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

Daniel G. Pennington, Chairman
Robert C. Frazee, Vice Chairman
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, January 24, 1996
Thursday, January 25, 1996
9:30 a.m.

CLOSED SESSION
Tuesday, February 6, 1996
3:00 p.m.
or
Upon Completion of the Administration Committee Meeting

8880 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.*
- *Public testimony may be limited to five minutes per person.*

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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THE FOLLOWING WILL TAKE PLACE ON TUESDAY, FEBRUARY 6, 1996, 3:00 PM, OR UPON COMPLETION OF THE ADMINISTRATION COMMITTEE MEETING:

48. CLOSED SESSION

49. 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

#37 Paso Robles
Robles moved option 3 (lead agency)
Gotch 2nd
6-0

LOCAL PLANNING DOCUMENTS

IN CONSIDERATION OF THE IN-HOUSE WASTE PREVENTION POLICY, THE JANUARY 17, 1996 LOCAL ASSISTANCE AND PLANNING COMMITTEE AGENDA ITEMS 8 THROUGH 20 WILL NOT BE INCLUDED IN THE JANUARY 24, 1996 BOARD PACKET.

PLEASE SAVE THE LOCAL ASSISTANCE AND PLANNING COMMITTEE PACKET COPIES OF THE AGENDA ITEMS. THE LOCAL ASSISTANCE AND PLANNING COMMITTEE AGENDA ITEMS SHOULD BE RENUMBERED TO BECOME AGENDA ITEMS 12 THROUGH 24 IN THE BOARD PACKET.

IF YOU ARE NOT ON THE LOCAL ASSISTANCE AND PLANNING COMMITTEE MAILING LIST, YOU MAY CONTACT PATTI BERTRAM AT (916) 255-2156 TO OBTAIN A COPY OF THESE AGENDA ITEMS.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
January 24, 1996

AGENDA ITEM 4

ITEM: CONSIDERATION OF APPROVAL FOR THE 1995 CIWMB ANNUAL REPORT

I. SUMMARY

Public Resources Code, Section 40507 mandates the CIWMB to file an annual report with the Legislature by March 31 of each year. This requirement is a result of AB 1515 by Assembly member Sher (Chapter 717, Stats. 1991). The annual report is intended to provide the Legislature with a status report on the CIWMB implementation of its legislatively mandated programs. In addition, the report is designed to highlight key efforts that were and are essential in meeting the 25-by-95 and 50-by-2000 goals. For the first time in 1995, the annual report will be comprised of a series of nine progress reports describing the Board's key issues and programs.

II. PREVIOUS COMMITTEE (BOARD) ACTION

At the January 9, 1996 Administration Committee Meeting, the draft Annual Report was unanimously approved without additional comment. The committee was apprised that ongoing edits and updates are still being made to the draft Annual Report.

III. OPTIONS FOR THE BOARD

Board members may decide to:

1. Approve the annual report which will allow the CIWMB to meet the March 31 due date.

2. Approve the annual report with changes which will allow the CIWMB to meet the March 31 due date.

3. Disapprove the report which could delay the CIWMB's ability to meet its statutory obligation.

IV. STAFF RECOMMENDATION

Staff recommends that the Board approve the CIWMB's 1995 Annual Report.

V. ANALYSIS

Preparation of the report was a cooperative effort that included a report writing team consisting of representatives from each Division and Office, in addition to participation from each Board Advisor.

I. Introduction

This section includes the mission of the CIWMB, a discussion of the report organization and an overview of legislative mandates.

II. Organizational Overview

This section provides an overview of the entire CIWMB organization with a brief description of each Division and Office.

III. CIWMB Progress Reports

This is the most voluminous section of the report and is comprised of nine separate progress reports, each detailing a key board program or issue. The nine progress report titles are: Local Enforcement Agency (LEA) Program, Research and Development Program, Public Education Program, Market Development Program, Used Oil and Household Hazardous Waste(HHW) Program, Planning and Local Assistance Program, Site Cleanup Program, Waste Prevention and Reduction Program, and the Buy Recycled Program.

VI. ATTACHMENTS

The Draft 1995 Annual Report will be available closer to the meeting date.

VII. APPROVALS

Prepared By:	Kathryn Blankenburg KB	Phone:	255-2420
Reviewed By:	Caren Trgovcich KB for CT	Phone:	255-2700

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
January 24, 1996

AGENDA ITEM 5

ITEM: CONSIDERATION OF APPROVAL OF A CONTRACT CONCEPT AND CONTRACT AWARD OF $600,000 WITH THE CALIFORNIA CONSERVATION CORPS FOR DISBURSEMENT OF DISCRETIONARY GRANTS TO LOCAL CONSERVATION CORPS

I. SUMMARY:

Provisions of the 95/96 Budget Act (AB 903) include a $600,000 appropriation (from the Used Oil Recycling Fund) to the California Integrated Waste Management Board (CIWMB) for discretionary grants to fund local conservation corps' oil related community cleanup, recycling, and educational activities. No budget trailer bill which detailed how these discretionary grants were to be executed has been identified. Hence, direction for this grant program was determined through consultation with concerned parties.

Staff discussed how to administer these discretionary grants with the California Association of Local Conservation Corps, the California Conservation Corps (CCC), Board advisors, and Executive staff. Based on these conversations, staff proposes that the CIWMB enter into an Interagency Agreement (IAA) with the CCC to administer this grant program. Under the agreement CCC will be responsible for: 1) distributing grant funds equally to eleven local conservation corps; 2) assuring the coordination of funded activities with local agencies and other entities with similar programs; 3) monitoring funded activities; and 4) reporting all achievements to the CIWMB.

Staff will work with the CCC to incorporate existing or modified CIWMB grant application criteria and reporting requirements into the administrative procedures for these grants. Staff will also coordinate with the CCC and local conservation corps to ensure that each project is integrated into the CIWMB's statewide Used Oil Program effort as well as that of local governments. This cooperative approach will minimize the administrative effort of the Board and provide assurance that these funds will further the Used Oil Program goals.

II. PREVIOUS COMMITTEE ACTION:

This item was brought to the January 9 administration committee and was approved and placed on consent. This concept was not included in the 95/96 contract concepts at the August 1995 Board meeting because of several reasons, including the time required to discuss the grant program with interested parties and the approval of the state budget in August.

III. OPTIONS FOR THE BOARD:

Boardmembers may decide to:

1. Approve the contract concept and funding level as proposed, award an IAA to the CCC, and adopt Resolution # 96-31.

2. Direct staff to make changes to the concept as proposed.

IV. STAFF RECOMMENDATION

Staff recommends Option 1; approve the contract concept and enter into an IAA with the California Conservation Corps to administer the subject discretionary grants to local conservation corps.

V. FUNDING INFORMATION

Amount Requested in Item: $600,000

Fund Source:

- X Used Oil Recycling Fund
- ☐ Tire Recycling Management Fund
- ☐ Recycling Market Development Revolving Loan Account
- ☐ Integrated Waste Management Account
- ☐ Other _____

Approved From Line Item:

- X Consulting & Professional Services
- ☐ Training
- ☐ Data processing
- ☐ Other:

Redirection:

If Redirection of Funds: $_____

Fund Source: _____

Line Item: _____

VI. ANALYSIS

CCC has an established history of support and coordination with the eleven local conservation corps and the Association of Local Conservation Corps. The CCC administers grants to local corps through funding from other State agencies such as Department of Conservation. Having the CCC administer the proposed grant program will place CCC in an ideal position to facilitate communication and cooperation between local corps and local governments. Opening up these communication lines will also help foster new working relationships for future cooperative efforts.

CIWMB staff will work with CCC staff throughout the application process to ensure that the local corps have a clear understanding of the goals and mission of the Used Oil Program. Allowable expenses, criteria for funding and reporting requirements will be consistent with existing CIWMB Used Oil grant requirements. Each local corps will be required to prepare a detailed plan and budget for the use of the funds as part of the application package. CIWMB and CCC staff will jointly review each plan to determine if all criteria have been met and if proposed activities are eligible for funding. Any issues that arise about eligible activities will be resolved before funding any proposed project. This proactive approach will reduce the amount of staff time needed for on-going project monitoring and help keep overall administrative costs down.

The CCC is currently under contract with the CIWMB to implement an education program which teaches high school students about alternatives to the improper disposal of used oil. With the project under consideration, CCC will coordinate grant funded local corps projects with CCC's existing used oil activities and local government and other grant recipients' used oil programs.

The CCC and Local Corps Association have agreed that equally distributing the $600,000 in grant funds to the eleven local conservation corps would have a greater statewide impact than funding only a few local programs. Staff also recognizes the equal disbursement as being more cost-effective and less resource intensive than conducting a competitive grant process. Each of the eleven local corps have expressed interest in funding, which would result in the award of $54,545.45 to each local corps.

Attachment:

1. Resolution # 96-31

Prepared by: Bob Boughton/Natalie Lee Phone: (916) 255-2327

Reviewed by: Mitch Delmage Phone: (916) 255-4455

Reviewed by: Judy Friedman Phone: (916) 255-2302

Reviewed by: Marie LaVergne 1/16/96 Phone: (916) 255-2269

Attachment 1

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION 96-31
APPROVAL OF AN INTERAGENCY AGREEMENT WITH CALIFORNIA CONSERVATION CORPS FOR DISBURSEMENT OF GRANTS TO LOCAL CONSERVATION CORPS

WHEREAS, Public Resources Code § 48656 authorizes the Board to use specified monies from the Used Oil Recycling Fund for development and implementation of an information and education program which promotes alternatives to the illegal disposal of used oil; and

WHEREAS, an appropriation in the 95/96 Budget Act (AB 903) for $600,000 was made to the Board from the Used Oil Recycling Fund for discretionary grants to fund local conservation corps' oil related community cleanup, recycling, and educational activities; and

WHEREAS, the Board has authority to enter into an interagency agreement with the California Conservation Corps to administer these discretionary grants; and

WHEREAS, the contract concept for disbursement of $600,000 to local conservation corps and the budget have been approved by the Board;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves an interagency agreement with the California Conservation Corps to disburse discretionary grants in the total amount of $600,000 to fund local conservation corps' oil related community cleanup, recycling, and educational activities, and authorizes the Executive Director to sign the resultant agreement.

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 January 24, 1996.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

January 24-25, 1996

Agenda Item 6

ITEM: Consideration of State Legislation

SUMMARY

The Board may wish to consider legislation presently before the Californa Legislature in the 1995 Summary of State and Federal Legislation, which is attached.

OPTIONS FOR THE BOARD

Board members may wish to recommend a position on the state legislation before them or postpone recommendations until a later date.

STAFF RECOMMENDATION

The Legislative and Regulatory Affairs Office suggests that the Board recommend positions, or provide staff with direction, on the state legislation before them.

ANALYSIS

None attached.

ATTACHMENTS

1. 1995 Summary of State and Federal Legislation

2. Update on California Legislation/1995-1996 Two-Year Bills

APPROVALS

Prepared by: Pat Chartrand Phone: 255-2416

Approved by: Patty Zwarts Phone: 255-2203

1995

SUMMARY OF STATE AND FEDERAL LEGISLATION

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

8

STATE OF CALIFORNIA

Pete Wilson
GOVERNOR

James M. Strock
Secretary for Environmental Protection
California Environmental Protection Agency

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Daniel G. Pennington
CHAIRMAN

Robert C. Frazee
VICE CHAIRMAN

Wesley Chesbro

Sam A. Egigian

Janet Gotch

Paul Relis

■

Ralph E. Chandler
EXECUTIVE DIRECTOR

For more copies of this report, contact the
California Integrated Waste Management Board
8800 Cal Center Drive, Sacramento, CA 95826
800-553-2962 or (916) 255-2296

January 1996

Pub# 541-96-001

The California Integrated Waste Management Board (CIWMB), as a recipient of federal and state funds, is an equal opportunity employer/program and is subject to Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA). CIWMB publications are available in an accessible formats upon request by calling the Public Affairs Office at (916) 255-2296. Persons with hearing impairments can reach the CIWMB through the California Relay Service, 1-800-735-2929.

Printed On Recycled Paper

1995

Summary of State and Federal Legislation

1995-96 Regular Session (First Year)
California Legislature

104th Congress (First Year)
United States Congress

Prepared by the California Integrated Waste Management Board
Legislative and Regulatory Affairs Office
8800 Cal Center Drive
Sacramento, CA 95826
(916) 255-2206 Fax (916) 255-2644

Additional copies of this summary may be obtained at the above address, or by contacting the Board's Recycling Hotline at (800) 553-2962.

PREFACE

The Legislative Summary identifies solid waste management legislation introduced at the state and federal level in the 1995 Session. State bills from the first year of the California Legislature's 1995-96 Regular Session can be located under subject categories (see Table of Contents) or by bill number, using the index at the end of the summary. Federal legislation introduced during 1995 has its own category as well as an individual listing in the index.

The summary includes state bills which were enacted, as well as those which were vetoed, failed passage in the Legislature or "held in committee". Urgency measures, which become effective immediately upon chaptering by the Secretary of State, are marked with an asterisk (*). The effective date is noted at the end of the entry. All other enacted legislation takes effect on January 1, 1996.

State legislation spans two-year sessions. The Summary covers the first-half of the 1995-96 Regular Session of the California Legislature. State bills which were not enacted into law or vetoed, must pass their house of origin by January 31, 1996, in order to continue through the legislative process in 1996. Bills that fail to meet this deadline will be considered dead for the 1995-96 Session.

Federal legislation also spans two-year sessions, but federal bills introduced in 1995 do not have specific deadlines to meet in order to continue through the legislative process in 1996. Federal bills are effective on the date of approval by the President (or passage over the President's veto), unless a bill expressly provides for a different effective date.

In addition, Congress does not have a definite recess or adjournment date at the end of each calendar year, as the California Legislature does. Due to the Federal Budget impasse, this summary contains Federal bills introduced and action taken on those bills between January 1 and December 31, 1995.

Additional copies of this summary may be obtained by calling the Legislative and Regulatory Affairs Office at (916) 255-2206, or by contacting the Board's Recycling Hotline at (800) 553-2962.

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ABBREVIATIONS

AB	Assembly Bill
ACR	Assembly Concurrence Resolution
ACT	Integrated Waste Management Act
AJR	Assembly Joint Resolution
ARB	Air Resources Board
Authority	California Pollution Control Financing Authority
BCRF	Beverage Container Recycling Fund
BOE	Board of Equalization
Cal/EPA	California Environmental Protection Agency
CAP	Capital Access Loan Program
BCRLRA	California Beverage Container Recycling and Litter Reduction Act
CCC	California Conservation Corps
CESQG	Conditionally Exempt Small Quantity Generator
CEQA	California Environmental Quality Act
CFC	Chlorofluorocarbons
CHP	California Highway Patrol
CIWMB	California Integrated Waste Management Board
CORE	California Oil Recycling Enhancement Act
CIWMP	Countywide Integrated Waste Management Plan
CUP	Conditional Use Permit
DFA	Department of Food and Agriculture
DFFP	Department of Forestry and Fire Protection
DGS	Department of General Services
DOC	Department of Conservation
DOF	Department of Finance
DOR	Division of Recycling
DFG	Department of Fish and Game
DHS	Department of Health Services
DPR	Department of Pesticide Regulation
DTSC	Department of Toxic Substances Control
EA	Enforcement Agency
EIR	Environmental Impact Report
FDA	Food and Drug Administration (Federal)
FTC	Federal Trade Commission
FY	Fiscal Year
GRP	Governor's Reorganization Plan
HDPE	High-Density Polyethylene
HHW	Household Hazardous Waste
HHWE	Household Hazardous Waste Element
HR	House of Representatives Bill (federal)
HWCA	Hazardous Waste Control Account
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991 (Federal)
IWM	Integrated Waste Management
IWMA	Integrated Waste Management Account
IWMF	Integrated Waste Management Fund
IWMP	Integrated Waste Management Plan
JPA	Joint Powers Agreement
LEA	Local Enforcement Agency
MEIR	Master Environmental Impact Report
MOU	Memorandum of Understanding

MSW	Municipal Solid Waste
NDFE	Nondisposal Facility Element
OAL	Office of Administrative Law
OEHHA	Office of Environmental Health Hazard Assessment
OES	Office of Emergency Services
OIP	Office of Information Practices
OIT	Office of Information Technology
OPR	Office of Planning and Research
PETE	Polyethylene Terephthalate
PUC	Public Utilities Commission
RCRA	Resource Conservation and Recovery Act of 1976 (Federal)
RPPC	Rigid Plastic Package Container
RPPCM	Recycled Plastic Postconsumer Material
RWQCBs	Regional Water Quality Control Boards
S	Senate Bill (Federal)
SB	Senate Bill
SCRSWMD	Sacramento County Regional Solid Waste Management District
SDE	State Department of Education
SRRE	Source Reduction and Recycling Element
STAR	State Assistance for Recycling Markets Act of 1989
SWDSCTF	Solid Waste Disposal Site Cleanup Trust Fund
SWDSCMA	Solid Waste Disposal Site Cleanup Maintenance Account
SWAT	Solid Waste Assessment Test
SWRCB	State Water Resource Control Board
TCA	Trade and Commerce Agency
USEPA	United States Environmental Protection Agency
WMIA	Waste Management Incentive Account

STATE LEGISLATION

Agriculture

AB 389 (Cannella)
Agriculture: Environmental Farming: Wetland Habitat
Chapter 928, Statutes of 1995

Provides that a "bank site" or "mitigation bank site," as defined by the Sacramento - San Joaquin Valley Wetlands Mitigation Bank Act of 1993, may include any lands on which rice is grown, as long as those lands are managed as ricelands and meet other specified criteria.

California Environmental Quality Act

AB 165 (Richter)
Environmental Quality: Action or Proceeding
Assembly Governmental Organization Committee

Would require lead State agencies to notify public agencies when an environmental impact report on a project is required. Would require 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. Would prohibit the responsible or public agency from maintaining an action or proceeding for noncompliance unless the agency specified to the lead agency the scope and the statutory responsibilities of their agency.

AB 1860 (Allen)
Environmental Quality: Actions and Proceedings
Chapter 801, Statutes of 1995

Repeals the CEQA provision which provides that if a person has made a written request to a public agency for a copy of a specified notice, the time period for the commencement of an action or proceeding on the grounds of noncompliance with the act by the public agency shall commence from the date of the mailing of that notice. Provides, instead, that the petitioner or plaintiff must file and serve a statement of issues within 30 days from the finalization of the administrative record, and the respondent or real party in interest must file and serve a statement of issues ten days after being served with the petitioner or plaintiff's statement of issues. Provides that if a person has made a written request to a public agency for a copy of the notice prior to the date on which the agency approves or determines to carry out the project, the public agency shall deposit a written copy of the notice addressed to that person in the United States mail, first-class postage prepaid, no later than five days from the date of the agency's action.

SB 57 (Leonard)
Environmental Quality
Failed Passage, Reconsideration Granted - Senate Governmental Organization Committee

Would exempt from the CEQA provisions 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.

***SB 1180 (Calderon)**
Environmental Quality: Military Base or Reservation Reuse Plan
Chapter 861, Statutes of 1995

Provides that when preparing and certifying an environmental impact report for a military base or reservation reuse plan, as defined, including when utilizing a Federal environmental impact statement, the determination of whether the reuse plan may have a significant effect on the environment may, at the discretion of the lead agency, be made in the context of the physical conditions that were present at the time the base or reservation closure or realignment decision became final.

Urgency measure effective October 12, 1995.

Composting

SB 637 (Haynes)
Solid Waste: Composting: Air Contaminants
Senate Natural Resources and Wildlife Committee

Would make provisions in existing law relative to the discharge of air contaminants inapplicable to odors emanating from composting facilities.

Department of Conservation/Bottle Bill

AB 995 (Sher)
Beverage Containers
Assembly Natural Resources Committee

Would extend requirements of the BCRLRA, relating to the calculation by the DOC of processing fees paid by beverage manufacturers, to January 1, 1998.

SB 177 (Hughes)
Glass Container Manufacturers: Reporting Diversion Credit
Senate Governmental Organization Committee

Would have required the DOC 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.

SB 1178 (O'Connell)
Beverage Containers
Chapter 624, Statutes of 1995

Revises the BCRLRA. 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 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.

Enforcement/Permits

***AB 59 (Sher)**
Solid Waste Facilities: Permits: Enforcement
Chapter 952, Statutes of 1995

Revises solid waste facility permitting and enforcement activities carried out by the CIWMB and LEA. Provides 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. Establishes detailed procedures for the CIWMB when acting as the EA, and clarifies processes, procedures, and requirements for the designation, operation and evaluation of LEAs. Clarifies in statute the requirements for operators who wish to change solid waste facility design or operations.

Urgency measure effective October 16, 1995.

AB 362 (Setencich)
Solid Waste Disposal Sites: Water Quality
Assembly Environmental Safety and Toxic Materials Committee

Would have prohibited the CIWMB and the 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 RCRA.

AB 1148 (Cortese)
Solid Waste Haulers: Local Registration
Assembly Natural Resources Committee

Would require 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. Would require the registered solid waste hauler to maintain a record of each solid waste hauling trip, including the types of solid waste handled and the disposal destination of the solid waste. Would provide for revocation of the solid waste hauler's registration and the imposition of a civil penalty if that hauler has disposed of solid waste in a location that is not a permitted disposal facility.

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AB 1647 (Ducheny)
Solid Waste Facilities: Regulations
Senate Inactive File

Would provide findings and declarations that the CIWMB should be statutorily authorized to adopt regulations pertaining to composting. Would state 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.

***AB 1943 (Bordonaro)**
Environmental Protection: General Permits
Senate Natural Resources and Wildlife Committee

Would include specified certified unified program agencies under the unified hazardous waste and hazardous waste and materials management regulatory program as an environmental agency for purposes of the Environmental Protection Permit Reform Act of 1993. Would authorize specified State environmental agencies to adopt a process to precertify equipment and processes as being in compliance with any laws and regulations applicable to State environmental agencies. Would require a State environmental agency that adopts regulations, to the extent feasible and appropriate, to adopt standardized permits to incorporate equipment and process precertified pursuant to this bill. Would require, where applicable, State environmental agencies to include as part of their precertification, a model standardized permit ordinance that local environmental agencies may adopt. Would authorize local environmental agencies to adopt standardized permits to incorporate equipment and processes precertified, as provided in this bill. Urgency measure.

SB 200 (Maddy)
Environmental Permits: Oversight
Senate Governmental Organization Committee

Would create the Office of Permit Oversight in Cal/EPA, and would require 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. Would create the Environmental Permit Oversight Fund, into which specified fee revenue would be deposited. Would provide that the money in the fund is available for appropriation to the Office for administration of this bill's provisions.

***SB 1107 (Leslie)**
Unified Program Agencies
Chapter 635, Statutes of 1995

Permits the Secretary of Cal/EPA to waive the requirement that a city, county, or other local agency impose the State surcharge on businesses or entities to be used to cover the necessary and reasonable costs of State agencies in carrying out the unified program if the local agency applies to the Secretary, on or before January 1, 1996, to be certified as a unified program agency.

Urgency measure effective October 5, 1995.

SB 1299 (Peace)
Environmental Protection: Permits
Chapter 872, Statutes of 1995

Requires the Secretary of the Cal/EPA to adopt regulations to establish the permit consolidation zone pilot program.

Fees

AB 1475 (Pringle)
Regulatory Fees
Senate Revenue and Taxation Committee

Would require the Cal/EPA to establish, compile, and maintain a regulatory fee register to serve as a central repository of information concerning regulatory fees collected by the offices, boards and departments within Cal/EPA, the Division of Occupational Safety and Health, the offices, boards and departments within the Resources Agency, each air pollution control district, each air quality management district, and the BOE. The fee register would annually list for each fee the amount of revenue it produces, and separately list the agencies responsible for imposition of fees, the number of facilities from which the fees are collected, and the amount collected by each agency.

ABXX 20 (Morrow)
Orange County: Solid Waste Disposal Fees
Assembly Inactive File

Would temporarily suspend payment by Orange County of the solid waste disposal fee and would waive any penalties or interest, or both, on the unpaid fees. Would provide 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 was introduced in the Second Extraordinary Session convened to deal with Orange County's bankruptcy problems.

SB 1023 (Johnston)
Solid Waste: Transfer Stations: Fees
Senate Governmental Organization Committee

Would require each operator of a transfer station to pay a quarterly fee to the BOE, 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. Would specify 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.

Fiscal

AB 573 (Goldsmith)
State Funds
Senate Governmental Organization Committee

Would prohibit 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.

AB 903 (Pringle)
General Budget: 1995-96
Chapter 303, Statutes of 1995

Makes appropriations for support of state government for the 1995-96 Fiscal Year.

AB 1537 (Aguiar)
State-Mandated Local Programs
Assembly Local Government Committee

Would provide that, unless fully funded by the State, a State-mandated local program shall not apply to any local agency or school district. Would authorize local agencies or school districts to implement State-mandated local programs with their own resources if full State funding is not provided.

ACA 7 (Pringle)
State-Mandated Local Programs
Assembly Local Government Committee

Would provide 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. Would provide 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. Would state that the performance of suspended mandates shall not impose liability upon a local government or its officers or employees, as specified. Would include various other provisions related to State mandates and the Commission on State Mandates.

ACA 8 (Goldsmith)
Funding of Local Government
Assembly Elections, Reapportionment and Constitutional Amendments Committee

Would provide 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. Would authorize a local government to discontinue a mandated program when all of the funds provided for the mandate have been expended. Would provide that every mandate imposed by statute, or the Governor or part of the executive branch that is not funded by the State in any two consecutive years would be repealed.

ACA 21 (Brulte)
Legislation: Cost Imposition: Vote Requirement
Failed Passage, Reconsideration Granted - Assembly Rules Committee

Would require a two-thirds 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

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in any fiscal year upon business and individuals. Would establish 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.

SB 11 (Ayala)
State-Mandated Local Programs
Chapter 945, Statutes of 1995

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 two-thirds vote for passage. Provides that 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.

SB 19 (Johannessen)
State-Mandated Local Programs
Assembly Local Government Committee

Would provide 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. Would specify that legislation determined by the Legislative Counsel to constitute a State-mandated program on local agencies that neither appropriates funds for reimbursement, nor disclaims the right to reimbursement, would require passage by a two-thirds vote.

SB 338 (Campbell)
State Funds
Chapter 654, Statutes of 1995

Prohibits the expenditure of any fines or penalties by any State agency unless the Legislature specifically provides authority for their expenditure by an appropriation in the Budget Act or other legislation, as specified.

SB 805 (Monteith)
State-Mandated Local Programs
Assembly Local Government Committee

Would enact the Monteith-Ayala-Kopp Mandate Reform Act. Would provide that an affected local agency would not be required to comply with a State-mandated local program enacted after January 1, 1975, 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. Would require the Commission to approve a test claim and adopt the statewide cost estimate for a State-mandated local program within six months of submission by the affected local agency of all necessary information.

SB 1081 (Leslie)
State-Mandated Local Programs
Senate Local Government Committee

Would provide that a State-mandated local program enacted after January 1, 1975, shall not apply to any city with a population of 10,000 or less or any county with a population of 50,000 or less, unless the program is fully funded by the State.

Government Procurement and Waste Management

AB 826 (Sher)
Public Purchases: Recycled and Chlorine Free Products
Assembly Consumer Protection, Governmental Efficiency, and Economic Development Committee

Would include 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. Would define "products containing fly ash" and "chlorine free" and "chlorinated" products. Would require 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. Would allow a price preference subject to certain conditions.

AB 1902 (McPherson)
Solid Waste: State Agencies
Assembly Appropriations Committee

Would require each State agency, on or before October 1, 1996, to develop, in consultation with the CIWMB, an integrated waste management program. Would require 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. Would require 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. Would define "State agency" as every State office, officer, department, division, board, commission or other agency of the State.

SB 1174 (Killea)
Public Purchases: Recycled Steel
Chapter 427, Statutes of 1995.

Adds "steel" to the list of recycled products and materials approved by the State for purchase by State agencies and the Legislature as "recycled content" products.

Hazardous Waste

AB 483 (Alpert)
Hazardous Waste: Recycling
Chapter 625, Statutes of 1995

Requires the DTSC, to the extent consistent with RCRA and the protection of the public health, safety, and the environment, to adopt regulations by January 1, 1997, exempting secondary materials, as defined, from the hazardous waste control laws. Exempts from hazardous waste facilities requirements the puncturing, draining or crushing of aerosol cans, the separation of used oil from water, and the operation of totally enclosed treatment facilities upon adoption of regulations by the DTSC. Requires the DTSC, on or before July 1, 1997, to complete an evaluation of the Phase I environmental assessment requirement applicable to facilities wishing to operate under the tiered permitting program and to make recommendations relating to the need for statutory change, to the Governor and the Legislature on or before March 1, 1998.

AB 644 (Richter)
Non-RCRA Hazardous Waste: Regulation
Assembly Inactive File

Would require the DTSC to evaluate the differences between regulations adopted pursuant to RCRA and the criteria, guidelines and testing requirements adopted pursuant to the State hazardous waste control laws. Would require the DTSC to adopt, amend, or repeal hazardous waste regulations that reflect the results of the evaluation required by this bill.

AB 1906 (Sher)
Hazardous Waste Fees
Chapter 637, Statutes of 1995

Requires the BOE to establish and submit annually to hazardous waste generators a fee statement consolidating the hazardous waste facility fee, hazardous waste generator fee, hazardous waste generator surcharge fee, and corporate hazardous materials fees. Specifies that the fees on the consolidated statement are due and payable on the last day of February of each year.

AB 1965 (Figueroa)
Hazardous Waste: Wood Waste
Chapter 670, Statutes of 1995

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 composite-lined portion of a municipal solid waste landfill that meets any requirements imposed by State policy, and (3) the solid waste landfill used for disposal is authorized to accept the wood waste under waste discharge requirements issued by the appropriate regional water quality control board.

SB 352 (Wright)
Aerosol Can Recycling
Chapter 424, Statutes of 1995

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.

SB 415 (Thompson)
Hazardous Materials Transporter Fees
Held in the Senate Appropriations Committee

Would have extended the requirement to December 31, 1999, for the Secretary of Cal/EPA to establish a fee schedule, to be paid by each surface transporter of hazardous materials in the State. Would have limited the amount of funds deposited in the Hazardous Spill Prevention Account in the Railroad Accident Prevention and Budget Act to $2 million in any calendar year.

SB 1133 (Wright)
Environmental Protection: Regulations: Hazardous Waste
Senate Toxics and Public Safety Management Committee

Would require 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 DTSC that classifies as a hazardous waste, any non-RCRA waste, or any other waste that is exempted from RCRA.

***SB 1191 (Calderon)**
Hazardous Materials and Wastes: Unified Program
Chapter 639, Statutes of 1995

Revises specific provisions of law regulating hazardous waste, the storage of hazardous substances in underground storage tanks, and the handling of hazardous materials, in regard 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 effective October 5, 1995.

SB 1222 (Calderon)
Hazardous Waste Management
Chapter 639, Statutes of 1995

Enacts the Hazardous Waste Management Reform Act of 1995. 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. Existing law defines the term "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. Revises this definition to exclude those wastes which meet those characteristics, and would instead require the DTSC's guidelines to identify as hazardous waste those wastes which exhibit those characteristics. Prescribes other related changes.

Household Hazardous Waste

SB 176 (Alquist)
Household Hazardous Waste: Information
Failed Passage, Reconsideration Granted - Senate Toxics and Public Safety Management Committee

Would require that HHW program public information on safer substitutes for products, which contain hazardous substances be "competent and reliable."

Would prohibit any State agency 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" would be 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. Would require the CIWMB to advise State agencies regarding the potential hazards to human health and safety, including the accidental ingestion of the substitutes. Would specify that this bill is not intended to require the State agency to undertake, or contract for the undertaking, of any of the actions described in this legislation. Would require 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. Would allow any local agency or interested party to submit information to Cal/EPA for a determination as to whether the information is competent and reliable information. Would require Cal/EPA to make that determination within 60 days of receipt of the information.

SB 219 (Thompson)
Household Hazardous Waste
Chapter 633, Statutes of 1995

Increases the amount of batteries that can be collected at a household hazardous waste collection facility from 200 pounds to 600 pounds 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 that is delivered to a collection location or an intermediate collection location and subsequently transported to a household hazardous waste collection facility.

SB 364 (Wright)
Household Hazardous Waste Collection
Chapter 195, Statutes of 1995

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, which 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.

SB 845 (Leonard)
Household Hazardous Waste Facilities
Chapter 672, Statutes of 1995

Requires the DTSC to develop regulations for a simplified operating permit system for permanent household waste collection facilities. Requires the adopted regulations to weigh public safety considerations of household hazardous waste collection with the safety and environmental considerations of illegal disposal.

SB 1291 (Wright)
Hazardous Waste Facilities Permits
Chapter 640, Statutes of 1995

Allows a mobile household hazardous waste collection facility, a registered hazardous waste transporter carrying solid waste from a landfill, a transfer station loadcheck program under agreement with the household hazardous waste facility, or a registered hazardous waste transporter operating under a contract with a public agency transporting abandoned hazardous waste, to transport hazardous waste to a household hazardous waste collection facility. Revises the definitions of the terms "used oil" and "storage facility" and defines the terms "conditional authorization" and "conditional exemption" as related to hazardous waste.

IWM Planning

AB 242 (Sher)
Rural Regional Agencies: Penalties
Senate Floor Third Reading

Would require that any civil penalty imposed by the CIWMB on a rural regional agency for failure to submit an integrated waste management plan, or element thereof, or for failure to implement its SRRE or HHWE, be imposed on the individual member of the rural regional agency which has committed the violation rather than the regional agency as a whole. Would authorize the CIWMB to consider specific information in determining whether to impose those penalties.

AB 381 (Baca)
Solid Waste: Diversion Requirements
Chapter 219, Statutes of 1995

Revises the definition of "good faith efforts," which is 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.

AB 696 (Harvey)
Solid Waste: Diversion Goals
Assembly Natural Resources Committee

Would allow 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. Would require the CIWMB to establish alternative, but less comprehensive requirements for the area if a reduction in the diversion requirements is granted.

AB 1421 (Richter)
Solid Waste: Diversion Goals
Assembly Natural Resources Committee

Would specify that nothing in the provisions of the IWM Act would prohibit a city or county from implementing source reduction, recycling, composting or other environmentally sound activities designed to exceed the goals of the Act.

AB 1649 (Cannella)
Solid Waste Diversion Goals
Senate Governmental Organization Committee

Would state that the diversion goals of the IWM Act, which are to be achieved through source reduction, recycling and composting, shall not preclude a city or county from undertaking other environmentally sound activities designed to meet the goals of the IWM Act.

AB 1932 (Sweeney)
Solid Waste: Diversion Requirements: Regional Diversion Facilities: Reporting
Chapter 665, Statutes of 1995

Allows a jurisdiction to come before the CIWMB and petition for a modification to its reported disposal amounts based on information regarding increased disposal amounts from, and lack of feasible diversion alternatives for, residual waste from regional diversion facilities.

