictions in the County. The LTF notified the Board and the jurisdictions in the County of these findings in a letter dated November 15, 1994. Based on these findings the Santa Barbara County Local Enforcement Agency (LEA) certified in the proposed permit that the subject facility is consistent with PRC 50000(a)(4). Board staff concurs with the LEA on this matter.

PRC 50000.5: Consistency with the General Plan

This statutory requirement, in part, specifies that until a countywide integrated waste management plan has been approved by the Board, no person shall establish or expand a solid waste facility unless the facility is found consistent with the applicable general plan of the city or county; and the land use which are authorized adjacent to, or near, the facility is compatible with the new facility.

On December 6, 1994, the Board of Supervisors of the County of Santa Barbara determined that the proposed subject facility would be consistent with the Land Use Element of the County's Comprehensive Plan and compatible with current surrounding land uses (ref. Resolution 94-560, Case No. 94-GP-005).

The LEA noted the above findings in the proposed solid waste facilities permit. Board staff concurs with the LEA on this matter.

Summary of Conclusions

Based upon the review of the submitted documents, the proposed permit for the subject facility conforms with the provisions of AB 2296 as follows:

1. The permit will not prevent or impair the State's waste diversion requirements (PRC 44009).

2. The facility is in conformance with the guidelines adopted by the LTF and with local policies (PRC 50000(a)(4)).

3. The facility is consistent with the County's General Plan and is compatible with surrounding land use (PRC 50000.5).

If you have any questions or comments, please call Chris Deidrick at (916) 255-2309.

References

1. Proposed New Cuyama Small Volume Transfer Station, Facilities Permit Number 42-AA-0052, date stamped July 26, 1995

2. Report of Station Information for the New Cuyama Small Volume Transfer Station, dated February 1995

3. Preliminary Santa Barbara County Source Reduction and Recycling Element, date stamped May 6, 1991 (To date, the County's final SRRE has not been submitted to the Board for review.)

4. Resolution of the Board of Supervisors of the County of Santa Barbara, Resolution 94-560, Case No. 94-GP-005

5. Letters from the Santa Barbara County Solid Waste Local Task Force, dated, November 15, 1994 and March 3, 1995

cc: Terry Smith

California Integrated Waste Management Board
Permit Decision No. 95-644
August 23, 1995

WHEREAS, the County of Santa Barbara Public Works, Solid Waste Management Division has submitted to the LEA an application for a New Solid Waste Facility Permit (SWFP) for the New Cuyama Small Volume Transfer Station; and

WHEREAS, the LEA has submitted to the Board for its review and concurrence with or objection to a new SWFP for the New Cuyama Small Volume Transfer Station; and

WHEREAS, the County of Santa Barbara, Planning and Development, acting as lead agency for the California Environmental Quality Act (CEQA) review, has prepared a Mitigated Negative Declaration (MND) which includes an analysis and a mitigation measure for this project; and

WHEREAS, the MND was not circulated through the State Clearinghouse (SCH) as required by California Code of Regulations, Title 14, Section 15073(c); however, the MND was circulated to the Integrated Waste Management Board, the Regional Water Quality Control Board, and Cal Trans for review during the designated public review period; and Board staff reviewed the MND and provided comments to the lead agency; and the lead agency considered and approved the document on December 6, 1994, and filed a Notice of Determination with the County Clerk on December 14, 1994; and

WHEREAS, the LEA and Board staff have evaluated the proposed permit and supporting documentation for consistency with standards adopted by the Board and have determined that the proposed design and operation of the facility is in compliance with State Minimum Standards; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met, including conformance with the Santa Barbara County Solid Waste Management Plan, consistency with the Santa Barbara County General Plan and compliance with CEQA.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs with the issuance of Solid Waste Facility Permit No. 42-AA-0052.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
August 23, 1995

AGENDA ITEM 27

ITEM: CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITY PERMIT FOR THE VENTUCOPA SMALL VOLUME TRANSFER STATION, SANTA BARBARA COUNTY

I. COMMITTEE ACTION:

Permitting and Enforcement Committee recommendations were not available at the time this item went to print.

II. BACKGROUND:

Facility Facts

Name:	Ventucopa Small Volume Transfer Station Facility No. 42-AA-0051
Facility Type:	Proposed Small Volume Transfer Station
Location:	First dirt road south of La Panza, West of Highway 33 in the town of Ventucopa, within the boundaries of the existing Landfill
Area:	.6 acres
Setting:	Rural, zoned A-II (agriculture with a waste disposal overlay)
Operational Status:	Planned, not constructed yet
Waste Types:	Household waste, residential yard waste, and small volumes of commercial/industrial waste
Proposed Permitted Tonnage:	40 cubic yards per operating day
Volumetric Capacity:	40 cubic yards (ten-four cubic yard dumpsters)
Owner/Operator:	Ron Cortez, Deputy Director County Santa Barbara Public Works Solid Waste Management Division
LEA:	Gary W. Erbeck, Director Santa Barbara County Environmental Health Services Division

Proposed Project

The proposed project will establish a Small Volume Transfer Station within the boundaries of the existing Ventucopa Landfill. The station will be located adjacent to the existing landfill footprint and will not be placed above refuse.

III. SUMMARY:

Site History Federal regulations, 40 CFR parts 257 and 258 (Subtitle D) have established nationwide standards for siting and operations of municipal solid waste landfills. Waste disposal at the two Cuyama Valley landfills is currently accomplished through burial in unlined trenches. Subtitle D requirements would necessitate the valley landfill operators to line their trenches, apply daily cover at the end of each operating day, comply with post-closure maintenance fund requirements, as well as other mandates. Santa Barbara Waste Management Division considers continued operation of small landfills in the Cuyama Valley, under the Subtitle D requirements, to be financially infeasible. Therefore, the County plans to close the landfills and replace them with transfer stations.

Project Description The Ventucopa Small Volume Transfer Station will consist of ten-four cubic yard dumpsters with a combined capacity of 40 cubic yards. Waste material will be hauled to the transfer station by residents, small businesses, and agriculture operations. The site can be accessed via an unimproved road that intersects with Highway 33 near the community of Ventucopa. Dischargers will enter the site through a gate located in the northeastern corner of the site. Waste dischargers will position their vehicles near the dumpsters, lift their waste material from their vehicle and place the material into a dumpster. Large objects which will not fit into the dumpsters will have to be taken to the New Cuyama Transfer Station.

Waste received at the Ventucopa Transfer Station will be transferred to the New Cuyama Transfer Station and on to an operating landfill within 7 days of original acceptance.

The Ventucopa refuse volumes will be recorded and maintained on site. Volume records will also be maintained in the offices of the Solid Waste Management Division.

An attendant will be at the transfer station at all times during operating hours. The attendant will be responsible for opening and closing the station, directing traffic, screening the waste material for hazardous waste, or other waste material not accepted at the station, performing housekeeping duties, recording the number of vehicles entering the station, and

documenting any special occurrences. The facility will have a full perimeter fence and an entrance gate which will be locked when the facility is closed.

Environmental Controls The Plan of Operation submitted for this site has adequately described and prescribed environmental control measures that will minimize the effects of nuisances, dust, vectors and birds, drainage, litter, noise, odor, and loose materials. The Plan of Operation also describes station security, housekeeping, litter cleanup, container cleaning, station maintenance, and the hazardous waste screening program in a manner that if applied as described will meet State Minimum Standards.

Resource Recovery No salvaging has been proposed.

IV. ANALYSIS:

Requirements for Concurrence with the Solid Waste Facility Permit
Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur with or object to the issuance of a Solid Waste Facility Permit. Since the proposed permit for this facility was received on July 26, 1995, the last day the Board could act is September 24, 1995.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation and have found that the permit is acceptable for the Board's consideration of concurrence. In making this determination the following items were considered:

1. Conformance with County Plan

   The Santa Barbara County Local Task Force (LTF) reviewed a description of the proposed project and found the project consistent with locally adopted Source Reduction and Recycling Elements. The LTF sent a letter, dated November 15, 1994, to the Board disclosing the results of their review. Based on this information, the Local Enforcement Agency (LEA) certified in the proposed permit that the requirements of Public Resources Code 50000(a)(4) have been satisfied. Board staff agree with said determination (Attachment 4).

2. Consistency with General Plan

   On December 6, 1994, in Resolution 94-560, the Santa Barbara County Board of Supervisors determined that the proposed facility would be consistent with the Land Use Element of the County's Comprehensive Plan and compatible with current

surrounding land uses. The LEA, in the proposed permit, made findings stating that the proposed project is consistent with the general plan and that the surrounding land uses are compatible. Board staff agree with said findings (Attachment 4).

3. Consistency with Waste Diversion Requirements

Staff of the Board's Diversion, Planning and Local Assistance Division make an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed project would prevent or substantially impair the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the proposed permit would neither prevent nor substantially impair Santa Barbara County from meeting its waste diversion goals (Attachment 4).

4. California Environmental Quality Act (CEQA)

State law requires the preparation and certification/adoption of an environmental document whenever a project requires discretionary approval by a public agency. The County of Santa Barbara, Planning and Development, prepared a Mitigated Negative Declaration (MND) which includes an analysis of the proposed Ventucopa Small Volume Transfer Station. The MND was not circulated through the State Clearinghouse (SCH) as required by California Code of Regulations, Title 14, Section 15073(c). However, the MND was circulated to the Integrated Waste Management Board, the Regional Water Quality Control Board, and Cal Trans for review during the designated public review period. Board staff reviewed the MND and provided comments to the County. The document was considered and approved by the lead agency on December 6, 1994, and a Notice of Determination was filed with the Santa Barbara County Clerk on December 14, 1994.

After reviewing the environmental documentation for this site, Board staff have determined that the MND is adequate and appropriate for the Board's use in evaluating this project.

5. Consistency with State Minimum Standards

Based on a review of the submitted Plan of Operation and supporting documentation, the LEA has determined that the proposed design and proposed operation plans of the facility would allow for operations in compliance with State Minimum

Standards for Solid Waste Handling and Disposal. Board staff agree with said determination.

V. STAFF RECOMMENDATION:

Because a new Solid Waste Facility Permit is proposed, the Board must either concur with or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 95-645 concurring with the issuance of Solid Waste Facility Permit No. 42-AA-0051.

VI. ATTACHMENTS:

1. Location Map
2. Site Map
3. Permit No.42-AA-0051
4. AB2296 Finding of Conformance
5. Permit Decision No. 95-645

Prepared by: Terry Smith T.S. 8-7-95 Phone: 255-4174

Reviewed by: Don Dyer/Suzanne Hambleton SZH 8-7-95 Phone: 255-2453

Approved by: Douglas Y. Okumura Phone: 255-2431

Legal Review: EB Date/Time: 8/11/95

Standards for Solid Waste Handling and Disposal. Board staff agree with said determination.

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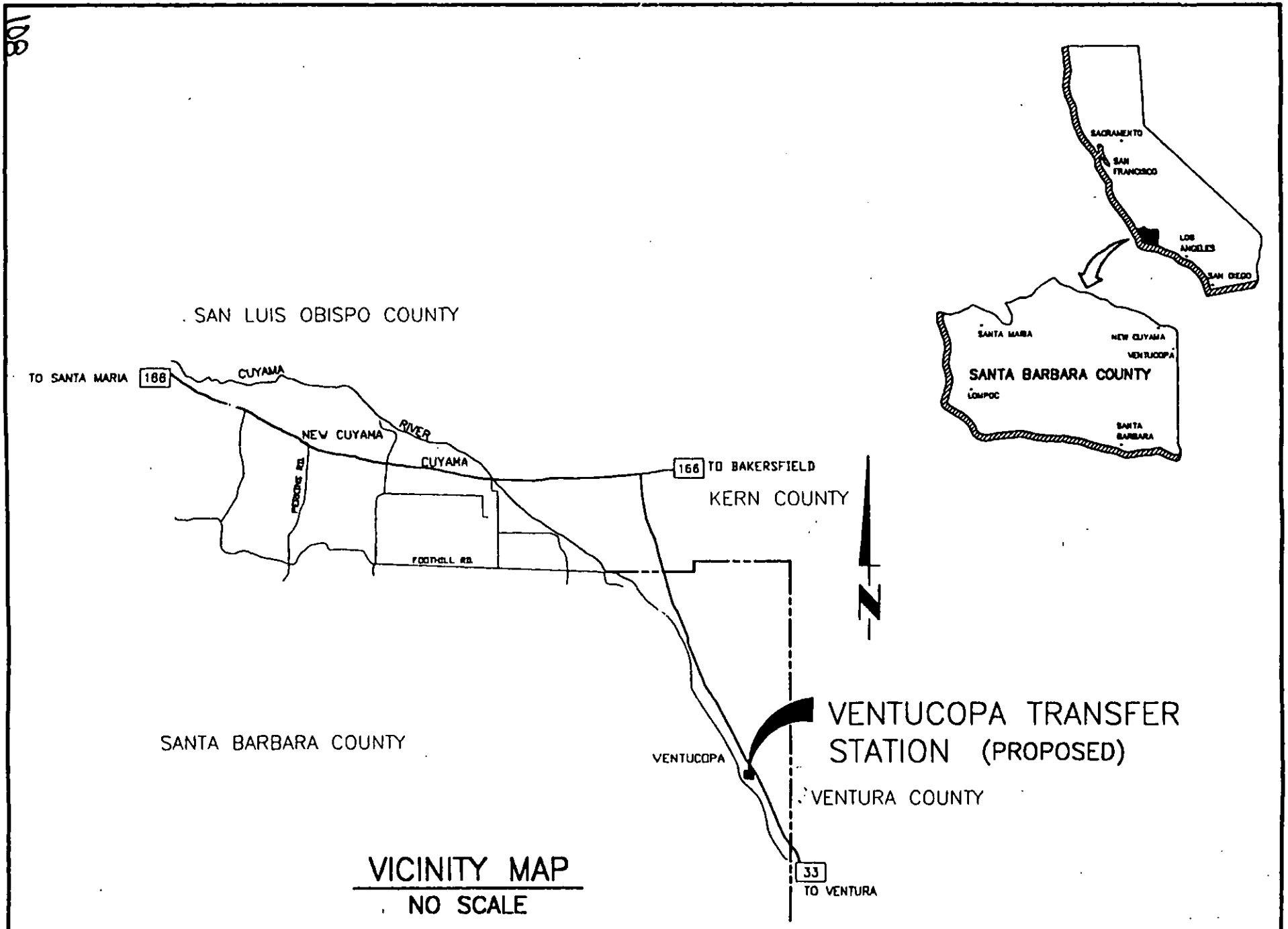
Prepared by: Terry Smith T.S. 8-3-95 Phone: 255-4174

Reviewed by: ~~Ron~~ Dier/Suzanne Hambleton 8/3 SCH 8-3-95 Phone: 255-2453

Approved by: Douglas Y. Okumura Phone: 255-2431

Legal Review: EB Date/Time: 8/3/95 2:30pm



VICINITY MAP
NO SCALE

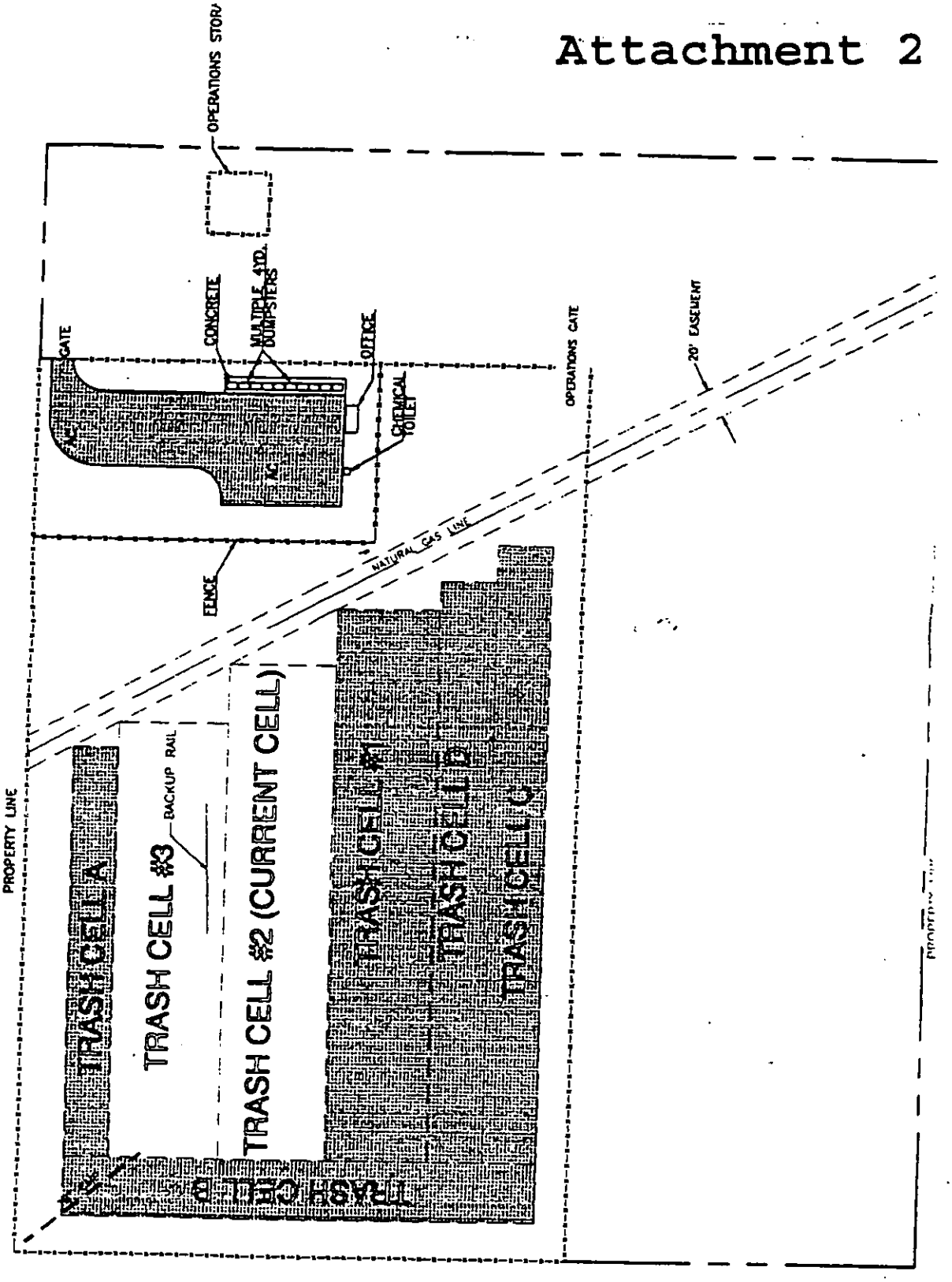
REGIONAL/SITE LOCATION MAP

Attachment 1

Attachment 2

Ventucopa Transfer Station

Site Plan



SOLID WASTE FACILITY PERMIT

1. Facility: Attachment 3

2. Name and Street Address of Facility:	3. Name and Mailing Address of Operator:	4. Name and Mailing Address of Owner:
Ventucopa Small Volume Transfer Station First dirt road south of La Panza West of Highway 33 Ventucopa CA, 93254	County of Santa Barbara Public Works Solid Waste Management Division 120 Cremona Dr., Suite C Goleta, CA 93117	County of Santa Barbara Public Works Department 123 E. Anapamu Street Santa Barbara, CA 93101

5. Specifications:

a. Permitted Operations: Transfer Station

b. Permitted Hours of Operation: Sunday, Wednesday and Friday 11:00am - 5:00pm, except the following holidays: New Year's Day, Independence Day and Christmas Day.

c. Permitted Volume Per Operating Day:

	Total:	40	Cubic yards/Day
Non-Hazardous - General		0	Cubic yards/Day
Non-Hazardous - Sludge		0	Cubic yards/Day
Non-Hazardous - Separated or comingled recyclables		0	Cubic yards/Day
Non-Hazardous - (see Section 14 of Permit)		0	Cubic yards/Day
Designated (See Section 14 of Permit)		0	Cubic yards/Day
Hazardous (See Section 14 of Permit)		0	Cubic yards/Day

d. Permitted Traffic Volume:

	Total:	26	Vehicles/Day
Incoming waste materials		25	Vehicles/Day
Outgoing waste materials (for disposal)		1	Vehicles/Day
Outgoing materials from material recovery operations		0	Vehicles/Day

e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	0.6 a	N/A a	0.6 a	N/A a	N/A a	N/A a.
Design Capacity		N/A cy	40 cy	N/A tpd	N/A tpd	N/A tpd
Max. Elevation (Ft. MSL)		N/A ft				
Max. Depth (Ft. BGS)		N/A ft				
Estimated Closure Date		N/A				

This permit is granted solely to the operator named above, and is not transferable. Upon a change of operator, the permit is no longer valid. Further, upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permits.