SB 439 (Ayala)
Solid Waste: Diversion Requirements
Author Dropped Measure - Senate Governmental Organization Committee

Would have clarified 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.

Individual Facilities

AB 35 (Mazzoni)
Solid Waste Facilities: Permits
Assembly Natural Resources Committee

Would prohibit a solid waste facility 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 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. Would prohibit the solid waste facility 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 EIR has been prepared and certified. Would prohibit the operator of the solid waste facility 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 issued by the LEA, or by the CIWMB, acting as the enforcement agency. (Note: This bill is a reintroduction of AB 1910 of 1994.)

***AB 241 (Horcher)**
BKK Solid Waste Facility
Assembly Natural Resources Committee

Would authorize the City of West Covina to revoke the 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. Would require 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.

AB 407 (Kuehl)
Solid Waste Disposal Facilities: Santa Monica Mountains Zone
Assembly Inactive File

Would prohibit 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 January 1, 1995. Would provide that nothing in these provisions modifies or limits the terms and conditions of any solid waste facilities permit granted before January 1, 1996.

AB 960 (Gallegos)
Subdivision Map Approval: Denial
Failed Passage, Reconsideration Granted - Assembly Natural Resources Committee

Would require the legislative body of a city or county to deny approval of a tentative map, or a parcel map for which no tentative map is 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.

AB 961 (Gallegos)
Solid Waste Facilities: Permits
Failed Passage, Reconsideration Granted - Assembly Natural Resources Committee

Would prohibit 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.

SB 387 (Mountjoy)
Solid Waste: Material Recovery Facility
Failed Passage, Reconsideration Granted - Senate Governmental Organization Committee

Would prohibit an enforcement agency from issuing a solid waste facilities permit for a material recovery facility, unless an agreement is entered into, if the facility meets all of the following conditions: (1) 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) be located within a county of at least 500,000 residents; and (3) 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.

SB 582 (Solis)
Wildlife Corridors
Assembly Water, Parks, and Wildlife Committee

Would authorize Los Angeles County to establish the Puente Hills Wildlife Corridor in the unincorporated portion of Los Angeles County. Would authorize, 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.

SB 1215 (Solis)
Solid Waste: Cogeneration Facilities
Senate Governmental Organization Committee

Would require 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.

***SBXX 17 (Craven)**
Environmental Quality: Solid Waste Handling
Chapter 4XX, Statutes of 1995.

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. Note: This measure was introduced in the Second Extraordinary Session convened to deal with Orange County's bankruptcy problems.

Urgency measure effective May 12, 1995.

Labeling/Advertising

***AB 227 (Sher)**
Environmental Advertising
Failed Passage, Reconsideration Granted - Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee

Would delete the current definition of "recyclable" (for purposes of environmental advertising) and instead require any person who represents any consumer good that it manufactures or distributes as "recyclable" to comply with the *Guides for Use of Environmental Market Claims,* published by the FTC on July 27, 1992. Urgency measure.

SB 426 (Leslie)
Environmental Advertising
Chapter 642, Statutes of 1995

Repeals the definitions contained within the existing Green Marketing Law and instead provides that environmental marketing claims be consistent with references in the *Guides for Use of Environmental Market Claims,* published by the FTC on July 27, 1992. Provides that the FTC guidelines be used as a defense in any suit or complaint regarding a false, deceptive, or misleading environmental marketing claim.

Local Government Issues

AB 342 (Hauser)
Municipal Services: Contracts with Indian Tribes
Assembly Local Government Committee

Would provide 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. Would provide 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. Would revise 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.

AB 429 (Hauser)
Solid Waste: Local Government and State Agency Cooperation
Assembly Natural Resources Committee

Would declare that the responsibility for solid waste management is a shared responsibility between State and local governments. Would state 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.

Low-Level Radioactive Waste

SB 480 (Alquist)
Low-Level Radioactive Waste
Senate Toxics and Public Safety Management Committee

Would require as a condition of maintaining a license for a low-level radioactive waste disposal facility sited pursuant to the Southwestern Low-Level Radioactive Waste Disposal Compact, to require the operator of the facility to obtain and maintain the maximum nuclear liability insurance available for the operation of the facility in the maximum amount generally available for the site.

Medical Waste

SB 372 (Wright)
Medical Waste: Management
Chapter 877, Statutes of 1995

Amends the Medical Waste Management Act to redefine the terms "large quantity generator" and "storage," and clarifies as to what does not qualify as hazardous waste. Authorizes specified medical waste generators to accept home-generated sharps waste (i.e., hypodermic needles, syringes) for consolidation with their own medical waste. Enacts

specific container labeling requirements for chemical or drug-contaminated medical wastes that are required to be incinerated before disposal and for human anatomical parts that are required to be incinerated or interred. Allows a compactor to be used to compact medical waste if the type of medical waste compactor proposed to be used is evaluated and approved by DHS. Authorizes the use of approved alternative technologies using extreme high temperatures or other intense physical conditions to treat medical waste prior to disposal. Requires the OPR, at the next revision of the guidelines after January 1, 1996, to make specified recommendations concerning the application of specified categorical exemptions in the guidelines regarding the treatment of medical waste by steam sterilization.

Miscellaneous

***AB 116 (Speier)**
Legislative Oversight: Reports
Senate Rules Committee

Would provide 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. Would continue to require specified reports. Would repeal provisions of the bill on January 1, 1997. Urgency measure.

AB 626 (Sher)
Solid Waste: Reporting Requirements
Senate Governmental Organization Committee

Would consolidate 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. Would require the annual progress reports by local jurisdictions to be submitted to the CIWMB on or before March 1 of every other year. Would clarify intent language in the IWM Act, would extend indefinitely a specified provision of the STAR, and make a number of general "code cleanup" changes. 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. Would require the CIWMB to establish a 15-member advisory committee, which would conduct a cost-benefit study, and report to the Governor and the Legislature on the implementation of the act by local governments on or before January 6, 1997.

***SB 25 (Leonard)**
Public Utilities: Electric Utilities: Generation
Assembly Utilities and Commerce Committee

Would have prohibited the PUC from prescribing special resource additions for electric utilities. Would have prohibited the PUC from requiring electric utilities to make generator resource additions. Urgency measure.

SB 482 (Calderon)
State Real Property: Department of General Services
Senate Appropriations Committee

Would authorize the Director of 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. Would prescribe specific duties for the DGS Director regarding Sacramento-area State facilities. Would establish a 7-member State Strategic Facilities Plan Implementation Committee appointed by the Governor.

SB 1235 (Hayden)
Schools: Environmental Education Instruction
Failed Passage, Reconsideration Granted - Assembly Appropriations Committee

Would authorize 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 a foundation for the wise use of natural resources.

Plastics

AB 1851 (Sher)
Solid Waste: Trash Bags
Chapter 821, Statutes of 1995

Requires, on or after January 1, 1996, every manufacturer that manufactures plastic bags of 0.75 mil or greater thickness for sale in this State, to ensure that at least 20 percent, and on or after January 1, 1997, at least 30 percent, of the materials used in those plastic bags is RPPCM. Exempts plastic trash bags that use adhesive, heat-

affixed straps attached to the bag during the manufacturing process if the manufacturer of the plastic trash bags manufactured bags of that type prior to January 1, 1995. Prescribes a procedure for manufacturers who are exempted from this law to petition the CIWMB for a variance from those RPPCM requirements.

SB 605 (Mello)
Rigid Plastic Packaging Containers
Chapter 171, Statutes of 1995.

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.

SB 1155 (Costa)
Solid Waste: Rigid Plastic Packaging
Assembly Desk

Would authorize the CIWMB to allow payment of fines for violations of the RPPC program in installments, based on the financial ability of the violator.

Public Records

AB 4 (Bates)
Government Information: Public Access
Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee

Would require the 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. Would require OIT to complete the plan by January 1, 1997. Would state that provisions of this bill shall be implemented only if the State receives Federal funding for this purpose.

AB 142 (Bowen)
Public Records
Assembly Governmental Organization Committee

Would provide 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. Would specify that direct costs of duplication shall include the costs associated with duplicating electronic records. Would define "vital records" for this purpose and expand the State Registrar's authority to adopt related regulations to include confidential portions of any vital record and require applicants for copies of vital records to submit an application with prescribed information under penalty of perjury. Would provide that "vital records" are not authorized to be disclosed except as outlined in laws which pertain to vital statistics.

SB 323 (Kopp)
Public Records
Assembly Governmental Organization Committee

Would make numerous changes to the California Public Records Act including: (1) revising the definitions of "local agency," "writing," and "public record"; (2) requiring that public records not containing information exempted from the Public Records Act must be made available in computer form or any alternative form that the agency uses to maintain its records; and (3) requiring agencies to identify in writing the provision of law on which they based a decision to withhold a record or, if withholding is based on the public interest, to state the public interest in disclosure and the public interest in non-disclosure.

Regulations

AB 250 (Baldwin)
Administrative Regulations: Review
Assembly Consumer Protection, Governmental Efficiency, and Economic Development Committee

Would require the OAL and the Secretary of the TCA, on or before January 1, 1997, to recommend to the Legislature the suspension or repeal of all State regulations determined by the OAL and the Secretary to be more stringent than Federal regulations on the same subject.

AB 1135 (Morrissey)
Administrative Regulations: State Air Resources Board: Cumulative Economic Impact
Senate Floor Third Reading

Would require the ARB, until January 1, 1999, when proposing to adopt or substantively amend any administrative regulation, to consider and respond to public comment on the cumulative economic impact of regulations that became effective on or after January 1, 1996.

AB 1142 (Baldwin)
Administrative Regulations: Adverse Job Creation Impact
Assembly Consumer Protection, Governmental Efficiency, and Economic Development Committee

Would prohibit all regulations adopted by a State agency that have been determined by the OAL 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.

AB 1179 (Bordonaro)
Trade and Commerce Agency: Rules and Regulations
Assembly Inactive File

Would specify that no administrative regulation adopted by State regulatory agencies after January 1, 1996, shall apply to businesses, unless the regulation is necessary for the health, safety, or welfare of the people of the State, and that the intended benefits of the regulation justify its costs and it is the most cost-effective of available regulatory options. Would require the regulatory agencies to include in their final statement to the OAL their response to the TCA concerns for those regulations on which the Secretary of the TCA has chosen to comment. Would require the OAL to return a regulation to State regulatory agencies that did not adequately respond to comments raised by the TCA.

AB 1319 (Olberg)
Regulations: Private Property Rights
Assembly Consumer Protection, Governmental Efficiency, and Economic Development Committee

Would require 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. Would require 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.

AB 1659 (Woods)
Administrative Regulations
Failed Passage, Reconsideration Granted - Senate Governmental Organization Committee

Would require Cal/EPA offices, agencies, departments, boards and commissions and other State agencies, as specified, until January 1, 2001, to determine whether a proposed regulation or amended regulation would be a major regulation, as defined, prior to giving public notice of the adoption or amendment.

AB 1857 (Brewer)
Administrative Regulations: Difference from the Federal Code of Regulations
Assembly Consumer Protection, Governmental Efficiency, and Economic Development Committee

Would permit all State agencies to adopt regulations that are different from regulations contained in the Federal Code of Regulations, but require 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.

SB 297 (Campbell)
State Regulatory Activities: Principal Agencies
Chapter 650, Statutes of 1995

Requires, nothwithstanding any other provision of law, if a principal state agency is not designated by statute, a principal state agency shall be designated by the Governor for the coordination of procedures, forms, and deadlines in every area of regulatory activity under the jurisdiction of the state, as determined by the Governor. Requires all other state agencies to defer to the principal agency in the performance of their duties in a particular regulatory area, or upon a particular project with respect to procedures, forms, and deadlines.

SB 329 (Campbell)
Regulations: Legislative Notification
Failed Passage, Reconsideration Granted - Senate Governmental Organization Committee

Would prohibit a State agency, commencing January 1, 1996, 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.

SB 339 (Campbell)
Regulations: Expiration
Failed Passage - Senate Governmental Organization Committee

Would have prohibited all regulations adopted by a State agency after January 1, 1996, 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.

SB 739 (Polanco)
Environmental Regulations
Failed Passage, Reconsideration Granted - Senate Natural Resources and Wildlife Committee

Would authorize the CIWMB and the SWRCB to adopt a regulation that is different from a Federal regulation addressing the same issue, upon a finding that the differing State regulation is authorized by law, will protect the health and safety or the environment from identified reasonably anticipated adverse effects, and the differing State regulation represents the most cost-effective of available regulative alternatives.

SB 1122 (Mountjoy)
Small Businesses: Environmental Regulations
Senate Natural Resources and Wildlife Committee

Would require that the application of any ordinance, regulation, or rule adopted by a public entity for the purpose of alleviating, mitigating, limiting, or 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. Would prohibit 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. Would provide that all fines for noncompliance be a reasonable amount. Would provide that no fine shall be used to finance the regulatory program of the public entity imposing the fine.

Reorganization

AB 926 (Rainey)
Solid Waste Management: Reorganization
Assembly Natural Resources Committee

Would abolish the board member structure of the CIWMB and create 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.)

SB 174 (Killea)
Solid Waste Management/Beverage Container Recycling Reorganization: Waste Dumping: Contaminated Used Oil
Assembly Appropriations Committee

Would transfer the DOR and its functions from the DOC to the CIWMB, and make conforming changes. Would require the CIWMB to combine existing CIWMB/DOC programs, by January 1, 1997, for public education and advertising, public information hotline services, grants and contracts, and market development efforts. Would require 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 January 1, 1997. Would reduce the membership of the CIWMB to five members by eliminating one of the positions appointed by the Governor to represent the public. Would require the Governor to appoint the chairperson of the CIWMB. Would repeal provisions in the Health and Safety Code related to the disposal of garbage into navigable waters, degradable plastic beverage connectors, and contaminated used oil regulations and re-enact and relocate these provisions under the Public Resources Code. Would require the CIWMB, in conjunction with the SDE, to provide materials, technical assistance and other necessary resources to aid and encourage education agencies to establish paper recycling programs and require the development and distribution of curriculum materials relating to paper recycling and conservation of resources. Would eliminate the local government technical advisory committee and

repeal the HHW grant program at the CIWMB and reduce the State tipping fee accordingly. (Note: SB 1163 was amended into this bill.)

SB 1163 (Leslie)
Solid Waste: Disposal Facilities and Sites
Assembly Natural Resources Committee

Would abolish the DOR in the DOC and create the DOR in the CIWMB, thereby transferring the beverage container recycling, litter reduction, plastic waste and fiberglass recycled content functions of the department to the CIWMB. Would reduce the membership of the CIWMB to five members.

Special Wastes

AB 382 (Baca)
Solid Waste: Transformation: Biomass Conversion
Assembly Natural Resources Committee

Would make legislative findings and declarations regarding new technologies for the conversion of biomass and state the intent of the Legislature to promote and encourage the use of those technologies.

***AB 1202 (Woods)**
Public Utilities: Electrical Generation
Assembly Floor Third Reading

Would require the PUC to establish a set-aside of 1.5 percent of all electricity provided by all suppliers to consumers in California, to be provided exclusively by solid fuel biomass electricity generating plants located in this State. Would require the Secretary of the Cal/EPA 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 electric ratepayers. Urgency measure.

SB 205 (Kelley)
Waste Discharge Requirements: Sewage Sludge: Waiver
Chapter 613, Statutes of 1995

Requires the SWRCB or a 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 at agronomic rates. Requires the standards to be developed in consultation with the CIWMB, the ARB and the DFA.

SB 206 (Kelley)
Cementitious Materials: Definitions: Mining Waste
Chapter 847, Statutes of 1995

Excludes from classification as a hazardous waste, cementitious material that is a nonaqueous waste and is managed at the cement manufacturing facility where it was generated, which would otherwise be classified as hazardous waste.

Tax Issues

SB 151 (Mountjoy)
Environmental Regulation: Tax Credits: Environmental Expenses
Failed Passage - Senate Natural Resources Committee

Would have provided that any manufacturer that uses the latest proven technological equipment available to maintain air quality, shall not be subject to any State or local limitation on product production on account of air emission regulations. Would have authorized 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.

Technology Development

SB 1 (Alquist)
Department of Information Technology
Chapter 508, Statutes of 1995

Replaces the Office of Information Technology with the Department of Information Technology, to be managed by the Director of Information Technology. Requires the Department or its director to, among other duties, develop plans and policies to support and promote the effective application of information technology within State government; establish policies and procedures to ensure that major State information technology projects are scheduled and funded in phases; and consolidate existing data centers, if deemed in the best interest of the State.

Tires

AB 206 (Cannella)
Waste Tires
Author Dropped Measure - Assembly Natural Resources Committee

Would have revised and clarified the definition of "waste tire" as a tire that cannot be repaired, retreaded, or utilized as a tire in accordance with regulations adopted pursuant to Vehicle Code Section 27500.

AB 1071 (Morrow)
Waste Tires: Cement Manufacturing Plant
Chapter 191, Statutes of 1995

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.

SB 1026 (Dills)
Solid Waste: Tire Recycling
Chapter 605, Statutes of 1995

Requires Caltrans to request that the U.S. Department of Transportation 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.

Used Oil Recycling

AB 1103 (Sher)
Oil Recycling: Used Oil Collection Centers
Chapter 822, Statutes of 1995

Makes a number of technical definitional clarifications within the CORE Act and changes specific portions of the Act with respect to sign posting, remittance of excess fees, contract authority with the DTSC, audits of the used oil fund and fee assessments on weight-based oil sales.

SB 130 (Costa)
Hazardous Waste: Recovery and Storage of Oil
Chapter 632, Statutes of 1995

Expands the definition of the types of oil-bearing materials that would be exempted from the hazardous waste control laws (oil-bearing materials containing gasoline would be included in the exemption), and clarifies that oil-bearing materials received from a related corporation using a common pipeline with the recycling refinery are eligible for exemption from hazardous waste control laws.

FEDERAL LEGISLATION

HR 24 (Smith, Christopher, R-NJ) - Community Solvency Act of 1995
Referred to House Committee on Commerce.

Would amend the Solid Waste Disposal Act to provide Congressional authorization for State control over transportation of municipal solid waste.

HR 102 (Bilirakis, R-FL) - Amendment to the Solid Waste Disposal Act
Referred to the House Committee on Commerce.

Would amend the Solid Waste Disposal Act to exempt pesticide rinse water degradation systems from Subtitle C permit requirements.

HR 132 (Solomon, R-NY) - Hazardous Waste Recycling Tax Credit Act of 1995
Referred to House Committee on Ways and Means.

Would amend the Internal Revenue Code of 1986 to provide a refundable income credit for recycling of hazardous waste.

HR 189 (Collins, Cardiss, D-IL) - Oil Recycling and Safe Handling Act of 1995
Joint referral to House Committee on Commerce and House Committee on Transportation and Infrastructure.

Would amend the Solid Waste Disposal Act and Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to provide for recycling and management of used oil and to reduce emissions of lead into the ambient air.

HR 200 (Upton, R-MI) - Lender and Fiduciary Fairness Liability Act of 1995
Joint referral to House Committee on Commerce and House Committee on Transportation and Infrastructure.

Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

HR 225 (Dingell, D-MI) - Flow Control Act of 1995
Referred to House Committee on Commerce.

Would amend the Solid Waste Disposal Act to provide Congressional authorization for State Control over transportation of municipal solid waste.

HR 227 (Dingell, D-MI) - State and Local Government Interstate Waste Control Act of 1995
Referred to the House Committee on Commerce.

Would amend the Solid Waste Disposal Act to provide Congressional authorization for restrictions on receipt of out-of-State municipal solid waste.

HR 228 (Dingell, D-MI) - Superfund Reform Act of 1995; Environmental Insurance Resolution and Equity Act of 1995
Joint referral to House Committee on Commerce, House Committee on Transportation and Infrastructure, and House Committee on Ways and Means.

Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

HR 291 (Kanjorski, D-PA) - Solid Waste Compact Act of 1995
Referred to House Committee on Commerce.

Would amend the Resource Conservation and Recovery Act to improve procedures for the implementation of State compacts providing for the establishment and operation of regional disposal facilities for municipal and industrial solid waste.

HR 342 (Pallone, D-NJ) - Flow Control Act of 1995
Referred to House Committee on Commerce.

Would amend the Solid Waste Disposal Act to provide Congressional authorization of State control over transportation of municipal solid waste.

HR 422 (Clinger, R-PA) - Amendment to the Solid Waste Disposal Act
Referred to the House Committee on Commerce.

Would amend Subtitle C of the Solid Waste Disposal Act to require the preparation of a community information statement for new hazardous waste treatment or disposal facilities.

HR 423 (Clinger, R-PA) - Amendment to the Solid Waste Disposal Act
Referred to the House Committee on Commerce.

Would amend Subtitle C of the Solid Waste Disposal Act to establish safety zones around Federal prisons in which certain facilities may not be permitted.

HR 521 (Zimmer, R-NJ) - Amendment to Bankruptcy, Title 11 U.S.C.
Referred to House Committee on the Judiciary.

Would amend Title 11 of the United States Code to make nondischargeable claims of governmental units for costs that are incurred to abate hazardous substances and for which the debtor is liable under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, certain claims under the Solid Waste Disposal Act, and claims under State laws similar in subject matter to such acts.

HR 603 (Gillmor, R-OH) - State Regulation of Certain Solid Waste, Authorization
Referred to House Committee on Commerce.

Would authorize States to regulate certain solid waste.

HR 820 (Lincoln, D-AR) - Superfund Recycling Equity Act of 1995
Joint referral to House Committee on Commerce and to House Committee on Transportation and Infrastructure.

Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that act for certain recycling transactions.

HR 854 (Smith, Christopher, R-NJ) - Toxic Pollution Responsibility Act of 1995
Joint referral to House Committee on Commerce and House Committee on Transportation and Infrastructure.

Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to provide that municipalities and other persons shall not be liable under that act for the generation or transportation of municipal solid waste.

HR 855 (Smith, Christopher, R-NJ) - Municipal Liability Cap Act of 1995
Joint referral to House Committee on Commerce and to House Committee on Transportation and Infrastructure.

Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to establish a maximum limit of liability for municipalities and other persons liable under that act for the generation or transportation of municipal solid waste.

HR 914 (Lafalce, D-NY) - Environmental Lender and Fiduciaries Liability Amendments Act of 1995
Joint referral to House Committee on Commerce and to House Committee on Transportation and Infrastructure.

Would amend the Comprehensive Environmental Response, Compensation, and Liability Act and the Solid Waste Disposal Act to limit the liabilities under these acts of both fiduciaries and lending institutions, including finance lessors, guarantors, and others directly or indirectly holding indicia of ownership primarily to protect a security interest in property which is subject to either act.

HR 924 (McKeon, R-CA) - Transfer of National Forest Lands, California, Prohibition
Passed the House of Representatives on November 13, 1995; referred to the Senate Committee on Energy and Natural Resources.

Would prohibit the Secretary of Agriculture from transferring any National Forest System lands in the Angeles National Forest in California out of federal ownership for use as a solid waste landfill.

HR 1047 (Hefley, R-CO) - Voluntary Environmental Self-Evaluation Act
Joint referral to House Committee on the Judiciary, House Committee on Commerce, House Committee on Transportation and Infrastructure, and House Committee on Agriculture.

Would provide under Federal law a limited privilege from disclosure of certain information acquired pursuant to a voluntary environmental self-evaluation and, if such information is voluntarily disclosed, for limited immunity from penalties.

HR 1080 (Minge, D-MN) - Transportation of Municipal Solid Waste
Referred to House Committee on Commerce.

Would authorize States and political subdivisions of States to control the movement of municipal solid waste generated within their jurisdictions.

HR 1085 (Smith, Christopher, R-NJ) - Local Governments Flow Control Act of 1995
Referred to House Committee on Commerce.

Would amend the Solid Waste Disposal Act to provide Congressional authorization for State and local flow control authority over solid waste.

HR 1153 (Weldon, R-PA) - Recycling Information Clearinghouse Act of 1995
Referred to House Committee on Commerce.

Would improve the collection, analysis, and dissemination of information that will promote the recycling of municipal solid waste.

HR 1180 (Upton, R-MI) - State and Local Government Interstate Waste Control Act of 1995
Referred to House Committee on Commerce.

Would restore the states' authority to regulate cross-border trash shipments. Would amend the Solid Waste Disposal Act to provide Congressional authorization for restrictions on receipt of out-of-State municipal solid waste and for State control over transportation of municipal solid waste, and to clarify the authority for certain municipal solid waste flow control arrangements.

HR 1242 (Pryce, R-OH) - Highway Mandates Repeal Act of 1995
Referred to House Committee on Transportation and Infrastructure.

Would amend the ISTEA of 1991 to repeal the provisions relating to the use of asphalt pavement containing recycled rubber.

HR 1249 (Greenwood, R-PA) - Amendment to Solid Waste Disposal Act
Referred to House Committee on Commerce.

Would amend the Solid Waste Disposal Act to permit States and political subdivisions to control the disposal of out-of-State municipal solid waste within their boundaries.

HR 1257 (Dicks, D-WA) - Landfill Technical Improvement Act of 1995
Referred to House Committee on Commerce.

Would amend the Solid Waste Disposal Act.

HR 1288 (Buyer, R-IN) - Interstate Transportation of Municipal Waste Act of 1995
Referred to House Committee on Commerce.

Would amend the Solid Waste Disposal Act to permit Governors to limit the disposal of out-of-State solid waste in their States.

HR 1296 (Pelosi, D-CA) - Administration of Certain Presidio Properties
Reported out of the Senate Committee on Energy and Natural Resources on December 22, 1995.

Would provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, with respect to compliance with the National Environmental Policy Act and other environmental compliance statutes.

HR 1381 (Meek, D-FL) - Comprehensive Economic and Environmental Recovery Act of 1995
Joint referral to House Committee on Ways and Means, House Committee on Commerce, House Committee on Economic and Educational Opportunities, House Committee on National Security, and House Committee on Transportation and Infrastructure.

Would establish a national program to stimulate urban economic redevelopment through environmental remediation and restoration, as well as through the development of inner city businesses and employment in the fields of environmental response, remediation, and restoration.

HR 1444 (Markey, D-MA) - National Beverage Container Reuse and Recycling Act of 1995
Referred to House Committee on Commerce.

Would amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, and to provide resources for State pollution prevention and recycling programs.

HR 1522 (Torres, D-CA) - Lead Battery Recycling Incentives Act
Referred to House Committee on Commerce.

Would amend the Solid Waste Disposal Act to provide management standards and recycling requirements for spent lead-acid batteries.

HR 1523 (Torres, D-CA) - Newsprint Recycling Incentives Act
Reported out of House Committee on Resources on September 27, 1995.

Would amend the Solid Waste Disposal Act to require producers and importers of newsprint to recycle a certain percentage of newsprint each year, to require the Administrator of the Environmental Protection Agency to establish a recycling credit system for carrying out such recycling requirement, and to establish a management and tracking system for such newsprint.

HR 1524 (Torres, D-CA) - Tire Recycling Incentives Act
Referred to House Committee on Commerce.

Would amend the Solid Waste Disposal Act to require producers and importers of tires to recycle a certain percentage of scrap tires each year, to require the Administrator of the Environmental Protection Agency to establish a recycling credit system for carrying out such recycling requirement, and to establish a management and tracking system for such tires.

HR 1525 (Torres, D-CA) - Oil Recycling Incentives Act
Referred to the House Committee on Commerce.

Would amend the Solid Waste Disposal Act to require the Administrator of the Environmental Protection Agency to establish a recycling credit system for carrying out recycling of used oil.

HR 1616 (Upton, R-MI) - Superfund Liability Allocation Act of 1995
Joint referral to House Committee on Commerce and House Committee on Transportation and Infrastructure.

Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide a process for the allocation of liability among potentially responsible parties at Superfund sites.

HR 1620 (Regula, R-OH) - Brownfield Cleanup and Redevelopment Revolving Loan Fund Pilot Project of 1996
Joint referral to House Committee on Commerce and House Committee on Transportation and Infrastructure.

Would authorize the Administrator of the Environmental Protection Agency to establish a pilot project providing loans to States to establish revolving loan funds for the environmental cleanup of sites in distressed areas that have the potential to attract private investment and create local employment.

HR 1663 (Skeen, R-NM) - Waste Isolation Pilot Plant Land Withdrawal Amendment Act
Joint Referral to House Committee on Commerce and House Committee on National Security.

Would amend the Waste Isolation Pilot Plant Land Withdrawal Act.

HR 1680 (Roberts, Pat, R-KS) - Federal Insecticide, Fungicide, and Rodenticide Act
Passed the Energy and Power Subcommittee to the House Committee on Agriculture on July 28, 1995.

Would amend the Federal Insecticide, Fungicide, and Rodenticide Act regarding disposal of household and similarly-formulated products.

HR 1781 (Stark, D-CA) - California Urban Environmental Research and Education Center
Joint referral to House Committee on Economic and Educational Opportunities and House Committee on Science.

Would provide for the continuation of the operations of the California Urban Environmental Research and Education Center.

HR 1799 (English, R-PA) - Amendment to Internal Revenue Code of 1986
Referred to House Committee on Ways and Means.

Would amend the Internal Revenue Code of 1986 to allow a credit for the cleanup of certain contaminated industrial sites.

HR 1890 (Eschoo, D-CA) - California Ocean Protection Act of 1995
Joint referral to House Committee on Resources and House Committee on Transportation and Infrastructure.

Would establish a California Ocean Protection Zone, and for other purposes.

HR 2274 (Shuster, R-PA) - National Highway System Designation Act of 1995; Highway Funding Restoration Act of 1995
Passed out of the House of Representatives and incorporated into S 440 on September 20, 1995.

Would designate the National Highway System. Among other purposes, this bill would provide for the relief of state mandates that states include recycled rubber in asphalt pavement as part of the ISTEA of 1991.

HR 2275 (Young, Don, R-AK) - Endangered Species Conservation and Management Act of 1995
Joint referral to the House Committee on Resources and the House Committee on Agriculture; heard before the House Committee on Resources on September 20, 1995.

Would authorize and amend the Endangered Species Act of 1973.

HR 2323 (Oxley, R-OH) - State and Local Government Interstate Waste Control Act of 1995
Heard before the House Committee on Resources on September 20, 1995.

Would amend the Solid Waste Disposal Act to authorize state and local governments to prohibit or restrict the receipt of out-of-state municipal solid waste, to authorize local governments to control and direct the movement of certain solid waste.

HR 2334 (Bilbray, R-CA) - Conveyance of Certain Federal Land to San Bernardino County, California
Referred to the House Committee on Commerce.

Would convey 1,000 acres of Federal land in San Bernardino County, California, for use as the site of the Southwestern Low-Level Radioactive Waste Disposal Compact's regional disposal facility.

HR 2335 (Chambliss, R-GA) - Amendment to the Solid Waste Disposal Act
Referred to the House Committee on Commerce.

Would amend the Solid Waste Disposal Act to exempt from the solid waste designation all recoverable materials that are contained, collected, and returned to an industrial process.

HR 2349 (Shuster, R-PA) - National Highway System
Referred to the House Committee on Transportation and Infrastructure; this measure incorporated into HR 2274 on September 20, 1995; HR 2274 incorporated into S 440 on September 20, 1995.

Would designate the National Highway System and provide relief from the mandate for asphalt pavement containing recycled rubber.

HR 2443 (Paxon, R-NY) - Solid Waste Disposal Act
Referred to the House Committee on Commerce.

Would amend Subtitle D of the Solid Waste Disposal Act. Would provide authority for states to limit the interstate transportation of municipal solid waste.

HR 2444 (Saxton, R-NJ) - Endangered Specifies Habitat Conservation Act of 1995
Referred to the House Committee on Resources.

Would reauthorize and amend the Endangered Species Act of 1973.

HR 2500 (Oxley, R-OH) - Amendment to Comprehensive Environmental Response, Compensation, and Liability Act of 1980
Heard before the House Committee on Commerce Subcommittee on Commerce, Trade and Hazardous Materials Subcommittee on October 26, 1995.

Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability for recycling transactions and would amend the definitions of "municipal solid waste" and "remediation waste." Would repeal retroactive liability for certain types of responsible parties and categories of sites including co-disposal municipal landfills on the National Priorities List.

HR 2712 (Riggs, R-CA) - Balance Between Natural Resources, Economic Development, and Job Retention, California
Introduced on December 5, 1995.

Would promote balance between natural resources, economic development, and job retention in northwest California, and for other purposes. Among other things, would designate the Headwaters Forest Addition as a Natural Biological Diversity Reserve.

S 123 (Moynihan, D-NY) - Environmental Risk Evaluation Act of 1995
Referred to Senate Committee on Environment and Public Works.

Would require the Administrator of the Environmental Protection Agency to seek advice concerning environmental risks.

S 229 (Baucus, D-MT) - Requirement for Certain EPA Risk Assessments
Referred to Senate Committee on Environment and Public Works.

Would require the Administrator of the Environmental Protection Agency to conduct risk assessments and cost-benefit analyses in promulgating regulations relating to human health and the environment.

S 286 (McCain, R-AZ) - Amendment to the Solid Waste Disposal Act
Referred to Senate Committee on Indian Affairs.

Would amend the Solid Waste Disposal Act to grant State status to Indian tribes for purposes of the enforcement of this Act.

S 373 (Breaux, D-LA) - State Regulation and Management of Solid Waste Act of 1995
Referred to Senate Committee on Environment and Public Works.

Would amend the Solid Waste Disposal Act to provide for State management of solid waste, and to reduce and regulate the interstate transportation of solid wastes.

S 393 (Boxer, D-CA) - Transfer of National Forest Lands, California, Prohibition
Referred to the Senate Committee on Energy and Natural Resources.
Would prohibit the Secretary of Agriculture from transferring any National Forest System lands in the Angeles National Forest in California out of federal ownership for use as a solid waste landfill.

S 398 (Lautenberg, D-NJ) - Flow Control Act of 1995
Hearings adjourned by Superfund, Waste Control and Risk Assessment Subcommittee March 1, 1995.

Would amend the Solid Waste Disposal Act to provide Congressional authorization for State control over transportation of municipal solid waste.

S 440 (Warner, R-VA) - National Highway System Designation Act of 1995
President signed bill on November 28, 1995; Public Law 104-59.

Amends Title 23, United States Code, to provide for the designation of the National Highway System and streamlining environmental impact reports for transportation enhancement projects. Repeals the requirements that mandated states to increase incrementally the percentage of rubber in asphalt from 5 percent to 20 percent from 1992-1997. In place of this requirement, the bill added research and grant programs on crumb rubber modifiers for asphalt pavement. However, the final version of the bill contained no funding source for the grant money and left it up to the U.S. Department of Transportation to establish a voluntary rubber in asphalt grant program for the states.

S 465 (Baucus, D-MT) - State and Local Government Interstate Waste Control Act of 1995
Hearings adjourned by Superfund, Waste Control, and Risk Assessment Subcommittee March 1, 1995.

Would amend the Solid Waste Disposal Act to provide Congressional authorization for restrictions on receipt of out-of-State municipal solid waste and for State control over transportation of municipal solid waste.

S 485 (Hutchison, R-TX) - Municipal Waste Flow Control Transition Act of 1995
Referred to Senate Committee on Environment and Public Works.

Would amend the Solid Waste Disposal Act to provide and clarify the authority for certain municipal solid waste flow control arrangements.

S 534 (Smith, Robert C., R-NH) - The Interstate Transportation of Municipal Solid Waste Act of 1995; Municipal Solid Waste Flow Control Act of 1995
Referred to the House Committee on Commerce on May 16, 1995.

Would provide authority for states to limit the interstate transportation of municipal solid waste. Would restore localities' authority to regulate where town and city trash is dumped. Would prohibit governors from overturning agreements between communities with waste sites and haulers that bring out-of-state waste to the so-called "host" community unless the agreements interfere with state waste disposal plans or a facility if "legally committed" to only handling regional waste.

S 542 (Conrad, D-ND) - Amendment to the Solid Waste Disposal Act
Referred to Senate Committee on Environment and Public Works.

Would amend the Solid Waste Disposal Act to allow States to regulate the disposal of municipal solid waste generated outside of the State.

S 563 (Gregg, R-NH) - Environmental Infrastructure Financing Act of 1995
Referred to Senate Committee on Finance.

Would amend the Internal Revenue Code of 1986 to treat recycling facilities as exempt facilities under the tax-exempt bond rules.

S 582 (Hatfield, R-OR) - Voluntary Environmental Audit Protection Act
Referred to Senate Committee on the Judiciary.

Would amend Title 28, United States Code, to provide that certain voluntary disclosures of violations of Federal laws made pursuant to an environmental audit shall not be subject to discovery or admitted into evidence during a Federal judicial or administrative proceeding.

S 589 (Coats, R-IN) - Interstate Transportation of Municipal Waste Act of 1995
Referred to Senate Committee on Environment and Public Works.

Would amend the Solid Waste Disposal Act to permit Governors to limit the disposal of out-of-State solid waste in their States.

S 607 (Warner, R-VA) - Superfund Recycling Equity Act of 1995
Referred to Senate Committee on Environment and Public Works.

Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions.

S 619 (Smith, Robert C., R-NH) - Mercury-Containing and Rechargeable Battery Management Act: Rechargeable Battery Recycling Act; Mercury-Containing Battery Management Act
Referred to the House Committee on Commerce on September 26, 1995.

Would phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries.

S 689 (Murray, D-WA) - Landfill Technical Improvement Act of 1995
Referred to Senate Committee on Environment and Public Works.

Would amend the Solid Waste Disposal Act regarding the use of organic sorbents in landfills.

S 870 (Hatfield, R-OR) - National Beverage Container Reuse and Recycling Act of 1995
Referred to the Senate Committee on Commerce, Science and Transportation.

Would amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, and to provide resources for state pollution prevention and recycling programs.

S 1124 (Thurman, R-SC) - Department of Defense Authorization Act for Fiscal Year 1996
Passed the Senate on September 6, 1995; referred to the House on September 14, 1995.

Would provide for appropriations for fiscal year 1996 for military activities of the Department of Defense, including clean up of hazardous waste at military facilities.

S 1153 (Burns, R-MT) - Hydrogen Fuel Cell Commercialization Act of 1995
Referred to the Senate Committee on Energy and Natural Resources.

Would authorize research, development, and demonstration of hydrogen as a energy carrier, and a demonstration commercialization project which produces hydrogen as an energy source produced from solid and complex waste for on-site use fuel cells.

S 1271 (Craig, R-ID) - Nuclear Waste Policy Act of 1995
Referred to the Senate Committee on Energy and Natural Resources.

Would amend the Nuclear Waste Policy Act of 1995 regarding the siting, design, licensing, construction or operation of any nuclear waste component of the integrated management system.

S 1274 (Lott, R-MS) - Amendment to the Solid Waste Disposal Act
Referred to the Senate Committee on Environment and Public Works.

Would amend the Solid Waste Disposal Act to improve management of remediation waste.

S 1285 (Smith, Robert C., R-NH) - Accelerated Cleanup and Environmental Restoration Act of 1995
Referred to the Senate Committee on Environment and Public Works.

Would reauthorize and amend the Comprehensive Environmental Restoration Act of 1995 to provide for a five-year extension of Superfund taxes and provide a credit for certain environmental response activities.

S 1286 (Smith, Robert C., R-NH) - Amendment to the Solid Waste Disposal Act
Referred to the Senate Committee on Environment and Public Works.

Would amend the Solid Waste Disposal Act regarding management of remediation waste, certain recyclable industrial materials, and certain products, co-products, and intermediate products.

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UPDATE ON CALIFORNIA LEGISLATION
1995-1996 TWO-YEAR BILLS

	Bill #	Author	Description	Status
Bills Returned to the House of Origin for Concurrence	AB 644	Richter	Requires DTSC Reevaluation of nonRCRA hazardous waste	Assembly Inactive File for Concurrence
Bills in the Second House				
On the Floor	AB 242	Sher	Limits penalties on rural regional agencies to violator only	Senate 3rd Reading
	AB 1135	Morrissey	Requires evaluation of economic impact of administrative regulations	Senate Floor
	AB 1647	Ducheney	Authorizes regulatory tiers -- BFI sponsored spot bill	Senate Inactive File
In Appropriations	SB 174	Killea	Reorganizes CIWMB; moves Bottle Bill program to CIWMB	Assembly Appropriations
	SB 1235	Hayden	Authorizes nine K-12 schools to integrate environmental education	Assembly Appropriations
In Policy Committee	AB 116	Speier	Suspends reporting requirements of state agencies until January 1, 1997, with certain exceptions	Senate Rules
	AB 573	Goldsmith	Requires legislative authority for expenditure of revenues derived from fees and penalties	Senate Governmental Organization
	AB 626	Sher	Consolidates CIWMB's annual reporting requirements into a series of seven progress reports/requires cost-benefit study	Senate Governmental Organization
	AB 1475	Pringle	Requires Cal/EPA to create a fee register	Senate Revenue & Taxation
	AB 1649	Cannella	Authorizes waste as ADC -- BFI sponsored spot bill	Senate Governmental Organization
	AB 1659	Woods	Requires determination of "major" regulation, as specified, prior to issuance of public notice	Senate Governmental Organization
	AB 1943	Bordonaro	Places CUPAs under the unified hazardous waste and materials management regulatory program as an environmental agency	Senate Natural Resources and Wildlife

	Bill #	Author	Description	Status
	SB 19	Johannessen	Provides exceptions to implementation of state mandated local programs	Assembly Local Government Committee
	SB 323	Kopp	Makes numerous changes to the California Public Records Act	Assembly Governmental Organization
	SB 582	Solis	Authorizes County of LA to create Puente Hills Wildlife Area	Assembly Water, Parks, Wildlife
	SB 805	Monteith	Specifies conditions for enactment of state mandated local programs	Assembly Local Government Committee
	SB 1155	Costa	Authorizes installment fines: rigid plastic containers	Assembly Natural Resources
	SB 1163	Leslie	Reorganizes CIWMB; Moves Bottle Bill program to CIWMB	Assembly Natural Resources
Bills in the First House	(Must pass floor by January 31, 1996)			
On The Floor	AB 407	Kuehl	Prohibits landfills in Santa Monica mountains	Assembly Inactive File
	AB 1202	Woods	Requires electricity set aside for biomass generation	Assembly Floor Inactive File
In Appropriations	(Must pass fiscal committee by January 26; Floor by January 31, 1996)			
	AB 1179	Bordonaro	Authorizes TCA to veto regulations	Assembly Inactive File
	AB 1902	McPherson	Requires state agencies to meet diversion goals	Assembly Appropriations
In Policy Committee	AB 35	Mazzoni	Creates state control over Marin landfill	Assembly Natural Resources
	AB 165	Richter	Requires lead state agencies to notify public agencies when an environmental impact report on a project is required	Assembly Water, Parks and Wildlife

	AB 342	Hauser	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	Assembly Local Government Committee
	AB 382	Baca	Makes legislative findings and declarations regarding new technologies for the conversion of biomass	Assembly Natural Resources Committee
	AB 826	Sher	Allows state agencies to purchase products made with fly ash and flat steel with percentages of total weight consisting of secondary and postconsumer material	Assembly Consumer Protection, Governmental Efficiency, and Economic Development Committee
	AB 960	Gallegos	Requires cities or counties to deny approval of a tentative map or parcel map for a subdivion if the site is located with 2,000 feet of the boundary of a SWF or transformation facility	Assembly Natural Resources Committee
	AB 961	Gallegos	Prohibits an EA from issuing or changing a SWF permit for a disposal facility site boundary line located with 2,000 feet of an area zoned for single or multi-family dwellings	Assembly Natural Resources Committee
	ACA 8	Goldsmith	Allows local governments to decline to implement state-mandated programs unless the state provides a subvention of full funding	Assembly Elections, Reapportionment and Constitutional Amendments Committee
	SB 176	Alquist	Prohibits dissemination of information on household hazardous waste unless that information is "competent and reliable"	Public Safety Management Committee

	SB 200	Maddy	Creates the Office of Permit Oversight within Cal/EPA	Senate Governmental Organization Committee
	SB 482	Calderon	Authorizes DGS to enter into agreements to lease-purchase finance office space	Senate Appropriations
	SB 1023	Johnston	Requires transfer station operators to pay quarterly fees for waste to be disposed of out-of-state	Senate Governmental Organization Committee

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

January 24-25, 1996

Agenda Item 7

ITEM: Consideration of Federal Legislation

SUMMARY

This item presents analyses of three bills for the Board's consideration and an update on federal legislative activities on interstate transportation of waste and flow control issues which is being provided for the Board's information.

OPTIONS FOR THE BOARD

Board members may wish to recommend a position on the bills before them or postpone a decision until a later date.

STAFF RECOMMENDATION

The Legislative & Regulatory Affairs Office suggests that the Board recommend positions, or provide staff with direction, on the two bills before them.

ANALYSIS

Analyses have been prepared this month for the following bills and are being presented to the Board:

- **H.R. 924 (McKeon, R-CA) - Angeles National Forest**
  Would prohibit the Secretary of Agriculture from transferring any national forest system lands in the Angeles National Forest in California out of Federal ownership for use as a solid waste landfill.

- **S. 393 (Boxer, D-CA) - Angeles National Forest**
  Would prohibit the Secretary of Agriculture from transferring any national forest system lands in the Angeles National Forest in California out of Federal ownership for use as a solid waste landfill.

An analysis of S. 440 has been prepared this month and is being presented to the Board as an informational item on enacted federal legislation.

- **S. 440 (Warner, R-VA) - National Highway System Designation Act of 1995 (P.L. 104-59)**
  Formally approves a map of high priority national roads developed over the past four years by States and the U.S. Department of Transportation. Also repealed a requirement that States use crumb rubber from recycled

tires in asphalt. Became effective upon the President's signature -- November 28, 1995.

A report on upcoming federal issues has been prepared and is being presented to the Board as an informational item.

- **Update on Key Federal Issues (Committee Report)**

ATTACHMENTS

1. Analyses of H.R. 924 (McKeon, R-CA), S. 393 (Boxer-D-CA), S. 440 (Warner, R-VA).

2. Update on Key Federal Legislation.

APPROVALS

Prepared by: Ross Warren Phone: 255-2418
Reviewed by: Patty Zwarts Phone: 255-2206

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

B	Author	Bill Number
California Integrated Waste Management Board	McKeon (R-CA)	H.R. 924
Sponsor	**Related Bills**	**Date Amended**
Author	S. 393 (Boxer, D-CA)	Introduced 2/13/95

BILL SUMMARY

H.R. 924 would prohibit the Secretary of Agriculture from transferring (by exchange or otherwise) any national forest system lands in the Angeles National Forest in California out of Federal ownership for use as a solid waste landfill.

BACKGROUND

The California Integrated Waste Management Act of 1989 requires all counties to create Action Plans to divert 25 percent of solid waste from land disposal and transformation facilities by 1995 and 50 percent by the year 2000 (Public Resources Code [PRC] Section 41780). Additionally, counties must provide for at least 15 years of disposal capacity to handle solid waste generated by all jurisdictions within their borders (PRC Sections 41700-40704). Studies conducted over the past 10 years have consistently concluded that expansion of existing landfills will not adequately meet Los Angeles County's long term waste disposal needs. The County Solid Waste Management Action Plan adopted in April 1988 concluded that landfills would remain an integral part of the waste management system for Los Angeles County and called for the establishment of 50 years of permitted landfill capacity in the County. Additionally, the Action Plan supported the development of disposal facilities outside of the County.

H.R. 924 was introduced to prohibit the construction of the proposed Elsmere Solid Waste Management Facility, which is the first new solid waste management facility proposed to be sited in Los Angeles County since the 1960s. The Elsmere Project would be located at the western edge of the Angeles National Forest in the San Gabriel Mountains, just northeast of the junction of Interstate 5 and State Route 14. The Elsmere Corporation, which is affiliated with the BKK Corporation, proposes to acquire National Forest land through a land exchange agreement with the Trust for Public Land and to construct, operate, and close the Elsmere Solid Waste Management Facility.

According to October 2 and November 27, 1995, *Waste News* articles, BKK has pursued the Elsmere Project over the past several years, but is now in the midst of negotiations to sell

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Trade and Commerce Agency

Committee Recommendation	Committee Chair	Date
Fowarded to Board with no recommendation	Janet L. Gott	1-16-96

some of its assets, including the Elsmere Project, to Browning-Ferris Industries, Inc. (BFI). The agreement between BFI and BKK has several contingencies including the successful expansion of BFI's Sunshine Canyon Sanitary Landfill, which is located near the City of Sylmar. There are two separate adjoining landfills located in Sunshine Canyon, which straddles the border of the city and county of Los Angeles. The City of Los Angeles is the local enforcement agency of the Sunshine Canyon-North Valley Landfill (SWIS 19-AR-0002), which was closed in 1991. Los Angeles County is the local enforcement agency for the Sunshine Canyon Sanitary Landfill Extension (SWIS 19-AA-0853), which is still open. BFI has a permit to expand on the Sunshine Canyon Sanitary Landfill Extension (SWIS 19-AA-0853), but the City of Los Angeles has thus far stymied the project. BFI has not disclosed information regarding their plans for the Elsmere Project, except that the project would probably be delayed for a long time or could be dropped if the Sunshine Canyon Sanitary Landfill Extension site is expanded.

According to the Elsmere Corporation, investigative reports indicate that the geologic and groundwater hydrogeologic conditions in Elsmere Canyon meet or exceed federal, state, and local regulatory requirements for the design, permitting, and operation of the landfill. There would be no groundwater contamination because the surface of Elsmere Canyon has a layer of tar that prevents ground water from passing through it. Further, there would be no projected problems with earthquakes at the proposed landfill site. The Whitney Canyon Fault, which is located in Elsmere Canyon, has been designated by the California Department of Mines and Geology as "not active" (this means that there has been no movement on the fault in the last 11,000 years).

According to the *Executive Summary Draft Environmental Impact Report/Environmental Impact Statement for the Proposed Elsmere Solid Waste Management Facility,* prepared by Dames and Moore, the proposed project property is approximately 2,700 acres, of which approximately 1,643 acres is currently within federal ownership in the Angeles National Forest. The landfill disposal area (720 acres) and facility access and support facilities (180 acres) would occupy a total of approximately 900 acres. The remainder of the 2,700-acre property would be maintained by the Elsmere Corporation as an open space buffer area or park land that includes trails for hiking, biking, and horseback riding.

The acquisition of Angeles National Forest land would involve an amendment of the Angeles National Forest Land and Resources Management Plan and Land Adjustment Plan and a land exchange for 1,643 acres currently owned or under operation by the Trust for Public Land. Los Angeles County would have to issue a Conditional Use Permit (CUP) and an Oak Tree Permit to authorize the development of the proposed Elsmere Solid Waste Management Facility.

The proposed Elsmere Project would be a Class III landfill, accepting non-hazardous municipal solid waste and inert solids. According to the *Executive Summary Draft Environmental Report*, special waste would not be accepted at the site. The proposed facility would have a disposal capacity of approximately 190 million tons and would operate six days per week, 24 hours per day. The proposed facility would accept a maximum of 16,500 tons of waste and recyclables per day. Of this total, the report estimates that approximately 765 tons per day would be exported as recycled material and 3,635 tons per day would be used

for beneficial reuse at the landfill (i.e., mulch, daily cover, and road base material). The life of the facility is expected to range between 32 years and 50 years, depending on the actual rate of disposal that occurs. Waste deliveries would be scheduled to maximize arrivals during non-peak traffic hours. Approximately 1,144 waste collection and transport trucks would enter the facility daily at the maximum rate of disposal.

The facilities at the Elsmere Solid Waste Management Facility would include:

- A 720-acre landfill with a capacity of 190 million tons over 50 years for the County of Los Angeles' non-hazardous solid waste;
- A Solid Waste Processing System, which will sort for recycling commercial and other wastes that have not gone through a curbside program;
- A Materials Recovery Facility, which will be designed to sort commingled residential curbside recyclables;
- A mobile Wood and Green Waste Processing Facility, which will operate on an active landfill deck and will divert wood and green waste from disposal for use as alternative daily cover, refuse derived fuel, and/or composting material; and
- A mobile Asphalt/Concrete Processing Facility designed to divert used concrete and asphalt from the disposal area for use as road base material; and
- A new freeway interchange and improved truck lanes for landfill traffic.

According to the *Executive Summary Draft Environmental Impact Report,* the U. S. Forest Service is not fully convinced that the Elsmere Project meets the criteria specified in the Angeles National Forest Land and Resources Management Plan. The Forest Service recommends the No Project (No Action) Alternative.

However, Los Angeles County staff has suggested that the No Project (No Action) Alternative may not be the environmentally superior alternative within the context of Countywide systems management for waste disposal. The County argues that the No Project alternative would result in impacts from other choices that may be greater than the proposed Elsmere Solid Waste Management Facility (i.e., increased energy consumption and air quality degradation related to longer travel distances to haul waste).

Alternatives to the proposed Elsmere Project include: increased waste diversion; expansion of existing landfills; increased waste-to-energy; long distance truck transport to out-of-County landfills; and rail haul to out-of-County, in-State landfills and out-of-State landfills.

There were five bills introduced during the 1994-95 Legislative Session that are similar in nature to H.R. 924:

- AB 35 (Mazzoni), which would prohibit the expansion of a landfill (West Marin Sanitary Landfill, and possibly others) located within two miles of a

federal park or recreation area. AB 35 is a reintroduction of AB 1910 (Bronshvag) of the 1993-94 Legislative Session, which was vetoed by the Governor. AB 35 is in the Assembly Natural Resources Committee; no hearing date has been set. The CIWMB opposed this bill.

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- SB 387 (Mountjoy), which would prohibit the issuance of a solid waste facilities permit for a proposed solid waste material recovery facility in a city (proposed material recovery facility in the City of Industry) if it would have unmitigated environmental impacts on a neighboring city, unless a joint powers of agreement is entered into by the host city and the neighboring cities. SB 387 is similar to AB 2969 (Horcher) of the 1993-94 Legislative Session, which failed passage on the Senate Floor. SB 387 failed passage and the author was granted reconsideration in the Senate Governmental Organization Committee; no hearing date has been set. The CIWMB has not reviewed this bill for a position.

Senator Boxer has introduced similar Federal legislation, S. 393, which would also prohibit the Secretary of Agriculture from transferring any national forest system lands in the Angeles National Forest in California out of Federal ownership for use as a solid waste landfill. S. 393 has been assigned to the Senate Committee on Energy and Natural Resources Subcommittee on Forests and Public Land Management. No hearing date has been set. In Senator Boxer's introductory remarks on the Senate Floor, she said she introduced the bill because she believes that the proposed landfill in Elsmere Canyon would pose a considerable risk of contamination to the local water supply.

EXISTING LAW

Federal Law:

Federal law prohibits the siting of a new landfill, or the expansion of an existing landfill, within a National Park.

State Law:

The authority for the siting of solid waste facilities rests with local governments. The local governing body of the city or county in which the landfill is or will be located has the responsibility to issue a local land use permit for the new landfill or the expansion of an existing landfill. The solid waste facilities permitting process is developed at the local level and is conditioned upon the issuance of, and the restrictions imposed by, the local land use decision. The decision whether to issue the local land use permit is based upon consideration of environmental impacts identified through the environmental impact report (EIR) prepared under the California Environmental Quality Act (CEQA).

Upon approval of an EIR and a land use permit, a solid waste facilities permit application is submitted to the local enforcement agency (LEA). The LEA is required to review the permit for compliance with the restrictions imposed by the EIR and land use permit, and state minimum standards in the operation and design of the facility prescribed by the CIWMB which, in the case of siting of new landfills or the expansion of existing landfills on or after October 9, 1993, incorporate the requirements of federal Subtitle D regulations adopted under the federal Resource Conservation and Recovery Act. After the LEA's review, the CIWMB acts as on oversight body and either concurs or objects to the issuance of the permit based on whether the local approval process has been complied with and the operation and design of the facility is in compliance with state minimum standards.

ANALYSIS

H.R. 924 would prohibit the Secretary of Agriculture from transferring any national forest system lands in the Angeles National Forest in California out of Federal ownership for use as a solid waste landfill.

COMMENTS

Representative McKeon, who represents the area where the proposed landfill is to be constructed, introduced H.R. 924 because he believes that to sacrifice a prime area of the Angeles National Forest for a questionable landfill project is clearly not within the public's interest. In his introductory remarks before the House of Representatives, Representative McKeon stated that, "H.R. 924 addresses a concern raised by residents of Southern California over efforts to construct a 190 million-ton solid waste landfill in an area of the Angeles National Forest known as Elsmere Canyon.....The Angeles National Forest is within a 2-hour drive of more than 20 million Californians and ranks second in the Nation in recreation use with 32 million visits annually. An enormous solid waste landfill, which the U.S. Forest

Service has rejected on two occasions, is clearly not compatible with public use of the Angeles National Forest, which compromises 72 percent of the open space within Los Angeles County."

The Walt Disney Corporation and other film-industry interests have expressed support for this bill (and thus opposition to the proposed Elsmere Solid Waste Management Facility). The Disney Corporation owns the Golden Oak Ranch, which is located immediately adjacent to the Federal lands sought by the Elsmere Corporation, and just over one mile north of the proposed landfill site. The ranch is used frequently as a scenic backdrop in movies, television shows, and commercials. The Disney Corporation believes the proposed Elsmere Solid Waste Landfill will have an adverse effect on location filming in Santa Clarita Valley and will add intolerable levels of noise, odors, dust and visual intrusion to the already fragile natural beauty of Placerita Canyon. The ranch has an advantage of being within the labor union-mandated "30-mile studio zone," within which film productions are subject to studio rates and working conditions, rather than higher location rates. A production company filming beyond the 30-mile studio zone is subject to additional costs associated with on location filming, including increased labor, housing, transportation and permit fees. In 1994, 12 feature movies were filmed, covering a total of 166 days of filming at the ranch; nine television productions utilized the ranch for a total of 100 days; and 23 commercials were filmed at the ranch for at total of 53 days. According the Walt Disney Corporation, these productions were responsible for an estimated $280 million in combined production budgets, much of which was spent in Southern California.

The City of Santa Clarita also supports this measure. The City is opposed to the Elsmere Canyon Solid Waste Management proposal because they believe the landfill is a threat to the national resources of the Angeles National Forest and a potential threat to the health and safety of the citizens of Santa Clarita. They believe that the open space in the urbanized North Los Angeles County region should be preserved for the public enjoyment. Additionally, the City believes that H.R. 924 is a manifestation of the Federal government's right and responsibility to protect its land holdings in the Angeles National Forest.

The California State Association of Counties is opposed to H.R. 924 because they believe that statutes should not restrict available options that will assist counties to meet the state mandates that local enforcement agencies have at least 15 years of disposal capacity and divert 50 percent of solid waste from land disposal by the year 2000. They believe that H.R. 924 is an attempt to legislate a Federal law that interferes with one county's effort to comply with state law. They believe that the enactment of H.R. 924 could establish a negative precedent that may result in future preemption of local government's decision-making authority and solid waste management planning efforts.

Industry opponents of H. R. 924 believe that the Elsmere Solid Waste Management Facility is needed greatly. They believe that the Elsmere Project represents the kind of planning for the future that will provide the economic and environmental security for municipalities to meet the disposal needs of their residents well into the next century. They assert that the exchange of lands with the U.S. Forest Service will result in superior lands being devoted for public use including the creation of a new regional park. The park will consist of 1,800 acres of land surrounding Elsmere and will serve as a one-mile buffer between the disposal area and urban

uses.

The CIWMB has historically been opposed to legislation in matters that encroach on the CIWMB's regulatory responsibility. Under existing state law, the local governing body has control over local land use decisions, including the siting of solid waste facilities. Existing state law for the approval of new and expanded solid waste facilities provides consistent statewide standards for protection of public health and safety and the environment. The State's role in the permitting of such facilities is to concur or object to a solid waste facility permit, based on state minimum standards relative to the operation of the facility, and only after local land use issues have been addressed and a conditional use permit has been granted.

H.R. 924 runs contrary to the local decision-making authority by attempting to enact Federal law that would usurp local government control over the construction of one specific landfill -- the Elsmere Solid Waste Management Facility. Enactment of this bill could set an adverse precedent for future usurpation of local government authority and the solid waste management planning process.

It is important to note that H.R. 924 would not prohibit the Secretary of Agriculture from transferring any Angeles National Forest land out of Federal ownership for purposes of constructing other types of solid waste facilities (composting facilities, transfer stations, etc.). The bill only effectively prohibits the transfer of any Angeles National Forest land out of Federal ownership for purposes of construction a solid waste landfill.

Currently Los Angeles County is not in compliance with state law, which requires each local enforcement agency to have at a minimum of 15 years of disposal capacity. The creation of the Elsmere Project could help to relieve Los Angeles County's potential waste disposal problems.

LEGISLATIVE HISTORY

H.R. 924 was introduced on February 13, 1995, and was heard in the House of Representatives National Parks, Forests and Lands Subcommittee on September 19, 1995. The bill passed this subcommittee by voice vote and was referred to the House of Representatives Committee on Resources, where it passed by voice vote on October 25, 1995. The full House of Representatives passed the bill to the Senate by voice vote on November 13, 1995. The bill is currently assigned to the Senate Committee on Energy and Natural Resources. The author expects this bill to be heard sometime in January, 1996. H.R. 924 has 34 co-authors, of which 27 represent districts within California.

Support:	National Resources Defense Council	
	The Walt Disney Company	
	City of Santa Clarita	
Opposition:	BKK	BFI
	Norcal Waste Systems, Inc.	Elsmere Corporation
	City of Los Angeles	California State Association of Counties (CSAC)

FISCAL IMPACT AND ECONOMIC IMPACT

H.R. 924 would not have a fiscal impact on the CIWMB since this agency does not have a role in the local government's authority to site landfills. The role of the CIWMB is to concur or object to a solid waste facility permit, based on state minimum standards relative to the operation of the facility, and only after local land use issues have been addressed and a conditional use permit has been granted.

Enactment of H.R. 924 (that is, the prohibition on construction of the Elsmere Solid Waste Facility) would leave current conditions in place. The Walt Disney Corporation estimates that television and commercial productions filming at its Golden Oak Ranch in 1994 contributed approximately $11.2 million to the economy in the Santa Clarita area. This figure is based on data from the Alliance of Motion Picture and Television Producers, which estimates that 11 percent of production expenditures are location-related.

However, if this bill was not enacted, economic impacts are less certain. The motion picture industry may experience some negative economic effects. If the bill is not enacted and if the facility is constructed and motion picture, television, and commercial production industries were to lose this production site, production companies may have to seek film location sites in other areas, some outside of California. This could ultimately cause California to lose a great deal of motion picture, television, and commercial production dollars to other states. On the other hand, the construction and waste management industries may experience some positive economic effects. The siting and construction of the Elsmere Solid Waste Management Facility could have a positive economic impact in Los Angeles County due to the increased landfill capacity and the potential for a reduction in the cost of disposing of solid waste. BKK contends that the opening of the proposed Elsmere Solid Waste Management Facility would have the following economic benefits to Los Angeles County:

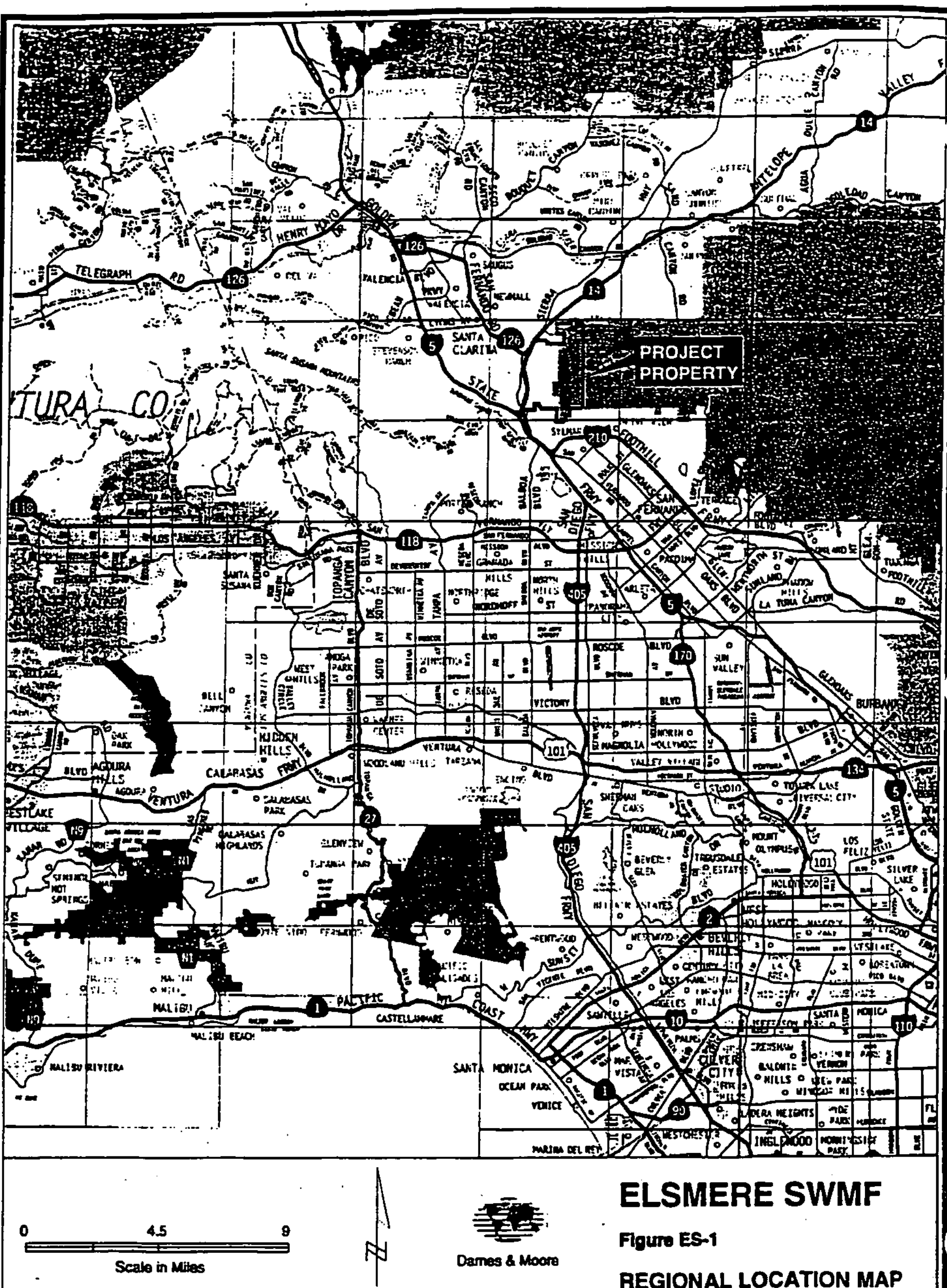
- Direct economic benefits during the construction phase: $33 million in wages, salaries and benefits and $810,00 in sales tax revenues;

- Multiplier effects (additional goods and services produced and consumed as a result of the income earned by the workforce construction or operating the Elsmere Facility) will be in excess of $144 million;

- Direct economic benefits to Los Angeles County from the operations phase: $17 million in wastes, salaries and benefits after year 1, which will cumulatively total over $90 million after year 5, $195 million after year 10, $457 million after year 20, and $809 million after year 30;

- Additional tax revenues for Los Angeles County of over $12 million in year 1, which will cumulatively total over $65 million by year 5, $140 million by year 10, $327 million by year 20, and $576 million by year 30; and

- Multiplier effects resulting from operation will be over $74 million in year 1, cumulatively totalling $395 million after year 5, $850 million after year 10, $2 billion after year 20, and $3.5 billion after year 30.



ELSMERE SWMF

Figure ES-1

REGIONAL LOCATION MAP

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LEGISLATION AND PUBLIC
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BILL ANALYSIS

Bill	Author	Bill Number
California Integrated Waste Management Board	Boxer (D-CA)	S. 393
Sponsor	**Related Bills**	**Date Amended**
Author	H.R. 924 (McKeon, R-CA)	Introduced 2/10/95

BILL SUMMARY

S. 393 would prohibit the Secretary of Agriculture from transferring (by exchange or otherwise) any national forest system lands in the Angeles National Forest in California out of Federal ownership for use as a solid waste landfill.

BACKGROUND

The California Integrated Waste Management Act of 1989 requires all counties to create Action Plans to divert 25 percent of solid waste from land disposal and transformation facilities by 1995 and 50 percent by the year 2000 (Public Resources Code [PRC] Section 41780). Additionally, counties must provide for at least 15 years of disposal capacity to handle solid waste generated by all jurisdictions within their borders (PRC Sections 41700-40704). Studies conducted over the past 10 years have consistently concluded that expansion of existing landfills will not adequately meet Los Angeles County's long term waste disposal needs. The County Solid Waste Management Action Plan adopted in April 1988 concluded that landfills would remain an integral part of the waste management system for Los Angeles County and called for the establishment of 50 years of permitted landfill capacity in the County. Additionally, the Action Plan supported the development of disposal facilities outside of the County.

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Upon approval of an EIR and a land use permit, a solid waste facilities permit application is submitted to the local enforcement agency (LEA). The LEA is required to review the permit for compliance with the restrictions imposed by the EIR and land use permit, and state minimum standards in the operation and design of the facility prescribed by the CIWMB which, in the case of siting of new landfills or the expansion of existing landfills on or after October 9, 1993, incorporate the requirements of federal Subtitle D regulations adopted under the federal Resource Conservation and Recovery Act. After the LEA's review, the CIWMB acts as on oversight body and either concurs or objects to the issuance of the permit based on whether the local approval process has been complied with and the operation and design of the facility is in compliance with state minimum standards.