6. Approval:	7. Enforcement Agency Name and Address:
Approving Officer Signature Gary W. Erbeck/Director Name/Title	Santa Barbara County Environmental Health Services Division 120 Cremona Drive, Suite C Goleta, CA 93117
8. Received by CIWMB:	9. CIWMB Concurrence Date:
10. Permit Review Due Date:	11. Permit Issue Date:

Post-it® Fax Note 7671	Date 8/2/95 # of pages ▸ 8
To TERRY SMITH	From MIKE SCHMALING
Co./Dept. PERMITS	Co. S.B. EHS
Phone #	Phone #
Fax #	Fax #

12. Legal Description of Facility:
The facility is located at the end of the first dirt road south of La Panza, west of Highway 33 in Ventucopa, County of Santa Barbara, CA 93254. The assessor's Parcel Number is 149-230-059. The property is located on Township 9 North, Range 24 West, SBB & M. The station is located at 34°45' N latitude, 119°37' W longitude. Access to the transfer station is from Highway 33.

13. Findings:

a. Based on the Local Task Force letter, dated 15 November 1994, to the CIWMB, this permit meets the requirements of the Public Resources Code, Section 50000(a)(4).

b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB), as required in the Public Resources Code, Section 44010.

c. The LEA has reviewed the Operations Plan and has determined that the facility is designed to comply with the State Minimum Standards for Solid Waste Handling and Disposal. Verification is provided through monthly LEA inspections.

d. The Santa Barbara County Fire Department has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151, and as noted in SB County Fire Department Inspection Report dated March 21, 1995.

e. A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA. A Notice of Determination was filed with the Santa Barbara County Clerk on December 14, 1994 in compliance with the California Environmental Quality Act (CEQA) and pursuant to Public Resources Code, Section 21081.6.

f. A County-wide Integrated Waste Management Plan has not been approved by the California Integrated Waste Management Board.

g. The Santa Barbara County Planning & Development Department made a determination on October 12, 1994 that the facility is consistent with, and designated in, the applicable general plan. Public Resources Code, Section 50000.5(a).

h. The Santa Barbara County Planning Commission has made a written finding on October 12, 1994 that surrounding land use is compatible with the facility operation, as required in Public Resources Code, Section 50000.5(b).

14. Prohibitions:

The permittee is prohibited from accepting any liquid sludge, non-hazardous waste requiring special handling, designated waste, or hazardous waste unless the acceptance of such waste is authorized by all applicable permits.

The permittee is additionally prohibited from the following items:

a. All Liquid wastes, including grease.
b. Sewage sludge or septic tank pumping waste.
c. Burning waste.
d. Hot ashes.
e. Untreated medical waste.
f. Friable asbestos.
g. Non-hazardous bulky wastes as defined in 14 CCR 17225.8
h. Soil, brush, stumps, whole tires, agricultural, construction, demolition or hard to handle waste materials
i. 55 gallon drums, unless approved by the loadchecker.

15. The following documents also describe and/or restrict the operation of this facility:

	Date:		Date:
_X_ Report of Facility Information	October 1994	___ Contract Agreements - operator and contract	N/A
___ Land Use Permits and Conditional Use Permits	N/A	___ Waste Discharge Requirements	N/A
___ Air Pollution Permits and Variances	N/A	___ Local & County Ordinances	N/A
_X_ Mitigated Negative Declaration	September 1994	___ Final Closure & Postclosure Maintenance Plans	N/A
___ Lease Agreements - owner and operator	N/A	___ Amendment to RFI	N/A
___ Preliminary Closure/Post Closure Plan	N/A	_X_ Other (list): Exemption for a NPDES Permit	February 1995
___ Closure Financial Responsibility Document	N/A	Local Task Force Letter	March 1995

16. Self Monitoring:

a. Results of all self-monitoring programs as described in the Report of Facility Information, will be reported as follows:

Program	Reporting Frequency	Agency Reported To
1. Log of Special Occurrences, which includes records of fires, explosions, injury and property damage accidents, earth slides, sudden settlement, flooding, or other unusual events with a brief description of the response to and resolution of each incident.	Daily Log with Quarterly Reports	Public Works Department & Environmental Health Services Division
2. Load Checking and Hazardous Waste Screening Program, including acceptance and/or disposal of hazardous waste or other inappropriate waste, closures, rejection of waste loads.	Quarterly	Public Works Department & Environmental Health Services Division
3. Vehicle Count & Volume Intake	Quarterly	Public Works Department & Environmental Health Services Division
4. Notification of all complaints regarding the facility and the operator's actions to resolve the complaints.	Within 24 hours	Environmental Health Services Division

17. LEA Conditions:

A. This facility shall comply with State Minimum Standards for Solid Waste Handling and Disposal.

B. This facility shall comply with all Federal, State and Local Requirements and enactments, including all mitigation measures given in any applicable Environmental document filed pursuant to Public Resources Code, Section 21081.6, such as the mitigation negative declaration filed for this project.

C. The following activities are prohibited:

1) Scavenging.
2) Eating/Smoking near waste processing.
4) Vector propagation and harborage.
5) Off-site migration of waste, litter or leachate.
6) Off-site discharge of dust or odors sufficient to constitute a health hazard or public nuisance.
7) On-site structure accumulation of explosive gas sufficient to create a safety hazard.

D. Any change that would cause the design or operation of this facility not to conform to the terms and conditions of the permit is prohibited. Any significant change that may be proposed for this facility shall require submission of an amended Report of Facility Information and application for a revised solid waste facility permit to the LEA at least 120 days prior to the anticipated date for implementation of the change. Notification to the LEA of the intended change must be made at least 150 days prior to the anticipated date of implementation.

E. The operator shall comply with the Waste Tire Storage and Disposal Standards in Title 14, Chapter 3, Article 5.5, Section 17355.

F. The LEA reserves the right to require the operator to provide more stringent dust and odor control measures, if the proposed dust and odor control procedures prove inadequate or ineffective.

G. Retain in an operating record at or near the facility and available for inspection, hazardous and PCB waste screening program records, including, but not limited to:

1) Records of random inspections,
2) Training of facility personnel to recognize regulated hazardous wastes and PCB wastes, and
3) Notification of the LEA and the Director of the Department of Toxic Substances Control whenever such wastes are discovered, and
4) Volume intake.

J. Any additional information concerning the design and operation of this facility shall be furnished by the operator upon the LEA's request.

K. The LEA reserves the right to suspend or modify waste receiving operations when deemed necessary due to an emergency, a potential health hazard or the creation of a public nuisance.

L. This permit is subject to review at least once every five years and may be suspended, revoked or modified at any time for sufficient cause.

M. The operator shall maintain a copy of this permit and the Report of Station Information at the facility to be available at all times to facility personnel and enforcement agency representatives.

N. Dumpsters must be properly sealed during all non-operating hours and only the dumpsters which are not full are to be open during operating hours.

O. The site should be free of all litter at the close of each operating day.

Attachment 4

State of California

California Environmental Protection Agency

MEMORANDUM

To: Suzanne Hambleton
Permits Branch
South Section
Permitting and Enforcement Division

Date: August 2, 1995

From: Lloyd Dillon
Office of Local Assistance
Diversion, Planning, and Local Assistance Division
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: CONFORMANCE FINDINGS FOR THE VENTUCOPA SMALL VOLUME TRANSFER STATION, FACILITY NO. 42-AA-0051

The proposed new permit for the subject facility will authorize the facility operator to accept a maximum of 40 cubic yards per day of residential, commercial, and industrial nonhazardous solid waste. The facility is located within the parcel that contains the existing Ventucopa Landfill, in the community of Ventucopa, in Santa Barbara County. The County of Santa Barbara County owns and operates the facility.

Public Resources Code (PRC) 44009: Waste Diversion Requirements

Board staff reviewed the proposed permit for the subject facility and determined that the implementation of the diversion activities, recommended in the Source Reduction and Recycling Elements by the jurisdictions within the County, will not be affected by the issuance of the requested permit.

According to the Report of Station Information the subject facility will accept nonhazardous solid waste from the community of Ventucopa and rural areas. The facility will serve approximately 180 residents in Santa Barbara County and 20 residents in Ventura County. Waste removed from the transfer station is proposed to be taken to the Tajiguas Landfill for disposal, or another permitted landfill.

Non-friable asbestos will be accepted if properly bagged and accommodated by a Non-Hazardous Waste Manifest Form. No other organized recycling programs currently exist within the Ventucopa wasteshed. Residents and business owners are directed to take

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their recyclable materials to buy-back centers located in the Santa Maria area. The Santa Barbara County Solid Waste Local Task Force (LTF) approved the aforementioned strategy for diverting materials at the subject facility in a letter addressed to Board staff, dated March 3, 1995.

Based on this review staff have determined that the issuance of the proposed permit for the subject facility should not prevent or substantially impair the facilities fulfillment of the waste diversion requirements of AB 939.

PRC 50000: Local Task Force Review and Comment

Santa Barbara County and its incorporated cities prepared a Multijurisdictional Nondisposal Facility Element (NDFE) which includes a description of the subject facility. The LTF received and commented on the draft NDFE. Comments were submitted to the County and have been incorporated. The LTF has found the NDFE to be consistent with the locally adopted Source Reduction and Recycling Elements of the jurisdictions in the County. The LTF notified the Board and the jurisdictions in the County of these findings in a letter dated November 15, 1994. Based on these findings the Santa Barbara County Local Enforcement Agency (LEA) certified in the proposed permit that the subject facility is consistent with PRC 50000(a)(4). Board staff concurs with the LEA on this matter.

PRC 50000.5: Consistency with the General Plan

This statutory requirement, in part, specifies that until a countywide integrated waste management plan has been approved by the Board, no person shall establish or expand a solid waste facility unless the facility is found consistent with the applicable general plan of the city or county; and the land use which are authorized adjacent to, or near, the facility is compatible with the new facility.

On December 6, 1994, in Resolution 94-560, the Board of Supervisors of the County of Santa Barbara changed the subject facility's land use designation from A-II (agriculture) to A-II with a "Waste Disposal Overlay." With this change it was determined that the proposed subject facility would be consistent with the Land Use Element of the County's Comprehensive Plan and compatible with current surrounding land uses.

The LEA noted the above findings in the proposed solid waste facilities permit. Board staff concurs with the LEA on this matter.

Summary of Conclusions

Based upon the review of the submitted documents, the proposed permit for the subject facility conforms with the provisions of AB 2296 as follows:

1. The permit will not prevent of impair the State's waste diversion requirements (PRC 44009).

2. The facility is in conformance with the guidelines adopted by the LTF and with local policies (PRC 50000(a)(4)).

3. The facility is consistent with the County's General Plan and is compatible with surrounding land use (PRC 50000.5).

If you have any questions or comments, please call Chris Deidrick at (916) 255-2309.

References

1. Proposed Ventucopa Small Volume Transfer Station, Facilities Permit Number 42-AA-0051, date stamped July 26, 1995

2. Report of Station Information for the Ventucopa Small Volume Transfer Station, dated February 1995

3. Preliminary Santa Barbara County Source Reduction and Recycling Element, date stamped May 6, 1991 (To date, the County's final SRRE has not been submitted to the Board for review.)

4. Resolution of the Board of Supervisors of the County of Santa Barbara, Resolution 94-560, Case No. 94-GP-005

5. Letters from the Santa Barbara County Solid Waste Local Task Force, dated, November 14, 1994 and March 3, 1995

cc: Terry Smith

California Integrated Waste Management Board
Permit Decision No. 95-645
August 23, 1995

WHEREAS, the County of Santa Barbara Public Works, Solid Waste Management Division has submitted to the LEA an application for a New Solid Waste Facility Permit (SWFP) for the Ventucopa Small Volume Transfer Station; and

WHEREAS, the LEA has submitted to the Board for its review and concurrence with or objection to a new SWFP for the Ventucopa Small Volume Transfer Station; and

WHEREAS, the County of Santa Barbara, Planning and Development, acting as lead agency for the California Environmental Quality Act (CEQA) review, has prepared a Mitigated Negative Declaration (MND) which includes an analysis of this project; and

WHEREAS, the MND was not circulated through the State Clearinghouse (SCH) as required by California Code of Regulations, Title 14, Section 15073(c); however, the MND was circulated to the Integrated Waste Management Board, the Regional Water Quality Control Board, and Cal Trans for review during the designated public review period; and Board staff reviewed the MND and provided comments to the lead agency; and the lead agency considered and approved the document on December 6, 1994, and filed a Notice of Determination with the County Clerk on December 14, 1994; and

WHEREAS, the LEA and Board staff have evaluated the proposed permit and supporting documentation for consistency with standards adopted by the Board and have determined that the proposed design and operation of the facility is in compliance with State Minimum Standards; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met, including conformance with the Santa Barbara County Solid Waste Management Plan, consistency with the Santa Barbara County General Plan and compliance with CEQA.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs with the issuance of Solid Waste Facility Permit No. 42-AA-0051.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
August 23, 1995

AGENDA ITEM 29

ITEM: CONSIDERATION OF CONCURRENCE IN A NEW STANDARDIZED SOLID WASTE FACILITIES PERMIT FOR THE GROVER/SPRECKELS COMPOST FACILITY, SAN JOAQUIN COUNTY

I. COMMITTEE ACTION

As of the date that this item went to print, the Permitting and Enforcement Committee had not made a recommendation or decision on this item.

II. SUMMARY

Grover Landscape Services proposes to operate a green material composting facility on property owned by the Spreckels Sugar Company near the City of Manteca, northwest of the intersection of Highway 99 and Highway 120. The maximum volume of feedstock and active compost on site at any one time will eventually exceed 10,000 cubic yards and could approach 100,000 cubic yards.

Section 17857(c) of the Board's Composting Regulations, effective July 31, 1995, states that a green material composting facility that has more that 10,000 cubic yards of feedstock and active compost on-site at any one time shall obtain a Standardized Permit prior to commencing operations.

Pursuant to Section 18105.1 of the Board's Regulatory Tier Regulations, Grover Environmental Products has applied for a Standardized Solid Waste Facilities Permit. For facilities eligible for standardized permits, the LEA has 30 days to review the application package for completeness and another 15 days to determine whether or not the facility will be able to operate in compliance with the applicable minimum standards and standardized permit terms and conditions. If so, the LEA is required to submit the proposed standardized permit to the Board.

II. ANALYSIS:

<u>Requirements for Concurrence with the Solid Waste Facilities Permit</u> Pursuant to California Code of Regulations, Title 14, Section 18105.5(c), the Board has 30 calendar days to concur in or object to the issuance of a proposed standardized permit. Since the proposed permit for this facility was received on August 8, 1995, the last day the Board may act is September 7, 1995.

As the Permitting and Enforcement Committee item went to print, the LEA had not yet accepted the application as complete, because the operator had not demonstrated compliance with PRC Section 50000. The Local Solid Waste Management Task Force has since reviewed and commented on the facility, pursuant to PRC Section 50000(a)(4), concluding that "the proposed project is consistent with the goals and policies established by the Task Force for San Joaquin County integrated waste management."

Board staff have reviewed the permit application, proposed permit, Report of Composting Site Information, and other supporting documentation and offer the following analysis:

1. Conformance with County Plan (CCR Section 18105.1)

   The LEA has determined that the proposed facility is not in the most recently approved edition of San Joaquin County's Solid Waste Management Plan (CoSWMP). However, the County's Local Task Force has reviewed and commented on the site identification and description pursuant to PRC 50000(a)(4).

2. Consistency with General Plan (CCR Section 18105.1)

   Finding 14(c) of the proposed permit states that the City of Manteca has made the determination that the facility is consistent with the applicable general plan, as required by Public Resources Code, Section 50000.5(a). In addition, a letter from the City of Manteca Department of Development Assistance Services, dated, November 8, 1994, states that the proposed composting operation "would be a compatible use in an industrial or agricultural setting and would not create any adverse environmental impacts".

3. Consistency with Waste Diversion Requirements (PRC 44009)

   Staff of the Board's Governmental and Regulatory Affairs Division will make an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed composting facility would prevent or substantially impair the achievement of waste diversion goals. This finding will be available in time for the Permitting and Enforcement Committee meeting.

4. California Environmental Quality Act (CEQA)

   State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency. The City of Manteca Department of Development Assistance Services, Lead Agency for CEQA, prepared a Negative Declaration (ND) for

the proposed project. The ND was certified as approved by the lead agency on February 28, 1995, and a Notice of Determination was filed with the County Clerk on March 2, 1995.

However, the ND was not circulated through the State Clearinghouse as required by 14 CCR Section 15073(c) and 15205(a)(2). As a result, the ND was not reviewed by Board staff prior to the committee item going to print. The Lead Agency has since sent a copy of the ND to the State Clearinghouse and Board staff have determined that the ND is adequate for CIWMB approval of the proposed permit.

5. Compliance with State Minimum Standards

Pursuant to Section 18195.2(g), the LEA has evaluated the application and proposed permit and determined that the facility will be able to operate in compliance with the applicable minimum standards and standardized permit terms and conditions. Board staff agree with this finding.

III. STAFF RECOMMENDATION:

Because a revised Solid Waste Facilities Permit is proposed, the Board must either concur or object to the proposed permit as submitted by the LEA.

Unless the Board's Governmental and Regulatory Affairs Division determines that the proposed composting facility would prevent or substantially impair the achievement of waste diversion goals, staff will recommend that the Board adopt Permit Decision No. 95-636, concurring in the issuance of Solid Waste Facilities Permit No. 39-AA-0027.

ATTACHMENTS:

1. Location Map
2. Site Map
3. Proposed Standardized Permit
4. Resolution No. 95-636

Prepared by: Jon Whitehill JW Phone: 255-3881

Reviewed by: Don Dier Jr.\Cody Begley C.B. Phone: 255-2453

Approved by: Douglas Okumura Phone: 255-2431

Legal Review: EB Date/Time: 8/11/95

1995, and a Notice of Determination was filed with the County Clerk on March 2, 1995.

However, the ND was not circulated through the State Clearinghouse as required by 14 CCR Section 15073(c) and 15205(a)(2). As a result, the ND has not been reviewed by staff as this item goes to print. Staff have not yet determined that the ND is adequate for CIWMB approval of the proposed permit. Section 18105.1(f) states that the permit application package shall contain either evidence that there has been compliance with CEQA or information on the status of the application's compliance with CEQA. A Notice of Determination has not been filed with the State Clearinghouse.

5. Compliance with State Minimum Standards

Pursuant to Section 18195.2(g), the LEA will evaluate the application and proposed permit and determine whether or not the facility will be able to operate in compliance with the applicable minimum standards and standardized permit terms and conditions.

Pursuant to Section 18105.5(b), board staff will also evaluated the application package for compliance with the requirements set forth by section 18105.1 (information required with application package) and 18105.2(g) and present this determination at the committee meeting.

III. STAFF RECOMMENDATION:

Since a proposed permit has not yet been submitted, staff can not make a recommendation at this time. A recommendation to either concur in or object to the issuance of the proposed standardized permit will be presented at the Committee Meeting.