ANALYSIS

S. 393 would prohibit the Secretary of Agriculture from transferring, through exchange or otherwise, any national forest system lands in the Angeles National Forest in California out of Federal ownership for use as a solid waste landfill.

COMMENTS

Senator Boxer stated in her introductory remarks before the U.S. Senate that she introduced S. 393 because she believes that the proposed landfill in Elsmere Canyon would pose a considerable risk of contamination to the local water supply.

The Walt Disney Corporation and other film-industry interests have expressed support for this bill (and thus opposition to the proposed Elsmere Solid Waste Management Facility). The Disney Corporation owns the Golden Oak Ranch, which is located immediately adjacent to the Federal lands sought by the Elsmere Corporation, and just over one mile north of the proposed landfill site. The ranch is used frequently as a scenic backdrop in movies, television shows, and commercials. The Disney Corporation believes the proposed Elsmere Solid Waste

Landfill will have an adverse effect on location filming in Santa Clarita Valley and will add intolerable levels of noise, odors, dust and visual intrusion to the already fragile natural beauty of Placerita Canyon. The ranch has an advantage of being within the labor union-mandated "30-mile studio zone," within which film productions are subject to studio rates and working conditions, rather than higher location rates. A production company filming beyond the 30-mile studio zone is subject to additional costs associated with on location filming, including increased labor, housing, transportation and permit fees. In 1994, 12 feature movies were filmed, covering a total of 166 days of filming at the ranch; nine television productions utilized the ranch for a total of 100 days; and 23 commercials were filmed at the ranch for at total of 53 days. According the Walt Disney Corporation, these productions were responsible for an estimated $280 million in combined production budgets, much of which was spent in Southern California.

The City of Santa Clarita also supports this measure. The City is opposed to the Elsmere Canyon Solid Waste Management proposal because they believe the landfill is a threat to the national resources of the Angeles National Forest and a potential threat to the health and safety of the citizens of Santa Clarita. They believe that the open space in the urbanized North Los Angeles County region should be preserved for the public enjoyment. Additionally, the City believes that S. 393 is a manifestation of the Federal government's right and responsibility to protect its land holdings in the Angeles National Forest.

Industry opponents of S. 393 believe that the Elsmere Solid Waste Management Facility is needed greatly. They believe that the Elsmere Project represents the kind of planning for the future that will provide the economic and environmental security for municipalities to meet the disposal needs of their residents well into the next century. They assert that the exchange of lands with the U.S. Forest Service will result in superior lands being devoted for public use including the creation of a new regional park. The park will consist of 1,800 acres of land surrounding Elsmere and will serve as a one-mile buffer between the disposal area and urban uses.

The CIWMB has historically been opposed to legislation in matters that encroach on the CIWMB's regulatory responsibility. Under existing state law, the local governing body has control over local land use decisions, including the siting of solid waste facilities. Existing state law for the approval of new and expanded solid waste facilities provides consistent statewide standards for protection of public health and safety and the environment. The State's role in the permitting of such facilities is to concur or object to a solid waste facility permit, based on state minimum standards relative to the operation of the facility, and only after local land use issues have been addressed and a conditional use permit has been granted.

S. 393 runs contrary to the local decision-making authority by attempting to enact Federal law that would usurp local government control over the construction of one specific landfill -- the Elsmere Solid Waste Management Facility. Enactment of this bill could set an adverse precedent for future usurpation of local government authority and the solid waste management planning process.

It is important to note that S. 393 would not prohibit the Secretary of Agriculture from transferring any Angeles National Forest land out of Federal ownership for purposes of

constructing other types of solid waste facilities (composting facilities, transfer stations, etc.). The bills only effectively prohibits the transfer of any Angeles National Forest land out of Federal ownership for purposes of construction a solid waste landfill.

Currently Los Angeles County is not in compliance with state law, which requires each local enforcement agency to have at a minimum of 15 years of disposal capacity. The creation of the Elsmere Project could help to relieve Los Angeles County's potential waste disposal problems.

LEGISLATIVE HISTORY

S. 393 was introduced on February 10, 1995, and was assigned to the Senate Committee on Energy and Natural Resources Subcommittee on Forests and Public Land Management. No hearing date has been set.

Support:	National Resources Defense Council The Walt Disney Company City of Santa Clarita	
Opposition:	BKK Norcal Waste Systems, Inc. City of Los Angeles	BFI Elsmere Corporation

FISCAL IMPACT AND ECONOMIC IMPACT

S. 393 would not have a fiscal impact on the CIWMB since this agency does not have a role in the local government's authority to site landfills. The role of the CIWMB is to concur or object to a solid waste facility permit, based on state minimum standards relative to the operation of the facility, and only after local land use issues have been addressed and a conditional use permit has been granted.

Enactment of S. 393 (that is, the prohibition on construction of the Elsmere Solid Waste Facility) would leave current conditions in place. The Walt Disney Corporation estimates that television and commercial productions filming at the Golden Oak Ranch in 1994 contributed approximately $11.2 million to the economy in the Santa Clarita area. This figure is based on data from the Alliance of Motion Picture and Television Producers, which estimates that 11 percent of production expenditures are location-related.

However, if this bill was not enacted, economic impacts are less certain. The motion picture industry may experience some negative economic effects. If the bill is not enacted and if the facility is constructed and the motion picture, television, and commercial production industries were to lose this production site, production companies may have to seek film location sites in other areas, some outside of California. This could ultimately cause California to lose a great deal of motion picture, television, and commercial production dollars to other states. On the other hand, the construction and waste management industries may experience some positive economic effects. The siting and construction of the Elsmere Solid Waste Management Facility could have a positive economic impact in Los Angeles County due to the increased

landfill capacity and the potential for a reduction in the cost of disposing of solid waste. BKK contends that the opening of the proposed Elsmere Solid Waste Management Facility would have the following economic benefits to Los Angeles County:

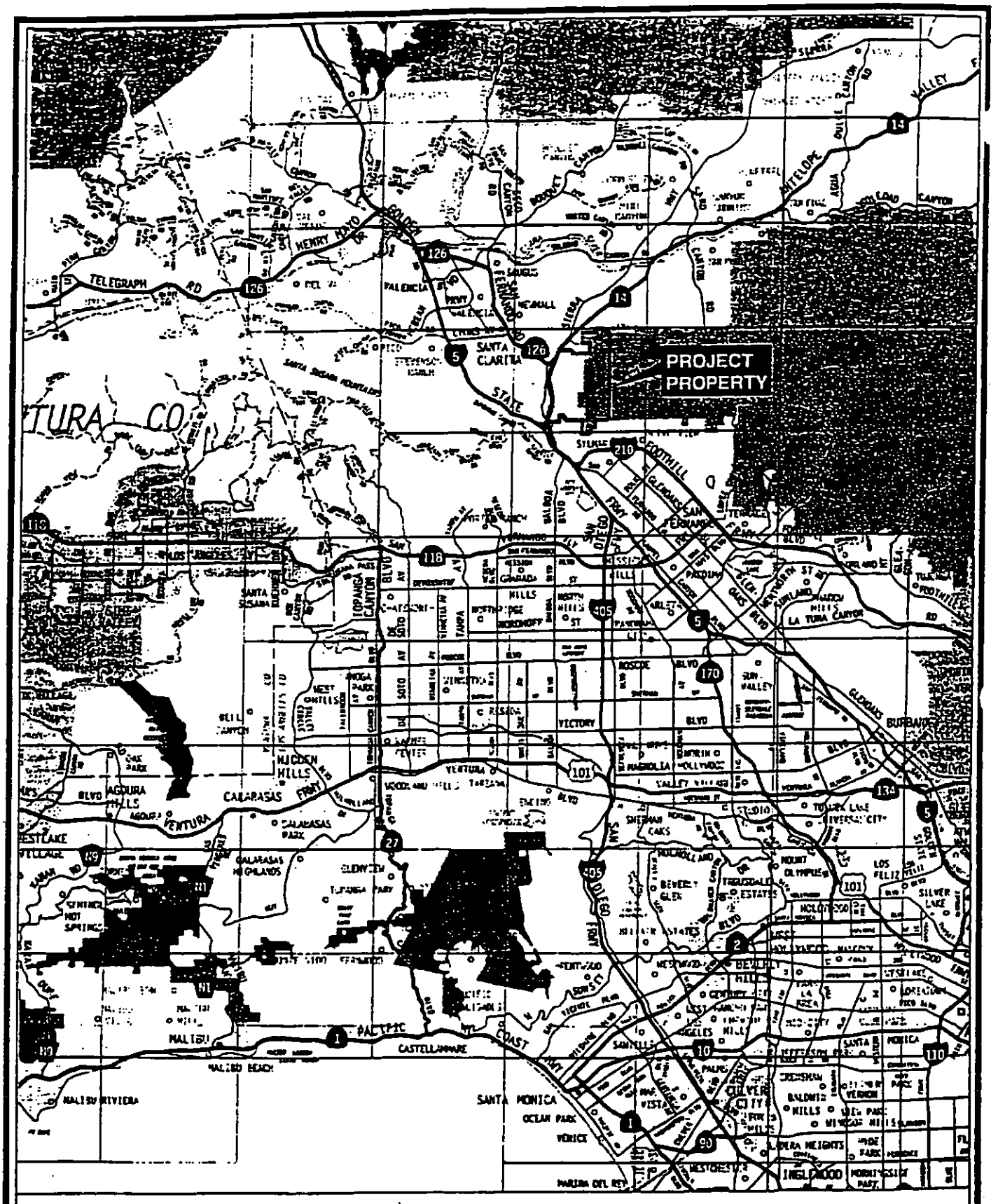
- Direct economic benefits during the construction phase: $33 million in wages, salaries and benefits and $810,00 in sales tax revenues;

- Multiplier effects (additional goods and services produced and consumed as a result of the income earned by the workforce construction or operating the Elsmere Facility) will be in excess of $144 million;

- Direct economic benefits to Los Angeles County from the operations phase: $17 million in wastes, salaries and benefits after year 1, which will cumulatively total over $90 million after year 5, $195 million after year 10, $457 million after year 20, and $809 million after year 30;

- Additional tax revenues for Los Angeles County of over $12 million in year 1, which will cumulatively total over $65 million by year 5, $140 million by year 10, $327 million by year 20, and $576 million by year 30; and

- Multiplier effects resulting from operation will be over $74 million in year 1, cumulatively totalling $395 million after year 5, $850 million after year 10, $2 billion after year 20, and $3.5 billion after year 30.



0 4.5 9

Scale in Miles

Dames & Moore

ELSMERE SWMF

Figure ES-1

REGIONAL LOCATION MAP

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LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

B	Author	Bill Number
California Integrated Waste Management Board	Warner (R-VA)	S. 440 (P.L. 104-59)
Sponsor	**Related Bills**	**Date Amended**
Author	HR 1242, HR 2274, HR 2349	Signed 11/28/95

SUMMARY

S. 440 (P.L. 104-59), the National Highway System Designation Act of 1995, formally approves a map of high-priority national roads developed over the past four years by States and the U.S. Department of Transportation. While the core of the bill is non-controversial, it picked up a variety of provisions as it went through the House and Senate, including a repeal of the requirement that States use crumb rubber from recycled tires in asphalt. S. 440 (P.L. 104-59) became effective on the date of signature by the President -- November 28, 1995.

BACKGROUND

Related bills from the 104th Congressional session include HR 1242 (Pryce, R-OH), HR 2274 (Shuster, R-PA), and HR 2349 (Shuster, R-PA). All three bills dealt with repealing the provisions relating to the use of asphalt pavement containing recycled rubber. HR 1252 was referred to the House Transportation and Infrastructure Committee; HR 2349 was incorporated into HR 2274; and HR 2274 passed the House of Representatives and was incorporated into S. 440 on September 20, 1995.

According to the Tire Recycling Program Annual Report of May 1995, the CIWMB estimates that about 29 million used tires were generated in California in 1994. About 1.7 million tires were used in asphalt-rubber, rubber-modified asphalt concrete, playground cover, crash barriers, mats, and other various cut, stamped, or molded products.

State legislation in 1993 (AB 1984) and 1994 (AB 2718) would have required state and local agencies to utilize increasing percentages of asphalt pavement containing recycled rubber where financed, in whole or part, by state and federal funds, and would have implemented the federal ISTEA provisions relative to recycled paving materials, including the mandated percentage utilization of recycled rubber in asphalt. However, AB 1984 was vetoed by Governor Wilson and AB 2718 failed passage in the Senate Transportation Committee. The CIWMB took a support position on AB 1984 and a neutral position on AB 2718.

Departments That May Be Affected		
California Department of Transportation, Trade and Commerce Agency		
Committee Recommendation	**Committee Chair**	**Date**

The rubberized asphalt requirement, enacted by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), never really took effect. Congressional members, reacting to strong opposition from State officials and contractors almost as soon as the mandate was passed, blocked its enforcement by refusing to fund DOT activities on rubberized asphalt as part of the annual spending bill for the Department of Transportation. The goal of the original legislation was to reduce used tire stockpiles around the country.

Federal legislation in 1994, HR 4385 (Rahall, D-WV), would have moved back annual deadlines for meeting percentage utilization requirements for recycled rubber by one year, and would delete the 20% requirement for 1997 and each year thereafter. It would have allowed up to 50% of the annual percentage utilization requirements to be met by asphalt containing reclaimed asphalt in 1996 and 1997. It also would have allowed a state to meet up to 50% of the minimum utilization requirements for any year by using the equivalent amount of recycled rubber for alternative applications. Finally, it would have allowed the DOT Secretary to exempt any state from all minimum utilization requirements if the state had implemented a documented waste tire abatement program that would result in the elimination of tire stockpiles by 1997. HR 4385 was incorporated into S. 1887 (Baucus, D-MT), which was sent to conference in the House, but went no further.

EXISTING LAW

With regard to provisions dealing with the use of crumb rubber from recycled tires, Section 1038 of ISTEA:

1. Prohibits the Secretary of Transportation (or a State acting as the Department's agent) from disapproving a highway project that includes the use of asphalt pavement containing recycled rubber.

2. Requires the Secretary and the Administrator of the United States Environmental Protection Agency (USEPA) to coordinate and conduct, in cooperation with the States, a study to determine the threat to human health and the environment associated with the production and use of asphalt pavement containing recycled rubber, the degree to which asphalt pavement containing recycled rubber can be recycled, and the performance of asphalt pavement containing recycled rubber under various climate and use conditions.

3. Requires the Secretary and the USEPA Administrator to conduct an additional study on the economic savings, technical performance qualities, threats to human health and the environment, and environmental benefits of using recycled materials in highway devices and projects, including asphalt containing over 80% reclaimed asphalt, asphalt containing recycled glass and asphalt containing recycled plastic.

4. Not later that 18 months after enactment of this Act, requires the Secretary and the Administrator of USEPA to transmit to Congress of a report on the results of the studies in #2 and #3 above.

5. Requires the Secretary to gather information and recommendations concerning the use of asphalt containing recycled rubber in highway projects from those States that have extensively evaluated and experimented with the use of rubberized asphalt and implemented projects, and to make recommendations on the use of such asphalt to those States that indicate an interest.

6. Requires each State to certify, beginning on January 1, 1995, and annually thereafter, to the Secretary that it has satisfied the minimum utilization requirement for asphalt pavement containing recycled rubber: 5% for 1994, 10% for 1995, 15% for 1996, and 20% for 1997 and each year thereafter.

7. Allows the Secretary to increase the minimum utilization requirements for asphalt pavement containing recycled rubber to be used in federally assisted highway projects to the extent it is technologically and economically feasible to do so and if an increase is appropriate to assure markets for the reuse and recycling of scrap tires. Prohibits the minimum utilization to be met by any use of technique found to be unsuitable for use in highway projects by the studies listed in #2 and #3 above.

8. Requires the Secretary to withhold from any State that fails to make a certification under #6 above, a percentage of apportionments (that would otherwise be given to the State for any fiscal year) equal to the percentage utilization requirement established by #6 above for such fiscal year.

9. Allows the Secretary to waive provisions of #6, #7, and #8 above, for any three-year period, in a decision made with the USEPA Administrator, due to reliable evidence indicating (a) that manufacture, application, or use of asphalt pavement containing recycled rubber substantially increases the threat to human health or the environment as compared to the threats associated with conventional pavement, and (b) that asphalt pavement containing recycled rubber cannot be recycled to substantially the same degree as conventional pavement, or; (c) that asphalt pavement containing recycled rubber does not perform adequately as a material for the construction or surfacing of highways and roads. Allows for a renewal of the three-year set aside provision under certain circumstances.

10. Allows the Secretary to establish a minimum utilization requirement less than that specified in #6 above in a state where it is requested and if the Secretary, in concurrence with the USEPA Administrator, determines that there is not a sufficient quantity of scrap tires available as the result of recycling and processing uses including retreading or energy recovery.

11. Defines "asphalt pavement containing recycled rubber" as any hot mix or spray applied binder in asphalt paving mixture that contains rubber from whole scrap tires which is used for asphalt pavement base, surface course or interlayer and other road and highway related uses and (a) is a mixture of not less than 20 pounds of recycled rubber per ton of spray applied binder; or (b) is any mixture of asphalt pavement and recycled rubber that is certified by a State and approved by the Secretary, provided that the total amount of recycled rubber from whole scrap tires utilized in any year in

such State shall not be less that the amount that would be utilized if all asphalt pavement containing recycled rubber laid in such State met the specifications of (a) above and #6 above.

12. Defines "recycled rubber" as any crumb rubber derived from processing whole scrap tires and shredded tire material taken from automobiles, trucks, or other equipment owned and operated in the United States.

13. States that no FY 1994 Department of Transportation Funds may be used to implement, administer, or enforce provisions of Section 1038 (d) -- #6, #7, #8, #9, #10 above.

ANALYSIS

With regard to its provisions dealing with the use of crumb rubber from recycled tires in asphalt, S. 440 (P.L. 104-59):

1. Strikes subsection (d) of Section 1038 of the 1991 ISTEA law, which:

(a) Required each state, beginning January 1, 1995, and annually thereafter, to certify to the Secretary of Transportation, that it has satisfied the minimum utilization requirements for asphalt pavement containing recycled rubber -- 5% for 1994, 10% for 1995, 15% for 1996, and 20% for 1997 and each year thereafter.

(b) Allowed the Secretary to increase utilization requirements for asphalt pavement containing recycled rubber under certain conditions.

(c) Required the Secretary to withhold from any State that failed to make a certification regarding satisfaction of the minimum utilization requirements for asphalt pavement containing recycled rubber, a percentage of the apportionments that would otherwise be given to the state for any fiscal year equal to the percentage utilization requirement for asphalt pavement containing recycled rubber.

(d) Allowed the Secretary to set aside the provisions of (a), (b), and (c) above, for any three-year period, in a decision made with the USEPA Administrator, due to reliable evidence indicating an increased threat to human health or the environment and lack of recyclability, or that asphalt pavement containing recycled rubber does not perform adequately as a material for construction or surfacing of highways and roads. Allows for a renewal of the three-year set aside provision under certain circumstances.

(e) Allowed the Secretary to establish a minimum requirement less than that specified in (a) above in a state where it is requested and if the Secretary, in concurrence with the USEPA Administrator, determines that there is not a sufficient quantity of scrap tires available as the result of recycling and processing uses including retreading or energy recovery.

2. Inserted a new subsection (d), which required, not later than 180 days after the enactment of S. 440, the Secretary to develop testing procedures and conduct research to develop performance grade classifications for crumb rubber modifiers. Allowed the Secretary to make grants to States to develop programs to use crumb rubber from scrap tires to modify asphalt pavements (a) to develop mix designs for crumb rubber modified asphalt pavements, (b) for the placement and evaluation of crumb rubber modified asphalt pavement field tests, and (c) for the expansion of State crumb rubber modifier programs in existence on the date the grant is made available.

3. Changed the wording of the definition of "asphalt pavement containing recycled rubber" in subsection (e) of Section 1038 from "any hot mix or spray applied binder in asphalt paving mixture that contains rubber from whole scrap tires which is used for asphalt pavement road base, surface course or interlayer, or other road and highway related uses" to a more general "any mixture of the asphalt and crumb rubber derived from whole scrap tires, such that the physical properties of the asphalt are modified through the mixture, for use in pavement maintenance, rehabilitation, or construction applications."

COMMENTS

As a result of the passage of S. 440 (P.L. 104-59), effective November 28 1995, there is no longer any federal law requiring use of crumb rubber from recycled tires in asphalt. Instead, the Secretary of Transportation is required to develop testing procedures and conduct research to develop performance grade classifications for crumb rubber modifiers and is *allowed* to make grants to States to develop programs to use crumb rubber from scrap tires to modify asphalt pavements. Nothing in the bill indicates a funding source for these grants.

The California Department of Transportation (Caltrans) has used some form of rubberized asphalt since 1978 and now uses it at a level of about 10% of all asphalt placed by Caltrans.. According to Caltrans, their use of rubberized asphalt began well before ISTEA and will continue regardless of the repeal of the federal requirements for minimum utilization of rubberized asphalt.

Caltrans is already involved in the California Accelerated Pavement Testing (Cal/APT) program, a research program with the University of California at Berkeley and South Africa. Under the program, partially funded by the federal government, they are evaluating pavement overlays using rubberized asphalt and working on rehabilitation uses for the material. Caltrans is also preparing a report based on visits to sites where rubberized asphalt has been laid and evaluating its performance. The study is expected to be available in early 1996. Overall, Caltrans appears to be committed to study and use, where appropriate, of rubberized asphalt.

The change in #3 of the Analysis section makes the definition of "asphalt pavement containing recycled rubber" more general so that more "recipes" of asphalt containing recycled rubber would fit and broader use would be allowed. For example, the new definition would include the "cold patch" use of rubberized asphalt, where it is used "cold" to fill in patches along the side of the road in the absence of plans to resurface in the near future.

LEGISLATIVE HISTORY

S. 440 (P.L. 104-59) was introduced on February 16, 1995; passed the Senate Environment and Public Works Committee (15-1) on May 10, 1995; report filed by the Senate Environment and Public Works Committee on May 22, 1995; scheduled for Senate floor debate on June 16, 1995; passed the Senate by voice vote on June 22, 1995 and referred to the House of Representatives; passed the House Transportation Committee on September 8, 1995; HR 2274 incorporated into S. 440 and the bill passed the House by voice vote on September 20, 1995; referred to Conference Committee on September 22, 1995; Conference Committee submitted report and considered it under the unanimous consent agreement of November 16, 1995 (80-16); Conference report submitted and agreed to by unanimous consent on November 18, 1995; S. 440 was signed in the House on November 20, 1995 and in the Senate on November 21, 1995; it was signed by the President on November 28, 1995 and became Public Law 104-59.

FISCAL AND ECONOMIC IMPACT

S. 440 (P.L. 104-59) has no fiscal impact on the CIWMB and its programs. It would require Caltrans to apply for grants to develop programs to use crumb rubber from scrap tires to modify asphalt pavements if such funds are desired.

The repeal of ISTEA's requirement to use crumb rubber in asphalt will introduce greater uncertainty to the crumb rubber market. Without a quantifiable use of crumb rubber by the asphalt industry, crumb rubber producers will be less able to predict demand. California has a number of new businesses that are producing crumb rubber for asphalt applications. These businesses had depended on the asphalt containing recycled rubber mandates in ISTEA for their market share. S. 440 (P.L. 104-59) would not affect these businesses at this time (because California meets the ISTEA requirements), but may in future years if California does not increase its use of asphalt containing recycled rubber.

UPDATE ON KEY FEDERAL ISSUES

FLOW CONTROL/INTERSTATE TRANSPORT

In June 1995 the Legislation and Public Education Committee (LPEC) reviewed an analysis of S. 534 (Smith, R-NH), federal legislation related to the ability of states to restrict the interstate transportation of solid waste and the ability of States and local governments to direct solid waste to specific solid waste facilities (flow control).

At the LPEC meeting industry and local government representatives provided considerable testimony on the bill and on a companion measure under consideration in the House of Representatives. Since S. 534 does not specifically address California's means of exercising flow control, most of the testimony provided to the Committee revolved around whether it was necessary to have an explicit reference included in either the Senate or House bill to validate California's existing mechanisms for exercising flow control. Since that time, the Senate has taken no further action on S. 534 pending the passage of a flow control bill by the House of Representatives.

The House Commerce Committee has had difficulty in reaching agreement on an interstate transportation of waste/flow control bill. Recently, the House Commerce Committee tried to reach agreement on an interstate waste/flow control bill in hopes of finally completing a markup for inclusion in H.R. 2323 by Representative Mike Oxley (R. Ohio). However, it appears that efforts to reach an agreement on the interstate waste provisions of the bill have failed, and it appears unlikely that any action on the bill will take place until February 1996. Although there are still some issues to be worked out on the flow control provisions, the primary difficulties related to marking up a bill and passing it out of the House for consideration by a conference committee of the Senate and the House are related to the interstate transportation issues.

Although a markup of a House bill is not available, it appears that the efforts being made are to make H.R. 2323 more consistent with S. 534, which would reestablish the authority of States to restrict interstate transportation - but in a narrow, "grandfathering in" of some of the practices that States have used to control interstate waste transports. Although this approach might be acceptable to some of the large eastern States who export much of their wastes it is not acceptable to some midwestern representatives who insist on establishing authority for States to restrict interstate transportation of wastes. The issue is further complicated by various factors, including a Congress which is in general terms philosophically opposed to any restrictions on interstate commerce, and more pressing issues such as the federal budget.

The flow control issue has been of considerable interest to California's solid waste management community for several years. The various parties affected differ in their opinions on the impacts of flow control. Flow control in California has historically been exercised by local governments through franchises, contracts, permits, and licenses.

Proponents of flow control argue that flow control is necessary for local governments to meet waste reduction goals. They argue that local governments need authority to direct the solid waste stream to specific solid waste facilities to guarantee those facilities a revenue stream. Facility operators assert that these guaranteed revenues are needed to obtain needed construction financing. Further, flow control proponents in California argue that flow control is a necessary tool for local governments to insure that solid waste is managed in a manner consistent with the waste reduction goals.

Opponents of flow control, on the other hand, argue that allowing flow control authority to States and local governments creates artificial monopolies which are immune from market forces and result in higher prices and reduced efficiencies for consumers. Opponents also assert that flow control is not necessary to meet waste reduction goals since the private sector has already invested in facilities (material recovery facilities, compost facilities, hazardous waste load checking programs, etc.) to help achieve waste reduction goals.

Because the flow control issue has a potentially significant impact on California's solid waste industry, local governments, and citizens, staff will continue to monitor and report on federal actions in this area.

RCRA/SUBTITLE D

At this time there does not appear to be any federal activity that would suggest that changes are pending to the Resource Conservation and Recovery Act (RCRA) that would impact Subtitle D regulations.

RECYCLED TIRES

Since the enactment of the Intermodal Surface Transportation Act of 1991 (ISTEA) the CIWMB has monitored federal actions related to the implementation and/or modification of the ISTEA provisions related to the use of crumb rubber from recycled tires in asphalt roads. In 1995, S. 440 (P.L. 104-59), by Senator Warner (R-VA), the National Highway Designation Act of 1995, repealed the requirement that States use crumb rubber from recycled tires in asphalt. To date, there does not appear to be a serious effort to reestablish ISTEA provisions related to recycled tires, or any other recycled tire legislation.

BATTERIES

In June 1995 the LPEC and the Board reviewed, and voted to support, S. 619 (R. Smith, R-NH), which would have phased out the use of mercury in batteries and provided for the collection and recycling or disposal of used nickel cadmium batteries, small lead acid batteries, and other batteries through the establishment of a national labeling system. S. 619 has not been heard by the Senate Committee on Environment and Public Works nor is there any indication that the bill will be heard in its present form.

OTHER SIGNIFICANT ISSUES

There does not appear to be any other pending federal actions on environmental issues of significance to the programs administered by the CIWMB at this time. The current priorities for 1996 would appear to be reform of federal Superfund program and the Safe Drinking Water Act.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
January 24, 1996

AGENDA ITEM 8

ITEM: CONSIDERATION OF BOARD POLICY AND PROCEDURES FOR ENFORCEMENT OF THE REQUIREMENT FOR RIGID PLASTIC PACKAGING CONTAINER COMPLIANCE REPORTS FROM FOOD AND COSMETIC PRODUCT MANUFACTURERS AND RESIN MANUFACTURER TRADE ASSOCIATION (PUBLIC RESOURCES CODE SECTIONS 42310.1 AND 42310.2)

I. SUMMARY

Public Resources Code Sections 42310.1 and 42310.2 require food and cosmetic product manufacturers and a trade association representing resin manufacturers to file reports with the Board by December 1, 1995, describing the actions they have taken and will continue to take to reduce, reuse, or recycle rigid plastic packaging containers. The statute further requires the Board to approve or disapprove the reports by February 1, 1996. If any report is disapproved, and for manufacturers who do not submit reports as required, the Board may offer the manufacturer or trade association two options:

1. Undertake additional actions to reduce, reuse, or recycle rigid plastic packaging containers; or

2. Pay a civil penalty of up to $100,000.

This agenda item requests Board direction regarding the enforcement of these requirements.

II. PREVIOUS COMMITTEE ACTION

At the time this item went to print, the Local Assistance and Planning Committee had not met, so the Committee has not taken action at this item.

III. OPTIONS FOR THE COMMITTEE

The Committee may provide staff direction for implementing the above provisions of the Public Resources Code.

IV. STAFF RECOMMENDATION

Staff recommends the Committee delay further consideration of enforcement and compliance activities against manufacturers who did not submit their compliance reports as required by the PRC until the 1995 all-container recycling rate is adopted by the Board this spring.

Staff also recommends that the Committee direct staff to return with recommended compliance and enforcement measures, in the event that the all-container RPPC recycling rate falls below 25%.

V. ANALYSIS

Background

Public Resources Code (PRC) section 42310.1(a) allows a two-year waiver for food and cosmetic product manufacturers to comply with the Board's Rigid Plastic Packaging Container (RPPC) Program. Section 42310.1(c)(1) requires those food and cosmetic product manufacturers not in compliance with the RPPC requirements to submit a report to the Board by December 1, 1995. Section 42310.2(d) requires a trade association representing resin manufacturers to submit a similar report. The American Plastics Council (APC) submitted the resin manufacturer's trade association report on December 1, 1995. Each report must demonstrate that the product manufacturer or resin manufacturer trade association is taking and will continue to take "*all feasible actions*" to ensure the reduction, recycling, or reuse of rigid plastic packaging containers and the development and expansion of markets for rigid plastic packaging containers.

PRC section 42310.2(b) requires the Board to review and approve or disapprove the reports by February 1, 1996. If the Board determines that a manufacturer or resin manufacturer trade association did not submit a report or is not taking all feasible actions, the Board <u>may</u> take one of the following actions <u>as selected by the product manufacturer or resin manufacturer trade association</u>:

1. require the manufacturer or trade association to take additional actions specified by the Board; or

2. impose a civil penalty of up to $100,000.

If a fine is to be determined, PRC § 42310.2(b)(2) requires the Board to take into consideration all of the following factors when calculating the fine amount:

A) The size and net worth of the manufacturer.

B) The impact of the violation on the overall objectives of the RPPC Program.

C) The severity of the violation.

At its July meeting, the Board directed staff to work with the American Plastics Council to determine an all-container recycling rate for rigid plastic packaging containers sold in California. If the rate is equal to or greater than 25%, all product manufacturers, including food and cosmetic manufacturers, are considered to be in compliance with the RPPC Program. The 1995 rate is expected to be considered by the Committee and Board in May, 1996.

Two issues are facing the Board at this juncture:

1. What is the Board direction concerning those food and cosmetic product manufacturers who did not submit the required report by December 1? Should staff seek to identify these companies at this time, or perhaps await consideration by the Board of the 1995 recycling rate in May?

2. How should the fine option be determined and enforced?

Staff Analysis

Non-Submitted Reports

As noted above, the PRC allows the Board to impose a fine of up to $100,000 if a food or cosmetic product manufacturer was not in compliance with the RPPC Program or if the manufacturer did not submit the required report by December 1 and if the manufacturer elects to accept a fine rather than take additional actions. Staff estimates over 10,000 food and cosmetic companies may be regulated by the RPPC Program. However, fewer than 200 were represented by the reports received. Certainly some of those not submitting a report are in compliance. However, many may not be. Considerable effort would be required to identify all manufacturers which should have submitted a report.

Fines Option Determination

The PRC allows the Board to offer the alternative of a fine for the product manufacturer or resin manufacturer trade association to select instead of agreeing to undertake specific reduction, reuse, and recycling actions specified by the Board. The statute, however, does not provide guidance for what happens when a manufacturer chooses to neither implement Board directed actions nor pay fines. The current RPPC Regulations provide no further guidance than that in statute in this regard.

Staff believes that the consequences of non-selection of a compliance option by a manufacturer, the determination of the amount of any fine, and other issues surrounding enforcement of these provisions to first encourage compliance, should be developed and reviewed through the rulemaking process, based upon direction from the Board.

Compliance Report Enforcement Options

In considering a Board policy and procedures for enforcement, the Committee may consider several options, including directing staff to:

1. Identify manufacturers who did not report and determine whether they are in compliance. Those not in compliance could be considered by the Committee for compliance options(including potential fines). Also, begin the rulemaking process to specify the RPPC fine and enforcement procedures.

   Pro: This process would give staff a clear idea of the extent of non-compliance, and its effect on the overall success of RPPC program. Additional measures could be implemented by food and cosmetic manufacturers to comply with the law.

   Con: This endeavor, which would first require identifying all potential manufacturers, and further contacting each to determine if they are in compliance, could be very resource intensive; much more than the approximately 1.5 PYs now dedicated to this program.

   This compliance report is only required for one year, 1995. Limited benefit might be obtained in expending this large staff effort in determining non-compliant firms.

2. Delay enforcement efforts until the 1995 all-container recycling rate is approved by the Board. If the rate is 25% or greater, all product manufacturers will be considered to be in compliance for 1995. If the rate is less than 25%, staff could return to the Committee with recommended compliance and enforcement measures.

   Pro: If the rate is at 25% or greater, all firms will be deemed in compliance with the law. Enforcement actions, including requiring additional actions by product manufacturers or payment of fines, would be unnecessary.

Con: Valuable time could be lost by not getting additional necessary measures implemented by non-compliant manufacturers to meet the requirements of the law.

3. Not pursue further enforcement activity, as the law provides the Board latitude with regard to whether to impose fines and at what levels.

   PRC section 42310.2(b) states that "...the Board may take one of the following actions...: impose a civil penalty of up to $100,000..." for violation of the reporting requirement or if additional actions are determined to be feasible.

   Pro: Limited staff resources could be better used to assist in the development of markets for materials, like paper or compostables, which have a greater potential for diversion.