ATTACHMENTS:

1. Location Map
2. Site Map
3. Sample Standardized Permit

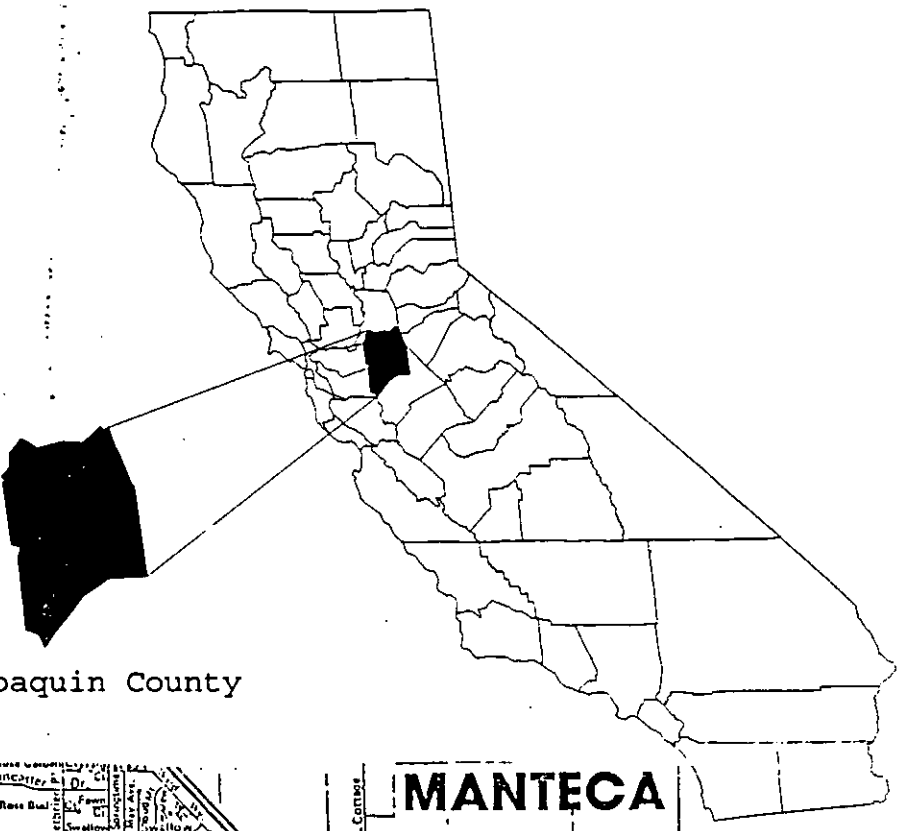
Prepared by: Jon Whitehill Jon W C.B. Phone: 255-3881

Reviewed by: ~~Don Dier~~ Jr.\Cody Begley Phone: 255-2453

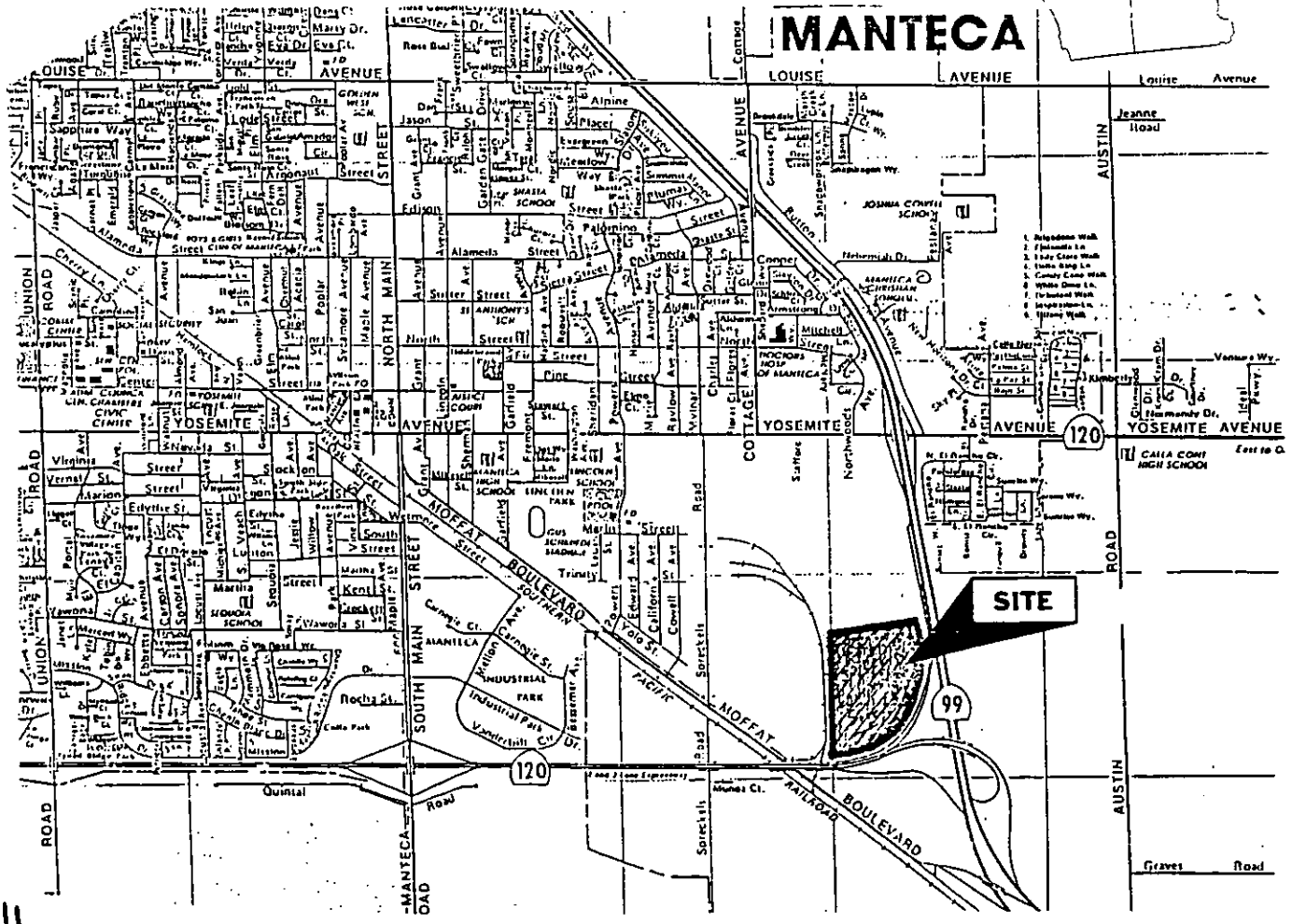
Approved by: Douglas Okumura Phone: 255-2431

Legal Review: CB Date/Time: 8/3/95 2:45pm

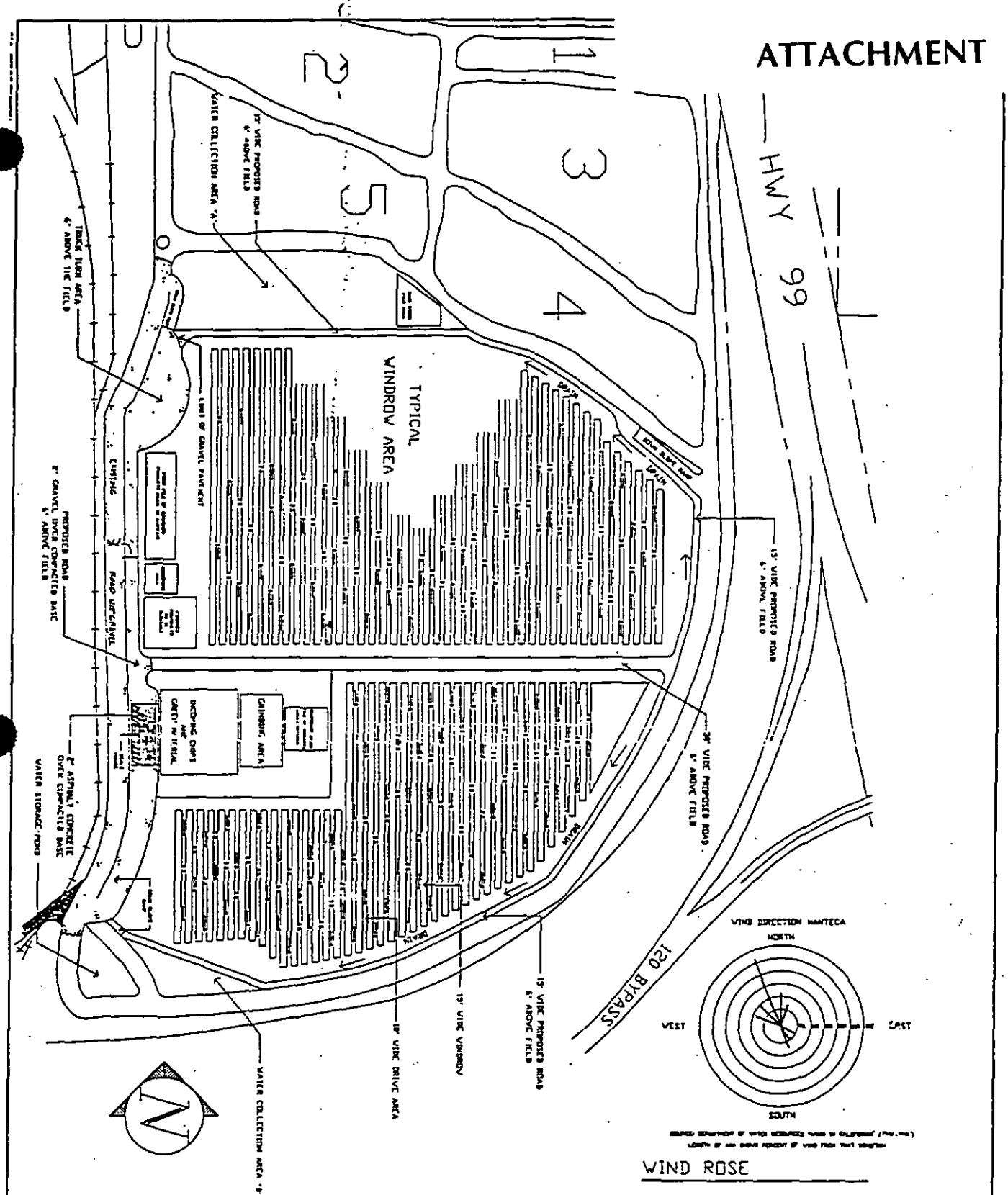
ATTACHMENT 1



San Joaquin County



ATTACHMENT 2



PROPOSED COMPOST SITE

1875 MOFFET ROAD
MANTECA, CALIFORNIA

SITE PLAN

THE DESIGN GROUP

S-2

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ATTACHMENT 3

State of California
CIWMB FORM 5000 (revised 2/95)

California Integrated Waste Management Board

STANDARDIZED COMPOSTING PERMIT

1. Facility/Permit Number (SWIS):	
2. Name of Facility:	Address/Location:
3. Local Enforcement Agency:	Address:
4. Signature of Local Enforcement Agency Approving Officer: 5. Please Print or Type Name and Title of Approving Officer:	6. Date of Signature:
7. Date Received by CIWMB:	
8. Signature of CIWMB Approving Officer: 9. Please Print or Type Name and Title of Approving Officer:	10. Date of Signature:
11. Date of Permit Issuance:	12. Permit Review Due Date:

The facility for which this permit has been issued shall only be operated in accordance with the description provided in the application pursuant to Section 18105.1 and Report of Composting Site Information pursuant to Section 17863.

13. Legal Description of Facility: (description may be attached)

14. Findings:

a. This permit is consistent with standards adopted by the California Integrated Waste Management Board pursuant to Public Resources Code Section 44010.

b. An environmental determination (i.e., Notice of Determination), has been filed with the State Clearing House (#_____) for all facilities that are not exempt from CEQA and documents pursuant to Public Resources Code Section 21081.6.

c. The following authorized agent _____has made the determination that the facility is consistent with the applicable general plan, as required by Public Resources Code, Section 50000.5(a).

d. The operation of this facility is consistent with the [ ] County Solid Waste Management Plan (50000), or the [ ] County Integrated Waste Management Plan (50001).

e. The design of the proposed facility or the design and operation of an existing facility, as appropriate, is in compliance with State Minimum Standards for Composting Operations Regulatory Requirements, Title 14, Division 7, Chapter 3.1 (commencing with Section 17850) of the California Code of Regulations.

f. Public Resources Code Section 44009 has been complied with.

15. In addition to this permit, the facility may have one or more of the following permits or restrictions on its operations. Persons seeking information regarding these items should contact the appropriate regulatory agency.

Report of Composting Site Information
State Water Resources Control Board/Regional Water Quality Control Board Waste Discharge Requirements or Waiver
National Pollutant Discharge Elimination System (Stormwater) Permit
Fire Protection District Findings
Mitigation and Monitoring Measures (pursuant to the California Environmental Quality Act)
Conditional Use Permit
California Environmental Quality Act Environmental Impact Report or Negative Declaration
Air Pollution Permits and Variances
Coastal Commission Restrictions

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16. Terms and Conditions:

a. The operator shall comply with applicable state minimum standards set forth in Title 14, Division 7, Chapter 3.1 (commencing with Section 17850) of the California Code of Regulations.

b. The operator shall comply with all mitigation and monitoring measures developed in accordance with a certified environmental document filed pursuant to Public Resources Code Section 21081.6.

c. The operator shall maintain a copy of this standardized permit at the facility to be available at all times to facility, enforcement agency, or board personnel.

d. The operator shall maintain and make available for inspection by the enforcement agency and board all correspondence and reports provided to other regulatory agencies that have jurisdiction over the facility.

e. The operator shall be responsible for identifying the types of feedstocks accepted for processing.

f. The design capacity of _____ cubic-yards of material undergoing the composting process shall not be exceeded. This requirement does not include on-site storage of feedstock or stabilized compost.

g. Additional clarifying information concerning the design and operation of the composting facility shall be furnished upon written request of the enforcement agency, or the board.

h. The operator shall notify the enforcement agency, in writing, within thirty (30) days of receipt of the test results, of any noncompliance with Sections 17868.2 and 17868.3 of Chapter 3.1, Division 7, Title 14, of the California Code of Regulations.

i. Unless specifically permitted or allowed under Title 14, Division 7, Chapter 3.1 of the California Code of Regulations, the facility shall not accept the following materials:

(1) Designated wastes as defined in Title 23, Chapter 15, Section 2522 of the California Code of Regulations

(2) Hot Ashes/Burning materials

(3) Medical wastes as defined in Section 25023.2 of the Health & Safety Code

(4) Hazardous Wastes as defined in Section 25117 of the Health & Safety Code

(5) Liquid Wastes as defined in Title 23, Chapter 15, Section 2601 of the California Code of Regulations (unless approved by RWQCB and the enforcement agency)

j. The following activities are prohibited:

(1) Scavenging

(2) Salvaging

(3) Discharge of wastes off-site

(4) Vector propagation or harborage

k. The facility, if located outside of a city, shall be maintained in compliance with the flammable clearance provisions, pursuant to Public Resources Code Section 44151.

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State of California
CIWMB FORM 5000 (revised 2/95)

California Integrated Waste Management Board

STANDARDIZED COMPOSTING PERMIT

1. Facility/Permit Number (SWIS): 39-AA-027

2. Name of Facility:
GROVER ENVIRONMENTAL
COMPOST FACILITY

Address/Location:
1273 MOFFET BLVD.
MANTECA, CA 95336

3. Local Enforcement Agency:
SAN JOAQUIN COUNTY ENVIRONMENTAL
HEALTH DIVISION

Address:
304 EAST WEBER AVENUE
STOCKTON, CA 95201

4. Signature of Local Enforcement Agency Officer:

5. Please Print or Type Name and Title of Approving Officer:
DONNA HERAN REHS, DIRECTOR

6. Date of Signature:

7. Date Received by CIWMB: AUG 8 1995

8. Signature of CIWMB Approving Officer:

9. Please Print or Type Name and Title of Approving Officer:

10. Date of Signature:

11. Date of Permit Issuance:

12. Permit Review Due Date:

The facility for which this permit has been issued shall only be operated in accordance with the description provided in the application pursuant to Section 18105.1 and Report of Composting Site Information pursuant to Section 17863.

13. Legal Description of Facility: (description may be attached)

SECTION 3, TOWNSHIP 2 SOUTH, RANGE 7 EAST

14. Findings:

a. This permit is consistent with standards adopted by the California Integrated Waste Management Board pursuant to Public Resources Code Section 44010.

b. An environmental determination (i.e., Notice of Determination), has been filed with the State Clearing House (#) for all facilities that are not exempt from CEQA and documents pursuant to Public Resources Code Section 21081.6.

c. The following authorized agent, City of Manteca Development Services has made the determination that the facility is consistent with the applicable general plan, as required by Public Resources Code, Section 50000.5(a).

d. The operation of this facility is consistent with the [X] County Solid Waste Management Plan (50000), or the [] County Integrated Waste Management Plan (50001).

e. The design of the proposed facility or the design and operation an existing facility, as appropriate, is in compliance with State Minimum Standards for Composting Operations Regulatory Requirements, Title 14, Division 7, Chapter 3.1 (commencing with Section 17850) of the California Code of Regulations.

f. Public Resources Code Section 44009 has been complied with.

15. In addition to this permit, the facility may have one or more of the following permits or restrictions on its operations. Persons seeking information regarding these items should contact the appropriate regulatory agency.

- Report of Composting Site Information
- State Water Resources Control Board/Regional Water Quality Control Board Waste Discharge Requirement or Waiver
- National Pollutant Discharge Elimination System (Stormwater) Permit
- Fire Protection District Findings
- Mitigation and Monitoring Measures (Pursuant to the California Environmental Quality Act)
- Conditional Use Permit
- California Environmental Quality Act Environmental Impact Report or Negative Declaration
- Coastal Commission Restrictions
- Air Pollution Control Permits and Variances

16. Terms and Conditions:

a. The operator shall comply with applicable state minimum standards set forth in Title 14, Division 7, Chapter 3.1 (commencing with Section 17850) of the California Code of Regualtions.

b. The operator shall comply with all mitigation and monitoring measures devaloped in accordance with a certified environmental document filed pursuant to Public Resources Code Section 21081.6.

c. The operator shall maintain a copy of this standardized permit at the facility to be available at all times to facility, enforcement agency, or board personnel.

d. The operator shall maintain and make available for inspection by the enforcement agency and board all correspondence and reports provided to other regulatory agencies that have jurisdiction over the facility.

e. The operator shall be responsible for identifying the types of feedstocks accepted for processing.

f. The design capacity of 100,000 cubic-yards of material undergoing the composting process shall not be exceeded. This requirement does not include on-site storage of feedstock or stabilized compost.

g. Additional clarifying information concerning the design and operation of the composting faciltiy shall be furnished upon written request of the enforcement agency or the board.

h. The operator shall notify the enforcement agency, in writing, within thirty (30) days of receipt of the test results, of any noncompliance with Sections 17868.2 and 17868.3 of Chapter 3.1, Division 7, Title 14, of the California Code of Regulations.

i. Unless specifically permitted or allowed under Title 14, Division 7, Chapter 3.1 of the California Code of Regulations, the facility shall not accept the following materials:

(1) Designated wastes as defined in Title 23, Chapter 15, Section 2522 of the California Code of Regulations
(2) Hot Ashes/Burning Materials
(3) Medical wastes as defined in Section 25023.2 of the Health & Safety Code
(4) Hazardous Wastes as defined in Section 25117 of the Health & Safety Code
(5) Liquid Wastes as defined in Title 23, Chapter 15, Section 2601 of the California Code of Regulations (unless approved by RWQCB and the enforcement agency)

j. The following activities are prohibited:
(1) Scavenging
(2) Salvaging
(3) Discharge of wastes off-site
(4) Vector propagation or harborage

k. The facility if located outside of a city, shall be maintained in compliance with the flammable clearanace provisions, pursuant to Public Resources Code Section 44151.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
August 23, 1995

AGENDA ITEM 30

ITEM: CONSIDERATION OF THE ISSUANCE OF A NEW MAJOR WASTE TIRE FACILITY PERMIT FOR THE DEFENSE REUTILIZATION AND MARKETING OFFICE, UNITED STATES AIR FORCE, EDWARDS AIR FORCE BASE, KERN COUNTY

COMMITTEE ACTION:

At the time this item went to print the Permitting and Enforcement Committee had not taken action on the item.