   Con: The Board may be viewed as not taking all possible steps to comply with the RPPC Program requirements.

Staff recommends option 2.

VI. ATTACHMENTS

None

VII. APPROVALS

Prepared by: Bill Huston Bill Huston Phone 255-2461

Reviewed by: John Smith John Smith Phone 255-2413

Reviewed by: Dan Gorfain Dan Gorfain Phone 255-2320

Legal review/Approval: DB Time/Date 1/11/96 12:00 noon

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
January 24, 1996

AGENDA ITEM 9

ITEM: CONSIDERATION OF THE RIGID PLASTIC PACKAGING CONTAINER COMPLIANCE REPORT FROM THE RESIN MANUFACTURERS TRADE ASSOCIATION: AMERICAN PLASTICS COUNCIL

I. SUMMARY

The Board's Rigid Plastic Packaging Container Program requires resin manufacturer trade associations to file a report with the Board by December 1, 1995. The statute further requires the Board to approve or disapprove the report by February 1, 1996.

II. PREVIOUS COMMITTEE ACTION

At the time this item went to print, the Local Assistance and Planning Committee had not met.

III. OPTIONS FOR THE BOARD

The Board may decide to:

1. Approve the compliance report submitted by the American Plastics Council.

2. Disapprove the compliance report submitted by the American Plastics Council. Identify additional actions for the APC to undertake, and recommend a fine if the Association does not agree to undertake the additional actions.

IV. STAFF RECOMMENDATION

Staff recommends the Board approve the compliance report submitted by the American Plastics Council.

V. ANALYSIS

Background

Public Resources Code (PRC) section 42310.2(d) requires a trade association representing resin manufacturers to submit a report to the Board by December 1, 1995. The report must demonstrate that the

trade association is taking and will continue to take all feasible actions to ensure the reduction, recycling, or reuse of rigid plastic packaging containers and the development and the expansion of markets for rigid plastic packaging containers. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, social, health, safety, and technological factors. Those actions may include, but are not limited to, the following:

(A) The use of postconsumer recycled plastic in rigid plastic packaging containers sold in this state;

(B) The use of postconsumer recycled plastic in other packaging materials sold or manufactured in this state;

(C) The use of postconsumer recycled plastic in other products sold or manufactured in this state;

(D) Arranging for the use of postconsumer recycled plastic collected in this state in the manufacture of non-rigid plastic packaging container product or packaging of another entity;

(E) The procurement of products containing postconsumer recycled plastic including, but not limited to, trash bags, trash containers, pallets, carpeting, slip sheets, and shrink wrap; and

(F) The demonstration of financial investment in recycled plastic collecting, processing, and remanufacturing activities in the state.

PRC section 42310.2(b) requires the Board to review and approve or disapprove the report by February 1, 1996. If the Board determines that the resin trade association is not taking all feasible actions, the Board may take one of the following actions <u>as selected by the resin manufacturer trade association</u>:

1) require the trade association to take additional actions; or
2) impose a civil penalty of up to $100,000.

Staff Review

The resin manufacturers report was submitted by the American Plastics Council (APC). The APC is the lead trade association for the resin manufacturers industry consisting of 27 resin manufacturers (see Attachment 1). Since 1990, the industry reported it has invested one billion dollars nationally in support of increased recovery and reclamation of postconsumer plastics. The report identifies financial investment programs and actions taken

and underway in source reduction, recycling, reuse, and other programs supporting waste reduction and recycling.

Staff reviewed the APC report to determine whether the APC and its member companies had undertaken reasonable actions to ensure the reduction, recycling, and reuse of rigid plastic packaging containers and the development and expansion of markets for rigid plastic packaging containers. Staff focused primarily on actions to expand demand for and supply of postconsumer rigid container resin to determine whether an all-container recycling rate of 25% would be achieved by January 1, 1997 (the date the food and cosmetic product manufacturers must comply with the RPPC Program). If the 25% recycling rate is reached and maintained, all product manufacturers are deemed in compliance with the Program.

According to its report, the resin manufacturing industry will continue to support increased nationwide recovery of postconsumer plastic and its technological advancement of source reduction capabilities (in some cases by modifying manufacturing process and in others by developing new resins).

Section 3 of the APC report identifies 102 programs where postconsumer resin is used by resin manufacturers and their customers (see Attachment 3). One program description is the use of postconsumer recycled plastic in RPPCs sold in California. All motor oil, automotive fluids and other lubricants sold in plastic bottles by Chevron are now packaged in containers with at least 25 percent postconsumer resin. The postconsumer resin is generated in California and the manufacturing or reclamation facility is located in California.

The Report also details and outlines numerous other programs associated with the use of postconsumer recycled plastic. Some of those are use of postconsumer resin in other packaging materials, use of postconsumer resin in other products and situations where industry has arranged for the use of postconsumer recycled plastic in the manufacturer of non-RPPC products or packaging of another entity (see Attachment 3).

Section 4 of the APC report identifies 120 financial investment programs, of which 50 were conducted in California, totalling over $1 billion for the increased recovery and reclamation of postconsumer plastics. While not conducted in California, California receives benefits from an additional 44 of the 120 programs. Some of these include educational outreach through workshops, grants to MRF operators, and a resin manufacturer which has three manufacturing facilities in California, all of which are actively involved in the collection of postconsumer plastics (see Attachment 4).

Section 5 of the APC report identifies additional actions taken by resin manufacturers to promote reduction, recycling and reuse of plastics and RPPCs (see Attachment 5). Under source reduction, 17 programs are identified with seven being conducted in California and California receiving benefits from the other ten. Since 1994, five-gallon pails containing Chevron products have been reduced in weight by 10 percent over 56 percent of the product line with additional source reduction opportunities being pursued. Mobil Chemical reduced packaging waste by 3.4 million pounds in 1993 and estimated that 19 million pounds was reduced during the previous ten year period.

Five programs are described dealing with reusable products, three of which are in California and California receiving benefit from an additional four. GE Plastics and Bayer produce a resin for use in returnable and reusable five-gallon water bottles which achieve up to 100 refills and can be found in production reuse for up to 10 years.

Fourteen other programs are identified that encourage or influence recycling or reduction of plastic waste, nine of which are conducted in California and California directly receiving benefit from 13.

The APC has issued over 20,000 copies of the "Recycled Plastic Products Source Book" to help private and public sector buyers identify products made with recycled plastic.

Staff Findings and Conclusions

The APC report indicates the resin industry has taken substantial steps and has invested significant funds to reduce, reuse, and recycle rigid plastic packaging containers. AS reported the Association and its members have already begun over 250 programs and had invested over $1 billion to promote the reduction and use of postconsumer plastics. The industry further reported that it intends to continue these actions.

Staff believes the resin manufacturer trade association (the American plastics Council) is taking and will continue to take all feasible actions to reduce, reuse, and recycle rigid plastic packaging containers as required by PRC § 42310.1(a). Staff recommends approval of the resin manufacturer trade association report.

VI. ATTACHMENTS

1. List of APC member companies.
2. APC Report Executive Summary.
3. Summary of actions to use postconsumer resin (from APC Report).
4. Summary of financial investment in resin recycling (from APC Report).
5. Summary of additional actions to promote reduction, recycling, and reuse (from APC Report).

VII. APPROVALS

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Legal review/Approval: DB ~~Phone~~ 1/11/96 12:00 pm

AMERICAN PLASTICS COUNCIL MEMBER COMPANIES

Amoco Corporation
ARCO Chemical Company
Ashland Chemical Company
BASF Corporation
Bayer Corporation
The BF Goodrich Company
Chevron Chemical Company
The Dow Chemical Company
DuPont
Eastman Chemical Company
Exxon Chemical Company
FINA, Inc.
GE Plastics
Hoechst Celanese Corporation
Huntsman Chemical Corporation
ICI Americas Inc.
Lyondell Petrochemical Company
Mobil Chemical Company
Monsanto Company
Montell North America, Inc.
NOVA Corporation
Occidental Chemical Corporation
Quantum Chemical Company
Rohm and Haas Company
Shell Chemical Company
Solvay America, Inc.
Union Carbide Corporation

November 15, 1995

Section 1
EXECUTIVE SUMMARY

INTRODUCTION

The California Resin Manufacturers' Report (CRMR) has been prepared in response to California State Senate Bill 466 (SB 466) to summarize the actions plastic resin manufacturers are taking "to ensure the reduction, recycling, or reuse of rigid plastic packaging containers (RPPCs) ... and the development and expansion of markets for RPPCs." In 1994, the American Plastics Council (APC) began the process of researching and preparing the CRMR on behalf of its member companies.

APC is a national organization working on behalf of the overall U.S. plastics industry to enhance the integrity of plastics, focusing on resource conservation-related environmental issues to ensure plastics are a contributor to a safer and cleaner environment.[1] Since the mid-1980s, plastic resin manufacturers have undertaken an ambitious program to develop technology for recycling and reclaiming post-consumer and manufacturing plastics scrap. More than $1 billion has been invested in this effort nationally since 1990.[2]

A primary focus of these investments has been the research and development of technologies designed to improve the quality and cost-efficiency of recycling plastic materials. Society is just now beginning to realize the benefits of this effort, as evidenced in the ever-broader availability of products manufactured from recycled plastics.

The investment by the resin manufacturing industry reinforces the efforts of product manufacturers and others further along the plastics value chain, which are detailed in

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[1] The APC Board of Directors consists of senior-level executives from 27 major plastics corporations. With a staff of 58 and four regional offices, including one in Sacramento, APC's mission is to actively demonstrate that plastics are a preferred material in a more environmentally conscious world. Its activities are conducted in concert with, and supplement, the programs of product-specific associations within the plastics industry, involving work beyond the reach of individual companies.

[2] The $1 billion figure, compiled by the international accounting firm of Ernst & Young, includes research and development, capital investment in equipment, net operating expenses, internal recycling support, external recycling expenses and collective investment. Recovery of "off-spec" or post-industrial scrap plastic is specifically excluded. "Manufacturing" scrap plastics includes plastic resins or plastic end-products which do not fulfill their intended end use and are subsequently recycled into an alternate end product. Additional information on the Ernst & Young methodology appears in Section 4 of the CRMR.

separate reports being submitted by those industries to the California Integrated Waste Management Board (CIWMB).

The impact of this investment is visible in the steady growth in the amount of plastics recovered through recycling each year. In 1994, the recycling of plastic bottles produced more than 1 billion pounds of post-consumer resin (PCR) nationally, up from 891 million pounds in 1993. The resin manufacturing industry, through APC, is working with the CIWMB to accurately quantify the portion of this post-consumer material originating and recovered in the state.[3]

SUMMARY OF THE RESIN MANUFACTURING INDUSTRY'S ACTIVITIES IN SUPPORT OF PLASTICS RECYCLING

The resin manufacturing industry has played and will continue to play a number of key roles in the continuing growth of plastics recycling, both in California and nationwide:

- Those resin manufacturers with affiliated product manufacturing divisions (such as Mobil's film and bag operations) have incorporated PCR into their products.
- A number of resin manufacturers now operate reclamation facilities, generating high-quality PCR for use by product manufacturers. (It should be noted that the overwhelming majority of reclamation activity is carried out by companies and entrepreneurs outside of the resin manufacturing industry.)
- Resin manufacturers have been instrumental in setting up recovery programs for products including plastic grocery sacks, stretch film and polystyrene packaging.
- Through industry groups such as the APC, the National Association for Plastic Container Recovery (NAPCOR), the National Polystyrene Recycling Company (NPRC), The Society of the Plastics Industry (SPI, Inc.) and others, the resin manufacturing industry has supported the development and commercialization of technologies to increase the quantity and quality of recycled plastics.
- Resin manufacturers have worked to educate both the public and industry customers about the importance of efficient resource management, including source reduction and recycling.

[3] Additional information on this partnership is presented in Section 5 of the CRMR.

SB 466 stipulates that the CRMR address six specific categories of actions by resin manufacturers in support of increased plastics recycling.

1. Use of PCR in RPPCs sold in California: Relatively few resin manufacturers market consumer products in RPPCs. Those manufacturers that have incorporated PCR into the packaging for many of their products sold in California and across the country include Chevron, Exxon, Mobil and Phillips 66 using recycled-content plastic bottles (up to 30 percent PCR) for at least a portion of their motor oil lines and DowBrands, marketing a wide variety of household cleaners and laundry products in bottles made with at least 25 percent PCR high density polyethylene (HDPE).

For more information, see Section 3.

2. Use of PCR in other packaging materials sold or manufactured in the state: Resin manufacturers also produce non-RPPC packaging items. For example, Mobil sold 68 million trash bags with 13.7 percent PCR content in California in 1994. DuPont's "Tyvek" packaging, used by the U.S. Postal Service for its Express Mail pouches, and Dow's "Ethafoam" packaging material are additional examples of non-RPPC packaging products which are available with recycled content.

For more information, see Section 3.

3. Use of PCR in other products sold or manufactured in the state: Resin manufacturers also produce a range of nationally marketed non-packaging items made with PCR content. These range from Mobil's "Tucker" brand trash cans with 30 to 100 percent PCR content to Amoco Foam Products' "Amofoam-RCY" insulation board with 50 percent reclaimed plastic from both post-consumer and post-industrial sources. Other applications for PCR from RPPCs include geotextiles and plastic lumber.

For more information, see Section 3.

4. Situations where industry has arranged for the use of PCR (collected for recycling in California) in the manufacture of non-RPPCs or packaging of another entity: As a matter of practice, resin manufacturers work with their customers to promote source reduction and the use of PCR content whenever appropriate. Many national brands of household cleaners and laundry products are now packaged in recycled-content RPPCs.

Technical and economic barriers will limit the use of PCR in some applications, such as food-contact packaging. At the same time, free-market forces have created significant demand for PCR in non-food RPPCs as well as items such as film and fiber. Resin manufacturers have invested significant research and financial resources to develop combinations of high-quality PCR lines and copolymers that yield improved performance characteristics. Many companies also have invested in reclamation facilities. For example, NPRC's recycling facilities (including a reclamation plant in Corona, CA) produce high quality recycled polystyrene for use in new products.

For more information, see Section 3.

5. Procurement of products containing post-consumer plastic: Resin manufacturers are committed to purchasing recycled products (including those made with PCR) on a national scale. APC and several individual member companies are active in the National Recycling Coalition's Buy-Recycled Business Alliance. The cumulative impact of these efforts can be significant: for example, DuPont alone estimates that it purchased $70 million worth of recycled-content products in 1993.

APC also has taken action to raise awareness outside of the industry of the more than 1,300 products made with recycled plastic. The *Recycled Plastic Products Source Book* lists product descriptions and contact names to help purchasing directors identify PCR-content items that meet their needs. (See Appendix E). More than 20,000 copies of the *Source Book* have been distributed to purchasing decision makers in both the public and private sectors, including attendees of the 1995 California Association of Public Purchasing Officers Exposition.

For more information, see Section 3.

6. Demonstration of financial investment in collection, processing and re-manufacturing: The resin manufacturing industry's $1 billion national commitment to plastics recycling since 1990 has been invested in two ways: programs implemented by individual companies and activities carried out through trade associations such as APC, the National Association for Plastic Container Recovery (NAPCOR) and others to expand the body of knowledge about plastics recycling.

Research conducted through these organizations brought into focus the needs of the plastics recycling infrastructure — from collection to handling to reclamation — and developed solutions to maximize operating efficiency in each activity. By identifying, developing and promoting promising recycling technologies and methodologies, then putting them to the test in real-world situations, APC members made it possible for recyclers to learn from each others' experience. The resources and expertise of the industry organizations also made it possible to trouble-shoot plastics recycling efforts on a case-by-case basis, in some instances providing equipment grants to close gaps in regional infrastructures.
The San Francisco project funded under the APC's Model Cities Program wherein APC provided collection and conveying equipment to the city and its contractors, is an example of the national approach to assisting local governments in promoting plastics recycling programs; important lessons learned through the Model Cities program have been aggressively communicated to communities in California and throughout the country.

For more information, see Section 4.

CALIFORNIA'S PLASTICS RECYCLING INFRASTRUCTURE

California's plastics recycling infrastructure is one of the nation's most extensive and well-established. Plastics are collected in all but five of the state's 341 curbside collection programs, and many of the more than 2,000 recycling businesses listed on the California Department of Conservation's database include plastics in their operations.

If there is any one aspect of the plastics recycling equation that needs improvement in California, it is the rate of public participation in the available plastics recycling programs. To that end, during 1995 APC has been working with several California jurisdictions in preparation for launching a comprehensive educational and promotional campaign in the first quarter of 1996. Its objective will be to motivate increased participation by the state's residents in available plastics recycling programs. (See description on page 5-4). The campaign is being carried out in partnership with a number of cities, towns and non-governmental organizations, and is expected to increase the number of pounds of post-consumer bottles (and, where appropriate, other RPPCs) recovered in the state.

As mentioned in the introduction, the resin manufacturing industry also is cooperating with the CIWMB to develop the most accurate methodology possible for calculating state recycling rates. By conducting more than 900 waste composition analyses across the state,

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APC is assisting California in developing an accurate measure of its recycling successes. By continuing the existing dialogue between communities, recyclers and the resin manufacturing industry established through the activities documented in the CRMR, it will be possible to identify opportunities for further growth of the California infrastructure in support of environmentally and economically sustainable plastics recycling.

OTHER ACTIVITIES TO "ENSURE THE REDUCTION, RECYCLING OR REUSE OF RPPCs"

In addition to the six categories of information detailed above, SB 466 stipulates that the CRMR may include information on related waste reduction activities. Source reduction, or the reduced use of materials to make RPPCs, has been a key tool in reducing the overall generation of packaging material. This is particularly relevant with regard to plastics, which offer significant waste management and resource conservation benefits above and beyond recycling.

The resin manufacturing industry, which has long been a leader in using less material to achieve a desired result, recognizes SB 235's source reduction provisions as an important contribution to integrated waste management. Plastics engineers are continually advancing the understanding of plastics' source reduction potential — in some cases by modifying manufacturing processes, in others by developing new resins. For example, today's soft drink bottle weighs 25 percent less than the same-size bottle did in 1977; the development of linear low density polyethylene (LLDPE) resin made possible the introduction of thin, puncture-resistant wraps that replaced bulkier packaging and thereby reduced the volume of waste generated. Dow introduced metallocene catalyst technology in 1993. Currently the resins are used in a broad array of applications ranging from food and medical packaging to automotive and wire and cable. These resins offer performance and value with reduced weight versus alternatives. In addition, Exxon recently announced the commercialization of new metallocene resins which will allow further downgauging of can liners, pallet stretch wrap and heavy duty shipping sacks.

The versatility and performance attributes of plastics also help other materials improve their performance and efficiency. Paperboard milk cartons, for example, would not be possible without plastic lamination. As another example, the new plastic/foil brick packs used for coffee represent an 85 percent weight reduction versus the traditional steel can.

Among the examples of source reduction activities offered in the CRMR are Mobil's success in reducing the amount of stretch wrap required to unitize a pallet by 40 percent since 1984 and Quantum Chemical's introduction of new resins that make lighter bottles possible. Efforts to promote reuse include GE Plastics' LEXAN reusable single-serving milk bottles, now being used in numerous schools nationwide. Summaries of reports from the Coalition of Northeastern Governors (CONEG) and the editors of *The ULS* (Use Less Stuff) *Report* are included in the appendices, providing examples of how resin-industry customers and other downstream plastics users achieve waste minimization goals through the use of plastics.

For more information, see Section 5.

CONCLUSION

The CRMR documents the ongoing commitment of the resin manufacturing industry to achieve environmentally and economically responsible and sustainable levels of recycling of post-consumer plastics. These efforts are part of the industry's overall program to maximize both the functional performance and the resource management benefits of plastics. These benefits include plastics' energy efficiency in manufacture and use and their potential value in new high technology conversion processes that will recover the building blocks of plastics for use in new product and energy applications. By addressing the full spectrum of resource management challenges and opportunities available, it will be possible to continue the achievement of environmental progress already underway in California and throughout the nation.

Table of Activities

Section 3. Use of PCR by Resin Manufacturers and Their Customers

Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are products containing PCR sold in California?
Use of Post-Consumer Recycled Plastic in RPPCs Sold in California			
Amoco sells motor oil in bottles with a minimum of 25 percent recycled content. *1992 - present*	no	no	yes
All motor oil, automotive fluids and other lubricants sold in plastic bottles by Chevron in California now have containers manufactured with at least 25 percent recycled content. Some automotive products are able to be sold in bottles with 50% post-consumer plastic. The PCR incorporated in these products includes resins derived from HDPE collected for recycling in California. 13.5 million pounds of RPPCs annually contain at least 25% PCR. *Ongoing since July 1994*	yes	yes	yes
DowBrands, a subsidiary of Dow Chemical Corporation, manufactures numerous products sold in RPPCs that reach markets in California. These products include many popular consumer products such as "Spray'N'Wash" soil and stain remover, "Yes" laundry detergent, "ultraVivid" color-safe bleach, Dow bathroom cleaner with "Scrubbing Bubbles," and others. All of these products come in RPPCs (HDPE bottles) containing at least 25 percent post consumer plastic. By the end of 1995, DowBrands expects to be using 5 million pounds per year of PCR in its North American product lines. *Ongoing since early 1990s*	yes	n/a	yes
Exxon's one-quart Superflo® motor oil bottles contain at least 25 percent post-consumer recycled HDPE. Exxon began using recycled plastics in 1989 and currently consumes about 2 million pounds of post-consumer polyethylene in this application each year. *Ongoing since 1989*	no	no	yes
Lyondell Lubricant's "Enviroil" motor oil products are sold in plastic packaging containing 25 percent PCR. *Dates unknown*	no	no	yes

Attachment 3

Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are prod. containing PCR sold in California?
Mobil Chemical's parent company, Mobil Oil, has incorporated 25 percent post-consumer HDPE in their motor oil and lube oil containers, including one-quart and one-gallon bottles and 5-gallon pails. Mobil began using reclaimed plastic in its bottles in the early 1990s. A portion of the PCR consumed by this activity was derived from California. *Ongoing since early 1990s*	yes	yes	yes
Phillips 66 now manufactures black plastic packaging for its "TropArtic" one-quart oil bottles. The change in packaging color was made so that Phillips could increase the amount of PCR in the HDPE bottles from 20 percent to 30 percent. The bottles are sold nation-wide. *Ongoing since 1993*	no	no	yes
Use of Post-Consumer Recycled Plastic In Other Packaging Materials Sold or Manufactured in California			
A portion of Dow Chemical's polyethylene foam packaging material known as "Ethafoam" contains at least 25 percent PCR and is offered as a cushion packaging material in shipping applications. *Ongoing since 1993*	partially	yes	yes
DuPont's "Tyvek" packaging, which contains 25 percent post-consumer HDPE from recycled milk and water jugs, is used by the U.S. Postal Service in its Express Mail and Priority Mail packaging material. "Tyvek" envelopes are recycled at more than 70 sites across the country, including eight in California. The envelopes reduce shipping costs and require less storage space than alternative packages while still meeting structural requirements. DuPont has recycled more than 80 million HDPE milk and water jugs since 1992 to make "Tyvek" products. DuPont projects its annual use of recycled milk and water jugs will increase to more than 60 million containers by the end of 1995, as demand for products made of PCR-content "Tyvek" increases. This would bring the total number of milk and water jugs recycled through the DuPont PCR program to 140 million by the end of 1995 and to 200 million by 1996. *Ongoing since 1992*	probably	yes	yes

Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are products containing PCR sold in California?
Use of Post-Consumer Recycled Plastic In Other Products Sold or Manufactured in California			
Amoco Fabrics and Fibers Company, an Amoco subsidiary that manufactures polypropylene fabric used to make bale wrap and bale bags, now recycles these products into plastic lumber. Approximately 85,000 pounds of plastic lumber have been sold to California markets. *Ongoing since 1991*	no	no	yes
Amoco Foam Products Company produces an insulation foam board for residential and commercial construction made with a minimum of 50 percent recycled polystyrene. The insulation board, trade named "Amofoam-RCY," consists of polystyrene from both post-industrial and post-consumer waste streams and is easily identified by its signature green color. It is sold in California and elsewhere in the United States. *Ongoing since 1991*	no	no	yes
Dow Chemical has manufactured "Styrofoam" insulation board with post-consumer recycled content resin. *Ongoing since 1992*	partially	yes	yes
DuPont manufactures "Tyvek ProtectiveWear" garments designed to protect employees who work in environments that include chemical, asbestos and fiberglass handling. This "Tyvek" product is a non-woven fabric made with 25 percent post-consumer recycled plastic from milk and water containers. *Ongoing since 1992*	probably	unknown	yes
Hoechst Celanese produces a polyester geotextile called "Trevira ProEarth" that contains 10 percent PCR and is used in waste containment and other civil engineering applications. *1995*	unknown	unknown	unknown
Mobil Chemical Company's Tucker Housewares division has introduced a 32-gallon trash barrel made from 100 percent post-consumer HDPE from pigmented detergent bottles and grocery sacks. The new container joins Tucker's line of waste containers with PCR contents ranging from 30 to 100 percent. *Ongoing since 1990*	no	no	yes

Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are prod. containing PCR sold in California?
Mobil Chemical Company has implemented a closed-loop recycling program for its stretch film used to wrap shipping pallets. Mobil collects used wrap from its customers and reprocesses it to make a new line of "Marketwrap" film containing at least 20 percent PCR for hand-wrap applications. A portion of the post-consumer stretch wrap is processed for Mobil in California by A&M Plastics of Buena Park. *Ongoing since 1991*	yes	no	yes
Mobil also manufactures and markets institutional and household plastic trash bags that contain PCR. The household bags are marketed under Hefty and other private label brands. In 1994, almost 68 million trash bags with 13.7 percent PCR content were sold in California. Nationally, Mobil sold about 500 million trash bags in 1994, some of which were manufactured in Woodland, California. *Ongoing since 1992*	yes	no	yes
In 1992, Mobil formed a new operating group, the Composite Products Division, to develop and market a wood-polymer composite material called "TREX." This lumber product is a composite of 50 percent wood fiber (from industrial sawdust or used wooden shipping pallets) and 50 percent PCR plastic (primarily from post-consumer grocery bags). A portion of these materials comes from California. The material is highly resistant to damage from moisture, solvents and salt water, and it doesn't splinter, crack, or need to be painted. California sites using "TREX" lumber include the Santa Cruz Yacht Marina, Skippers Cove Marina (Yuba City) and Seoma's Restaurant (Sausalito). *1992*	yes	no	yes
Mobil Chemical's Films Division has developed a recycling program for coated oriented polypropylene film. Post-industrial scrap film generated by the Division and its customers is sent to third parties to be recycled into a number of articles, including golf tees, table tops, flower pots and horticulture trays. *Ongoing since 1992*	no	no	yes

Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are products containing PCR sold in California?
Situations Where Industry Has Arranged For The Use of Post-Consumer Recycled Plastic (Which Is Collected For Recycling In California) In The Manufacture of Non-RPPC Products or Packaging of Another Entity			
GE Plastics collects post-consumer compact disks in Hayward, California. The CDs are ground and shipped to a proprietary facility that removes the aluminized metal and coatings. The clean resin is used in virgin and recycle grades. *Dates unknown*	yes	no	yes
APC has provided funding to the Recycling Technology Assistance Partnership (ReTAP), a cooperative venture between the Seattle-based Clean Washington Center (CWC) and the Washington, D.C.- based National Recycling Coalition (NRC). APC's contribution supports ReTAP's technical assistance programs. ReTAP provides plastics engineering and marketing expertise to plastics "converters" in order to help them incorporate recycled content resin into their product manufacturing. *1993 - 1995*	n/a	n/a	n/a
ARCO Chemical Company now offers its "DYLITE R 2595 B" resin containing 25 percent post-consumer polystyrene. The resin is intended for manufacturing protective packaging for sensitive solid state components. According to ARCO, it is the first moldable expandable polystyrene on the market with post-consumer content. *Ongoing since 1992*	n/a	no	yes
ARCO also has developed a hybrid resin of 100 percent expanded post-consumer polystyrene and polyethylene with sufficient cushioning and durability to ship sensitive automotive equipment, which often travels hundreds of miles to get to a customer's plant. *Ongoing since 1992*	unknown	no	unknown
ARCO has developed a process that allows automobile seats to contain up to 20 percent recycled polyurethane rebonded foam while still weighing 7 percent less than seats made using previously existing molding technologies. ARCO's method involves combining established recycling and foam manufacturing techniques with a unique "Hyperlite" molded foam technology. "Hyperlite" is a family of polyurethane foams designed for automotive seating applications which allows for material density reductions of up to 30 percent while maintaining high product quality. *1993 - 1995*	no	no	no

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Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are prod. containing PCR sold in California?
In 1994, BASF Corporation started up a 1.3 million pounds-per-year pilot nylon carpet materials separation plant. The separation step is required to prepare the post-consumer nylon material for depolymerization and reclamation of "Caprolactam," the original raw material of type 6 nylon. Post-consumer carpets are sourced in California and new carpets made with the recovered materials are sold in the state. *Ongoing since 1994*	yes	yes	yes
In addition, BASF manufactures polyurethane binders to bond process and post-consumer flexible polyurethane waste into carpet cushion (typically referred to as "rebond"). The "rebond" carpet cushion market is estimated at 650 million pounds per year in the U.S. Several rebond production plants are located in California, including facilities in Pico Rivera, Orange and Hickory Springs. *Ongoing since 1980*	yes	yes	yes
BASF has undertaken efforts to enhance the demands for post-consumer plastics through direct customer contact, trade journal press releases, exhibits at trade shows and technical presentations. *Dates unknown*	n/a	n/a	n/a
Bayer Corporation is supplying resins to a major computer manufacturer and is working with them to incorporate 25 percent post-consumer polycarbonate in the molding of new personal computer covers, many of which are destined for California markets. *Ongoing*	yes	no	yes
Chevron has provided technical support, including material testing, for recyclers/reclaimers engaged in manufacturing with post-consumer plastics, including plastic lumber. Chevron provides technical assistance to customers wanting to incorporate post-consumer resin in their products. *Ongoing since 1991*	yes	yes	yes
Chevron has developed a new resin, called Chevron 9503 HDPE, to enhance properties of bottles made with high percentages of recycled plastics. It is a commercial grade with high environmental stress crack resistance and high impact resistance sold in California and elsewhere in the United States. *Ongoing since 1993*	yes	yes	yes

Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are products containing PCR sold in California?
Chevron provides technical assistance to customers wanting to incorporate post-consumer resin in their products. *Ongoing since 1991*	yes	yes	yes
Dexco Polymers, a Dow/Exxon partnership, manufactures and markets a line of styrene block copolymers, which are compatibilizers that can be used to enhance the properties of post-consumer polystyrene and polyethylene. *1990*	unknown	no	yes
Dow Chemical has developed a line of post-consumer plastics, trade named "Retain," that includes various grades of polyethylene, polystyrene and ABS. Dow works with select recyclers of post-consumer plastics around the country to supply their needs for PCR. "Retain" is sold with varying PCR content (10 to 100 percent) and is used in extrusion, injection molding, blow molding and film applications. *Ongoing since 1992*	partially	yes	yes
Dow Chemical and Advanced Environmental Recycling Technologies, Inc., (AERT) developed a technology that effectively removes contaminants such as food debris and paper from post-consumer polyethylene grocery sacks and stretch film. The process yields a high-quality resin capable of use in film and injection molding applications. AERT now operates this technology independently. *Ongoing since early 1990s*	no	no	yes
Dow also has aggressively supported efforts to maximize the use of available PCR through incorporation with its high performance polymers, which include ABS, polycarbonates and engineering thermoplastic blends. *Ongoing*	n/a	n/a	n/a
DuPont operates facilities to recycle fiber, film and resin by methanolysis and glycolysis, as well as traditional remelt technology. The reclaimed plastics are used to manufacture recycled-content products including PET fiber, PET fiberfill, PET engineering resins ("RYNITE"). *Ongoing*	yes	no	yes

Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are prodi containing PCR sold in California?
DuPont is constructing a pilot facility to produce post-consumer recycled-content nylon engineering resins. The technology to be used at the facility is based on a proprietary process to reclaim a highly pure feed stream of face fibers from nylon carpet diverted from landfills. The face fibers are melt recycled and compounded with virgin nylon resins in amounts that meet automakers' specifications for applications requiring post-consumer recycled content. Target uses for the post-consumer recycle content nylon include under-hood applications, such as engine fan-shrouds and air cleaners. Initial testing shows the recycle-content nylon resin retains excellent stiffness and dimensional stability while resisting heat, chemicals and solvents. Through the pilot program, DuPont will reclaim 10 million pounds of commercial carpet annually and generate 14 million pounds of post-consumer recycled-content nylon. *Dates unknown*	yes	no	yes
DuPont also has developed and commercialized compatibilizing agent materials that can be used to enhance the properties of mixed PCR recyclate. DuPont also is marketing a compatibilizer called "Fusabond" which facilitates the use of polyethylene or polypropylene in combination with PET or nylon. *Dates unknown*	yes	unknown	probably
Novacor's RE-NU RFP2 recycled polyethylene resin is part of an industry program that recycles 1.4 million pounds per year for use primarily in new garbage bags. The RE-NU project is part of the only flexible packaging recycling program in North America or Europe. *Dates unknown*	no	no	n/a
Since 1990, Eastman Chemical Company has supplied PET bottle polymer containing 25 percent PCR reclaimed through methanolysis to soft drink and custom bottle manufacturers. *Ongoing*	no	no	yes
Exxon Chemical Company's Polymers Applications Business Unit (PABU) is producing special packaging films that contain up to 50 percent post-consumer recycled polyethylene. PABU sells these films to leading companies for consumer packaging applications in California and across the U.S. This initiative has led to the purchase of over 25 million pounds (6 to 8 million pounds per year) of post-consumer recycled polyethylene over the last four years, over 50% of which originated in California. *Ongoing since late 1988*	yes	no	yes

Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are products containing PCR sold in California?
Exxon also has developed a special linear ethylene polymer resin known as "Exact™." When mixed with up to 50 percent PCR from HDPE milk bottles, the "Exact™" polymer/PCR blend achieves properties which nearly match those of HDPE films made with 100 percent virgin resin. Exxon also pioneered the reclaiming of polypropylene resin from recovered fabrics and film. *Commercialized June 1991*	n/a	n/a	n/a
General Electric (GE) Plastics produces a number of post-consumer content resins for a variety of applications to meet the increased need for recycled-content plastics in the automotive, business equipment and telecommunications industries. A new recycled-content thermoplastic resin line introduced by GE contains a minimum of 25 percent pre- or post-consumer recycled content. Designated as "RE" grades, these materials match the performance and price of virgin products. The "RE" grades will be used in applications such as automotive interiors, instrument panels, headlamp reflector bodies, computer housings, data cartridges, printer components, taillight housings, roofing components and lawn and garden equipment. For example, GE Plastics blends PCR made from polycarbonate water-cooler bottles with virgin resin to produce a post-consumer content resin used for making headlamp housing for 1995 Ford vehicles. Each headlamp housing contains at least 25 percent PCR by weight. *Since 1994*	yes	no	yes
GE Plastics also has manufactured PCR-content resin from recycled computer housings, a portion of which were collected from computers in California. GE has field tested items such as building products that were made using resin from the recycled computer housings. *Ongoing since 1992*	yes	no	yes
GE's recycled-content "AZDEL" thermoplastic composite was used in the manufacture of load floors for the Ford Taurus and Mercury Sable station wagons, the first automotive application using production quantities of a post-industrial recycled thermoplastic composite in North America. Recycled-content "AZDEL" composites are targeted for additional applications such as battery trays, engine covers and noise shields. *Ongoing since 1993*	no	no	yes

Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are pro containing PCR sold in California?
In 1994 Hoechst Celanese Corporation began construction of a 30-million-pound-per-year 50,000-square-foot plastics recycling facility that will be capable of processing 150 million PET bottles and HDPE milk jugs annually. The facility will use Recovery Process International's PET bottle cleaning technology that minimizes contamination from other materials and will allow Hoechst to use more PET from curbside collection programs. *Ongoing since 1994*	n/a	n/a	n/a
Using methanolysis technology, Hoechst Celanese supplies PCR-content PET bottles to Coca-Cola Company and other companies, which are sold nationwide. The company also uses glycolysis to convert post-consumer PET bottles into new resins for products including fiberfill, garments, carpets and non-woven fabrics. *Ongoing*	unknown	unknown	yes
Huntsman Chemical Corporation produces a PCR-content polystyrene resin called "Replay" as well as an expandable polystyrene resin. "Replay" can be blended with virgin resin and produced at varying levels of post-consumer recycled content; twelve of Huntsman's commercial grades of "Replay" have 25 percent PCR content. "Replay" also can be adapted for use in virtually any polystyrene-based product, including those needing customized coloring. Products made from "Replay" can be recycled many times. Current polystyrene applications that use "Replay" include: consumer electronic accessories, laundry accessories, compact disk tray liners, cosmetic cases, flower pot trays and business cards. PCR used in the manufacture of "Replay" is supplied by NPRC facilities, including Corona, California. *Ongoing since 1993*	yes	yes	yes
ICI Films, a subsidiary of ICI Americas, Inc., sells a polyester film called "Melinex Eco." The film contains 25 percent post-consumer PET from recycled beverage bottles and has received a letter of non-objection from the U.S. FDA for food-contact packaging applications. *Ongoing since 1994*	partially	no	yes
ICI Films, a subsidiary of ICI Americas, Inc., produces various PET film products with 25 percent PCR which are used for overhead projection films and ink jet printer films. *Ongoing since 1994*	partially	no	yes

Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are products containing PCR sold in California?
Lyondell Petrochemical Company's Alathon Polymers Division sells approximately 12 million pounds of 100-percent HDPE PCR annually. Products include an HDPE resin produced from mixed color, 100 percent post-consumer containers, and an HDPE resin produced from natural-colored 100 percent post-consumer milk, juice and water containers. These resin products are intended for use as a blend component, or as a layer in co-extrusions with virgin PE resin. In early 1990, the Alathon's Division of Lyondell Petrochemical commercialized the "L54" serier of blow molding products designed to process very similarly to conventional resins while offering ESCR up to two times that of conventional technologies. Today, processors are using "Alathon L5440" to achieve PCR content up to 25 percent in both monolayer and coextrusion constructions with virtually no loss of properties. Lyondell also has introduced the "Alathon L50" series, with "L5040" as the first commercial grade. Numerous production scale trials with PCR content of up to 50 percent in monolayer bottles have shown processibility and bottle properties similar to virgin resins. *Ongoing since 1990*	no	no	yes
Since the late 1960s, Mobil has collected and recycled scrap polyethylene film. The annual volume consistently ranges between 90 and 110 million pounds of which approximately 60% is post-consumer and 40% post-industrial. The scrap film is washed (post-consumer only), ground, re-extruded, and blended for use in several Mobil products—wood/polymer lumber, trash containers, trash bags, stretch film, and a 100% post-consumer resin. To encourage the use of their post-consumer resin, Mobil provides extensive research data and on-site technical assistance to their customers. *Ongoing since late 1960s*	yes	no	yes

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Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are products containing PCR sold in California?
Montell North America has introduced a product line called "Re-Fax" which contains at least 25 percent post consumer recycled polypropylene compounded with virgin Montell polypropylene. Products made from "Re-Fax" resins include Murphy's Oil Soap bottles, plastic boxes and automobile fender liners. Where possible, Montell is striving to recycle polypropylene back into original applications, i.e. bottles to bottles. "Re-Fax RE-256M" resin provides the same critical properties such as clarity and stiffness that are normally identified with virgin polypropylene. More than 2 million pounds of "Re-Fax" resin produced by Polymer Resource Group, Inc. (PRG), a wholly owned subsidiary of Montell Polyolefins, are used to make the bottles for Murphy's Oil Soap alone. PRG produces plastic resins from a mixed stream of post-consumer recycled plastic. This resin is then combined with virgin resin to meet customers' requirements and is used in making products sold in California markets. The process is able to use both single-layer and multi-layer polypropylene bottles, such as ketchup and sport drink packaging. *Ongoing since 1992*	no	no	yes
Novacor Chemicals, Ltd. offers for sale the following resin products containing PCR: - HDPE and LLDPE containing 100 percent PCR. - LLDPE containing 50/50 PCR and post industrial resin.	no	no	yes
During 1994 Novacor sold over 8 million pounds of these materials in the U.S. and Canadâ. Novacor's customers converted the materials into bottles, film bags, housewares, refuse carts, office products, material handling products and other products. *Ongoing*	no	no	yes

Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are products containing PCR sold in California?
Novacor (and the previous owner of the business, DuPont Canada) have provided technical service to its customers in the following product areas: - Oil bottles (primarily 1 liter monolayer) -- research to ensure that the PCR would not compromise physical properties. *Early 1990s* - Film -- research to ensure optimum levels of PCR and post industrial reclaim in refuse bags. *Early 1990s* - Office products -- research to ensure stiffness, tensile strength and hinge life of file folders, binders, etc. *Ongoing* - Refuse carts -- research to optimize toughness and moldability of bottle-grade PCR in an injection molding application. *Ongoing* - Tubing -- research to develop an extrusion process which incorporates LLDPE film PCR. *1994*	no	no	yes
As members of the Environment and Plastics Institute of Canada (EPIC) teams, Novacor Chemicals strives to encourage the use of mixed PCR in areas where it has not been used and where there exists a significant opportunity for large volume applications, such as plastic pallets and dairy crates. Both programs are at the semi-commercial state after having undergone significant evaluations in Novacor's applications development lab. *Ongoing*	no	no	n/a
Novacor's RE-NU RFP2 recycled polyethylene resin is part of an industry program that recycles 1.4 million pounds of post consumer polyethylene film per year for use primarily in new garbage bags. *Ongoing*	no	no	n/a

Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are prod containing PCR sold in California?
The National Polystyrene Recycling Company (NPRC) was formed in 1989 in order to promote the development of a recycling infrastructure for post-consumer polystyrene and to provide markets for post-consumer polystyrene products and post-industrial polystyrene scrap. Founding members include Amoco, ARCO, Chevron, Dow, Mobil, Novacor, Fina Oil and Huntsman Chemical. NPRC's mission is to assist the polystyrene resin industry toward recycling a significant percentage of the polystyrene used in food service and other packaging applications annually. NPRC operates three regional reprocessing centers to handle post-consumer polystyrene, including a facility in Corona, California, which has been working with school districts throughout California and neighboring states to collect and recycle polystyrene lunch trays and other food service packaging items. The facilities receive food service items, expanded polystyrene products, rigid containers and products and other post-consumer materials, as well as scrap from various production facilities. The materials are cleansed and processed into pellets for sale to companies which blend the resin with virgin resins or which manufacture finished goods such as insulation board, protective packaging, office accessories, etc. The capacity of each facility is about 13 million pounds per year. *Ongoing since 1989*	yes	yes	yes
Occidental Chemical Corporation purchases PCR and processes it into a 25 percent recycled content bottle compound. Annual sales of this compound exceed 14 million pounds. An example of one of their products is "EcoVinyl NATURAL 25," a rigid, high-impact pellet compound designed for use in a variety of bottle blow molding applications, such as in the packaging of shampoos, detergents, disinfectants, cleaning fluids, bleaches and liquid floor waxes. *Ongoing since 1989*	yes	no	yes

Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are products containing PCR sold in California?
In the past few years, Occidental's research department has initiated a program to press the limits of resins incorporating high concentrations of PCR. For example, the physical property requirements of many high molecular weight film applications have in the past been compromised by the addition of some types of PCR, such as that produced from reclaimed HDPE milk bottles. (As the level of PCR increases, the film has a tendency to become "splitty," especially in the machine direction.) However, the processing characteristics and higher molecular weight of one of Occidental's products, "L4903," are more accepting of PCR additions. "L4903" with a 30 percent loading of HDPE milk bottle PCR provides a film with a tear resistance comparable to films made from resins with no PCR. "L4903" provides an alternative to conventional high molecular weight HDPE film resins and acts as a counterbalance to the effects of the lower molecular weight and higher density PCR resins. (Note: this is no longer an Occidental product; sold to Lyondell). *Ongoing*	no	no	yes
Phillips Petroleum Company has a plastics recycling plant that converts milk jugs, juice containers and detergent bottles into recycled high density polyethylene. The center, called the Phillips Plastics Recycling Company, has the capacity to process 40 million pounds per year. The reclamation center houses equipment that grinds and cleans high density polyethylene bottles, removes the labels and then transforms the plastic into pellets that can be used to make new bottles, drainage pipe, trash bins and other products, either from 100 percent PCR or in combination with virgin polyethylene. The company buys post-consumer bottles from handlers in California and other states. *Ongoing since 1992*	yes	no	yes

Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are pro containing PCR sold in California?
Quantum Chemical Company has constructed a plastics recycling facility with a 32 million pound annual capacity. The facility incorporates state-of-the-art processing technology purchased from John Brown, Inc. The plant began operation in late 1991 and recycles high-density polyethylene containers, including milk, juice and water jugs, household detergent containers and other HDPE bottles. The plant ships its products to California and other states for marketing. Quantum has two grades of HDPE post-consumer resins called "Ecothene 101," a homopolymer, and "Ecothene 102," a copolymer, that can be used alone, in a blend, or in coextruded structures. These products are used to make new bottles for non-food use, towel and tissue overwrap, office products and other items. End-use products made from Quantum's PCR are marketed in California. *Ongoing since 1991*	no	no	yes
During 1993 and 1994, Shell Chemical Company designed and installed modifications to one of its existing PET bottle manufacturing plants that allowed it to more than double its capacity to produce large quantities of "REPETE" bottle-grade resin. "REPETE" is the trade name for Shell's resin product which contains at least 25 percent post-consumer polyester resin reclaimed by glycolysis. "REPETE" meets the strict specifications comparable to virgin polyester bottle resins, so it can be used in packaging soft drinks, cooking oils and other food products. The facility modifications and installation were completed in 1994. In addition, Shell's efforts to promote the use of "REPETE" in the manufacture of blown and formed packaging has contributed towards increasing demand and use of post-consumer PET plastic. The markets for REPETE include California. *1994*	unknown	unknown	yes
Shell Chemical provides technical assistance to its customers on the use of its PCR in packaging or products. *Ongoing*	n/a	n/a	n/a

Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are products containing PCR sold in California?
Solvay Polymers, Inc., has developed several resins with post-consumer recycled polyethylene content. These include the following: *Ongoing since 1991, except where noted* - "Fortiflex R62-60," a natural pelletized 100 percent post consumer recycled HDPE homopolymer, typically recovered from milk bottles. This product is intended for blending with virgin "Fortiflex" HDPE resins for non-food blow-molding applications requiring moderate environmental stress crack resistance (ESCR), such as household chemical containers and quart oil bottles. - "Fortiflex R53-30," a 100 percent post consumer recycled HDPE copolymer, which is typically recovered from pigmented HDPE household chemical containers. It is intended for non-food coextrusion blow-molding applications. - "Fortiflex R52-30-25A," a HDPE blow molding resin containing 25 percent post-consumer recycled polyethylene, which is intended for non-food blow-molding applications requiring moderate environmental stress crack resistance. *Ongoing since 1992* - "Fortiflex XF869," an HDPE resin that contains 25 percent post-consumer milk, juice and water bottles. It is designed for injection-molding applications. - "Fortiflex XF855," an HDPE resin derived from 25 percent post-consumer recycled milk, water and juice bottles. It has become part of the regular product line of a major plastics manufacturer and can be used in producing detergent, household chemical and other blow-molded, non-food containers. *1991 only*	n/a	n/a	partially
Solvay also has developed "Fortiflex HP 55-50-153," a high-performance, HDPE blow-molding resin that provides the stiffness and environmental stress crack resistance needed to allow for successful blending with PCR. At the request of a major bottle-maker, Solvay developed this resin to produce an oil bottle composed of at least 15 percent recycled plastic. *Ongoing since 1991*	n/a	n/a	partially

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Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are prod containing PCR sold in California?
Solvay consults with all customers on the requirements to incorporate PCR into their products, either 100 percent or blended with virgin resins. Solvay Polymers is presently assessing the feasibility and suitability of utilizing PCR in its "Retailer" pallets. Solvay is also participating in the development of innovative uses for PCR polyethylene in highway construction applications. *Ongoing since 1994*	n/a	n/a	partially
Union Carbide's 50 million pound annual recycling capacity is directed towards recovering HDPE natural and pigmented bottles. A recycling facility developed by Union Carbide uses state-of-the-art manufacturing equipment and stringent quality assurance methods to create recycled resins with blend-to-blend consistency and performance that rivals that of virgin resin. The company's "Curbside Blend" line is available in blow-molding grades, and PCR/virgin blends (allowing customers to use one product to achieve a 25 percent PCR content) used in applications in a wide variety of end-products, including recycling containers, oil bottles, kitty litter bags, trash bags and household and industrial chemical containers. In late 1993, the world's first fully automated system for sorting pigmented HDPE rigid containers began commercial operations at the facility and in 1995, an additional capital investment in sorting equipment allowed Union Carbide to offer customers 5 colors of PCR in its "Prisma™" colored resin line. *Ongoing*	no	no	yes
Union Carbide Corporation offers technical assistance to customers as they plan for and implement the incorporation of PCR in their packaging products. This assistance generally falls into 5 categories: - development of tight material specifications to achieve consistent product performance. - development of special color sorts to enable the production of packages identical to their virgin counterparts. - measurement and trend lining of heavy metal content. - measurement of contamination and assessment of product risk for PCR destined for health and beauty packaging applications. - programs with customers to achieve a "letter of no objection" from FDA for HDPE use in food applications. *Ongoing*	no	no	yes

Summary/Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are products containing PCR sold in California?

Examples of Products Manufactured with PCR-Content Resins by Industry Customers

More than 1,100 products made with PCR are manufactured by more than 300 companies according to APC's Recycled Plastic Products Source Book. Presented below is a selection of information volunteered by customers of the resin industry for inclusion in the California Resin Manufacturers Report. A more complete presentation of information on this subject will be provided in a report submitted by Grocery Manufacturers of America (GMA).

Amex incorporates 25% PCR purchased from Occidental in a line of PVC plastic bottles it manufactures. Amex also helped one customer achieve 27% source reduction through lightweighting.
Dates unknown

Amko Plastics has developed a post-consumer plastic bag collection program which allows retail stores to return plastic bags to Amko for recycling.
Dates unknown

Berry Plastics uses a post-consumer HDPE and polypropylene to make rigid plastic containers and other products sold in California and has invested in the development of a recycling facility for post-consumer polypropylene.
Dates unknown

Container Northwest Corporation makes PET soda and water bottles using 25% PCR purchased from Shell and received assistance from Shell in 1993 when converting to the new resin. Container Northwest also provided subsidies to PET bottle recyclers in the Pacific Northwest region in order to support market pricing, build a recycling infrastructure and develop markets for recycled materials.
Dates unknown

Coroplast uses a 25% post-consumer polypropylene product purchased from Montell ("ReFax") to make plastic packaging.
Dates unknown

Drug Plastics and Glass has developed a monolayer package with 25-100% PCR content.
Dates unknown

Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are prod. containing PCR sold in California?
Group Three, Inc., of Portland, Maine, has introduced reusable grocery totes and lunch bags made with post-consumer recycled plastic. The recycled polyester blend, known as "Use It Again," is made from a product manufactured by Hoechst Celanese Corporation using recycled plastic soda bottles. Other items from Group Three, Inc., made of recycled plastic include aprons and briefcases. *Dates unknown*			
Inoac Nadel produce a 12% post-consumer content PET cosmetic bottle using a 25% PCR product purchased from Eastman. *Dates unknown*			
International Container Corporation incorporates up to 100 post-consumer polypropylene in plastic containers it makes for plants. *Dates unknown*			
North America Packaging Corporation operates a recycling facility in Modesto that uses PCR in making rigid packaging and is working to develop new approaches to incorporating PCR in packaging, such as 3-layer co-extrusion. North American Packaging also manufactures plastic pails using up to 35% PCR purchased from Union Carbide and has received technical assistance from Union Carbide. *Dates unknown*			
Rubbermaid, Inc. and Dow Chemical completed a joint development program that successfully recycled 100,000 pounds of post-consumer polyethylene stretch film into specially designed formulations for Rubbermaid's new recycled content products. *Ongoing since 1991*	partially	no	yes
Silgan Plastics produces a three-layer HDPE container using a Union Carbide resin made with up to 60% PCR content that is used for packaging personal care products. *Ongoing since 1992*	no	yes	yes

Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are products containing PCR sold in California?
WLI Industries uses 100 percent post-consumer HDPE from DuPont to manufacture a collapsible traffic barricade. The "SafetyCade" traffic barricade was developed by DuPont in a joint program with the State of Illinois and has grown from a test product on Illinois highways into a full-fledged commercial application sold across the United States. *Dates unknown*			
Procurement of Products Containing Post-Consumer Plastic			
APC's *Recycled Plastic Products Source Book* lists more than 1,100 products made with or packaged in recycled plastics that are manufactured by more than 300 companies. Over 30 of these manufacturers are based in California, including Patagonia (Ventura), Applied Recycling Technology (Murrieta) and the Clorox Company (Pleasenton). Product categories include automotive accessories, furniture, office supplies and warehouse supplies. More than 10,000 *Source Books* have been distributed to date to public and private sector purchasing decisionmakers and many manufacturers have reported sales directly tied to their listing in this guide. *Ongoing since 1993*	probably	yes	yes
A pocket-sized guide based on the APC's Source Book database lists hundreds of common household products made from recycled plastic. *Shop Recycled!* lists all the brand name consumer items made with or packaged in post-consumer recycled plastic. The objective of the guide is to help consumers "close the loop" on recycling by purchasing products containing recycled plastics. *Ongoing since 1994*	probably	yes	yes
APC has implemented a national media program called the "Eco-Shopper" that advises consumers on how to "buy recycled." Morning television and radio audiences throughout the U.S. have received advice on environmentally-correct product purchasing habits by an upbeat personality who stresses the three R's (reduce-reuse-recycle) and shows/describes a variety of products made from recycled plastics and other materials. The message that "taking materials to the curbside or drop-off center is only one-half of the job," and that consumers "need to close the loop by buying recycled" has reached a television audience of over 1.5 million persons. The "Eco-Shopper" has appeared on major television and radio stations throughout California, including outlets in Los Angeles, San Francisco, Sacramento, Santa Barbara and Palm Springs. *Ongoing since 1994*			

Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are pro containing PCR sold in California?
On January 18, 1994, APC sponsored a booth at the California Association of Public Purchasing Officer's Exposition in San Diego, California. At that conference, APC distributed more than 100 copies of the *Recycled Plastic Products Source Book.* *January 1994*			
APC sponsored a booth at the National Association of Purchasing Management's 80th Annual International Purchasing Conference and Educational Exhibit in Anaheim, California. Handouts to conferees included the *Recycled Products Source Book* and *Shop Recycled!* guide. *May 1995; April 1996*			
APC initiated a "Government/Industry Roundtable" series of discussions which brought together government procurement officers and representatives of the plastics industry to draft a set of procurement policies for plastics and other products. Through their discussions, the participants concluded that a lack of knowledge about available products is the most significant barrier to the purchase of recycled plastic products. *1991*			
To address the lack of knowledge identified through the roundtable discussions, APC worked with volunteers at 10 sites in Massachusetts and New York City to test the performance of recycled plastic picnic tables and benches in the field. A series of tests were conducted for an entire year and results recorded and compiled. A report available from the APC summarizes the overall findings of the testing project and provides information on product manufacturers. *1991*			

Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are products containing PCR sold in California?
APC published a comprehensive guide to implementing a corporate purchasing program for recycled products. Titled *Recycling Success Via Purchasing (RSVP)*, this 40-page manual provides a step-by-step plan to help purchasing officials and individual buyers create markets for recycled products (all materials) through corporate purchasing policies. The implementation framework covers everything from start-up to long-term management of RSVP Programs while allowing individual companies to adapt the program to their particular purchasing structure. The manual also contains definitions for recycled material, a 150-page appendix of suppliers of products made with post-consumer materials and a nine-step implementation plan for procurement officials. In addition, the manual cites several approaches to verifying that the recycled material content specified in purchase documents is actually delivered. *1992*			
APC gave a grant to DuraLee Products in Moorpark, California, to help in marketing their recycled content plastic nursery planter boxes. The planter boxes, called "Enviro-bins," are made of post-consumer high density polyethylene. The planter boxes were featured in a recent issues of *The Sunset Catalog*. *February 1995*	yes	yes	yes
APC gave Environmental Specialty Products Company a grant to cover the freight costs for shipping a plastic lumber corral fence made of post-consumer plastics to the Los Angeles County Fair for use in their August 24, 1994 Environmental Day "Kiddy Corral" project. *August 1994*			
BASF has undertaken efforts to enhance demand for post-consumer plastics through direct customer contact, trade journal press releases, exhibits at trade shows and technical presentations. *Dates unknown*			
Dow has assisted both customers and recyclers in the identification of new sources of post-consumer plastics to meet specific and unique needs. *Ongoing*			

Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are products containing PCR sold in California?
Dow has three plants and two sales offices in California, all of which attempt to purchase office supplies, etc. which contain post-consumer plastics. *Ongoing*			
DuPont and Deck House, Inc., have completed construction of "Signature Place," a model home that showcases the latest trends in housing construction and home furnishings. The home features nonstructural applications of recycled plastics that include plastic lumber used for gazebo decking, stepping stones, landscaping timbers, retaining walls and patio and roof drain framing. *Dates unknown*	yes	unknown	yes
DuPont also was a founding sponsor of the "Buy Recycled Business Alliance" program of the National Recycling Coalition and continues to be a sponsoring member. For each year since 1993, DuPont has contributed 400 staff hours to the group's activities. DuPont purchased $70 million worth of recycle-content products in the U.S. in 1993. *Ongoing since 1993*	yes	probably	yes
To help overcome the perception that recycled plastics cannot be incorporated into high-quality products, DuPont recycled plastic car fenders and plastic soda bottles into 13,000 square feet of sail to catch the wind aboard the *HMS Rose*, a 22-year-old replica of a 1757 sailing ship. The sails were designed and made by North Sails whose representatives said that the strength and performance of the material met all standards. *Ongoing*			
NAPCOR has taken a similar approach to demonstrating high-quality products made with PCR content, conducting a series of clothing fashion shows. These shows feature clothing made from recycled PET, including shoes, baseball caps, sweatshirts and ski jackets, and other products. Shows in California in 1995 included Fremont and San Diego. *1995*		no	yes
Quantum has prepared a portable traveling display to illustrate some of the end-use products made out of post-consumer HDPE resin. The display is designed for use at company and community events and is available for use by all Quantum Facilities and sales offices, including two in California. *1995*			

Summary Program Description	Is any of the PCR generated in California?	Is manufacturing or reclamation facility in California?	Are products containing PCR sold in California?
Solvay Polymers, Inc. is leading an industry effort to determine the feasibility and suitability of utilizing HDPE pallets made with post-consumer polyethylene for the transportation and handling of boxed and/or bagged resin shipments. Solvay Polymers also is collaborating with a third-party in the development of innovative uses for post-consumer polyethylene highway construction applications. *Ongoing since 1994*			

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Section 4. Financial Investment in Plastic Recycling

Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
Collection		
Field Testing and Demonstration Programs		
APC — through its Technical Assistance Program (TAP) — recently completed an exhaustive, four-year field research effort known as the "Model Cities Program." The study tested a wide range of collection equipment and strategies in seven geographically and demographically diverse regions of the country (comprising 13 recycling programs) in an effort to increase collection efficiency. In each of the Model Cities, APC gathered data on how many plastic containers (and other types of recyclables) were generated in the waste stream and set out for recycling (capture rates), and analyzed collection efficiency and costs through time-motion studies. The Model Cities Program regions studied were San Francisco; South Florida; Western Massachusetts; Research Triangle, North Carolina; West Linn, Oregon; Seattle and Houston. Program findings were published in a comprehensive manual targeted to municipal recycling planners; including those in California. *1991 - 1995*	yes	yes
An earlier TAP study, conducted by DSM Environmental Services, Inc., field-tested four categories of plastics collection equipment: rural collection equipment, balers, granulators and miscellaneous equipment. The results of the field tests were published in a report distributed by APC to interested individuals, municipalities and private businesses. *1993 - 1995*	no	yes
APC also funded a pilot program in Pensacola, Florida, in which plastics from the Navy's *USS Lexington* were collected and processed into recycled-content plastic products installed at naval bases across the country. *1990*	no	yes
ARCO Chemical began a mixed plastics pilot recycling program in 1990 in two communities in Deleware County, PA and provided igloo containers for collecting recyclables. *1990*	no	no

Attachment 4

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* Note that actions undertaken outside of California may directly or indirectly affect products sold, distributed, or recycled in California.

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
In 1989 the city of Walnut Creek, California, initiated a pilot demonstration program to add post-consumer plastics to its curbside collection program. The program was encouraged and supported by The Dow Chemical Company, sponsors of a PCR reuse development program with wTe Corporation's Research and Development facility in nearby Benicia. In order for wTe to carry forward its program it needed a source of household generated PCR. APC sponsored a study by Resource Management Associates to identify what materials were generated and estimate costs for adding plastics to the existing program. This was the first documented attempt in California to gather data specifically about the household plastic waste stream. *1989*	yes	yes
Dow pioneered the recycling of plastic cups in sports stadiums through a successful program at Comiskey Park in Chicago. This inspired other sports stadiums around the country to either start or inquire about starting similar recycling programs, including a number of stadiums in California. *Ongoing since 1992*	no	yes
In 1989, DuPont Canada joined with the Ontario Ministry of Environment and EPIC to pioneer curbside collection of mixed polyethylene film. In 1994, Novacor purchased DuPont Canada's polyethylene business, and has continued this program. The polyethylene collection and recycling program started with a pilot project of 3,000 households in Peterborough, Ontario, where it was demonstrated that polyethylene film can be collected at 96 percent purity. Today, more than 103 communities and 500,000 households across Ontario participate in this program. *Ongoing since 1989*	no	no
In 1993, Eastman Chemical Company and the University of Tennessee began the nation's largest program to recycle plastic drink containers collected at a sports stadium. The program has resulted in statewide publicity encouraging people to recycle at home, at work, and at all University of Tennessee athletic events. Similar programs have since been adopted at other major sports stadiums throughout the country. *1993*	n/a	yes
Equipment Grants and Technical Assistance		
The Association of Foam Packaging Recyclers (AFPR) operates an 800 telephone number that fields over 300 calls per month requesting information on recycling shape-molded polystyrene protective packaging. Callers are given information on the nearest of approximately 120 locations nationwide which shape polystyrene for recycling, including 14 facilities available to callers from California alone. The program, which has been in operation since 1991, is partially sponsored by three polystyrene resin producers: Huntsman Chemical, ARCO Chemical, and BASF. *1991 - 1995*	yes	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?

Examples of the hundreds of cases addressed through APC's TAP program — many directly affecting plastics recycling efforts in California — include the following:

In 1990, the University of Southern California initiated a campus recycling program. Through the financial support of Dart Container Company, plastic food service products were included in the program. Dart provided plastic recycling containers and APC provided technical support and assistance, in addition to offering a truck to facilitate collection. *1990*	yes	yes
The City of San Francisco and Sunset Scavenger Company, a Division of Norcal Waste Systems, Inc., participated in the San Francisco portion of the Model Cities Program. As part of the test program, APC provided Sunset with four on-truck plastic bottle compactors, a pneumatic material handling system to mechanize its MRF, and all educational materials for distribution to participating households. The information gathered in this study spurred San Francisco's decision to expand city-wide collection to include all PET and HDPE bottles in the summer of 1995. *1991, 1992*	yes	yes
In 1995, APC sponsored and directed an analysis of California's collection infrastructure to estimate the additional amount of post-consumer plastics that could be recycled in the state through expanded curbside collection of RPPCs. Study findings will form the foundation for developing APC's strategy for the further advancement of plastics recycling in California. The study also gave the State of California access to the reliable information needed to accurately determine its recycling rates; the rate-determining methodology used was developed in conjunction with APC. *1995*	yes	yes
Also in 1995, APC sponsored and directed an analysis of the amount of RPPCs and other plastics available from four California counties in the vicinity of Kern County based on population estimates, waste generation data, and recycling estimates. This study was used as a market analysis to determine the amount of plastics potentially available for recycling at a plastics recycling facility contemplated for development in Kern County. *1995*	yes	yes
APC had been an active participant in a Plastics Recycling Task Force formed in San Diego County in 1989 to encourage collection and reuse of PCR. The task force included environmentalists, recyclers, local city and county officials, waste haulers and plastics industry representatives, and played an influential role in plastics recycling in that community. *Ongoing since 1989*	yes	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
APC offers computer modeling tools to help recycling coordinators estimate the costs of a given collection program design when applied to their community. Working with Eastman Chemical Company, APC also developed a software package to help communities predict the costs of collecting a variety of recyclables, including plastics. *1991*	no	yes
Since 1988, Amoco Foam Products Company has helped facilitate polystyrene foam food service recycling programs at hundreds of schools across the country, including the Los Angeles Unified School District. Polystyrene foam collected from Los Angeles County schools is recycled at the NPRC plant in Corona, California, and made into lunch trays and egg cartons. Between 1988 and 1993, Amoco contributed 9,000 hours of staff time to polystyrene foam food service recycling programs and helped to recycle over 1 million pounds of polystyrene per year. *1988 - 1993*	yes	yes
ARCO began a mixed plastics pilot recycling program in 1990 in two communities in Delaware County, Pennsylvania, and provided igloo containers for collecting recyclables. The County later expanded the pilot to include several communities. *1990*	no	no
In 1994-95, Chevron Chemical provided technical assistance, including ASTM testing of design products, to improve the properties and establish standards for plastic lumber materials. *1994 - 1995*	yes	yes
DuPont provided a grant to the state of Delaware to develop and implement a statewide waste reduction strategy. The money was used to purchase the license for "WastePlan" computer software designed by Tellus Institute, and to help the state defray the costs of using the software to update Delaware's solid waste plan. The computer program identified the economic impacts of potential recycling and disposal options. *Dates unknown*	no	yes
The Polystyrene Packaging Council (PSPC) has initiated an aggressive program to encourage generators of polystyrene foam waste to establish foam recycling programs. Initial targets included fast-food restaurants, schools and other institutional food service sources and assembly companies who bought supplies and components shipped in polystyrene packaging. As a result of these efforts, polystyrene recycling programs were established throughout California. *Ongoing*	yes	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?
In June 1990, the City of Gilroy requested technical assistance from PSPC to add PS foam to their existing curbside program. PSPC worked with city officials, the local hauler, Chamber of Commerce and school officials to implement a city-wide residential and commercial PS foam collection program. *1990*	yes	yes
Palo Alto's curbside recycling program has for several years included collection of plastic bottles. When community leaders also desired to develop a recycling program for PS foam, PSPC donated bins for a drop-off program to serve both residential and commercial generators. Several plastics industry companies donated staff time in developing and promoting this program. *Dates unknown*	yes	yes
Solvay Polymers, Inc. donated recycling bins to the City of Houston and has been active in a number of municipal recycling programs in the Greater Houston area. Solvay Polymers also arranged for the procurement of park benches produced from recycled polyethylene for the cities of Deer Park, La Porte, and West University, Texas. *1991 - 1992*	no	n/a
Information Transfer		
Detailed results of the Model Cities Program have been compiled in *How to Collect Plastics for Recycling*, now available from APC. It has been distributed widely to recycling program managers in California by APC and other organizations, including the U.S. Conference of Mayors, the Association of Post-Consumer Plastic Recyclers (APR), the National Recycling Coalition, and the Solid Waste Association of North America. A separate report on each of the Model Cities regions (including San Francisco) also is available. *1995*	yes	yes
Results of APC-sponsored field tests of plastics collection and handling equipment were compiled in a report entitled "Technical Assistance Program Equipment Evaluation." The report is available to anyone via APC's toll-free information line: 1-800-2-HELP-90 *1993 - 1995*	no	yes
APC has developed a guide to help communities improve the quality of plastics collected at drop-off programs. The document, titled *Perfecting the Plastics Drop-Off*, includes information from pilot programs in Chatham County, North Carolina and Tampa, Florida. Also included are suggestions on how to find the most efficient drop-off locations and design signs that effectively communicate acceptable recycling practices. *Ongoing since 1994*	no	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
APC's *PS: Think Recycling* manual provides school administrators with a "how-to-guide" for implementing a polystyrene recycling program. The manual assists in determining what form the recycling program should take, and gives guidelines for running the program efficiently. *Ongoing since 1994*	n/a	yes
Educating Your Community About Plastics Recycling - A Do-It-Yourself Kit was developed by APC to assist recycling coordinators in educating consumers on how to prepare plastic containers for recycling. Proper preparation of recyclable plastics by consumers is an important first step in reducing subsequent processing costs and increasing the efficiency of a plastic recycling program. The kit includes a primer on effective community education strategies, sample education brochures showing how consumer education principles can be applied and camera-ready text and visuals that can be cut and pasted into a promotional brochure for any local plastics recycling program. The pre-designed materials reflect a variety of program parameters, from those collecting only soft drink bottles to programs collecting most plastic bottles. *Ongoing since 1993*	n/a	yes
Waste Reduction Strategies for Rural Communities, a report prepared by APC and the Tennessee Valley Authority, analyzes waste management programs in ten different rural communities. The report explores various methods of achieving waste reduction and implementing integrated waste management in predominately rural communities. *Ongoing since 1994*	no	yes
A separate study sponsored by APC — *An Analysis of Organized Curbside Collection of Recyclables in the Rural Communities of Cornwall and Orwell, Vermont* — shows that curbside collection can be as cost-effective as drop-off programs in low density, rural areas. The study includes discussions of savings in transportation costs realized through curbside collection, which eliminates the need for residents to make special trips to the drop-off facility for relatively small quantities of materials. *1993*	no	yes
APC has published *Stretch Wrap Recycling: A How-To-Guide*, which takes businesses step-by-step through the design and implementation of a stretch wrap recovery program, from locating markets and developing a collection system to assessing how a successful stretch wrap recovery program can lower operating costs. The guide is targeted at firms with one or more warehouse/distribution centers. A customized version of this manual is available to retail grocers. *Ongoing since 1994*	unknown	yes
Use and Disposal of Plastics in Agriculture, available from APC, focuses on the use and management of plastics used in agricultural applications. The report provides information on benefits derived from agricultural plastics, characteristics of plastics used in agriculture, major manufactures, current disposal methods, barriers to recycling of this material, and recyclers currently accepting agricultural plastics. *Ongoing since 1994*	unknown	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?
Since 1991, APC has sponsored half-day workshops — many in conjunction with major regional recycling conferences — that incorporate presentations by recyclers, municipal officials, and plastics recycling specialists to help municipal recycling coordinators make informed choices in designing plastics collection programs for their communities. Topics addressed include new collection technologies, the changing specifications and prices in post-consumer plastics markets, and the current trends in reclamation technologies. A comprehensive manual based on the workshop has been distributed to hundreds of California communities. *Since 1991*	yes	yes
A report on APC's "Hospital Plastics Waste Characterization and Recycling Feasibility Study" is available through APC's information line. The study examined the potential for recovering plastics from hospital waste streams, analyzing the amount of plastic (by resin and product type) currently generated by hospitals; specific plastic products or resin types that offer the greatest potential for recovery; and the potential for economic gain from recycling recovered plastics. *1994*	unknown	yes
A National Post-Consumer Plastics Collection Survey, commissioned annually by APC quantifies the number of U.S. Cities and towns with access to post-consumer plastics collection/recovery programs and indicates the types of post-consumer plastics currently recovered. The study is used as a benchmark from which to measure growth in the U.S. plastics recycling infrastructure. The community database also has been used by state agencies conducting research for program planning, and by APC to plan regional technical assistance programs. *Annually since 1989*	n/a	n/a
APC published a comprehensive technical manual for recyclers called, "How to Develop a Viable Post-Consumer Plastics Handling Business," which assists organizations in starting or adding plastics to their recycling operations. *1993*	unknown	yes
With funding from Eastman Chemical and others, The Center for Plastics Recycling Research developed a *Plastics Collection and Sorting Manual.* The manual identifies the technology and economics of the collection and sorting of post-consumer plastics packaging wastes as part of a large scale multi-material collection and recycling system from non-rural single-family and small multi-family homes. The manual is primarily concerned with the collection and sorting of post-consumer plastic beverage bottles. *1988*	unknown	yes
A representative of Mobil's Commercial Recycling Group was a key participant in the Film Plastics Recycling Workshop co-sponsored by the City of Los Angeles in 1994. *1994*	yes	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
NAPCOR publishes a quarterly technical newsletter on PET recycling, *PET Tech*, which is mailed to community recycling coordinators, post-consumer PET processors, and companies producing products using recycled PET. The newsletter informs readers about a variety of topics, including recycling program design and education, PET recycling technologies, trends in market prices for post-consumer PET, and products made with recycled PET. For example, a summer, 1992, newsletter focused on providing recycling coordinators with a checklist of ideas to assist them in developing a successful curbside recycling program. *Ongoing since 1990*	n/a	yes
A second quarterly newsletter produced by NAPCOR, *PET Projects*, provides more general information on PET recycling. Issues include articles on how a PET plastic container is recycled to make polyester fiber used in carpets, why it is important to separate post-consumer PET from PVC for recycling, and various other facts on PET recycling. *Ongoing since 1988*	n/a	yes
NAPCOR also summarizes many of its educational materials on recycling PET and other materials in a 16-page *Community Guidebook*. The guidebook covers various topics, including: identification of PET plastic for recycling; types of products made from recycled post-consumer PET; preparation of PET for markets; steps to be taken towards building a successful curbside program; and consumer education strategies. *Ongoing since 1988*	n/a	yes
NPRC's *How-To Recycle Polystyrene* is a guide on how to build an active polystyrene recycling program within a community. Designed for local recycling coordinators, the manual provides information on how to: identify the different kinds of polystyrene materials to be recycled; identify sources of post-consumer polystyrene; collect used polystyrene; determine the weight and volume of polystyrene for recycling; and promote the polystyrene recycling program. The manual also offers guidance for what can be done if a polystyrene recycling plant is not yet located near the community. *Dates unknown*	no	yes
Educational outreach		
Amoco Foam Products Company developed an elementary school recycling guide. It was developed and initially distributed in California in both English and Spanish. It was used by teachers in California schools and nationwide. *1991*	yes	yes
APC funded a local public service television advertising campaign for the City of San Diego to educate consumers about recycling. In addition to the television spots, educational brochures on recycling and reducing waste were distributed to restaurants and grocery stores. *1991*	yes	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
APC's "Plastics in Our World" classroom materials are designed to assist teachers in educating students about plastics and their role in our everyday lives. APC developed the kits in response to teachers asking for educational materials focusing on plastics, conservation of natural resources, and solid waste management. Two curriculum supplements are available, one for elementary schools (K-6), the other for junior and senior high schools (7-12). Both programs include lessons which are easily integrated into subject areas of science, language arts, mathematics, and social studies. *1993*	n/a	yes
APC has conducted workshops at the National Science Teachers Association (NSTA) national meetings to present materials on plastics recycling, resin identification codes, and other issues. APC has contributed funds and hundreds of hours of staff time to develop and distribute materials (including science curricula and resin samples) for the NSTA meetings. APC also has provided NSTA with educational posters which are distributed to schools in California. *Ongoing since 1990*	yes	yes
APC has provided the National Geographic with funding for posters and curricula to support their efforts in science education. *1994*	n/a	yes
Prepared by the APC, *The Solid Waste Management Problem - A Primer on Municipal Solid Waste Management* presents an overview of the solid waste management challenge that confronts most municipalities in the U.S. The document presents the benefits and liabilities of various policy options typically faced by local, state, and federal officials. The document also offers a discussion of the importance of implementing a balanced approach to solid waste management through an integrated system that applies a mix of source reduction, recycling, waste-to-energy incineration, and landfilling. *1988 - 1991*	n/a	yes
"The Resource Revolution" is an educational video on plastics recycling produced by APC for students in grades 7-12. This film shows students the recent growth in plastics recycling and the role recycling plays in addressing the nation's garbage crisis. *1991 - 1994*	n/a	yes
Two Oregon elementary schools received playground equipment made from recycled plastic lumber as part of a joint program between the Dairy Farmers of Oregon (DFO) and APC. More than 32,000 milk jugs were used to make the equipment. Both DFO and APC have developed an ad campaign to encourage consumers to recycle more plastic milk jugs. Billboards designed by Portland Metro and APC were developed to increase awareness of the availability of all-bottle plastic recycling at area drop-off centers. *1994*	no	no

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
ARCO Chemical Company volunteers staff an information booth to answer students' questions about polystyrene recycling during the first week of school at Delaware County Community College. Through a National Polystyrene Recycling Company program, the school became the first college in Pennsylvania's Delaware Valley to recycle polystyrene in its cafeteria. Day-to-day operations of the program have now been turned over to a committee of students and faculty. ARCO also holds a community advisory panel on recycling. *1990 - 1992*	no	no
Since the late 1980's, Dow has fully supported educational programs that promote integrated waste management. One of the most popular of these programs was a stage show and now a video called "RECYCLE THIS!", which is targeted at middle and high school students, teaches about what is in our trash and what can be recycled (including plastics). Another popular educational program developed by Dow is called "What's It Made Of?." This curriculum is targeted at grades two to five and is based on the book "Lots and Lots of Pippindotz." The book and curriculum teach kids about the need to conserve and recycle all materials including plastics. Both of these educational programs are being used by teachers throughout the country, including hundreds in California. *Ongoing since 1989*	yes	yes
DuPont sponsored a Solid Waste Management Curriculum for students in kindergarten through the sixth grade. A panel of teachers created 27 interdisciplinary lessons designed to complement current math, science, social studies and economics curricula. Each lesson consists of specific objectives, teacher background information, and innovative hands-on activities. The curriculum has been designed to be easily reproduced and is generic enough to apply to any community regardless of its trash disposal infrastructure. The curriculum is being introduced through DuPont plant sites and customers for distribution in their education communities. *Dates unknown*	unknown	unknown
Exxon received the Baton Rouge, Louisiana, Corporate Partner Award in 1993 for its contributions to community recycling projects such as teacher workshops on recycling and Christmas tree recycling, and for consistently providing volunteers for monthly Saturday drop-off recycling days. *Ongoing since 1992*	no	no
PSPC has made available to the public literature on polystyrene recycling and information on locations where the public can deliver polystyrene for recycling. PSPC also has produced a short video entitled *Polystyrene Recycling: Closing the Loop* which describes the polystyrene recycling process and documents PSPC's achievements in this area. *Dates unknown*	unknown	unknown

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?
The Plastics and the Environment Sourcebook is a compendium of information on curriculum materials and plastics industry contacts for plastics issues and plastics recycling. PSPC has prepared this guide as a reference tool for teachers who want to cover plastics issues but who do not have the time or resources to review the many related materials available. *Dates unknown*	unknown	unknown
NAPCOR offers a multi-faceted recycling education program to selected communities. The program includes outreach to community officials; brochures instructing residents on what materials to recycle and how to prepare them; and materials for advertisement of local recycling programs through various media such as newspaper, radio public service announcements, outdoor billboards, posters on city transit buses, and public service announcements on television. California markets targeted by this program include Sacramento County, the City of Fresno, the City of Fremont, Santa Clara County and San Diego County. These five regions include approximately 20 percent of the state's population. *Ongoing since 1994*	yes	yes
APC has a toll-free information hotline which provides callers with information on plastics recycling, products made from recycled plastics, and other issues related to plastics and the environment. More Californians call APC's *Plastics Hotline* than residents of any other state. During a seven-month period from August 1994 through February 1995, APC received 1,267 calls from California, for an average of 181 per month. Many of these callers were consumers looking for drop-off sites for plastic material or information on products made from recycled plastics. APC responded by sending copies of "Plastics in Perspective," "Leaving a Lighter Footprint," "Shop Recycled!," or "Plastics: The Energy Efficient Choice." *Ongoing since 1990*	yes	yes
APC provided Sunset with four on-truck plastic bottle compactors, a pneumatic material handling system to mechanize the MRF, and all educational materials for distribution to participating households. Study results were published late 1993. The budget for the San Francisco portion of this Model Cities Program study was approximately $200,000. *1992 - 1993*	yes	yes
Industry-operated Collection Programs		
The Association of Foam Packaging Recyclers (AFPR) and the Plastic Loose Producers Fill Council coordinated a 1994 post-Christmas drive to recycle white expanded polystyrene (EPS) foam packaging and peanuts. AFPR sponsored hundreds of foam packaging recycling centers nationwide, open throughout the holiday season. The Plastic Loose Fill Council collected foam peanuts at more than 4,100 recycle/reuse locations across the country. Through these recycling efforts, the packaging may return as recycled content packaging for next year's gifts. *1994*	yes	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
In 1994, BASF Corporation launched a nationwide recycling program, entitled "6 Again," to recover for recycling commercial carpets made from 100 percent "ZEFTRON" nylon 6 fiber. To date some 23 carpet mills have signed up for the "6 Again" program and 7 collection sites have been established across the U.S. and Canada, including one in Wilmington, California. Although BASF is not the owner/operator of these collection sites, BASF is helping develop the infrastructure and has committed to purchase separated Nylon 6 fibers to be depolymerized to produce the starting material, "Caprolactam." It is anticipated that this program will be expanded to include recovery of retail carpets and Nylon 6 engineering resins. *Ongoing since 1994*	yes	yes
BASF sponsors an annual Christmas polystyrene package recycling program in the State of New Jersey. Materials collected for recycling include expanded foam polystyrene (the polystyrene foam "peanuts" and white foam blocks that protect gifts). *Annually since 1993*	no	no
Since 1990, Dow Plastics has participated in a cooperative program with Sealed Air Corporation to collect and recycle expanded polyethylene foam and BUBBLE CAP film cushioning materials. Over 13 million pounds of foam and film materials have been recovered and used to produce a resin which is used to make new foam and film products, some of which are sold in California. City of Industry, California, is one of the locations where this recycling program operates. *Ongoing since 1990*	yes	yes
DowElanco, a joint venture company, is collaborating with the Agricultural Container Research Council (ACRC) to actively promote the recovery of empty plastic pesticide containers. In 1994, ACRC facilitated the recovery of four million pounds of these containers in 44 states. Over 500,000 pounds of the total came from California. *Ongoing since 1994*	n/a	yes
Dow Chemical was a founding member of the Plastic Loosefill Council in 1990. Now operated solely by loosefill producers, including Free-Flow Packaging (Redwood City, CA) and Storopack (Downey, CA), this program coordinates the collection of PS loosefill for reuse/recycling at over 4,100 collection centers, including 875 in California. The Council also operates a toll-free information line that receives in excess of 6,000 calls per month. *Ongoing since 1990*	n/a	yes
Dow Chemical has three manufacturing sites in California (Torrance, Fresno, and Pittsburg) which all collect post-consumer plastics (mostly HDPE and PET) from employees for recycling. In 1994, these three plants collected and recycled over 3.5 million pounds of post-consumer and post-industrial resin. *Ongoing since early 1990s*	yes	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly b[illegible] California?
Twenty-two states now participate in a three-year-old plastic pesticide container collection program sponsored by DuPont and the National Agricultural Chemicals Association. DuPont Agricultural Products now sells four of its soybean herbicides in plastic containers that contain 25 percent post-consumer agricultural bottles. *Ongoing since 1992*	unknown	yes
In 1990, Eastman Chemical and Waste Management of North America, Inc. formed a multi-material recycling venture in the Northeast Tennessee/Southwest Virginia region. This partnership resulted in Eastman Chemical receiving the Keep America Beautiful (KAB) first place National Recycling Award, which recognizes Eastman's corporate responsibility in providing a model regional recycling program through an industry/community partnership. *Since 1990*	n/a	n/a
Exxon supports recycling programs at many of its plants and offices. For example, at Exxon's Mont Belvieu, Texas, plastics plant, employees are encouraged to bring plastics and other items from home for recycling at the plant. *Ongoing since 1990*	no	no
Huntsman Chemical Corporation, Dow Chemical, and the National Park Service have formed a partnership to recycle plastics, glass, and aluminum in four national parks: Yosemite, Acadia, The Great Smokey Mountains and the Grand Canyon. The program includes brochures as handouts to visitors, Ranger talks, and audio/visual presentations. As of January, 1995, more than 4 million pounds of recyclables had been collected since the initiation of the program in 1990. Of this amount, over 940,000 pounds came from Yosemite. *1991 - present*	yes	yes
Huntsman also has facilitated the collection of plastic, aluminum, and tin plate recyclables from several hundred thousand people in and around Salt Lake city by placing recycling bins in several strategic locations. *1991 - present*	no	no
In 1990, Mobil Chemical launched one of the first plastic grocery bag recycling programs in the country. By the end of 1991, more than 4,000 stores were participating in the program, including Safeway stores in California. Nationally, Mobil collected and recycled over 1.2 billion plastic grocery bags in 1994, a portion of which originated in California. Grocery bags are primarily recycled into Mobil's wood-polymer building material ("TREX") and injection molded trash cans. *Ongoing since 1990*	yes	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
Since its inception, Mobil's polystyrene recycling group has instituted more than 1,300 recycling programs in schools, industrial cafeterias (including Disneyland and Disney World) and at mass audience events such as state fairs. Along with the physical collection of material for recycling, Mobil also provided educational materials and displays to encourage the long-term recycling of post-consumer food service material. The polystyrene trays, plates, bowls, cups and other food service items collected through these programs are reprocessed at the NPRC facilities (including the Corona, California plant) and at independent Mobil assisted polystyrene recycling operations. *1989 - 1993*	yes	yes
A return program for used polypropylene label release sheets was introduced in conjunction with the launch of a new Mobil product, "Label-Mate". The returned material is supplied to manufacturers of outdoor furniture, flower pots, and other products. *Ongoing since 1990*	yes	yes
Mobil has also instituted programs in its offices and manufacturing facilities to recycle paper (2.3 million pounds recycled in 1994), plastic food service ware, metal, corrugated cardboard, used oil, print solvents, etc. In some facilities Mobil now recycles 80 percent of the volume that was disposed of as recently as five years ago. Documented facility recycling volume totaled over 7 million pounds in 1993. *Ongoing since mid-1980s*	yes	yes
PSPC and the National Polystyrene Recycling Corporation (NPRC) jointly sponsored a program to collect PS foam food service products at the San Diego Zoo. Containers with special signs were provided. *1993 - present*	yes	yes
PSPC and James River Corporation also spearheaded a drop-off recycling program for PS foam in Marin County. Eleven separate drop-off locations were established county-wide. A 40-cubic-yard debris box was provided to the local MRF, and special boxes and signs were set up at drop-off locations. A special Christmas packaging foam recycling project was conducted in 1990-92 in conjunction with several shopping centers in the county. Advertisements were run in local newspapers and the public was invited to drop off foam packaging from Christmas gifts in special bins at the participating shopping centers. *Dates unknown*	yes	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
Montell Polyolefins' PRG subsidiary initiated the first major buy-back program for post-consumer polypropylene bottles in 1992. The buy-back program is operated by PolySource Mid-Atlantic, Inc., a wholly owned subsidiary of PRG, which purchases baled post-consumer polypropylene bottles from municipalities, waste management firms, and brokers. The bottles are recycled into high-quality resins for blow-molded bottles, injection-molded consumer and utility products, and fibers applications. PRG also is an active participant in the APR (Association for Post Consumer Plastics Recyclers) and is a member of the Southwest Public Recycling Association, which is planning to provide a full range of recycling services throughout Arizona, Colorado, New Mexico, Utah, and Western Texas. *1992*	no	yes
Occidental Chemical Corporation operates a buy-back program for recycling post-consumer polyvinyl chloride (PVC) bottles. The company buys bales of post-consumer PVC bottles in lots of more than 5000 pounds at strategic sites across the United States. Occidental then processes and blends the post-consumer PVC with virgin PVC to produce second generation bottles for non-food contact. *Ongoing since 1989*	no	yes
Handling		
Research, development and commercialization of new handling technologies		
With financial assistance from APC, Automation Industrial Control, Inc. (AIC) developed the "Poly-Sort" system capable of sorting a mixed stream of all plastic bottles at a baseline rate of three bottles per second, or 1,500 pounds per hour. The Poly-Sort system, which is designed to sort compacted bottles, includes devices for color and chemical composition identification. Although the first-generation equipment field-tested by with APC support did not prove to be commercially viable, over 80 units are now in commercial operation based on the same general concepts. *1989*	no	no
APC sponsored research at Magnetic Separation Systems (MSS) in Nashville, Tennessee, to develop commercially viable automatic plastics separation technologies. APC coordinated testing of the MSS "Bottlesort" system, which was installed at the Eaglebrook Plastics, Inc., recycling facility in Chicago. The is fed by a bale breaker and singulator system and incorporates four parallel sorting lines with a combined processing capacity of 5,000 pounds per hour (up to 12 million pounds per year per each 8-hour shift), sorting mixed plastic bottles into three primary classes: unpigmented HDPE and PP; PET and PVC; and mixed-color HDPE. Optional sorting modules are used to produce resin-specific, color-sorted streams. The MSS sorting system allows for the collection of commingled plastic containers and works with either whole or baled bottles. Installation at the Eaglebrook facility allowed MSS to test the equipment under realistic commercial conditions and make design changes as needed. The equipment proved to be successful, and, by 1995, there were 24 "autosort" systems installed internationally. *Ongoing since 1990*	no	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
APC provided a grant to the Garten Foundation of Salem, Oregon, to open a state-of-the-art plastics recovery facility (PRF) that would serve as a model for similar facilities nationwide. The PRF, opened in 1995, is based on the MSS' latest sorting technology, developed with the benefit of APC research grants. The PRF uses four infrared, x-ray, and vision sensors plus seven separate computers. Post-consumer plastic bottles are sent down a conveyor belt at a rate of up to 1,250 pounds per hour while a computer-aided detector determines the plastics' optical density, resin type, and color. A programmable logic controller tracks the containers and uses a series of air jets to push them off the conveyor and into collection bins with similar containers. Once sorted, the containers are baled and shipped to recycling markets. The facility receives mixed post-consumer plastic containers from residential and commercial collection programs from throughout the West Coast. The primary benefits derived from the use of automated systems are an increase in product purity and a reduction in labor costs. In addition, automated separation has positively impacted the economics of plastics recycling by encouraging the collection of numerous types of resins for which markets exist. *Ongoing since 1994*	no	yes
MBA Polymers, Inc. and APC have developed a 10,000 square-foot plastics recycling research facility in Berkeley, California. The facility has a unique "Advanced Plastics Recycling Pilot Line" which will be used to identify and develop new and advanced mechanical recycling technologies designed to: increase throughput; lower operating and capital costs; improve the cleanliness and purity of recycled plastics; and develop new types of separation techniques. The technologies developed at the facility will dramatically improve the quality of post-consumer plastic and will reduce the associated costs throughout the recycling process. The pilot line will serve as a proving ground for future full-scale recycling systems which will ultimately be transferred to many industries and recycling operations. *Ongoing since 1994*	yes	yes
As part of the Advanced Plastics Recycling Pilot Line, APC developed a new paint and coating removal system. Many durable plastic products are coated or painted for both decorative and functional reasons, but they present challenges to the process of identifying and recycling post-consumer plastics. The new system will incorporate a high-temperature, high-pressure water-based process to rapidly break down the paint and coatings on flakes of processed plastic. The technique uses water exclusively in the process, and will greatly expand the number and types of durable plastic products which can be recycled. *Ongoing since 1994*	yes	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
In a cooperative effort, APC and wTe Corp. began operation of a research and development facility, called the Multi-Products Recycling Facility (MPRF) at a site in Boston, Massachusetts. The facility is designed to take plastic items contaminated with foreign materials, such as metals or fabric coverings, and generate a clean plastic stream. The research has focused on the processing of post-use products from such durable product markets as automotive, major appliances, computers, business equipment, building, construction and furniture. APC provided the seed money for the MPRF development, while wTe provided the building and equipment. The MPRF is designed to process up to 1,000 pounds per hour of commingled durable plastic parts. Employing proven technologies from the solid waste, mining, and food processing industries, the MPRF is constructed in stand-alone modules for maximum flexibility. The separation sequence can be readily configured based on the specific needs of each application. This concept allows for the testing of individual equipment types as well as the evaluation of processing subsystems. The ultimate goal of APC efforts in this program is to advance the technology and economics of processing systems for durable plastics. *Ongoing since 1993*	no	yes
Working closely with APC, the Center for Plastics Recycling Research (CPRR) at Rutgers University in New Jersey developed detection techniques for automatically sorting different types of whole plastic bottles from a mixed stream (macro separation). The technology uses photoelectric sensors to identify and segregate four types of plastic: transparent PET, green PET, translucent or natural HDPE, and pigmented HDPE. In a separate project, CPRR developed an x-ray technology to separate PVC which has been applied by Asoma Instruments, Inc. of Austin, Texas, who sold their first PVC detection unit in 1989. *Late 1980s*	no	no
APC has funded the development by Foster Miller, Inc. of a mechanical system for the delivery of plastic bottles to the detection area of a sorting line. This work focuses on delivering whole or crushed plastic bottles one at a time, at a rate of 1,000 pounds per hour to a detection system. *1990 - 1991*	no	yes
With assistance from APC, Bruker Instruments has developed a new plastics identification instrument which uses mid-infrared technology to identify the composition of plastic products within five seconds. The instrument is currently the most advanced plastic identification equipment in the industry. The equipment will be beneficial in polymer identification during automotive dismantling processes and is being tested at the MBA Polymers facility in Berkeley, CA. *1995*	yes	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
A demonstration project in rural Milford, New Hampshire, proved that cost-effective plastics recycling is possible in sparsely populated areas. APC provided the Milford Recycling Facility with a baler specially designed by Frontier Recycling Systems to reduce the volume of post-consumer plastic containers through a combination of flattening and baling. The production of smaller, higher-density bales allows for more cost-effective transportation of recyclables. The perforator unit proved to be the key to the program's success. Perforating the plastic bottles before baling increases the overall volume reduction and yields bales that are uniform and easily stored, resulting in a 60 percent reduction in transportation costs per mile. *1991*	no	yes
The resin manufacturing industry funded the Plastics Recycling Foundation. The foundation made grants totalling nearly $4 million to various universities and research institutions to conduct basic research on plastics recycling. Topics addressed included automated sorting, MRF location optimization and commingled collection. *1987 - 1992*	unknown	unknown
ARCO provided technical and marketing assistance to Precision Port Machinery, a company in York, Pennsylvania, which has developed a densifier used in the collection of post-consumer EPS (polystyrene) for recycling nationwide. This program has been expanded to include working with end-users, including several in California, to incorporate densifiers in their plant waste collection system. *1990 - 1995*	no	yes
Through the Huntsman Environmental Research Center at Utah State University, Huntsman Chemical Corporation commissioned the design and production of a prototype machine to separate post-consumer waste from PS foam to create a cleaner materials stream for recycling. This equipment was subsequently installed at Perdomo and Sons' MRF in East Los Angeles. *1994*	no	yes
The Huntsman Environmental Research Center also has developed state-of-the-art densification technology for post-consumer polystyrene packaging. The densifier can compact polystyrene as much as 40-to-1, which greatly reduces the cost of transporting post-consumer polystyrene packaging to recycling centers. The center's primary mission is to advance research in the key areas of recycling, degradibility, improvement of air and water quality, and conservation of trees. *1994 - present*	no	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?
NAPCOR commissioned research to develop efficient sorting systems specifically tailored to distinguish custom PET from PVC. The two resins are similar in appearance but are mutual contaminants in reclamation and end-use. The study, conducted by Plastic Technologies Inc., sought to establish the level at which the presence of PVC begins to have a measurable effect on the properties of a bottle stream consisting primarily of PET. The study's findings designate the maximum allowable level of PVC, which guides the development of plastic bottle sorting technologies. *Ongoing since 1992*	yes	yes
The Plastics Recycling Foundation made grants totaling nearly $4 million to various universities and research institutions to conduct basic research on plastics recycling. The Plastics Recycling Foundation funded 10 to 15 research projects each year, with topics such as automated sorting systems, commingled collection, MRF location optimization, solvent separation, super critical fluids/density, plasphalt-type products and other plastics recycling subjects. Although some of the basic research did not result in commercially viable solutions to plastics recycling problems, other basic research was very successful, and led to the development of systems and equipment in use through out the world today. Some of the most successful basic research was conducted at the Center for Plastics Recycling Research at Rutgers University. *1987 - 1992*	unknown	yes
Union Carbide and Proteus Applied Technologies of San Francisco are developing an automatic whole bottle sorting technology. The 2,000 pounds per hour high-speed Proteus materials handling system performs highly accurate sorting of crushed homopolymer and copolymer bottles. *Dates unknown*	yes	unknown
With funding by the Vinyl Institute, National Recovery Technologies developed the "VinylCycle" plastics separation technology. The "VinylCycle" system can detect chlorine atoms in a mixed stream of plastic bottles and separate PVC bottles from PET and HDPE. The "SMaRT" mixed waste processing and recycling facility in Sunnyvale, California, includes a VinylCycle unit along with three "autosort" machines. *Ongoing since 1989*	yes	yes
Mobil's Commercial Recycling Group (CRG) is currently testing a new technology that may result in a more cost-effective method for collecting polystyrene disposables for reclamation through an advanced recycling technology also in development. The system holds potential to lower costs and offer a wider range of PCR end-use applications as compared to existing technology. Schools, hospitals and businesses in various parts of the country are participating in the pilot collection program. *Ongoing since 1991*	yes	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
Equipment Grants and Technical Assistance		
APC provided a grant and member company in-kind technical services to Urban Resource Recycling Company in Richmond, California. Urban Resource Recycling, a manufacturer of plastic lumber pellets, requested APC's assistance to purchase equipment (a new sizing tank) to help maximize production and quality of their lumber product. Chevron Chemical provided technical assistance, including conducting tensile testing of samples from Urban Resource Recycling. *1994*	yes	yes
APC provided a grant to NORCAL, one of California's largest independent haulers to modify a plastic bottle pneumatic conveying system for commingled container sorting. This change will allowed NORCAL to provide city-wide curbside collection of plastic bottles in San Francisco, to increase sorting capacity, and to decrease sorting costs. *1994*	yes	yes
APC awarded two grants in 1991 and 1992 to MRF operators in California to automate plastic bottle material handling within their plants: A grant to the San Diego Recycling Company to increase storage and pneumatically transport bottles from the sorting station to the pre-baling storage area. A grant to Mashburn Disposal Company's MRF in northern San Diego County for perforator/crushers to improve plastic bottle. *1991, 1992*	yes	yes
To support curbside collection of RPPCs, APC has offered financial support to companies needing assistance in the conversion of collection and processing equipment to handle mixed plastics. In Lane County, Oregon, APC has provided processing equipment to Goodwill Industries and Bring Recycling, leading to the expansion of existing curbside collection programs targeting commingled plastic containers. The expanded plastics collection program also was made possible by APC's support of the development of the PRF in nearby Salem. APC also provided equipment to Ozark Recycling in Arkansas to help them build a mobile baler for rural recycling. *1994 - 1995*	no	n/a
Chevron Chemical Company has sponsored the start-up efforts of local plastics recyclers in Houston and Austin, Texas, including Ecology Action and Poly Resource Recycling. Ecology Action recycles HDPE and PET. Poly Resource recycles post-industrial plastics associated with the electronics and computer industries, including polycarbonates, polyethylene, polystyrene, PET, and PVC from the Austin area. Chevron continues to provide technical and management guidance as well as financial support to local recyclers, including some in California. *Ongoing since 1991*	no	no

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Summary Program Description	Was activity conducted in California?	Does the program directly impact California?
GE Plastics has field tested building products manufactured from recycled computer housings. Digital Equipment Corp., of Maynard, Massachusetts, supplied 18,000 pounds of sold plastic computer housings made from GE Noryl to Nailite International of Miami, Florida. Nailite then produced roofing panels made from 48 percent virgin material and 52 percent recycled Noryl. The Nailite roof panels resemble cedar shake shingles and can be installed over existing asphalt shingles. The panels have been tested by GE at sites in Chicago. Through this program, GE has gained valuable experience demonstrating the use of recycled plastics in the building and construction industries in applications replacing traditional materials. *Dates unknown*	yes	yes
Montell has conducted extensive study of the use of recycled polypropylene in thermoforming and other commercial processes. Their work has confirmed that polypropylene can undergo repeated heating without significant deterioration of its physical properties. *1991 - 1994*	no	yes
Working independently and as an active member of APC and the Environment and Plastics Institute of Canada, Novacor has influenced and participated in projects to evaluate sorting systems and. For example, Novacor worked with the City of Mississauga and its garbage collection/sorting contractor to optimize the sorting of a mixed plastics stream into eight individual streams with significant economic value. *1993 - 1995*	no	no
Occidental and Vermont Republic Industries have teamed up to recycle plastic pails used to transport ingredients for Ben and Jerry's ice cream. The HDPE plastic pails are widely used in food manufacturing. This joint recycling venture represents the first effort to recycle this particular type of container. Ben & Jerry's approached VRI, a regional plastics recycler, to find an alternative to simplify disposing of the approximately 100,000 pounds of HDPE pails used annually. VRI then turned to Occidental, the third largest U.S. producer of HDPE, for assistance in creating a recycling program. *1989 - 1995*	no	unknown
PSPC, with financial support from James River Corporation, provided a grant to Bay Polymers Company in Fremont, California, for capital equipment to add the capability to re-pelletize post-consumer PS foam. With additional funding from PSPC, Joe's Plastics in southern California, also modified existing equipment to allow them to process post-consumer polystyrene foam. Additionally, PSPC helped Talco Plastics Company in Southern California develop foam processing capability. *Dates unknown*	yes	yes
Solvay Polymers has supported the Rehrig Pacific Company with technical assistance during the addition of recycling equipment at their Los Angeles plant. Rherig, a leading manufacturer of crates, trays, recycling bins and various containers, presently purchases post-consumer and scrap HDPE containers (natural and colored) and reprocesses them into PCR pellets. This PCR is then blended into the production of Rherig's products. *Ongoing since 1994*	yes	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
Information Transfer		
APC convened the Cost Optimization Committee to study free-market means of improving the competitiveness of PCR. The committee completed a report from the analysis offering practical suggestions that could yield cost savings and cost avoidance measures which could reduce the cost of handling PCRs by nearly 9¢ per pound. The committee's findings have been shared with handlers, reclaimers and users of PCR through industry and trade publications and provided strategic direction for subsequent APC technical studies, including automated sorting research and the Model Cities Program. *1993*	no	yes
APC provided in-kind services and a grant to the Local Government Commission to assist them in a direct mailing of promotional materials to California processors and fabricators. The Local Government Commission, working under contract to the California Integrated Waste Management Board, was developing marketing strategies for CALMAX, the California Materials Exchange. The commission first approached the APC for help in identifying California processors and fabricators for the direct mail portion of their plan. APC staff prepared a list of California processors and fabricators using the APC Mobilization database, provided mailing labels, stuffed envelopes, and paid for a portion of the mailing costs. With APC's help CALMAX was able to add 41 new and interested businesses to their mailing lists. *1994*	yes	yes
APC's *Post-Consumer Plastics Handler and Reclaimer Database Survey* identifies the total number of post-consumer plastic handlers and reclaimers based on a comprehensive nationwide survey conducted twice a year by APC. Information about the location of facilities, materials specifications, and types of plastics handled is made available to communities and potential markets through APC's toll-free hotline, 800-2-HELP-90. APC is also the source of all industry data on recycling rates and communities that include plastics in their collection programs. These studies are conducted annually. *Annually since 1989*	n/a	yes
APC's toll-free information line handles calls from California — an average of 181 per month — many from recycling professionals seeking information from APC's "Handlers and Reclaimers" database. Using the database, APC operators can link supply with demand, offering communities a wider range of potential markets for their post-consumer plastics. Over this period, operators also provided information to California state government officials, educational institutions and media. *August 1994 - February 1995*	yes	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly [illegible] California?
Handlers of recyclable materials have become increasingly concerned over accidental "sticks" by needles and other sharps improperly disposed of in recyclable containers. To address this concern, APC and the American Diabetes Association have produced "Think Sharp," a brochure on the proper disposal of home medical waste. One of the brochure's key messages is that medical waste and recycling don't mix, and sharps containers should never be placed in recycling bins. *1993 - 1994*	no	yes
With funding from Eastman Chemical and others, The Center for Plastics Recycling Research developed the *Plastics Collection and Sorting Manual*. The manual identifies the technology and economics of the collection and sorting of post-consumer plastics packaging wastes as part of a large scale multi-material collection and recycling system from non-rural single-family and small multi-family homes. The manual is primarily concerned with the collection and sorting of post-consumer plastic beverage bottles. *Dates unknown*	unknown	unknown
NAPCOR commissioned an educational resource paper to raise awareness among recyclers of the attendant benefits and drawbacks of using a low-cost, ultraviolet separation technology. *1993*	no	yes
With support from APC, Conrad Industries of Chehalis, Washington, has developed a proprietary technology that applies heat to plastics in the absence of oxygen to un-link or disassemble plastics (polymers) to form their original molecular components. The Conrad facility is used to demonstrate, test, and improve on the technique as a form of advanced plastics recycling technology. This technology is especially useful for processing post-consumer plastics such as HDPE, polypropylene, and PVC, which are created by irreversible reactions and, once formed, cannot be broken down again into monomers. *1993 - 1994*	no	unknown
Reclamation		
Amoco has provided funding and staff resources to a major California customer in developing an advanced technology for plastics sortation by color to permit the recycling of disposable plastics office equipment parts. *1993 - present*	yes	yes
In 1993 and 1994, Lyondell Petrochemical Company, through its affiliate, Lyondell-Citgo Refining Company, conducted two refinery demonstrations where petroleum liquids derived from plastics were converted back into light products such as gasoline and distillate, as well as the building block feedstocks from which plastics are made. The demonstration was sponsored by APC and showed that the recycled material can be processed in a refinery coking unit without adversely affecting the product streams. *1993, 1994*	no	yes