BACKGROUND:

Facility Facts

Name:	Defense Reutilization and Marketing Office (DRMO), United States Air Force, Edwards Air Force Base, Facility No. 15-TI-0145
Facility Type:	Major Waste Tire Facility
Location:	4900 Forbes Avenue - DRMO Recycling Yard, Edwards Air Force Base
Area:	Edwards Air Force Base
Setting:	Desert area
Operational Status:	Active
Proposed Permit Capacity:	9,000 Sum of Whole Waste Tires and Tire Equivalents Stored at any time.
Proposed Permit Area:	11 acres (0.5 acres for waste tire storage)
Operator/Owner:	Defense Reutilization and Marketing Office, United States Air Force, Edwards Air Force Base
LEA:	Bill O'Rullian Kern County Environmental Health Services Department

Proposed Project

This item regards the issuance of a Major Waste Tire Facility (WTF) Permit to authorize the Defense Reutilization and Marketing Office (DRMO) to resume receiving and storing waste tires at the Base's DRMO Recycling Yard.

SUMMARY:

Site History

The Defense Reutilization and Marketing Office's Recycling Yard has received and stored waste tires prior to 1990. The DRMO currently is not accepting tires to comply with PRC Section 42824. Upon obtaining a Major Waste Tire Facility Permit, the DRMO will resume accepting tires.

Project Description

Edwards Air Force Base is located 15 miles east of Mojave. Edwards AFB is a 300,000 acre Air Force Flight Test Center and NASA Test Center.

The DRMO receives whole passenger, whole truck, whole tractor, whole earthmover/construction equipment, and whole aircraft and aerospace ground equipment tires. No on-site processing occurs at the site. The facility is not open to the public. The Recycling Yard covers 11 acre with large aisles and no surrounding structures. The waste tire storage facility is an area of approximately 0.5 acres in the larger DRMO facility. The site is either compacted dirt, dirt with gravel, or asphalt. There are no surface water bodies in the immediate area. The surrounding area is used for military equipment storage.

Waste tires are received by military transport from other areas of the Base, as well as Plant 42 in Palmdale. Most of these tires are salvageable. Waste tires will be offered for sale by auction. Unsold tires will be removed via government contract. Destination sites and waste tire haulers will be legally authorized.

A total of 250 waste tire equivalents are presently stored at the DRMO Recycling Yard in bin labeled 4 on the Site Map (Attachment 4). Bin 4 is surrounded on three sides by concrete barriers approximately 4 feet high. Bin 4 is 50' x 50' with tires stacked no higher than 6'. Bins 1, 2, and 3 will have the same dimensions and will be utilized after the concrete barriers are in place. Bins 1 and 3 are 30' from the DRMO property fence. The distance between the bins is 66'. California Code of Regulations Section 17354 (a) requires that tire storage units

shall not be located within 10 feet of any property line. CCR Section 17354(b) requires 66' wide separation distance for waste tire storage with 50' exposed face. This site meets those requirements.

The capacity of each bin is 2250 whole tires. The intent is to auction the tires in one bin while accumulating tires in the next bin. The likelihood that all four bins will be in use is remote.

All future deliveries of waste tires to the DRMO will be stockpiled in Bins 1, 2, 3 and 4 at the North end of the Recycling Yard.

Environmental Controls

Fire Prevention Measures - In addition to the fire extinguishers, pike pole, and shovel specified in the regulations, the operator has additional pike poles, fire extinguishers and shovels as well as a front end loader to cover a tire fire with dirt or to create berms or dikes in cases of possible run-off. The water supply available for fighting a tire fire includes a hydrant with a capacity of 1024 gal/min. An additional fire hydrant will be installed as an additional precaution.

In case of fire, there are 2 engines, 1 rescue vehicle, 1 P-20 (fire ground safety), Haz Mat Response Vehicle. Responders will include the Assistant Fire Chief, security police, ambulance, Environmental Management and Bioenvironmental Engineering. In the event of a tire fire response, a hazardous material level II response will be declared if necessary per Air Force Flight Test Center Plan 355-1.

Heavy equipment will be used as necessary to confine pyrolytic oil and water runoff to a desired area, away from potential waterways. Following containment, runoff and soil will be analyzed; contaminated soil and liquids will be disposed of through Environmental Management.

Vector Control Measures - an existing Vector Control Plan has been approved by the Bases's Assistant Chief of Public Health Flight, Captain Leslie Love, DVM. The Plan specifies inspection and treatment procedures.

Facility Access and Site Security - the DRMO Recycling Yard has perimeter fencing and locked gates. An attendant is Monday through Friday during business hours from 7:00 a.m. to 3:30 p.m. Access roads will accommodate emergency vehicles.

Storage of Waste Tires - The configuration of Bins 1, 2, 3, and 4 conform to the requirements contained in the Waste Tire Storage

and Disposal Standards contained in Article 5.5 of the State Minimum Standards for Solid Waste Handling and Disposal.

ANALYSIS:

Requirements for Issuance of a Major Waste Tire Facility Permit
The Applicant originally submitted an application for a new Major Waste Tire Facility Permit to the Board on March 8, 1995, in accordance with California Code of Regulations Section 18423(a). Additional information was required prior to deeming the application complete. The application was resubmitted on June 22, 1995, and deemed complete on July 21, 1995.

Staff have reviewed the application and supporting documentation and have found that the application is in compliance with Chapter 6 of Title 14 of the California Code of Regulations. In making this determination, the following items were considered:

1. California Environmental Quality Act (CEQA)

   State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency unless the project is for the permitting of an existing waste tire facility which complies with Public Resources Code Section 42812.

   There has been no substantial change and no change is planned in the design or operation of the facility between January 1, 1990, and the date the permit is initially issued. Therefore, Division 13 of the Public Resources Code commencing with section 21000 does not apply to the issuance of a waste tire facility permit for the subject facility, pursuant to PRC section 42812.

2. Consistency with State Minimum Standards

   CIWMB staff have made the determination that the facility's design and operation is in compliance with the Waste Tire Storage and Disposal Standards based on a pre-permit inspection conducted on July 20, 1995.

3. Closure Plan

   The Closure Plan submitted by the operator has been reviewed by staff and has been determined to meet the major waste tire facility permitting requirements. There is no anticipated closure date for the waste tire storage facility; however, the operator estimates that the cost of removing and disposal of the waste tires to be $45,619.

4. Financial Assurance

California Code of Regulation Sections 18470(b) and 18485(b) do not require operators of State and Federal facilities to comply with financial assurance requirements of Article 9 (Closure) and Article 10 (Operating Liability).

5. Reduction/Elimination Plan

The Reduction/Elimination Plan submitted by the operator has been reviewed by staff and has been determined to meet the major waste facility permitting requirements. Waste tires will be offered for sale by auction. Unsold tires will be removed via government contract through the bidding process.

STAFF RECOMMENDATION:

The Major Waste Tire Facility Permit application for Defense Reutilization and Marketing Office (DRMO), United States Air Force, Edwards Air Force Base, Facility No. 15-TI-0145, has been determined complete. A detailed review and pre-permit inspection has been performed by CIWMB staff. The design and operation of the DRMO, Edwards Air Force Base, has been determined to comply with the Waste Tire Storage and Disposal Standards contained in Article 5.5 of the State minimum Standards for Solid Waste Handling and Disposal.

Therefore, staff recommends that the Board adopt Permit Decision No. 95-648 approving the issuance of Major Waste Tire Facility Permit No. 15-TI-0145.

ATTACHMENTS:

1. Vicinity Map
2. Topographic Map
3. DRMO Map
4. Site Map
5. Permit No. 15-TI-0145
6. Permit Decision No. 95-648

Prepared by: Charlotte Saben Phone: 255-2371

Reviewed by: Don Dier / Garth Adams Phone: 255-2453

Approved by: Douglas Y. Okumura Phone: 255-2431

Legal Review by: EB Phone: 8/11/95

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4. Financial Assurance

California Code of Regulation Sections 18470(b) and 18485(b) do not require operators of State and Federal facilities to comply with financial assurance requirements of Article 9 (Closure) and Article 10 (Operating Liability).

5. Reduction/Elimination Plan

The Reduction/Elimination Plan submitted by the operator has been reviewed by staff and has been determined to meet the major waste facility permitting requirements. Waste tires will be offered for sale by auction. Unsold tires will be removed via government contract through the bidding process.

STAFF RECOMMENDATION:

The Major Waste Tire Facility Permit application for Defense Reutilization and Marketing Office (DRMO), United States Air Force, Edwards Air Force Base, Facility No. 15-TI-0145, has been determined complete. A detailed review and pre-permit inspection has been performed by CIWMB staff. The design and operation of the DRMO, Edwards Air Force Base, has been determined to comply with the Waste Tire Storage and Disposal Standards contained in Article 5.5 of the State minimum Standards for Solid Waste Handling and Disposal.

Therefore, staff recommends that the Board adopt Permit Decision No. 95-648 approving the issuance of Major Waste Tire Facility Permit No. 15-TI-0145.

ATTACHMENTS:

1. Vicinity Map
2. Topographic Map
3. DRMO Map
4. Site Map
5. Permit No. 15-TI-0145
6. Permit Decision No. 95-648

Prepared by: Charlotte Sabeh Phone: 255-2371

Reviewed by: Don Dier/ Garth Adams Phone: 255-2453

Approved by: Douglas Y. Okumura Phone: 255-2431

Legal Review by: Phone: 8/2/95 2:40 p.m.

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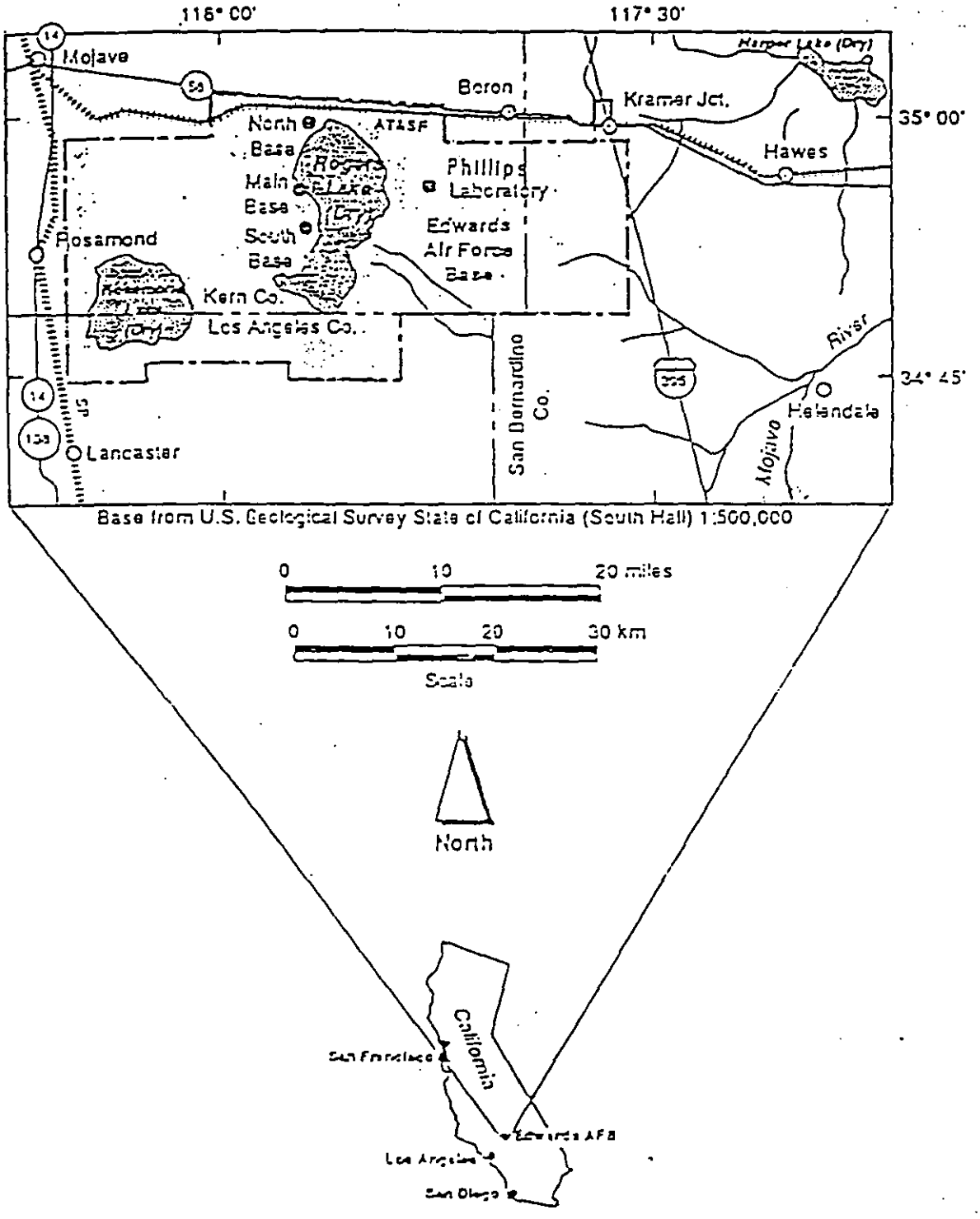


Figure 1 Vicinity Map

151

M00 A

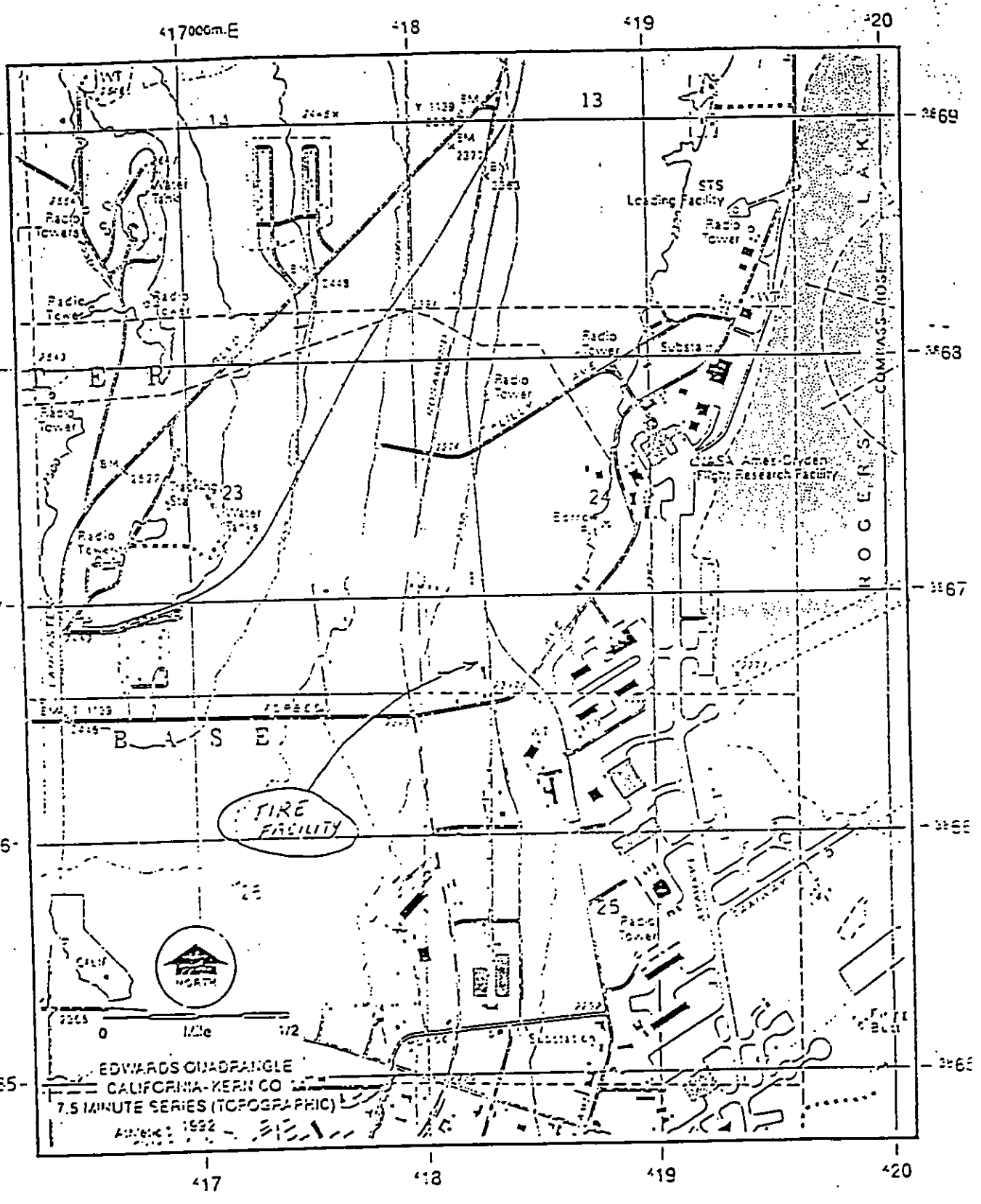
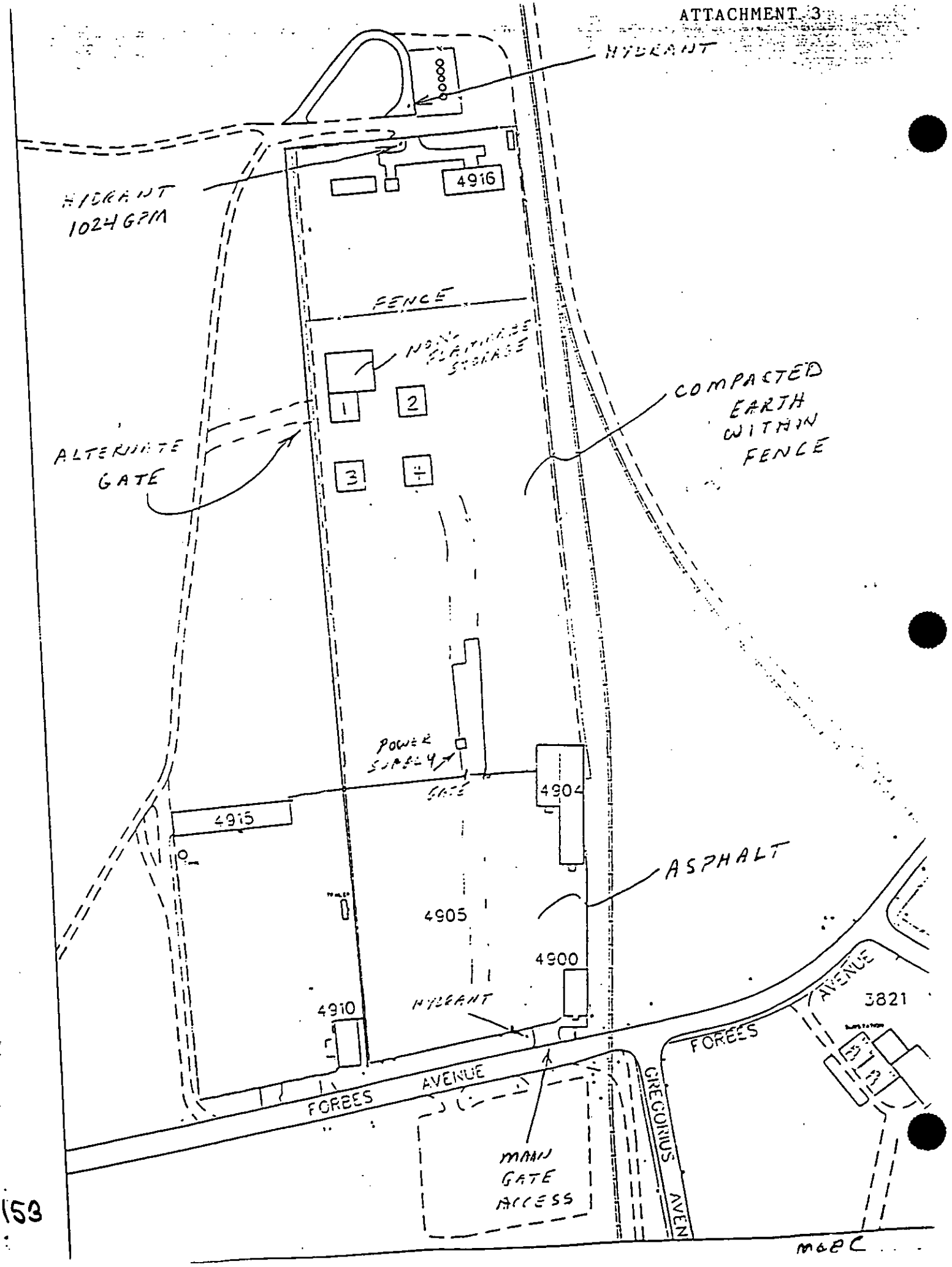


Figure D1. Topographic Map of Edwards Quadrangle Showing 1 Mile Radius Around Facility

MAP B 152


HYDRANT
HYDRANT
1024 GPM
4916
FENCE
NON FLAMMABLE STORAGE
1
2
3
4
COMPACTED EARTH WITHIN FENCE
ALTERNATE GATE
POWER SUPPLY
GATE
4904
4915
ASPHALT
4905
4900
4910
HYDRANT
FORBES AVENUE
FORBES AVENUE
GREGORIUS AVEN
3821
MAIN GATE ACCESS
M&C

California Integrated Waste Management Board
Resolution No. 95-636

WHEREAS, Grover Landscape Services proposes to operate a green waste compost facility near the City of Manteca in San Joaquin County; and

WHEREAS, the City of Manteca Department of Development Assistance Services, Lead Agency for CEQA, prepared a Negative Declaration (ND) for the proposed project; and the ND was certified as approved by the lead agency on February 28, 1995; and a Notice of Determination was filed with the County Clerk on March 2, 1995; and the proposed project will not have a significant effect on the environment; and mitigation measures were incorporated into the approval of the proposed project; and

WHEREAS, the maximum volume of feedstock and active compost on site at any one time will exceed 10,000 cubic yards; and

WHEREAS, San Joaquin County Public Health Services, acting as the Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to, a new Standardized Permit for the Grover Environmental Compost Facility; and

WHEREAS, the project description in the CEQA document is consistent with the proposed permit; and

WHEREAS, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board and found the facility design and operation in compliance with State Minimum Standards; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, consistency with the County General Plan, and compliance with CEQA; and

WHEREAS, LEA and Board staff have evaluated the application and proposed permit and determined that the facility will be able to operate in compliance with the applicable minimum standards and standardized permit terms and conditions.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 39-AA-0027.

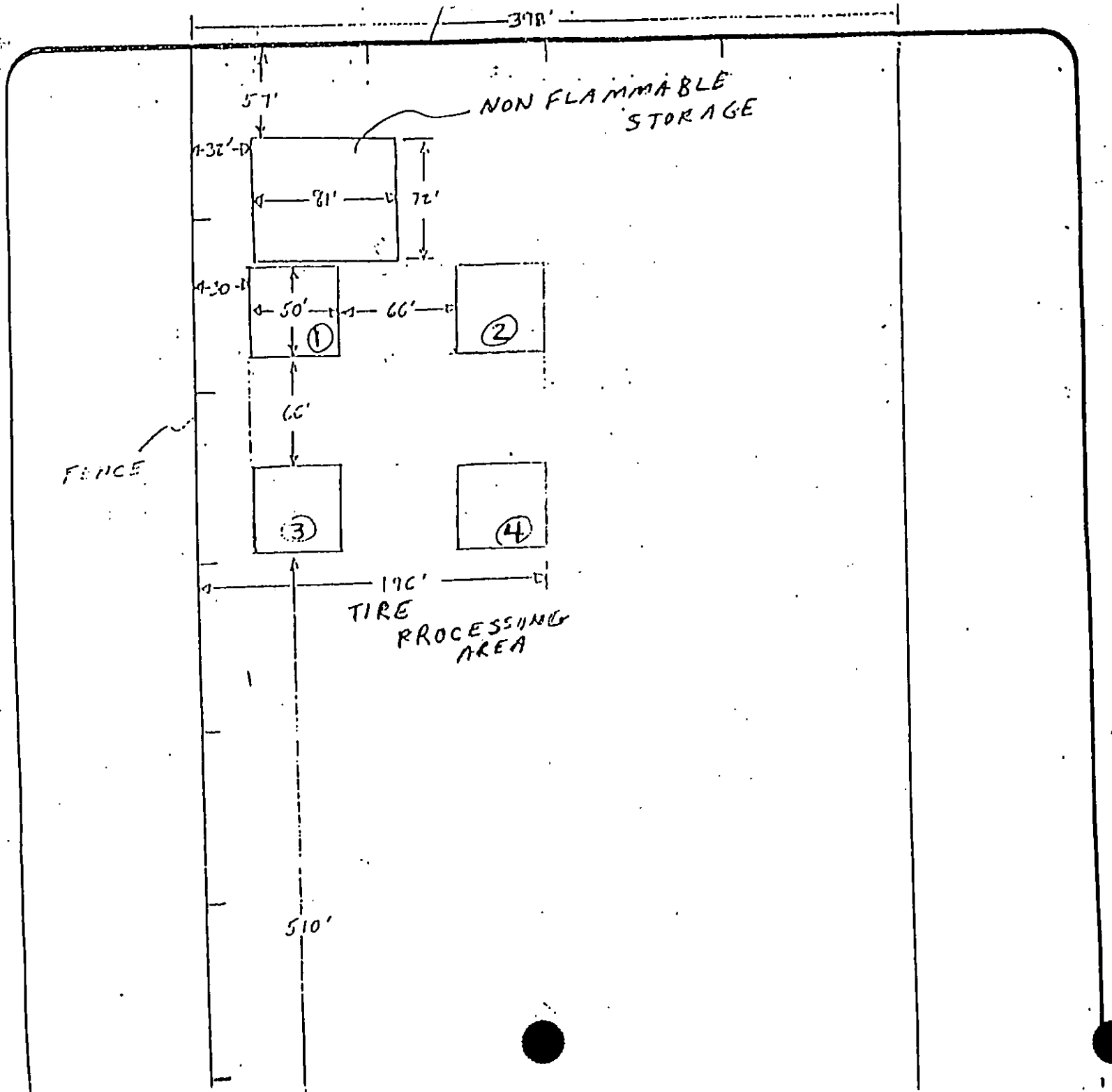
CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

ATTACHMENT 4



WASTE TIRE FACILITY PERMIT

1. Facility/Permit Number:

15-TI-0145

2. Name and Street Address of Facility:

Defense Reutilization and Marketing Office,
United States Air Force, Edwards Air Force Base
10 E. Forbes Avenue
Edwards Air Force Base, CA 93524-8500

3. Name and Mailing Address of Operator:

Defense Reutilization and Marketing Office,
United States Air Force, Edwards Air Force Base
10 E. Forbes Avenue
Edwards Air Force Base, CA 93524-8500

4. Name and Mailing Address of Owner:

SAME AS OPERATOR

5. Specifications:

a. Permit Type: [x] **Major Waste Tire Facility** [ ] **Minor Waste Tire Facility**

b. Permit Action: [x] **New Permit** [ ] **Five (5) Year Permit Renewal**

[ ] **Permit Modification** [ ] **Permit Revision**

c. Facility Status: [x] **Existing** [ ] **Proposed**

d. Permitted Capacity: .....9,000..... **Sum of Whole Waste Tires and Tire Equivalents Stored at any Time.**

e. Permitted Storage Area (acres): .....11 (0.5 set aside for waste tire storage).....

The permit is granted solely to the operator named above, and is not transferable. Upon a change of operator or owner, this permit is no longer valid. Further, upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued waste tire facility permits.

6. Approval:

Authorized Officer of CIWMB

Name

Title

7. Enforcement Agency Name and Address:

County of Kern
Environmental Health Services Dept.
2700 'M' Street, Suite 300
Bakersfield, CA 93301

Frequency of Inspection by Enforcement Agency:
Annually

8. Date Application Received:
June 22, 19995

9. Date Application Deemed complete:
July 21, 1995

10. Permit Issued Date:

11. Permit Application Renewal due Date:

12. Expiration Date:

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WASTE TIRE FACILITY PERMIT

Facility/Permit Number:

15-TI-0145

13 Description of Facility:

Assessor's Parcel Number: 244-200-02 Latitude 34°52'30" Longitude 117°52'30" Edwards, USGS .5 Minute Section 24, Township 10N, Range 10W

14. Findings:

a. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB).

b. The design and operation of the facility is in compliance with the Waste Tire Storage and Disposal Standards applicable to waste tire facilities.

c. There has been no substantial change in the design or operation of the facility between January 1, 1990 and the date the application was filed. Therefore, in accordance with Public Resources Code Section 42812, an environmental review was not performed for the issuance of this waste tire facility permit .

15. The following documents also describe and/or restrict the operation of this facility:

		Date			Date
[x]	Application for Waste Tire Facility Permit	6/22/95	[ ]	Contract Agreements	
[ ]	Land Use Permits and Conditional Use Permits		[x]	Operation Plan	6/22/95
[ ]	Air Pollution Permits and Variances		[ ]	Local & County Ordinances	
[ ]	EIR or Negative Declaration		[x]	Environmental Information Form	6/22/95
[X]	Lease Agreements - owner and operator	1/22/93	[x]	Emergency Response Plan	6/22/95
[x]	Closure Plan	6/22/95	[x]	Reduction/Elimination Plan	6/22/95
[ ]	Closure Financial Responsibility Document		[ ]	Operating Liability Document	
[x]	Local Fire Authority Agreement	11/01/93	[ ]	Other (list):	
[x]	Vector Control Agreement	6/22/95			

16. Conditions:

1. The design and operation of the facility shall comply with the Waste Tire Storage and Disposal Standards contained in Article 5.5 of the State Minimum Standards for Solid Waste Handling and Disposal. The operator shall also comply with all of the permitting requirements in Chapter 6, entitled "Permitting of Waste Tire Facilities."

2. In the event of a fire or other emergency that may have potential significant off-site effects, the operator shall notify the Board within 24 hours of the onset of the emergency.

3. Upon presentation of proper credentials, the Local Enforcement Agency, Board staff, or an authorized agent of the Board, shall be allowed to enter the permitted facility during normal working hours to examine and copy books, papers, records, or memorandum and to conduct inspections and investigations pertaining to the facility.

4. A copy of the current permit shall be made available upon request to the Board or an authorized employee or agent of the Board during an inspection of the facility.

5. The operator shall maintain a copy of the approved Emergency Response Plan at the facility. At the time of permit issuance the operator shall forward a copy of the approved Emergency Response Plan to the local fire authority. The Emergency Response Plan shall be revised as necessary to reflect any changes in the operations of the waste tire facility or requirements of the local fire authority. The local fire authority and the Board shall be notified of any changes to the plan within 30 day of the revision.

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WASTE TIRE FACILITY PERMIT

Facility/Permit Number:

15-TI-0145

16. Conditions: (continued)

6. All federal, state, and local permits or approvals referenced in this permit shall be maintained in force during the term of the permit. In the event any permit or approval is modified, is suspended or revoked, or expires during the term of the permit, the operator shall notify the Board within 30 days of the change and include copies of any renewed or modified permits or approvals.

7. The operator shall submit an updated Closure Plan (Part B), Form CIWMB 504 (10/92) as specified in section 18442 of the California Code of Regulations, at least 120 days prior to the anticipated closure of the site.

8. The operator shall file amendments to the Operation Plan whenever necessary to keep the information contained in it current.

9. This permit does not release the operator from their responsibility under any other existing laws, ordinances, regulations, or statutes of other government agencies.

10. The terms and conditions of this permit may change as a result of a revision of the statute or regulations.

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California Integrated Waste Management Board
Permit Decision No. 95-648
August 23, 1995

WHEREAS, the Defense Reutilization and Marketing Office, United States Air Force, Edwards Air Force Base, Kern County, has submitted to the Board an application for a new Major Waste Tire Facility Permit; and

WHEREAS, Board staff have reviewed the application and inspected the facility for consistency with the standards adopted by the Board and has proposed a major waste tire facility permit for consideration by the Board; and

WHEREAS, there has been no substantial change in the design or operation of the facility between January 1, 1990, and the date the permit is initially issued, and pursuant to PRC section 42812 no environmental review is necessary; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board approved the issuance of Major Waste Tire Facility Permit No. 15-TI-0145.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

August 23, 1995

AGENDA ITEM 31

ITEM: Consideration of the Temporary Certification and Designation Approval of the City of Pittsburg's Solid Waste Management Division as the Local Enforcement Agency for the City of Pittsburg

COMMITTEE ACTION:

At the time this item went to print the Permitting and Enforcement Committee had not taken action on this item.

I. SUMMARY

On December 15, 1993, the Board approved the Temporary Certification and Designation of the City of Pittsburg's Solid Waste Management Division as the Local Enforcement Agency for the City of Pittsburg.

In June 1994 Board staff were notified that the LEA intended to establish LEA staffing as provided for in statutory changes which would allow jurisdictions with populations of less 50,000 (per AB 457 of 1993) to have less than one full time staff person reflecting the workload analysis for the jurisdiction. June 1, 1995 the LEA submitted an EPP reflecting less than full time staff for the jurisdiction.

Board staff find that the Designation Information Package (DIP) and Enforcement Program Plan (EPP) are complete and acceptable for the Board to consider the approval of EPP, issuance of temporary certifications (Types A, C,& D), and approval of the designation of the City of Pittsburg's Solid Waste Management Division as the Local Enforcement Agency for the City of Pittsburg. A new Board resolution is necessary issuing temporary certification to the agency.

II. PREVIOUS COMMITTEE ACTION

On December 15, 1993, the Board approved the Temporary Certification and Designation of the City of Pittsburg's Solid Waste Management Division as the Local Enforcement Agency for the City of Pittsburg.

III. OPTIONS FOR THE COMMITTEE/BOARD

The following options for the jurisdiction are identified for consideration:

1. Approve the EPP, issue temporary certification, and approve the designation for the jurisdiction.

2. Disapprove the EPP and/or not issue temporary certifications and therefore, disapprove the designation and appoint the Board as the enforcement

agency in the jurisdictions.

3. Take no action. This option provides for no local enforcement agency designation, and the Board would be the enforcement agency for the jurisdiction by default as required by the statute.

IV. STAFF RECOMMENDATION

Board staff recommend the Board issue temporary certification for the certification types "A", "C" and "D" and approve the designation for the City of Pittsburg's Solid Waste Management Division as the Local Enforcement Agency for the City of Pittsburg.

V. ANALYSIS

On December 15, 1993, the Board approved the Temporary Certification and Designation of the City of Pittsburg's Solid Waste Management Division as the Local Enforcement Agency for the City of Pittsburg.

In June 1994, Board staff were notified that the LEA intended to establish LEA staffing as provided for in recent statutory changes which would allow jurisdictions with populations of less 50,000 (per AB 457 of 1993) to have less than one full time staff person reflecting the workload analysis for the jurisdiction. June 1, 1995 the LEA submitted an EPP reflecting less than full time staff for the jurisdiction.

Board staff find that the DIP and EPP are complete and acceptable for the Board to consider the approval of EPP, issuance of the requested certification (Types A, C,& D), and approval of the designation of the City of Pittsburg's Solid Waste Management Division as the Local Enforcement Agency for the City of Pittsburg. Consistent with the requirements of the revised 14 CCR Sections 18072 and 18073 as approved by the Board on May 25, 1994, temporary certifications are to be issued to enforcement agencies with less than one full time staff person. Board staff have identified a twelve month temporary certification for this enforcement agency due to the agencies' very limited enforcement and permitting experience to date. Prior to issuing full certification, Board staff will conduct a performance review to assess the LEA's implementation and effectiveness in their permitting, inspection, and enforcement programs.

ATTACHMENTS:

1. A Designation and Certification Factsheet for the City of Pittsburg.

2. A CIWMB resolution approving the EPP,issuing temporary certification and approving the designation of the City of Pittsburg's Solid Waste Management Division as the Local Enforcement Agency for the City of Pittsburg.

Prepared by: Myron Amerine MHA Phone 255-2403

Reviewed by: Mary Coyle/H.Thomas Unsell Phone 255-2298

Approved by: Douglas Okumura Phone 255-2285

Legal Review: ~~K. J. Tobias~~ EB Date/Time 8/14/95

ATTACHMENT 1

DESIGNATION AND CERTIFICATION
FACT SHEET

City of Pittsburg

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

City of Pittsburg

Designated Jurisdiction:

City of Pittsburg

Designated Enforcement Agency:

City of Pittsburg's Solid Waste Management Division

Facilities and Sites: (Total count)----------3*

Vehicles: Total count----------22*

Facility Types:
Landfill(s)---------- 0*
Transfer Station(s)(proposed)--------- 1*

Site Types:
"Closed site(s)---------- 1*
"Exempt" site(s)-(not operational)---- 1*

Types of Certification requested: "A", "C", & "D"*

DIP: Complete and accepted.

EPP: Complete and accepted.

Budget Adequacy: (Total Annual Budget). $189,173*

Technical Expertise and Staff Adequacy:

- 0.42 P.Y. Environmental Health Specialist*
- 0.28 P.Y. Administrative functions*

Time Task Analysis shows total 0.70 Person Years (P.Y.)*

*as indicated in the Enforcement Program Plan

ATTACHMENT II

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 95-658

August 23, 1995

Resolution approving the Enforcement Program Plan, issuing temporary certification and approving the designation of the City of Pittsburg's Solid Waste Management Division as the Local Enforcement Agency for the City of Pittsburg.

WHEREAS, the California Integrated Waste Management Board has received on June 1, 1995 and reviewed the proposed Enforcement Program Plan for the City of Pittsburg; and

WHEREAS, the Board finds that the above designated enforcement agency has demonstrated, via its amended Enforcement Program Plan it meets the requirements of Public Resources Code Section 43200, et seq; and Title 14 California Code of Regulations Section 18010 et seq; and

WHEREAS, the City of Pittsburg's Solid Waste Management Division requests the Board to approve the Enforcement Program Plan and issue certification types "A", "C", & "D" to the designated local agency pursuant to Title 14 California Code of Regulations Section 18071; and

NOW, THEREFORE, BE IT RESOLVED, the California Integrated Waste Management Board, pursuant to Public Resources Code Division 30 Part 4, Chapter 2, Article 1, approves the Enforcement Program Plan and designation and issues temporary certification for types "A", "C", & "D" to the City of Pittsburg's Solid Waste Management Division as the Local Enforcement Agency for the City of Pittsburg.

BE IT FURTHER RESOLVED, that the City of Pittsburg's Solid Waste Management Division as the Local Enforcement Agency for the City of Pittsburg shall be issued full certification upon completion of the LEA evaluation process for confirmation of compliance with Title 14, California Code of Regulations, Chapter 5, Article 2.2.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

August 23, 1995

AGENDA ITEM 32

ITEM: Consideration of the Certification and Designation of the Calaveras County Agriculture and Environmental Health Agency's Environmental Health Department as the Local Enforcement Agency for the County of Calaveras

COMMITTEE ACTION:

At the time this item went to print the Permitting and Enforcement Committee had not taken action on this item.

I. SUMMARY

On January 27, 1993, the Board approved the Designation of the Calaveras County Health Department as the LEA for the jurisdiction of the Calaveras County. On November 7, 1994 the County of Calaveras established the Calaveras County Agriculture and Environmental Health Agency. Subsequently, on April 17, 1995 the Calaveras County Board of Supervisors designated the Calaveras County Agriculture and Environmental Health Agency's Department of Environmental Health as the new Enforcement Agency for Calaveras County. Board staff have received a new Designation Information Package (DIP) and Enforcement Program Plan (EPP).

Board staff find that the EPP is complete and acceptable for the Board to consider the approval of EPP, issuance of the requested certification (Types A, C,& D), and approval of the designation of the Calaveras County Environmental Health Division of the County Agriculture and Environmental Health Agency. A new Board resolution is necessary certifying the new agency as the LEA.

II. PREVIOUS COMMITTEE/ BOARD ACTION

On January 27, 1993, the Board approved the Designation of the Calaveras County Health Department as the LEA for the jurisdiction of the Calaveras County.

III. OPTIONS FOR THE COMMITTEE/BOARD

The following options for the jurisdiction are identified for consideration:

1. Approve the EPP, issue certification, and approve the designation for the jurisdiction.

2. Disapprove the EPP and/or not issue certifications and therefore, disapprove the designation and appoint the Board as the enforcement agency in the jurisdictions.

3. Take no action. This option provides for no local enforcement agency designations, and the Board would be the enforcement agency for each jurisdiction by default as required by the statute.

IV. STAFF RECOMMENDATION

Board staff recommend the Board approve the proposed EPP, issue certification types "A", "C", and "D" and approve the designation of the Claveras County Agriculture and Environmental Health Agency's Environmental Health Department as the Local Enforcement Agency for Calaveras County.

V. ANALYSIS

On January 27, 1993, the Board approved the Designation of the Calaveras County Health Department as the LEA for the jurisdiction of the Calaveras County. On November 7, 1994 the County of Calaveras established the Calaveras County Agriculture and Environmental Health Agency. Subsequently, on April 17, 1995 the Calaveras County Board of Supervisors designated the Calaveras County Agriculture and Environmental Health Agency's Department of Environmental Health as the new Enforcement Agency for Calaveras County. The staff of the Health Department's Environmental Health Division has been transferred in total to the new Calaveras County Agriculture and Environmental Health Agency. Board staff have received a new Designation Information Package (DIP) and Enforcement Program Plan (EPP). Staff have found the DIP and EPP complete and acceptable for the Board to consider the approval of the EPP, issuance of certifications (Types "A", "C", and "D"), and approval of the designation of the Calaveras County Agriculture and Environmental Health Agency's Department of Environmental Health as the new Enforcement Agency for Calaveras County.

ATTACHMENTS:

1. A Designation and Certification Fact Sheet for the County of Calaveras.

2. A CIWMB resolution approving the EPP, issuing certifications and approving the designation of the Calaveras County Agriculture and Environmental Health Agency's Environmental Health Department as the Local Enforcement Agency for Calaveras County.

Prepared by: Myron Amerine _____ Phone 255-3848

Reviewed by: Mary Coyle/H.Thomas Unsell _____ Phone 255-2298

Approved by: Douglas Okumura _____ Phone 255-2285

Legal Review: ~~K. J. Tobias~~ EB _____ Date/Time 8/11/95

DESIGNATION AND CERTIFICATION
FACT SHEET

Calaveras County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Calaveras County and all its cities

Designated Jurisdiction:

Calaveras County

Designated Enforcement Agency:

Calaveras County Agriculture and Environmental Health Agency's Environmental Health Department

Facilities and Sites: (Total count)----------40*

Vehicles: Total count----------11*

Facility Types:
Landfill(s)---------- 1*
Transfer Station(s)---------- 6*

Site Types:
"Closed site(s)---------- 29*
"Exempt" site(s)---------- 4*

Types of Certification requested: "A", "C", & "D"*

DIP: Complete and accepted.

EPP: Complete and accepted.

Budget Adequacy: (Total Annual Budget) $88,443*

Staff Adequacy: . . . . . 1.1 Person Years*

Technical Expertise:
- One Environmental Health Director
- Two Environmental Health Specialist

*as indicated in the Enforcement Program Plan

ATTACHMENT II

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 95-657

August 23, 1995

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the Calaveras County Agriculture and Environmental Health Agency's Environmental Health Department as the Local Enforcement Agency for Calaveras County.

WHEREAS, the California Integrated Waste Management Board has received and reviewed the Enforcement Program Plan for Calaveras County; and

WHEREAS, the Enforcement Program Plan of the Calaveras County Agriculture and Environmental Health Agency's Environmental Health Department requests the Board to approve the Enforcement Program Plan and issue certification types "A", C", and "D" to the designated local agency pursuant to Title 14 California Code of Regulations Section 18071; and

WHEREAS, the Calaveras County Board of Supervisors and the majority of the City Councils with the majority of the incorporated population of the designated jurisdiction have designated the above local agency and requested Board approval of their designation; and

WHEREAS, the Board finds that the above designated enforcement agency has demonstrated, via its Enforcement Program Plan, that it meets the requirements of Public Resources Code Division 30 Part 4, Chapter 2, Article 1 and Title 14 California Code of Regulations Division 7, Chapter 5, Articles 1.0 - 2.2;

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing considerations, the California Integrated Waste Management Board pursuant to Public Resources Code Division 30 Part 4, Chapter 2, Article 1 approves the Enforcement Program Plan and designation and issues certification types "A", "C" and "D" to the Calaveras County Agriculture and Environmental Health Agency's Environmental Health Department as the Local Enforcement Agency for Calaveras County and all its incorporated cities.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on August 23, 1995.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
August 23, 1995

AGENDA ITEM 33

ITEM: CONSIDERATION OF DELEGATION OF AUTHORITY TO THE EXECUTIVE DIRECTOR TO CONCUR IN THE ISSUANCE OF STANDARDIZED PERMITS

PREVIOUS COMMITTEE ACTION:

At the time that this item went to print, the Permitting and Enforcement Committee had not yet taken an action on this item.

I. SUMMARY

In part, Chapter 5 of Division 7 of Title 14 of the California Code of Regulations (14 CCR) describes the solid waste facilities permit process. Newly promulgated Article 3.0 of this chapter outlines the "Regulatory Tier Requirements," including the applications and processing requirements, if any, for the "Excluded Solid Waste Handling," "Enforcement Agency Notification," "Registration Permit," and "Standardized Permit" tiers.

The new compost regulations became effective at the end of July 1995. These regulations incorporate the tiered permitting structure, and thus will provide the Board's first excursions into the era of streamlined permitting.

The standardized permit lies one level below the "full" solid waste facilities permit familiar to the Board. In order to obtain a standardized permit, operators must submit, and the LEA accept, a complete and correct application package in a manner similar to an application for a full permit.

Standardized permits will have prescribed uniform conditions which LEAs will not have the opportunity to delete, alter, or add to in any manner. In fact, the regulations require that any added conditions be stricken by the Board and that the Board concur in the issuance of the edited permit, assuming all other requirements are met.

Also like the full permit, Board staff will evaluate the proposed permit and supporting documentation to determine if regulatory requirements are satisfied. Staff could present their recommendations on each proposed standardized permit to the Board in the same manner as per current practice. However, this is not easily accomplished.

Regulation dictates that the Board either concur in or object to the issuance of a proposed standardized permit within 30 days of

its receipt. Due to public notice requirements and the predetermined schedule of the monthly Board meetings, bringing each permit to the Board for consideration of concurrence is not practicable. (For example, this month's Board meeting is August 23. Public notice of Board meetings must be mailed at least ten days in advance. Therefore, any proposed permit arriving on August 14 (or later) could not possibly be considered at the August 23 meeting, but must be considered by September 13, long before the September Board meeting.)

A possibility would be for the Board to hold a special meeting(s) in these circumstances. However, LEAs are expected to forward proposed standardized permits on a frequent basis, and multiple special meetings would cause a significant drain on the Board's resources. Rather than schedule additional Board meetings as necessary to accommodate each standardized permit, the Board would facilitate concurrence in the issuance of standardized permits by authorizing Board staff to act on its behalf. Accordingly, staff are requesting that the Board *delegate* the authority to concur in standardized permits to the Executive Director.

II. PREVIOUS COMMITTEE (BOARD) ACTION

Previously, the Permitting and Enforcement Committee and Board had approved both the tiered permitting regulations and compost regulations which incorporate standardized permitting. However, this is the first time that staff has specifically requested delegated authority for concurrence in the issuance of these permits.

III. OPTIONS FOR THE COMMITTEE AND BOARD

Committee and Board members may decide to:

1. Delegate the authority to concur in the issuance of proposed standardized solid waste facilities permits to the Executive Officer; or

2. Not delegate said authority and schedule additional Board meetings as required to consider proposed standardized permits as necessary.

IV. STAFF RECOMMENDATIONS

Staff recommends that the Board delegate the authority to concur in the issuance of proposed standardized permits to the Executive Director.

V. ANALYSIS

Delegation of permit approval is presently already employed at the Board. The Board has delegated to the Executive Director the authority to concur in "modified" permits. Similarly, the Executive Director may approve both preliminary and final closure / post-closure maintenance plans.

The Executive Director could choose to commission the Deputy Director of the Permitting and Enforcement Division to act as his agent in this matter, as is now the practice with modified permits. The Board could direct the Executive Officer or Deputy Director to provide the Board with a list of "concurred in" permits at each regular Board meeting. Additionally, the Board could set criteria for permits that it wishes to consider itself, even if this requires that a special Board meeting be set (for example, controversial permits (needs defining), all sludge composting permits, etc.).

VI. ATTACHMENT

1. Resolution No. 95-649

VII. APPROVALS

Prepared By: DZH for David Otsubo Phone: 255-3303

Reviewed By: SZH Suzanne Hambleton/Don Drier Phone: 255-2453

Reviewed By: Douglas Okumura Phone: 255-2431

Legal Review: EB Date/Time: 8/11/95

ATTACHMENT #1

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION NO. 95-649

WHEREAS, the Board has adopted a tiered structure for permitting of solid waste facilities; and

WHEREAS, the tiered structure includes a standardized solid waste facilities permit that requires consideration by the Board within 30 days of submittal; and

WHEREAS, it is not practical to schedule multiple meetings each month in order to consider each proposed standardized permit; and

WHEREAS, the Board has in the past delegated similar authorities to the Executive Director;

NOW, THEREFORE, BE IT RESOLVED that the Board delegates to the Executive Director the authority to concur in the issuance of standardized permits.

CERTIFICATION

The undersigned Executive Officer of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held August 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
August 23, 1995

AGENDA ITEM 34

ITEM: CONSIDERATION OF THE DEFINITIONS OF "SOURCE SEPARATED" AND "SEPARATED FOR REUSE" AND THE ESTABLISHMENT OF THE AMOUNT OF RESIDUAL WASTE THAT WOULD CONSTITUTE SOLID WASTE HANDLING AT RECYCLING OPERATIONS

I. SUMMARY

The purpose of this item is to present a summary of the comments and suggestions provided by interested parties regarding the Board's authority to regulate recyclable materials. Input from interested parties has come primarily in three forms: responses to a questionnaire sent out after the June Board meeting; information provided during meetings requested by interested parties; and public testimony at workshops conducted in Northern and Southern California.

At the time this agenda item was written the public workshops in Southern California (August 4 in Diamond Bar) and Northern California (August 8 in Sacramento) had not yet been conducted. Consequently, this item is general in nature and additional information regarding the results of the workshops will be provided to Board members and the public prior to the August Permitting and Enforcement Committee meeting.

II. BACKGROUND

Throughout the development of the general methodology for the slotting of facilities and operations into the regulatory tiers, many interested parties made requests that the Board make a determination regarding whether recycling operations are under the regulatory authority of the Waste Management Board. Many representatives of the recycling industry have argued that source separated recyclables are not solid waste and are, therefore, not within the Board's regulatory purview.

The current group of operations and facilities under consideration for slotting in the regulatory tiers includes material recovery facilities, transfer stations, and recycling operations. Before slotting can occur, a clear line must be drawn between facilities and operations that are handling significant amounts of solid waste and those that receiving source separated recyclables that are contaminated with only minimal amounts of residual waste.

Drawing the line between recycling operations, that are outside the Board's regulatory authority, and material recovery operations, that are within the Board's authority, involves two distinct components. The first component is establishment of the definitions of "Separated for Reuse" and "Source Separated." The second component is establishment of the amount of residual waste present in recyclable materials that constitutes solid waste handling.

III. PREVIOUS COMMITTEE AND CIWMB ACTION

At the time this item went to print the Permitting and Enforcement Committee had not yet heard or taken any action on this item.

On June 28, 1995 the Board approved staff recommendations regarding the Board's regulatory authority over source separated recyclable materials. The Board made a determination that operations and facilities that handle source separated recyclables with a minimal amount of residual waste, to be established in regulation, are outside the Board's regulatory authority. The Board directed staff to work closely with all interested parties prior to and during the rulemaking process to obtain input regarding the specific percentage, tonnage, or volume of residual waste that would exceed the minimal level and would constitute handling of solid waste and the definitions of "Source Separated" and "Separated for Reuse". The Board also directed that the minimal amount of residual waste be set on a commodity specific basis to allow flexibility for special commodity types.

The Board also reaffirmed its existing authority to regulate transfer stations and material recovery facilities, and to investigate any operation or facility that is alleged to be handling solid waste.

IV. OPTIONS FOR THE BOARD

The Board may decide to:

1. Approve staff recommendations regarding the definitions of "Separated for Reuse" and "Source Separated" and the amount of residual waste that constitutes solid waste handling at recycling operations.

2. Approve portions of the recommendations and provide staff with guidance on the remaining portions.

3. Make a determination based on public testimony.

4. Take no action and continue this item to the next Permitting and Enforcement Committee meeting for further consideration.

V. STAFF RECOMMENDATIONS

1. Staff recommend that the Board approve the definitions of "Source Separated" and "Separated for Reuse" as presented in this item, or as amended by the staff report presented at the Permitting and Enforcement Committee meeting, for incorporation into the rulemaking package.

2. Staff recommend that the Board approve the amount of residual waste that constitutes solid waste handling at recycling operations, as indicated in the staff report presented at the Committee meeting, for incorporation into the rulemaking package.

VI. ANALYSIS

The following definitions will be submitted to the attendees of the public workshops for their consideration:

"Separated for Reuse"
Recyclables separated for reuse are materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream by their owner for the purpose of recycling or reuse.

"Source Separated"
Source separated recyclables are materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream by their owner, at the point of generation, for the purpose of recycling or reuse.

The only distinction between the two definitions above relates to the location at which the separation occurs. Source separated recyclables are separated or kept separate from solid waste at the point of generation (i.e. at the source). Recyclables separated for reuse fit into a slightly broader category that recognizes that recyclables may also be separated from waste at a transfer station or a material recovery facility.

The separation of recyclables from solid waste at a transfer station or a material recovery facility is an activity that is clearly under the authority of the Waste Management Board. However, once the separation has occurred, operations that receive those materials "separated for reuse" would not be subject to Board regulation provided the amount of residual waste associated with those materials falls below the minimal amount that will be established during the rulemaking process.

VI. APPROVALS

Prepared by: Michael Kuhn MK Phone: 255-3824

Reviewed by: Doug Okumura Phone: 255-2431

Legal Review: Elliot Block EB Date/Time: 8/14/95 10:00 a.m.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

BOARD MEETING
AUGUST 23, 1995

AGENDA ITEM 35

ITEM: CONSIDERATION OF THE RESEARCH AND DEVELOPMENT PROGRAM ANNUAL PROGRESS REPORT

I. SUMMARY

Senate Bill 1322 of 1989 established Chapter 13 of the Public Resources Code (PRC §42650 et. seq.), authorizing the Board to establish a research and development program. The aim of the program is to identify, develop, and refine processes and technologies that will assist state and local governments and private industries implement waste reduction programs.

The Board is required to submit the results of the research and development program to the Legislature annually. The *Research and Development Program Annual Progress Report* (Report) has been prepared to fulfill this reporting requirement. The Report provides a summary of the research and development work that has been completed and that is in progress.

II. PREVIOUS COMMITTEE ACTION

The Policy, Research, and Technical Assistance Committee did not meet prior to the submittal of this item.

III. PREVIOUS BOARD ACTION

The Board has previously accepted and/or adopted previous results and reports of the Research and Development Program. Past reports were included with the Board's *Annual Report*.

IV. OPTIONS FOR THE BOARD

Board members may decide to:

1. Adopt the *Research and Development Program Annual Progress Report* and submit it to the Legislature; or

2. Provide direction to staff for revision of the *Research and Development Program Annual Progress Report*.

V. STAFF RECOMMENDATION

Staff recommends that the Board adopt the *Research and Development Program Annual Progress Report* and submit it to the Legislature.

VI. ANALYSIS

The Report contains a listing of summaries and status reports of research projects that have been completed or which have been more recently initiated and are still in progress (please see Attachment 1).

VII. FUNDING INFORMATION

Amount Requested in Item: $ 0

Fund Source:

- ☐ Used Oil Recycling Fund
- ☐ Tire Recycling Management Fund
- ☐ Recycling Market Development Revolving Loan Account
- ☐ Integrated Waste Management Account
- ☐ Other _____
  (Specify)

Approved From Line Item:

- ☐ Consulting & Professional Services
- ☐ Training
- ☐ Data processing
- ☐ Other _____
  (Specify)

Redirection:

If Redirection of Funds: $_____

Fund Source: _____

Line Item: _____

VIII. ATTACHMENTS

1. Research and Development Program Annual Progress Report

IX. APPROVALS

Prepared by: Thomas Dietsch TD 8/8 Phone 255-2578

Reviewed by: Nguyen Van Hanh Phone 255-2437

Reviewed by: Martha Gildart M. Gildart Phone 255-2619

Reviewed by: Daniel Gorfain M. Gildart for Phone 255-2320

Legal review: Suzanne Small Suzanne Small Phone 255-2507

ATTACHMENT 1

INTEGRATED WASTE MANAGEMENT BOARD

RESEARCH AND DEVELOPMENT PROGRAM ANNUAL PROGRESS REPORT

REPORT TO THE LEGISLATURE

October 1995

354

Prepared by:

California Environmental Protection Agency's

Integrated Waste Management Board

publication # 432-95-018

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RESEARCH AND DEVELOPMENT PROGRAM ANNUAL PROGRESS REPORT

Senate Bill 1322 of 1989 established Part 3, Chapter 13, of the Public Resources Code (PRC §42650 et. seq.), authorizing the California Integrated Waste Management Board (CIWMB or Board) to establish a research and development program. The aim of the program is to identify, develop, and refine processes and technologies that will assist state and local governments and private industries implement waste reduction programs.

This annual progress report has been prepared to fulfill the reporting requirements of Chapter 13. The Board is required to submit the results of the research and development program to the Legislature annually.

Other legislation in Parts 1, 2, and 3 of the Public Resources Code, directed the Board to investigate and report on specific topics. The results of these research projects are discussed in this report as well.

This annual progress report is organized into two sections. Section I, *Research and Development Program Summary*, is a table listing all research projects currently in progress or recently completed. Section II, *Abstracts of Research Projects*, provides summaries of all research projects in progress or completed.

BACKGROUND

The Board's research and development program has investigated characteristics of different components in the waste stream, the costs and benefits of waste processing technologies, the quality of the products of those processes, and the residues left after processing. Examples of research into waste stream components include the *Medical Waste Issues Study* and the *Metallic Discards Management Plan*. Processing studies include *Co-Management of Municipal Solid Waste and Wastewater Treatment Plant Sludges using an Anaerobic Composting Process*, *Environmental Factors of Recycled Paper Manufacturing*, and *Technoeconomic Analysis of Tire Pyrolysis Projects*. Examples of research into products include the Compost Market Development reports and *State Markets for Correctional Resource Recovery Facility Materials*. Research into the residues includes the *Ash Quantification and Characterization Study* and the *Ash Quantification and Characterization Study - Co-Firing and Dedicated Combustion of Waste Tires*.

Under recent budget constraints, the Board did not initiate new research projects in FY 94/95. Instead, it has opted to monitor, and provide technical assistance and in-kind support to research

projects being conducted by universities, research labs, and in the private sector. It has focused its interest on applied research in relationship to its market development efforts for the use of secondary materials in manufacturing recycled-content products.

Copies of study results discussed in this report may be obtained by calling the Board's hotline at 800/553-2962.

I. RESEARCH AND DEVELOPMENT PROGRAM SUMMARY

complete
in-progress

PROJECT (pub. #)	CONTRACTOR	STATUTE	FY	$
Ash Quantification and Characterization Study	R.W. Beck			
Ash Quantification and Characterization Study-Co-Firing and Dedicated Combustion of Waste Tires	R.W. Beck	PRC 42650(5)	90/91	361,940
Aspergillus, Aspergillosis, and Composting Operations in California	in-house	N/A	93/94	0
Base-Year Adjustment Method User's Guide-Testing Guide	UCLA/in-house	PRC 41780.1(c) PRC 41781(2)(c)	92/93	200,000
Compost Demonstration Project	Stanislaus County	PRC 42230	93/94	75,000
Compost Demonstration Project	City of San Jose	PRC 42230	93/94	75,000
Compost Demonstration Project	UC Fresno	PRC 42230	93/94	75,000
Compost Demonstration Project	UC Tulare	PRC 42230	93/94	65,000
Compost Demonstration Project	UC Santa Cruz	PRC 42230	93/94	65,000
Compost Market Development: A Literature Review	Community Environmental Council			
Santa Barbara County Preliminary Compost Market Assessment	Community Environmental Council			
Compost Field Experiment Guide for California Communities	Community Environmental Council	PRC 42230	92/93	150,000
Conversion Factor Study-In Vehicle and In-Place Waste Densities	CalRecovery			
Conversion Factors for Individual Material Types	CalRecovery	14 CCR 18722(f)	91/92	168,926
Effects of Waste Tires on the Environment	Lawrence Livermore National laboratory	PRC 42650(5)	93/94	50,000
Environmental Factors of Recycled Paper Manufacturing (400-94-103)	CalRecovery	PRC 42650	91/92	109,628
Food waste document	in-house	N/A	93/94	0
Heavy Metals in Packaging (500-94-044)	in-house	AB 2393 Uncodified	93/94	0
Issues in Correctional Resource Recovery Facility Implementation	Prison Industry Authority			
Markets Implications of Correctional Resource Recovery Facility Separated Materials	Prison Industry Authority			
State Markets for Correctional Resource Recovery Facility Materials	Prison Industry Authority	PRC 42650		
Co-Management of Municipal Solid Waste and Wastewater Treatment Plant Sludges using an Anaerobic Composting Process	University of California, Davis	PRC 42650(2)	92/93	300,000
Landfill Mining Feasibility Study	CalRecovery	PRC 42650(3)	91/92	49,610
Measuring Waste Prevention	UCLA	PRC 40507(f)	93/94	

PROJECT (pub. #)	CONTRACTOR	STATUTE	FY	$
Medical Waste Issues Study (500--94-016)	Science Applications International Corp.	N/A	91/92	98,874
Metallic Discards Management Plan (500-93-001)	in-house/Science Applications International Corp.	PRC 42160	92/93	
Nonyard Wood Waste Report (500-94-045)	in-house	PRC 42512	92/93	0
Reaching the Limit: An Interim Report of Landfill Capacity (301-92-001)	in-house	PRC 41701(b)	91/92	0
Rubberized asphalt maintenance strategy applications	Caltrans	PRC 42873(5)	92/93	500,000
Rubberized asphalt lab/emissions testing	Caltrans	PRC 42873(5)	90/91	500,000
Sewage Sludge Database	Science Applications International Corp.	N/A	91/92	113,400
Technoeconomic Analysis of Tire Pyrolysis Projects	CalRecovery	PRC 42650	92/93	69,627
Tire-derived-fuel emissions testing	Air Resources Board	PRC 42650(5)	91/92	205,000
Waste Characterization Study	UCLA	PRC 41770(b)	93/94	350,000
Waste Prevention Model Program	in-house	PRC 40507(f)	93/94	0

II ABSTRACTS OF RESEARCH PROJECTS

The following are abstracts of research projects that are in progress or that have been completed. An asterisk (*) denotes projects that are still in progress.

Ash Quantification and Characterization Studies

PRC Section 42650(a)(5) allows the Board to conduct research to characterize ash from the incineration of waste. Two projects were undertaken: *Ash Quantification and Characterization Study* and *Ash Quantification and Characterization Study - Co-Firing and Dedicated Combustion of Waste Tires*.

Ash Quantification and Characterization Study

The project was divided into two phases. In Phase I, all waste combustion facilities (including facilities which combust municipal solid waste, medical waste, and biomass) in California were identified. Information including facility type, fuel type, capacity, pollution control equipment, and generation rate were compiled. Phase II of the project entailed sampling and characterizing the ash from several facilities. The results of this analysis will help determine the reuse and recycling options that are available.

Ash Quantification and Characterization Study - Co-Firing and Dedicated Combustion of Waste Tires

Quantification and characterization of ash at facilities combusting waste tires was the focus of this project. Ash was sampled at a facility combusting only waste tires and at a biomass combustion facility using tires as a fuel supplement. Similar to the first study, the ash was characterized to assist in determining possible reuse or recycling options.

Aspergillus, Aspergillosis, and Composting Operations in California

The recent increase in the number of composting operations in California has led to a concern for the potential health risk associated with *Aspergillus fumigatus*, a fungus which is a normal and integral part of the composting process. This technical bulletin addresses commonly asked questions and discusses the potential health hazards in the ambient air and in composting operations. Operational technologies are also discussed.

Base-Year Adjustment Method User's Guide

PRC Section 41870(a) requires that each California jurisdiction reduce the amount of solid waste disposed of in its facilities by 25% by 1995. PRC Section 41780.1(c) requires jurisdictions to adjust its base-year solid waste generation amount to account for changes in population and other factors, using a method approved by the Board.

The guide is for the benefit of jurisdiction officials responsible for compliance with PRC Section 41780.1(c). The guide is designed to assist them in implementing the law by explaining how to gather the data, make the required calculations, and report the results to the Board.

Compost Demonstration Projects*

California agriculture industry represents the largest potential market for several million tons of urban compost and mulch that will be generated annually in-state. These compost demonstrations are being conducted in various agricultural crop trials as part of CIWMB's urban organics marketing and procurement assistance effort. Findings based on analyses of data collected from three growing seasons for most of the crops included in these demonstrations will be submitted to CIWMB by March 31, 1997.

Compost Research (Santa Barbara County)

Compost Market Development: A Literature Review

The use of compost is being driven by increasing costs of landfill disposal, public support for resource conservation, and state legislative mandates. Communities producing compost will be required to develop markets and meet quality demands of consumers.

A literature review to identify current and relevant information on composting was the first step taken in undertaking a market assessment. This review covered issues including feedstocks, processing techniques, product quality, compost benefits and applications, product user specifications, compost regulations, and market assessment strategies.

Santa Barbara County Preliminary Compost Market Assessment

After finishing the literature review, Santa Barbara County performed a local market assessment to obtain data that will assist in developing a composting facility. The objectives

of the study were to identify existing and potential compost users, quantify the current use of compost and other soil amendments, identify product specifications, estimate potential future demand, and identify potential barriers to compost market development.

Compost Field Experiment Guide for California Communities

The guide provides a step-by-step approach for conducting composting experiments and is based upon the research experience of Santa Barbara County. Local field experiments can be very useful market development tools for communities planning, building, and operating municipal compost facilities. The focus of the guide is on agricultural experiments, but the approach can be applied to other settings and end-uses.

Conversion Factor Studies

The CCR [Title 14, Division 7, Chapter 9, Article 6.1, Section 18722(f)(1)(a)] requires the Board to determine conversion factors for each specific solid waste type listed in Section 18722(j). The conversion factors may be used by jurisdictions to convert quantities of solid waste into the units required for reporting.

Conversion Factors for Individual Material Types

This study defines bulk densities for a variety of material types and mixtures of material types encountered in the solid wastestream. The bulk densities can be used to convert volumetric data to weight data or visa versa.

Conversion Factor Study: In-Vehicle and In-Place Waste Densities

This study describes models that were generated for estimating in-vehicle densities and for estimating in-place densities of waste in landfills. The in-vehicle density models can be used to convert volumetric waste quantities to weights for waste delivered by vehicles to solid waste facilities. The in-place density model can be used to estimate the volume of waste compacted under a specified set of conditions.

Environmental Effects of Waste Tires on the Environment*

An IAA was awarded to Lawrence Livermore National Laboratory to investigate the environmental effects of waste tires on the environment. The project requires a literature search, a review

and assessment of the information obtained, and recommendations for additional study. Results are anticipated by early 1996.

Environmental Factors of Recycled Paper Manufacturing

The siting and development of new secondary fiber mills in California, or the expansion of existing mills, will require material resources and will impact the environment. This study analyzes the technical and environmental aspects of the pulp and paper industry and characterizes the use of resources and the potential environmental impacts from additional secondary fiber manufacturing capacity in California. Information is provided on generation rates and treatment types for solid waste, wastewater, and air emissions; waste reduction opportunities from within the industry and from other industries; and resource consumption. Impacts from virgin and secondary feedstocks are compared. Noteworthy conclusions include the fact that secondary fiber mills in California consume about 60% less water that virgin mills, and secondary mills in general use 40% less energy.

Food Waste Document*

Staff is researching different options for recycling food waste. The report is targeted at local governments and will focus on large-scale municipal programs. At this time, the options being researched are food donations, large scale composting, home composting, vermicomposting (composting with worms), animal feed, land application, synfuel production, rendering plants, and food facility greasetraps. Discussion will include collection, equipment, processing, economics, public health and safety, permitting, and case studies.

Heavy Metals in Packaging*

The Heavy Metals in Packaging report was prepared pursuant to Assembly Bill 2393, uncodified, which required the California Integrated Waste Management Board to conduct a study on the presence of heavy metals in packaging. The report includes an investigation into heavy metals in packaging that pose a threat to the public health and safety, and the environment. The report lists data on the amount of packaging waste being disposed of in landfills, discusses the presence of heavy metals in packaging, provides analyses of MSW leachate from landfills, incinerator ash, and stack emissions. The study concludes that there is no concrete scientific evidence that heavy metals in packaging pose a threat to the public health and safety or the environment.

Correctional Resource Recovery Facility Reports

The City of Folsom and the California Prison Industry Authority (PIA) constructed and implemented a Correctional Resource Recovery Facility (CRRF) at California State Prison, Sacramento (Folsom State Prison). The facility includes both a material separation facility and a composting operation, and uses prison inmate labor to process the incoming wastestream. The following reports document results from different aspects of the project.

Issues in Correctional Resource recovery Facility Implementation

The demonstration period for the CRRF occurred during the spring of 1993. The facility received and processed about 10 tons of waste per day. More than 50% of the wastestream was able to be separated into material types, and much of this into marketable categories. The throughput has since increased and the performance has been consistent.

Upon completion of the demonstration phase of the project, several issues to CRRF implementation and success were discovered. The four key issues discussed in this report were anaerobic digestion vessel design, humus characteristics and end-use implications, source separation demonstrations, permitting and regulatory issues, and the high-solids anaerobic composting operations guide.

Market Implications of Correctional Resource Recovery Facility Separated Materials

The objective of the report was to investigate the market potential for materials generated by a CRRF, using the Folsom State Prison CRRF as a model. The report includes information on material quality, degree of separation, quality improvement, material volumes, and marketing strategies.

State Markets for Correctional Resource Recovery Facility Materials

The objective of the report was to investigate the potential for PIA to use materials diverted from CRRF's if located throughout the state. PIA is projected to divert significant amounts of materials from the California wastestream. The report provides information on options for expanded and new industrial ventures open to PIA.

Co-Management of Municipal Solid Waste and Wastewater Treatment Plant Sludges using an Anaerobic Composting Process

Anaerobic co-composting is a promising technology for the co-management of various organic fractions of municipal solid waste (MSW) and wastewater treatment plant sludges (WWTP). When anaerobically co-composted, the biodegradable organic fraction of MSW and WWTP sludges are converted biologically to biogas and a stabilized humus material. This technology can potentially eliminate conventional sludge processing, divert wastes from landfills and combustion facilities, and produce biogas and humus.

The project objectives were to demonstrate the technical feasibility of the process, to evaluate the process under various conditions, to characterize the nutritional requirements, to evaluate the characteristics of the final humus, and to assess the volume reduction potential of the process.

Overall, the anaerobic co-composting process appears to be an attractive alternative to conventional management practices. Several critical questions remain including mitigation of the ammonia toxicity problem, heavy metal mobility in the humus, evaluation of the humus characteristics, and the economics of the process.

Landfill Mining Feasibility Study

Landfill mining is the process of excavating a solid waste landfill and processing the excavated material to reclaim soil, materials, and landfill space. Advantages include landfill life extension, material recovery, fuel recovery, site remediation, and landfill removal. The objective of the study is to determine the feasibility of landfill mining in California by analyzing existing information on active and inactive projects. Several projects have been conducted recently in the United States and were used as case studies for this study.

Based on information available on past and current operations, landfill mining is shown to be dependant on site-specific conditions including waste composition, historical operating procedures, waste degradation, and markets for recoverable materials. Equipment to perform landfill mining operations is currently being developed, but has not been proven at the commercial scale. Base costs for landfill mining is estimated to be $5 to $20 per ton of material mined, excluding disposal cost for residues and sales of recovered materials. Landfill mining could be economically feasible if markets for recovered materials existed and if residue disposal costs were low.

Measuring Waste Prevention*

Six case studies were developed for UCLA's Fall 1994 course "Case Studies in MSW Management" taught by Dr. Eugene Tseng. Each case study focussed on developing methods to quantify waste stream reduction programs. Each case study targeted a specific material including: grocery bags, yard trimmings, office paper, and packaging. One case study focussed on composting workshops for residents and calculated the potential waste reduction benefits of the workshops.

Quantitative formulas were developed to calculate the reduction in waste resulting from the different waste reduction programs. Both the weight of waste reduced and the costs associated with waste reduction and program implementation were included in the formulas.

Medical Waste Issues Study

Recent air quality legislation has resulted in the closure of many medical waste incinerators in California. In addition, the Medical Waste Management Act changed medical waste handling requirements. During this time, public awareness of the potential risks associated with medical waste mis-management has increased. This study characterizes the types and quantities of medical wastes entering the solid wastestream, and the potential effects of medical waste management options on public health and the State's landfill capacity.

Metallic Discards Management Plan

PRC Section 42176 requires the Board to submit to the Legislature a management plan for the removal of special materials including chlorofluorocarbons (CFC), polychlorinated biphenyls (PCB), and sodium azide from vehicles and major appliances. The management plan provides information on quantification, existing management systems, costs and revenues, public health concerns and environmental hazards, and legislation and regulation. Recommendations for administrating and financing the removal of special materials are also presented.

Nonyard Wood Waste Report

The Nonyard Wood Waste Report was prepared to fulfill the mandates of PRC Section 42512, which states that the CIWMB, in consultation with the California Air Resources Board, will develop a report quantifying the amounts of nonyard wood waste being diverted from permitted disposal facilities in California. Assessments of the economic and environmental impacts of

promoting or discouraging nonyard wood waste diversion from those facilities is also addressed. The report has been submitted by the Board to the Governor's Office for approval.

Reaching the Limit: An Interim Report of Landfill Capacity

PRC Section 41701(b) requires counties to prepare Countywide Siting Elements to be part of a Countywide Integrated Waste Management Plan. The element needs to include an estimate of the total transformation or disposal capacity for a 15 year period.

The report begins an effort to examine the adequacy of remaining permitted landfill disposal capacity in California, and the problems associated with the development of additional capacity to dispose of items which cannot be recycled. Information on areas of the state which now have a critical shortage of remaining capacity is provided.

Rubberized Asphalt Maintenance Strategy Applications

An Interagency Agreement was awarded to Caltrans to install 15 test maintenance strategies of various "recipes" of asphalt rubber pavements, provide ongoing monitoring and testing, and provide biennial reports to the Board for up to 15 years. The test strategies have been placed and the final project report is available. Beginning mid-1997, biennial progress reports including information on current status, test results and evaluations, strategy performance and failures, and life-cycle analyses will also be available.

Rubberized Asphalt Lab/Emissions Testing*

An interagency agreement was signed with CalTrans' Division of New Technology, Materials and Research to develop and/or improve the specifications for rubberized asphalt concrete by performing tests on rubberized asphalt materials and to provide answers on worker exposure concerns by performing air emissions test(s) during the production and placement of rubberized asphalt.

Sewage Sludge Data Collection

New federal sludge regulations (40 CFR Part 503) prompted the Board to determine the effects on sludge disposal in California, to determine if the regulations would adequately protect the public's health and the environment, and to determine if California's regulations would suffice in the event the State applied to assume program responsibilities.

To address these questions, the Board's contractor analyzed historical data on sludge management in the State. Sludge from over 40 Publicly Owned Treatment Works (POTW) was sampled and analyzed. The test results were compared to pollutant limits established in the new federal regulations and the contractor determined that the POTW's sampled were within all concentration limits for all pollutants. The contractor also determined that the Board and the State Water Resources Control Board have the authority to promulgate new regulations to implement the new federal regulations.

Technoeconomic Analysis of Tire Pyrolysis Projects*

A contract was awarded to assess the current state of waste tire liquefaction, pyrolysis, and gasification technologies. Information has been gathered on facility types, locations, operating parameters, product characteristics, uses and markets, environmental impacts, and process economics. The results will be used to determine the techno-economic feasibility of tire pyrolysis projects, identify barriers to the feasibility, and indicate the recommendations for future activities. Draft document is under review.

Tire-Derived-Fuel Emissions Testing*

A contract with the Air Resources Board was signed to test the use of tires as a fuel supplement in an existing biomass combustion facility (completed); test the use of tires as a fuel supplement at a cement kiln, preferably a "long, dry" kiln (on hold); and test the use of refuse-derived fuel (RDF) as a fuel supplement (completed).

Waste Characterization Study*

Due to the passage of AB 2494, the Board is developing a uniform waste characterization method [Public Resources Code (PRC) Section 41770(b)] for jurisdictions to use in conducting studies to determine the types and amounts of materials they dispose. The Board currently has an Interagency Agreement with UCLA's Extension Waste Management and Recycling Certificate program, headed by Dr. Eugene Tseng, to develop and test the method. The method will be as standardized and simplified as possible for use by local jurisdictions. Resulting data from individual jurisdictions can be used by local governments and by the Board at the statewide level to assess the success of existing diversion programs and plan new or expanded programs as needed. The data will also be useful in assessing market development and research and technology development needs.

Waste Prevention Model Program*

The objectives of the CIWMB in-house waste prevention case study: "You Can Do it Too", were to document and evaluate the projects undertaken by the In-House Waste Prevention Committee to prevent waste at the Board. The study was done to assist all types of organizations and businesses in establishing their own waste prevention programs by providing background information on the formation of the In-house Waste Prevention Committee, implementation of the in-house waste prevention effort, and specific material related waste prevention efforts (paper, food, and yard waste). The case study was published in November 1994 and has been sent to all cities and counties.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

BOARD MEETING
AUGUST 23, 1995

AGENDA ITEM 36

ITEM: CONSIDERATION OF FY 1992-93 TIRE GRANT EVALUATION REPORT

I. SUMMARY

The Board's Tire Recycling Grant Program has been in operation now for three years. The Board awarded the first cycle of grants under the California Tire Recycling Program in April 1993 with FY 1992-93 funds. The grant cycle for FY 1992-93 ended on June 30, 1995, when all projects were due to be completed, all work products, reports, and payment requests submitted, and the grants closed out.

The purpose of this item is to provide the Board with staff's analysis of the impact of the first year's award of Tire Recycling Grants on the diversion of waste tires from landfill disposal and the creation of markets for recycled tires.

II. PREVIOUS COMMITTEE ACTION

The Policy, Research, and Technical Assistance Committee did not meet prior to the submittal of this item.

III. PREVIOUS BOARD ACTION

In December, 1992, the Board considered and approved the: "California Tire Recycling Management Fund: FY 1992-93 Policy". In doing so, the Board provided the initial direction and allocation of Tire Recycling Management Fund monies to the various elements of the Tire Program. The Board adopted the first cycle grant award recommendations on April 28, 1993 for the FY 1992-93 Tire Recycling Grant Program. During each subsequent year the Board has approved allocation of funds to the various components of the Board's Tire Program and award of grants. The Board's adoption of each fiscal year's Tire Recycling Management Fund Policy provides the authority to implement the programs set forth.

IV. OPTIONS FOR THE BOARD

Board members may decide to:

1. Approve staff's report of the effectiveness of the first year's grant program; or

2. Provide direction for revision of staff's report of the effectiveness of the first year's grant program.

V. STAFF RECOMMENDATION

Staff recommends option 1: Approve staff's report of the effectiveness of the first year's grant program.

VI. ANALYSIS

Background

Assembly Bill 1843, of 1989 (Public Resources Code §42800 et. seq.), placed two chapters in the Public Resources Code requiring the California Integrated Waste Management Board (Board) to establish a permit program for the storage and disposal of waste tires, and to implement the California Tire Recycling Act. The Act initiates a tire recycling program to promote and develop markets for used tire products as alternatives to the landfill disposal and stockpiling of used whole tires, and allows the Board to award grants to businesses, enterprises, and public entities involved in tire recycling activities.

The California Tire Recycling Management Fund (Fund) was created to provide funding for the Board's tire programs. Revenue for the Fund is generated by a $0.25 fee assessed for each tire left for disposal. Collected fees, less ten percent retained by the seller for administrative costs, are deposited quarterly into the Fund. Monies in the Fund are appropriated to the Board through the annual Budget Act.

The Board's tire-related programs have been supported by a common fund, but managed by the Permitting and Enforcement Division and the Markets Development Division. Recommendations to the Board for Annual Fund allocations were developed by the Tire Working Group. The Tire Working Group, comprised of the principals of each division and staff from the Administration Division, has met on a quarterly basis. The working group integrated professional program objectives and crafted a proposed budget acceptable to all parties. This collaboration has proven useful from the standpoint of sharing information regarding waste tire management.

The Board set initial policy direction by enacting the Fund's FY 1992-93 Policy at its December 1992 meeting. The policy directed allocation of tire fund monies to the various elements of the Tire Program. Staff was directed to develop a grants program which could lead to viable alternatives to the landfill disposal and stockpiling of used whole tires.

Initial Program Implementation

Among the most significant initial efforts was the development and submittal to the legislature of the "Tires as a Fuel Supplement: Feasibility Study" report in January, 1992. The scope of the study explored the technical, environmental, economic, geographic, regulatory and institutional factors that affect the use of tires as a fuel supplement. To adequately assess the feasibility of using tires as fuel, the other uses of waste tires were also explored together with the issues surrounding each potential use. The "Tires as a Fuel Supplement: Feasibility Study" was the base document that provided the recognition of the scope and magnitude of the "tire problem" in California.

At the time, landfilling and stockpiling were the principal methods of waste tire disposal in California. The Tire Recycling Program began to focus on identifying and promoting activities that acknowledge discarded tires as a potential resource. Critical to the success of such activities is the development and sustenance of markets for retreaded tires and of products manufactured from waste tires or waste tire constituents.

The Research and Technology Division was charged with developing and implementing a Tire Recycling Grants Program which would provide seed funding to individuals and organizations which were: currently in a business which could be modified to use waste tires as feedstock; interested and able to prove the ability to organize into a business which could use waste tires as feedstock; able to conduct research which demonstrates promise that commercialization could occur from successful studies; or local governments which proposed an innovative way to mitigate illegal tire disposal problems in their jurisdictions. Tire grants, it was agreed, would provide seed money to assist in the development of programs that will positively impact the market development of products manufactured from waste tires, help to divert tires from landfill disposal, and promote the use of stockpiled tires in those enterprises where uniformity standards and degree of impurities permit. Grant funding was intended to provide financial assistance to proponents whose projects were not yet able to qualify them for conventional or government-sponsored loans.

The first step in implementing the Board's direction was the preparation of a program policy and procedures documents, including the Notice of Funds Available (NOFA) and the "Program Information and Application Instructions" document for distribution to local governments and individuals on the Board's mailing list. The NOFA describes the program's intent and provides sufficient information for individuals and organizations to self-qualify their eligibility and project concepts. The NOFA also provides instructions for receiving an application package and states the final filing date for project consideration. The "Program Information and Application Instructions" document describes the Board's objectives and categories of eligibility, and provides all necessary materials to apply for grant funding.

Of over 700 applications that were mailed out, ninety-nine were submitted for consideration. Thirteen applications were disqualified and eighty-six proposals were evaluated by established review teams which consisted of staff with program, technical and financial expertise. Proposals were ranked highest to lowest and grouped into three lists: recommended for funding; recommended for funding if funds are available; and not recommended for funding.

On April 28, 1993, the Board adopted the grant award recommendations for the FY 1992-93 Tire Recycling Grant Program. The Board directed staff to enter into contractual agreements with applicants whose project proposals were considered likely to result in success, as demonstrated by their individual scores, and conformance to identified categories. The Board awarded $1,000,000 in grants for business development and research projects. Also, $473,000 was approved to fund local government innovations programs and local governments received $500,000 as contracts. Other Board-approved expenditures from the Tire Fund during FY 1992-93 include one loan for $500,000 which was awarded by The Recycling Market Development Zone Loan Program. Additionally, the Permitting and Compliance Section awarded $351,000 for site identification and fire control training contracts.

Discussion

From notification of grant award to receipt and approval of the final report, Tire Grant Program staff was in professional contact with the grantees. Staff monitored the evolution of the projects by telephone conversations, written reports and correspondence, and site visits. In some cases, situations changed with respect to grantees' individual or organizational direction which resulted in the decision to terminate the contract early. One company went out of business after it had been in good standing for one quarter, sufficient time to qualify for reimbursement of one quarter's worth of eligible expenses.

Most grantees, however, began to implement well thought-out projects.

Activities for the first cycle in which Tire Recycling Grants were funded concluded on June 30, 1995. By that date staff had received and processed the final reports and payment requests for 45 grant projects funded in FY 1992-93. The final report captures the development and progress of each grant project from beginning to conclusion. An abstract of each project is made available on the Board's library shelf for review and to give the reader direction for obtaining further details available in the final report.

Description of the Tire Grant Program for FY 1992-93

Grants funded by the Tire Recycling Grant Program were intended to divert tires from disposal in California landfills by promoting innovative research, fostering new business enterprises, and encouraging innovative programs at the local level. Each project, it was determined, must stand on its own merit and cannot be linked to another. During the first grant cycle, funding was not awarded for pyrolysis, destructive distillation or gasification projects because studies were in progress to determine the technical viability of each process.

Projects funded in FY 1992-93 required staff to provide technical assistance to twenty-three local governments for projects dealing with waste tire management issues at a local and regional level. Additionally, staff worked with eight individual businesses and fourteen researchers whose proposals involved a variety of alternative uses of waste tires, all of which have the potential to create or supply a market demand in California, and in some instances nationally and internationally. The result of considering projects by their functional objectives, however, demonstrates that the majority of awards funded innovative research in the first cycle. Available funding was distributed among the categories as follows: 27% for local governments whose projects involved research; 10% for local governments for clean-up and public education projects; 6% for local government projects involving support of business development; 16% for business development, and; 41% for research projects.

Of the forty-five projects funded by FY 1992-93 Tire Funds, 71% were completed as anticipated, 18% were partially completed, and 11% were terminated. These data indicate that, from the perspective of completion of project objectives, the Board benefited by fostering process and product development, and business enterprises that have a potential to succeed. In those instances where not all the project objectives were met, the Board received insight on waste management processes that are not presently viable. In the case of local governments, the Board

has helped cities and counties to help themselves as they deal with waste tires locally. This is particularly beneficial because waste tire management problems differ widely throughout California.

Projects characterized as partially completed met some of their objectives but, for one reason or another, did not meet them all. In most cases, the incomplete status is due to forces beyond the grantees' control, and the conclusions still provide a net gain of information by the Board. Grant projects which were terminated are the result of staff's awareness that the project would never be completed as specified in the scope of work. Although five projects were terminated, the Board, and indeed all Californians, can benefit from knowing that particular processes are not viable under present technological or market conditions.

The results of the FY 1992-93 projects vary, but in every instance these projects have increased the Board's knowledge of tire recycling technologies and processes, and heightened the State's awareness of sound alternatives to landfill disposal. Project results may also serve as the basis for further research or commercialization. The newly gained knowledge from these projects will help the Board and Californians to seek alternative methods and processes for waste tire management in the future. Results will also serve as a guide for directing future Tire Fund allocations, both in FY 1995-96 and through 1999, at which time the program is scheduled to sunset.

Projects Funded With Market Potential

Many of the grant projects were focussed on the development of a technology or a process which could be marketed. Staff concluded that sixty-two percent of the projects funded have strong market potential. Grant funding was intended as "seed" money to enhance the financial and technological posture of the grantee. Now, over half of the proponents must be evaluated for the next level of assistance. In some cases this next step is simple referral to venture capitalists, or agencies interested in investing in new technologies. In other cases the R-Team can offer business-related assistance, or referral to the RMD Zone Loan Program. Participation in Board-sponsored programs also provides previous grant recipients with a network of staff services available in the Waste Prevention and Market Development Division. Additionally, previous grantees' names and addresses are retained on the Board's mailing list, and are provided with program newsletters and other pertinent information.

The Criteria by which Grant Applications are Evaluated

Legislation that establishes the Tire Recycling Program provides a listing of recommended consideration factors and the basis for

evaluation of grant proposals. The Board implemented "category-specific" criteria for evaluating grant proposals submitted for consideration in FY 1994-95. By providing category-specific criteria, the Board recognized that there are different ways to consider the viability of a project, and those differences usually occur over logical distinctions in objectives. For example, businesses are concerned with producing a marketable product; they necessarily need to be concerned with the costs of development and their ability to satisfy a market demand. A research project, on the other hand, may concentrate on the technical viability of a process, and regard economic considerations secondarily. Local governments have entirely different concerns and tend to focus primarily on illegal-disposal problems, although some have concerted efforts to attract and sponsor business enterprises in their jurisdictions. Staff proposes to develop better-defined criteria for each category for future grant cycles. Categories of consideration include:

Business Development Projects - for efforts towards obtaining permits or licenses, developing business plans, and product development, market analysis and projection, and promotion. Primary consideration is given to the scientific and technical merit of a proposal along with the potential for commercialization. Evidence of commercial potential includes elements such as successful history of commercializing previous research, the existence of follow-on funding commitments from private sector or other sources, or the presence of other indicators that support the potential and viability of commercialization. Eligible applicants include start-up or existing businesses whose process uses waste tires as a feedstock.

Innovative Research Projects - for experimental or theoretical research regarding the recycling, reuse, or reconstitution of tire components into alternative products. Also eligible for consideration are new processes or processing equipment. Primary consideration will be given to proposals that demonstrate technical merit and a high potential for commercializing such products and processes. Eligible applicants include individuals, organizations, universities and businesses that can demonstrate the ability to conduct research.

Local Government Programs - Applications are considered for innovative alternatives to landfill disposal of tires at the local level. Primary consideration is given to proposals for public awareness/education, amnesty day programs, studies of local markets for recycled tire products or retreaded tires, activities that encourage the siting of tire recycling enterprises, or for the lease of processing

equipment such as shredders. Eligible applicants include cities, counties and collectives under joint powers agreements. Applications from local governments that involve regional business, university, or federal government participation are encouraged.

Examples of Projects funded with FY 1992-93 Tire Funds

Following is a sampling of the projects funded in FY 1992-93:

B.A.S. Recycling proposed to produce a playground safety mat. The final report on file indicates that B.A.S. Recycling developed an effective binder and combined it with a "fine" crumb rubber gradation to produce a prototype safety mat. This combination resulted in successful performance tests: (1) G-Max results were within the ASTM F1292 standards; and (2) head impact criteria (HIC) values were within testing parameters. B.A.S. Recycling intends to produce and market the playground mat, with initial introduction at the National Recreation and Parks Association conference in October 1995.

The City of Lancaster proposed to study the effectiveness of tire crumb as a soil amendment at a city park. As the final report indicates, the "Rebound" project combines crumb rubber and compost organic material to form a soil amendment. This soil amendment was placed on two softball fields in the City of Lancaster. Test results from the "Rebound" application were: (1) faster germination of turfgrass seed; (2) improvement of water percolation into the soil; (3) deeper rooting and thicker root masses; 4) increase in resiliency; (5) enhanced growth and color with less water; and (6) improvement of field surfaces with crumb rubber and compost. The City estimates that more than 182,000 pounds of processed waste tires, or approximately 9,000 passenger tires, were installed in the Lancaster athletic fields. Project results have been presented at communities throughout the country.

The University of California, Davis proposed to study the effectiveness of waste tire particles to improve the immobilization of volatile organic compounds (VOC) in contaminated soils. The university investigated various combinations of adsorbents, absorbents, and encapsulating agents to immobilize VOCs in contaminated soils. Tire particles were tested to evaluate the capacity to retard volatilization and resist acid aqueous leaching of VOCs. The University of California, Davis discovered that a combination of waste tire particles and sodium silicate is a promising immobilization technique.

SRI International proposed to develop and test multilayer electromagnetic-absorbing tiles manufactured from waste tires. The proponent conducted a study on system tile designs, multiple fabrications and performance testing of multi-layer electromagnetic wave-absorbing tiles that are made from waste tires. Absorbers were fabricated and their designs were optimized based on preliminary findings. Absorbers developed by SRI met and exceeded electro-magnetic radiation absorption goals. SRI will continue to develop this technology through commercialization. Because SRI intends to market the developed product, the Final Report contains proprietary information regarding process and marketing strategy.

Subsequent Fiscal Year Tire Grant Programs

Each year since inception, Tire Grant staff has proposed that the Board provide financial support of business development, innovative research, and local government projects.

During FY 1993-94 the number of grant awards was evenly distributed between local governments, and research and business combined. The number of grant awards in FY 1994-95 for local governments was twice that of research and business combined. This shows a program evolution that currently favors awards to local governments for cleanup and public education activities. Evaluation of these programs will be submitted to the Committee and the Board upon completion. Staff will also be reporting on the evolution of the program since FY 1992-93, and will present recommendations regarding future allocations.

Conclusion

Given the enormity of the waste tire problem in California, limited availability of funds, and the results of the projects funded during FY 1992-93, staff concludes that Tire Recycling Grants have had a positive effect on the diversion of waste tires from landfill disposal and the creation of markets for recycled tires. Available funds have been utilized to further viable processes, businesses and technologies which stand to make long-term impacts on the recycling of waste tires. Not only has the Board's Tire Grant program met with success through diversifying financial support among the established categories, but also demonstrated the advantage of maintaining flexible response to evolving market and technological situations.

VII. FUNDING INFORMATION

There are no fiscal impacts from this report. However, the Board's approval of staff's report will provide the basis for future program and budget proposals that facilitate implementation of the Board's direction.

VIII. ATTACHMENTS

1. List of Abstracts of Tire Grant projects awarded in FY 1992-93.

IX. APPROVALS

Prepared by: Michael Contreras Phone 2587

Reviewed by: Nguyen Van Hanh Phone 2437

Reviewed by: Martha Gildart Phone 2619

Reviewed by: Daniel Gorfain Phone 2320

Legal Review/Approval: Kathryn Tobias Date/Time 2552207

FY 1992-93 GRANT RECIPIENTS

Grant Recipient	Project Description	Grant Amount
Action Engineering (818)447-8111	Tire Concrete Railroad Tie	$30,000
AET Systems (415)856-7423	Sub-surface Effluent Dispersion System	$50,000
Alameda County (510)271-4309	Illegal Tire Video and Booklet	$30,000
BAS Recycling (909)357-7230	Playground Safety Mat	$100,000
Burke Industries (408)297-3500	Residential Roofing Shake	$94,025
California Recycling Company (213)780-7999	Highway Noise Barrier	$50,000
Champion Recycling (619)247-0755	Carbon Black Market Development	$50,000
Dave's Tire & Wheel (916)991-9430	Backfill Demonstration	$30,000
El Dorado County	Earthship Tire House	$60,983
Enviromed (619)756-2308	Playground Safety Surface	$20,000
Geremia/Pasztor/Sadler (916)277-1516	Self-compacting Flowable Concrete	$20,000
Hap Fisher & Associates (408)281-0829	Plastic/Rubber Utility Poles	$50,000
Humboldt County (707)441-2005	Business Plan and Business Recruitment	$24,270
Huntington Beach, City of (714)375-5077	Asphalt Rubber Paving Job	$40,000
Jin Cheng Corporation (510)601-9222	Rubber Reclaiming	$30,000
Kern County (805)861-2159	Processing Oversized Tires	$30,000
Kern County (805)861-2159	Program to Prevent Illegal Dumping	$30,000
Lake County (707)263-2295	Diversion Program and Public Education	$14,700
Lancaster, City of (805)723-6292	Compost Bins	$96,120
Lancaster, City of (805)723-6293	Crumb Rubber as Soil Amendment	$50,000
Lancaster, City of (805)723-6294	Carbon Black in Asphalt Sealant	$50,000
Long Beach, City of (310)570-2850	Rubberized Surface	$81,400
Los Angeles, City of (213)485-3427	Residential Collection Operation	$30,000
Los Angeles, City of (213)893-8542	Asphalt Rubber Paving Job	$34,950
Lydia Frenzel (209)267-0992	Ultra-high Pressure Water Jetting	$49,445
Manhole Adjusting, Inc. (213)725-1387	Crumb Rubber Plant	$50,000
Marine Forests Society (714)721-9006	Tire Mussel Reef	$100,000
Milpitas, City of (408)942-2301	Drop-off Event and Public Education	$9,900
Mortimer Tree Service (805)498-2042	Tree Root Barrier	$36,000
Oakland, City of (510)238-3703	Business Plan Development for Recruitment	$40,000
PACE (916)446-4744	Playground Surface	$30,000
PRK International (714)683-8812	Carbon Black Market Development	$21,683
Reco-Tech International, Inc.(510)736-7410	Ozone Treatment	$60,000
Sacramento County (916)366-2329	Sound Barrier Prototype	$49,250
Sacramento County (916)366-4287	Business Recruitment Plan	$40,000
San Diego County (619)974-2607	Rural Tire Collection Network	$17,600
San Diego, City of (619)236-6089	Market Research and Recruitment Efforts	$4,945
Shasta County (916)225-5787	Illegal Tire Pile Cleanup & Public Education	$22,500
Sonoma County (707)527-2231	Cleanup Day and Public Education	$12,000
South Lake Tahoe, City of	Earthship tire building	$40,000
SRI International (415)859-5761	Electromagnetic Radiation Absorbers	$68,847
Tireless Effort, The (707)254-9800	Traffic Delineators	$60,000
University of CA, Davis (916)752-6923	Crumb Rubber for VOC Absorption	$53,664
University of CA, Davis (916)757-8530	State Tire Policy Analysis	$55,858
Yolo County (916)666-8775	Research on Tires as an ADC	$26,250
TOTAL FUNDS AWARDED		**$1,944,390**