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57	BASF is conducting feedstock recycling in a 33 million pounds-per-year pilot plant in Germany that converts mixed plastics waste into petrochemical feedstock. Negotiations are currently underway to determine what volume of material would be provided to BASF and what tipping fee would be necessary to support a full-scale program. *Ongoing since 1994*	no	no

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Section 5. Additional Resin Manufacturer Actions to Promote Reduction, Recycling, and Reuse

Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
Source Reduction		
APC and Dow Chemical provided a grant to Keep California Beautiful to produce their video, "Less Waste in the First Place: Source reduction opportunities in America." This 30-minute educational video illustrates practical implementation of a wide variety of source reduction strategies and explores ways in which consumers can encourage and practice source reduction. *1994*	yes	yes
ARCO Chemical has an active technical assistance program to enhance the competitiveness of its cus tomers' products through weight reduction in packaging and automotive parts containing polystyrene, EPS, and specialty resins. *Ongoing 1988 - 1995*	no	yes
BASF Corporation is actively pursuing source reduction programs through its work with several key customers to ship nylon in reusable bulk containers, thereby eliminating the packaging waste associated with boxes, pallets, liners, and bags. With the commitment of these customers to reduce or eliminate waste, BASF has recently approved a significant capital program at Freeport, Texas, to bulk ship engineering grade nylon in rail cars. It is expected that, through the implementation of this program, BASF will eliminate approximately two million pounds of packaging waste in the next one to two years. *Ongoing since February 1995*	no	no
Bayer Corporation actively supports source reduction programs through technical assistance programs and the development of new resins for light-weighting of durable products. These efforts have resulted in improved fuel economy for automobiles using the new resins. *Ongoing*	no	yes
Five gallon pails containing Chevron products have been reduced in weight by 10% over 56% of the product line. Additional source reduction opportunities are being pursued. *Ongoing since 1994*	yes	yes
A significant portion of Dow's technical support to customers and product development activities revolve around source reduction. Dow supplies customers with polymers that allow them to make products that are stronger and thinner, thereby reducing the weight of any resulting waste after product consumption. Dow's technical assistance program helps customers reduce manufacturing costs and produce source-reduced packaging. *Ongoing*	yes	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
In the mid-1980's, Dow started a formal program to reduce waste in its plants called WRAP (Waste Reduction Always Pays). Over the years this program has helped Dow reduce emissions in all waste categories (air, water, and solid), including a number of projects to reduce plastic waste in its manufacturing plants. *1986*	yes	yes
DuPont Packaging and Forma-Pak of Stockton, California, have introduced a new type of beverage container. The thermoformed "Clean Top" carrier covers the top of each can, eliminates the use of rings, and can be made from recycled PET. Another DuPont product, a "Bynel" adhesive layer in LDPE toothpaste tubes, allows for the elimination of an aluminum foil layer. *Dates unknown*	yes	yes
Exxon has announced Exceed™ linear low-density polyethylene (LLDPE) resin, which will permit films used in trash bags and other applications to be made with less material while preserving strength. This resin also offers the potential of incorporation of post-consumer recycled material with no loss of product quality. *September 1995*	no	yes
Lyondell Polymers Division of Lyondell Petrochemical Company has actively provided technical assistance to customers in the development of thin wall injection molded containers. *Dates unknown*	no	yes
Through a combination of resin technology improvements, process changes and capital equipment upgrades, Mobil has been able to significantly reduce the weight of its products over the past ten years. For example, in 1984, about 1 pound of stretch film was used to "unitize" a pallet. In 1994, approximately 40 percent less stretch film is required for the same application (0.6 pounds per pallet). One thousand plastic grocery sacks weighed 28.8 lbs in 1984. Today, they weigh 13.6 pounds, representing a reduction of better than 50 percent. Mobil has also reduced the weight of its institutional and household polystyrene products. The combined impact of Mobil's source reduction programs has reduced the consumption of over 160 million pounds of plastic annually compared to 1984 levels. *Ongoing since mid-1960s*	yes	yes
Mobil Chemical accepted the Coalition of Northeastern Governors (CONEG) packaging waste reduction challenge in 1991. To meet this challenge, Mobil documented to CONEG the reduction of 3.4 million pounds of packaging in 1993, and estimated that an additional 19 million pounds was reduced during the previous ten year period. *Ongoing since 1991*	yes	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
Before Novacor Chemicals purchased DuPont Canada's polyethylene business, DuPont developed a non-rigid pouch system for packaging milk with significant savings in weight and volume of packaging material over the traditional "gable top" milk carton. Novacor continues to supply the raw material for the film which is used to make the pouches. *Ongoing since late 1970s*	no	yes
Novacor is working with its injection-molding customers to develop higher flow resins which can be used to make thinner thin-wall containers for packaging dairy products. *1990s*	no	n/a
Occidental Chemical's "L58" Series of products were designed to offer copolymer blow molding resins with higher densities than conventional resins. This process allows bottles to be light-weighted while still exceeding or maintaining bottle properties similar to those made from virgin resins. (Note: this is no longer an Occidental product; sold to Lyondell). *Dates unknown*	unknown	unknown
Quantum Chemical Company has introduced a number of new resins which promote source reduction, including the following: 1) "Petrothene" polypropylene, which allows for the reduction in weight of noncarbonated beverage bottles and hot-filled food bottles as a result of lower material density. 2) "Flexathene" thermoplastic olefin, which promotes squeezable bottles that use less material than similar bottles made from LDPE. *1) 1995 2) 1994*	no	yes
Shell Chemical provides technical assistance to its customers on incorporating its specialty resins, including high molecular weight resins and other new polymers, in the production of polyester packaging for advanced (source-reduced) containers. *Dates unknown*	unknown	unknown

Recycling

Design for Recycling

APC published "Design for Recycling: A Plastic Bottle Recycler's Perspective." The paper suggests ways in which plastic bottle designers and producers can maximize the recycling of these containers through current reclamation technologies. Specifically, the report suggested the following principles: minimize component variety; ensure component separability; avoid melt-reactive material combinations; and avoid non-separable colorants. APC also funded a similar publication that was published and distributed by the Association of Post-Consumer Plastic Recyclers. *Early 1990s*	no	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
Chevron pails now have all-plastic spouts and handles which were previously made of other, non-recyclable materials. *1994 - 1995*	yes	yes
DuPont provided Chrysler Corporation with the material to produce recyclable fenders for all of its 1993 LH Passenger cars. *1993*	no	yes
Solvay Polymers, Inc. has provided technical direction in design methods for improving HDPE and PP containers' recyclability and making them more environmentally functional. *Ongoing since 1991*	yes	yes
Encouraging Increased Use of PCR		
APC, working with the Institute of Scrap Recycling Industries (ISRI), developed guidelines for baled plastics that will increase the marketability of post-consumer plastics by setting internationally accepted standards. ISRI currently sets international, industry-wide standards for other recycled commodities so that handlers know how to prepare materials and reclaimers know what they are buying. Those guidelines were also used as the standards for commodities bought and sold on the Chicago Board of Trade Exchange. To ensure that available technology met the guidelines for baled plastics, APC analyzed all baling equipment existing at that time. *1991 - 1992*	no	no
Chevron has undertaken research into applications for the commingled plastics that remain after the more valuable generic plastic resins have been removed for recycling. This program involved developing technology for various recycling processes and included research which showed that scrap plastics can be successfully incorporated into refinery cokers. *1991 - 1994*	yes	yes
The U.S. Commerce Department and four partners, including Eastman Chemical Company, teamed with the University of Florida to fund a study to find new uses and new markets for recycled plastics. The research will focus on compatibilizers, mixing different polymers, and improving properties by the addition of other components. *Dates unknown*	no	unknown

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
The Technical Committee of The Plastic Bottle Institute, a division of The Society of the Plastics Industry (SPI), has performed field trials to demonstrate the viability of recycling post-consumer multi-material polypropylene ketchup bottles using standard reclamation and pelletizing procedures. The tests demonstrated that the bottles can be effectively recycled as part of the post-consumer high density polyethylene stream. The recycled polypropylene can then be used to make new HDPE non-food containers. Participants in the test included United Resource Recovery of Findley, Ohio, and Owens-Brockway's Blow Molding Facility (also in Findley). *Dates unknown*	no	yes
Quantum Chemical Company's Polyolefins Research and Development Group provides technical support for the company's recycling business. The research is directed toward finding new applications for post-consumer plastic and better methods for predicting its properties. The results of Quantum's PCR research have been covered in technical periodicals and industry conferences. *Ongoing since 1990*	no	yes
The Vinyl Institute has worked with several plastic product manufacturers to begin manufacturing recycled vinyl products or expand their recycled vinyl product lines. The institute's "Tool Pool" program works with qualified candidates to loan them a portion of the up-front tooling costs required to commercialize new products made from recycled vinyl. The institute also provides technical assistance and marketing support. For example, the Vinyl Institute provided a low cost loan to Envirothene, a plastic bottle recycler in southern California to enable them to purchase equipment to sort PVC bottles out of a mixed bottle stream. This equipment is able to produce a pure vinyl post-consumer product. *Ongoing since 1992*	yes	yes
Recycling of Plastics from Non-packaging Applications		
The Commercial/Institutional Recycling Program (CIRP) was created by APC to address and identify recycling opportunities for commercial, institutional and industrial generators of post-consumer plastic waste. The CIRP selected eight industries to serve as case studies. Among the industries chosen were retail and grocery warehouse distribution centers; food service operations in school systems, hospitals and corporations; the hospitality industry; and automotive and electronic assembly plants. Future studies are planned to help create industry-specific tools for getting plastics recycling started. Attention will focus on identifying appropriate equipment, increasing employee participation and improving quality control. *Dates unknown*	unknown	unknown

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
APC's Durables Program is a joint initiative with the major manufacturers of durable goods. The initiative was created to assist manufactures to better understand the life-cycle management of specific plastic materials used and to promote and develop efficient recycling systems for plastics used in durable goods as part of an integrated approach to post-use management. To meet the needs of various durable plastic industries, the Durables Program comprises the following four work groups: Automotive; Major Appliances; Computers and Business Equipment; and Building and Construction/Furniture. *Ongoing since 1991*	partially	yes
A recent report by the Freedonia Group, which summarizes the outlook for recycling automotive materials, projected that the growth rate of recycling of non-metallic automotive materials will average 11.5 percent per year through 1997. This rapid increase is attributed to the growth in recycling of automotive plastics, which is expected to show the largest gains in recycling. APC has been involved in various facets of such efforts to recycle an ever-larger portion of the automotive waste stream, including the provision of technical assistance to the Vehicle Recycling Partnership of General Motors, Chrysler, and Ford. The partnership has developed the Vehicle Recycling Development Center in Highland Park, Michigan, which explores new technologies for recycling automotive plastics. *Ongoing*	no	unknown
APC conducted a round-robin evaluation of commercial and developmental portable near infra-red equipment to assist in the development of rapid identification technologies for plastics from end-of-life durable goods. A number of companies are involved in research and development of various technologies. Technologies developed as a result of the competition have the ability to improve the economics of post-use durable plastics collection by enabling durable product dismantlers to rapidly identify and sort plastics for recycling. APC seeks to encourage the work of a number of entrepreneurs in developing new technology that overcomes the identification challenges that various resins pose. *1994*	partially	yes
APC is conducting research on several fronts to efficiently and effectively remove paint and coating contaminants from recycled plastics. Research is focused on using high-temperature aqueous environments to degrade and remove paints and coatings. An effort is being made to develop a broad-based approach that relies on water and temperature for cost and environmental reasons. Further experiments will be conducted to determine the optimum stripping conditions for a number of types of plastics used for various products because different paints react to stripping in unique ways. *Ongoing since early 1990s*	yes	yes
A report prepared by APC entitled *Composition, Properties and Economic Study of Recycled Refrigerators* outlines the opportunities to recover large volumes of relatively pure plastic streams from used refrigerators. It is estimated that by the year 2007, recycling of discarded refrigerators will yield 126 million pounds of polyurethane foam and 203 million pounds of other plastic. *1994*	no	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
Of the plastic parts currently removed from vehicles, about 25 percent are reused, six percent are repaired, and less than one percent are reclaimed through material recovery. Bumpers are the most repaired automotive component due to strong markets, ease of repair, and availability of repair techniques. However, many technicians avoid repair of plastic components because the repair is not competitive with the cost of a new part. In addition to providing information on repair and reuse of plastic automobile parts, this APC report identifies critical resources, including the Inter-Industry Council on Automotive Repair (I-CAR) and the Automotive Recyclers Association (ARA), which can provide information on how to increase the quantity of plastic parts recovered and reused. *1994*	no	yes
APC's *Report on the Disposal Practices for Post-Use Automotive Plastics* outlines current disposal practices for dismantlers, wreckers, nonferrous-metal separators, repair shops, processors, and component suppliers, and tracks the movement of post-use automotive plastics through these shops to disposal. The report notes that polypropylene (PP) from automotive battery cases was the only automotive plastic component commercially recycled at that time. After the recovery of lead used in batteries, more than 100 million pounds of PP from battery cases is reclaimed annually. In addition, the report finds that considerable research is directed at the recovery of plastic automobile parts through pilot programs operated by automotive and plastics material manufacturers. *1994*	maybe	yes
APC also commissioned research to develop an economic model of the current and potential commercial infrastructure that recovers value from the 10 million vehicles annually retired from service in the United States. This model identifies significant transactions, costs, values, and other factors that affect decisions regarding automobile plastics management. Management options include recycling; depolymerization to reusable monomers; conversion to energy (electricity and steam); and landfill disposal. Handlers and consumers of post-use automotive plastics can use this model to plan initiatives for recycling more used plastic parts. *1994*	no	yes
Report on the Sorting and Processing Automotive Plastics - Emerging Technologies shows that creating a U.S. industry that recycles significant quantities of automotive plastics from scrap vehicles will require a significant advancement in technology. In addition, the report finds that new businesses for collection and processing need to be created before significant recycling of automotive plastics take place. *1994*	no	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
APC has conducted an automobile dismantling project to determine the cost and difficulty associated with removing plastics from both new and older assembly cars. Thirty-two new vehicles were donated by Chrysler, Ford, General Motors, and Toyota. The project targeted the removal of plastic instrumentation panels, fascias, interior trim, and under-hood parts. The materials were sorted by type to be processed through the MPRF operated by wTe, Inc. From the study it was determined that 37 percent of the recovered parts from newer cars had some sort of resin identification, and that new cars require 42 percent less labor to recover plastic compared with older cars. However, the cost to dismantle most of the plastic parts was significant, indicating a need for modifications in the infrastructure that would improve the efficiency of plastics recovery. *1994*	no	yes
A multi-industry advisory council, organized by APC, conducted a series of studies to examine automotive component repair and training programs for automotive component repair. These studies show that many of the obstacles to repair and reuse of automotive plastics can be eliminated through specific design changes. APC also identified new repair techniques which increase the adhesion of the repair material to the repaired component and eliminates surface contaminants. In addition, APC discovered that less than 10 percent of auto body repair technicians have formal training in plastic repair techniques, which leads to material waste and inefficient repair. APC updated a training program for plastic components repair which approximately doubles the number of plastic materials targeted for repair, as compared to the number addressed in previous training courses. *Ongoing*	no	yes
Currently, APC is investigating the utility of a comprehensive database to aid repair facilities in the identification of materials used in fabrication of components and is researching ways to significantly improve the entire plastics repair infrastructure through new designs, techniques, and repair education. Ultimately, it is planned that this work will result in a marked reduction of plastic waste generation at the source by increasing the number of plastic components being repaired, improving the quality of the repair, and reducing the number of components of which are otherwise disposed. *Ongoing*	no	yes
APC, the Chrysler Corporation, and MascoTech Special Vehicles are showcasing recycling and reuse opportunities associated with plastic durables through their "Smart Van" office on wheels public education project. The Smart Van targets auto manufacture executives to demonstrate the environmental performance of plastic materials once a product's useful life has ended. *Ongoing since 1992*	no	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
The Automotive Solutions Competition is sponsored by APC, the Michigan Materials and Processing Institute, and the Vehicle Recycling Partnership. The competition is open to full-time undergraduate engineering students, who are asked to submit technical reports describing a manufacturing concept for the recovery and recycling of all plastic and composite materials from automotive bumpers. The competition was announced to over 5,000 schools, and hundreds of entries were received. Two undergraduate teams from California State Polytechnic University in Pomona, California, were named national prizewinners. *1991 - 1994*	yes	yes
Dow Plastics, a business group of The Dow Chemical Company, and Bayer, Corp. have introduced technologies to enable reuse of in-plant painted polyurethane scrap created by the reaction injection molding (RIM) process for automotive components. These technologies allow molders of RIM-produced thermoset polymer parts to remove and reuse in-plant scrap economically, turning it into automotive components, including fascias (bumper covers) and seat shells in Chrysler's Dodge Caravan and Plymouth Voyager mini-vans. *Ongoing since 1991*	no	yes
ARCO worked with Ford to develop a process for recovering and separating for recycling post-consumer and post-industrial acrylic resin from automotive instrument panels. This material is incorporated back into instrument panels at Ford's plant for the following vehicles: Mazda and Ford Ranger Pickups, Navajo sport utility vehicles, Escort, Mustang, Probe, Crown Victoria, Grand Marquis, Town Car, and Continental. Although a 10 percent post-industrial acrylic is currently being offered by ARCO, the recycled-content resin can also be made with PCR. *1993 - 1995*	no	yes
ARCO Chemical Company's European Research Center in Villers St. Paul, France, supports research by a German firm on solvent dissolution, which was demonstrated to be a viable technology for recycling mixed post-consumer plastics waste. This technology is in a demonstration phase focusing on post-consumer and post-industrial automotive plastics. *1992 - present*	no	no

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
The Polyurethanes Recycle and Recovery Council (PURRC) has initiated several research and testing programs to find new end-uses, new means of production, and more economical methods for recycling polyurethane materials. For example, PURRC is currently recovering polyurethane foam from automotive instrument panels to evaluate its use in the production of carpet underlay, sound insulation panels, and rigid boards. PURRC has also been testing the use of post-consumer flexible foam regrind in "slabstock" and molded foam production, and post-consumer polyurethane foam as an additive to asphalt cement and asphalt concrete for pavement construction. Regarding automotive seating materials, PURRC has recently conducted a series of dismantling projects to examine the economics and infrastructure requirements of recovering flexible foam at the dismantler level. The foam obtained by these studies was fully incorporated (100 percent) into commercial carpet underlay. PURRC member companies include ARCO Chemical and Bayer Corporation. *Dates unknown*	unknown	unknown
APC has worked with original equipment manufacturers to develop a Computers and Business Equipment (C&BE) Design Guide that facilitates the post-use recovery of plastics from office equipment. The guide offers marketing personnel and design engineers solutions to several hurdles impeding the recovery of plastics from computers and business equipment. *1995*	no	yes
APC's Building and Construction/Furniture Committee is working with a plastics recycler in North Carolina to demonstrate the commercial viability of recovering building siding scrap and producing marketable products. The economic impact of on-site granulation is also being examined. *1995*	no	no
The Plastic Drum Reconditioner and Recycler Directory, compiled by SPI's Plastic Drum Institute (PDI), identifies drum reconditioners and recyclers and provides certain basic information regarding established environmental controls. All information was provided by the individual recycling companies in response to a PDI questionnaire. *Dates unknown*	no	yes
SPI and the Vinyl Institute participated in Habitat for Humanity's "Jimmy Carter Work Project" in the Watts section of Los Angeles. The industry coordinated the donation of vinyl siding and windows for the 21 homes built during the six-day project and arranged for the recycling of siding scrap generated on-site. Dow is the exclusive supplier of donated insulation board (Styrofoam®) to habitat, donating the majority of Habitat's insulation board needs in 1994 and 1995. *1995*	n/a	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
Reusable Products		
BASF often confers with and develops solutions for customers who are concerned about reusable packages. Recently, BASF has been stressing the returnability of metal containers that contain polyurethane products used to produce foam packaging, as well as returnable totes. *Ongoing since January 1995*	yes	yes
Through a program with "Resource America Inc.," Dow is supporting the return and reuse of "Ethafoam" protective packaging, which is commonly used to protect sensitive electronic equipment. *Ongoing since 1990*	yes	yes
GE Plastics (LEXAN polycarbonate resin) and Bayer Corp. (Makrolonor) produce polycarbonate resin for use in returnable, reusable 5 gallon water bottles. For over 20 years, Reid Plastics and Liquibox make the well known "nLuisL" office water cooler bottle. These 5 gallon bottles achieve up to 100 trips and can be found in production reuse for up to 10 years. *1992 Ongoing*	yes	yes
Novacor is currently working with customers on the development of reusable products containing PCR, including plastic pallets, dairy crates, and office products. *Current*	no	no
The Toggle Tube Company has developed a coin roll made of 85 percent recycled vinyl. The coin rolls are designed to be reused 30 times. Financial assistance for the project came in part from the Vinyl Institute and its "Request for Proposal" program that identifies and provides limited financial support to manufactures of recycled vinyl products seeking to expand their product lines. *Ongoing since 1992*	partially	yes
Programs That Encourage or Influence Recycling or Reduction in Plastic Waste		
Additional Programs Supporting Waste Reduction and Recycling		
Amoco Chemical Company is a member of Keep America Beautiful and of Keep California Beautiful and has provided funds to both organizations to educate on source reduction and recycling issues. *1991 - present*	yes	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
Amoco Chemical Company formed a Plastics Solid Waste Management department in 1988. The department pioneered developments in recycling machinery and funded numerous recycling studies. Today the group's focus in on integrated solid waste management. It works with Amoco business groups and their customers on a wide variety of programs. These include educational programs on solid waste issues, recycling programs, technical research on solid waste disposal, and legislative and regulatory activities. The group has eight employees, one of whom is based in California. The California based employee also services Amoco Foam Products Company's Issues Management Department. *1988 - present*	yes	yes
Amoco Foam Products Company formed on Issues Management Department in 1988 which grew to include three employees in California. The department has developed many recycling programs and has conducted many educational programs on solid waste management. The department now focuses its efforts on working with Amoco customers on solid waste matters, including source reduction and recycling. The department now shares a California based employee with Amoco Chemical Company. *1988 - present*	yes	yes
The Polystyrene Packaging Council (PSPC) has supported clean beach programs to discourage littering of San Diego and Los Angeles area beaches. Advertising, containers, and signs were provided. PSPC and other plastics industry groups worked with beach communities concerned about polystyrene litter. In Santa Monica, recycling barrels and signs to educate the visiting public were placed along the beach front. Additionally, PSPC provided funds for drop-off boxes and other recycling containers, materials collection, and the development of data and techniques to help Santa Monica institute a city wide drop-off program. *1992*	yes	yes
SPI, APC, and individual resin manufacturing companies have been major sponsors of beach cleanups and education campaigns. Since 1987, SPI has contributed funds to The Center for Marine Conservation's (CMC) for its annual beach cleanups in California and elsewhere in the U.S. SPI also contributed to the California Coastal Commission's (CCC) development of their beach cleanup programs. Over the past four years APC has contributed to the CCC to pay for approximately 200,000 beach cleanup bags manufactured from 100 percent post-consumer recycled plastic. These bags have been used in annual California Coastal Cleanup days and the Adopt-A-Beach program. The 1994 annual cleanup enlisted more than 40,000 volunteers to remove more than 500,000 pounds of trash found along 1,100 miles of California coastline. APC also has collaborated with the CMC and CCC to develop educational materials and activities designed to reduce and prevent future beach pollution. *1987 - present*	yes	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
Individual companies within the plastics industry also have been active on many fronts to address marine debris. Companies such as Chevron, DuPont, Amoco Foam Products, Procter & Gamble, Dow Corning, Dow Chemical, Exxon Chemical, ARCO Chemical, Union Carbide, and BASF Corporation help sponsor regular waterfront cleanups across the country. *Ongoing since 1985*	yes	yes
Amoco Chemical Company recently embarked on an employee awareness and mobilization program to address plastics and solid waste. The company plans to introduce its entire workforce of 14,000 to the program. The program already has been introduced to employees at Amoco's plants in Fresno and La Mirada, California. *Ongoing since 1994*	yes	yes
Amoco also hosted the APC Best Practices Forum on Employee Awareness in 1994, which was designed to promote employee awareness of plastics and solid waste issues with APC member companies. The attendees represented approximately 20 APC member companies, many of whom do business in California. *1994*	no	yes
ARCO Chemical has an active program involving technical assistance, advertising, and local presentations to educate consumers, local businesses, customers, schools, students, and government officials and workers on plastics waste reduction and waste management issues. *Ongoing 1989 - 1995*	no	no
In late 1993, BASF formed the office of Polymers Resource Management. Their mission statement communicates how the Division will proceed and addresses the following issues: sustainable development, life cycle assessment, integrated waste management, thermal-chemical recovery of raw and intermediate materials, and collection of post-consumer resins. In 1994 BASF sponsored its first seminar on the "Integration of Environmental Issues into BASF Polymers Division's Business." This seminar series, which focuses on integrated waste management issues, will be presented annually at different BASF locations throughout the U.S. Virtually all BASF plant and office locations have internal recycling programs which stress material use frugality. *Ongoing since 1993*	no	yes
Chevron Chemical publishes a quarterly newsletter, Waste Words, to employees and customers for the purpose of informing the readership about issues concerning plastics in the waste stream. It describes proper waste reduction and recycling measures and other environmentally responsible actions that can be undertaken by individuals. *Ongoing since 1990*	yes	yes

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Summary Program Description	Was activity conducted in California?	Does the program directly benefit California?*
DuPont has established an environmental category for its annual food packaging awards. The DuPont Awards for innovation in food processing and packaging expanded the international competition to recognize achievements that make plastic food packaging more environmentally friendly. The awards recognize recycling and other concepts that ultimately reduce the amount of food packaging in the solid waste stream. *Dates unknown*	unknown	yes
GE, Hoechst, and Huntsman are among industry leaders in establishing corporate incentive pay programs for environmental performance. *Ongoing*	yes	yes
Quantum has prepared a 20-minute slide presentation entitled "Plastics and the Environment," which examines options for solving the municipal solid waste problem, including source reduction, energy conservation, recycling, energy recovery, and land disposal. The public information package has been distributed to all of Quantum's plant and sales office locations, including two in California, for presentation to community groups. *1995*	no	yes

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
January 24, 1996

AGENDA ITEM 10

ITEM: CONSIDERATION OF THREE RIGID PLASTIC PACKAGING CONTAINER COMPLIANCE REPORTS FROM FOOD AND COSMETIC PRODUCT MANUFACTURERS TRADE ASSOCIATIONS: 1) THE GROCERY MANUFACTURERS OF AMERICA, THE NATIONAL FOOD PROCESSORS ASSOCIATION, THE DISTILLED SPIRITS COUNCIL OF THE UNITED STATES, THE CALIFORNIA LEAGUE OF FOOD PROCESSORS, THE DAIRY INSTITUTE OF CALIFORNIA, AND THE AMERICAN FROZEN FOOD INSTITUTE; 2) THE COSMETIC, TOILETRY, AND FRAGRANCE ASSOCIATION; AND 3) THE AMERICAN HEALTH AND BEAUTY AIDS INSTITUTE

I. SUMMARY

The Board's Rigid Plastic Packaging Container Program requires food and cosmetic product manufacturers to file reports with the Board by December 1, 1995. Trade associations are permitted, through previous agreement with the Board, to report on behalf of their members. The statute further requires the Board to approve or disapprove the reports by February 1, 1996.

II. PREVIOUS COMMITTEE ACTION

At the time this item went to print, the Local Assistance and Planning Committee had not met.

III. OPTIONS FOR THE BOARD

The Board may decide to:

1. Approve the reports submitted by the trade associations.

2. Disapprove one or more of the trade association reports. For those reports disapproved, identify additional actions specific product manufacturers must undertake, and recommend a fine for the product manufacturer to pay if the product manufacturer does not agree to undertake the additional actions.

IV. STAFF RECOMMENDATION

Staff recommends the Board approve the compliance reports submitted by:

1) the Grocery Manufacturers of America, the National Food Processors Association, the Distilled Spirits Council of the United States, the California League of Food Processors, the Dairy Institute of California, and the American Frozen Food Institute;

2) the Cosmetic, Toiletry, and Fragrance Association; and

3) the American Health and Beauty Aids Institute

V. ANALYSIS

Background

Public Resources Code (PRC) section 42310.1(c)(1) requires individual food and cosmetic product manufacturers, who are not in compliance with the Board's Rigid Plastic Packaging Container Program (RPPC) requirements, to submit a report to the Board by December 1, 1995. Through prior agreement with the Board, trade associations may submit a report to the Board on behalf of their members. Each report must demonstrate that the manufacturer is taking and will continue to take all feasible actions to ensure the reduction, recycling, or reuse of rigid plastic packaging containers and the development and the expansion of markets for rigid plastic packaging containers. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, social, health, safety, and technological factors. Those actions may include, but are not limited to, the following:

(A) The use of postconsumer recycled plastic in rigid plastic packaging containers sold in this state;

(B) The use of postconsumer recycled plastic in other packaging materials sold or manufactured in this state;

(C) The use of postconsumer recycled plastic in other products sold or manufactured in this state;

(D) Arranging for the use of postconsumer recycled plastic collected in this state in the manufacture of non-rigid plastic packaging container product or packaging of another entity;

(E) The procurement of products containing postconsumer recycled plastic including, but not limited to, trash bags, trash containers, pallets, carpeting, slip sheets, and shrink wrap; and

(F) The demonstration of financial investment in recycled plastic collecting, processing, and remanufacturing activities in the state.

Staff reviewed the association reports to determine whether the food and cosmetic industries were exploring a wide variety of actions to allow each of their members to achieve RPPC Program compliance by January 1, 1997.

PRC section 42310.2(b) requires the Board to review and approve or disapprove the reports by February 1, 1996. If the Board determines that a manufacturer is not taking all feasible actions, the Board may take one of the following actions as selected by the product manufacturer:

1) require the manufacturer to take additional actions; or
2) impose a civil penalty of up to $100,000.

Statutory provisions allow the Board to determine whether the product manufacturer, not the associations, will be required to select a fine or undertake additional actions. The Board cannot require the trade association to take additional actions or impose a fine on the trade association.

Staff Review

Staff has reviewed the reports submitted by the food/beverage trade associations; the Cosmetic, Toiletry, and Fragrance Association; and the American Health and Beauty Aids Institute. The associations reported that their members had undertaken the following actions to ensure the reduction, recycling, or reuse of rigid plastic packaging containers and the development and the expansion of markets for rigid plastic packaging containers:

1) the Grocery Manufacturers of America, the National Food Processors Association, the Distilled Spirits Council of the United States, the California League of Food Processors, the Dairy Institute of California, and the American Frozen Food Institute

The Food Association report is a consortium of six different food associations as listed above. Ninety-three companies with a total of 98 subsidiaries or affiliates participated in the report (see Attachment 1). The companies range from small companies that sell only one type of product to very large organizations that sell many

products in RPPCs. The Associations contracted with SRI International to design and conduct a survey of the member companies that elected to participate in the Association report.

The report does not specifically identify how the 93 members will be in compliance by January 1, 1997. The report describes efforts the members are taking and concerns and barriers facing its members. The report includes members that have source reduced and those that are using postconsumer resin, but does not identify the specific actions of specific companies; all data is aggregated.

A. Actions Reported as Not Feasible and Reasons

The following activities were not necessarily reported as "not feasible", but were identified as compliance difficulties within the food industry. To a large extent, the difficulties are problems due to possible health and safety concerns.

Source reduction limitations: Food product manufacturers made substantial progress in source reduction prior to 1990, thereby limiting additional opportunities for source reduction.

Recycled content limitations: With minor exceptions for some materials, the Food and Drug Administration (FDA) food safety concerns limit the use of recycled content in plastic food packaging.

Refill limitations: Potential chemical and microbiological contamination issues strictly limit opportunities for refillable food containers. Federal law prohibits the refilling of distilled spirit containers.

Small businesses: Small businesses or companies with one or a few lines of food products are concerned because they feel they have no control over container characteristics due to their small orders and limited financial resources to invest in research.

Meeting statewide recycling rates: Because the statewide recycling rate fluctuates with changes in consumer attitudes and participation, availability of recycling infrastructure, and regional, national, and international commodity markets, product manufacturers cannot rely on the recycling rate option for ongoing compliance.

Because of the limitations stated above, concerns remain among member companies about what they will be able to do to achieve compliance by 1997.

B. Actions Reported as Underway

Overall use of RPPCs: Members reported that the RPPCs they sold in California in 1994 weighed an estimated 77,570 tons. The driving choice for using RPPCs is consumer preference such as nonbreakability, light weight, and shelf life.

Recycling: Twenty-six members reported that their 1994 activities included collecting or shipping postconsumer RPPCs or other plastics for recycling. These companies collected 4,743 tons of postconsumer plastic.

Source reduction: Twenty-five members reported source reduction totaling 21 percent (6,797 tons) of the RPPCs in which they sold products in California in 1994. Thirteen reported that source reduction was underway but not yet completed.

Use of PCR: Three members were able to use PCR in 1994 representing about 2.2 percent of the three companies' container weight. The use of PCR was limited to egg cartons; sandwiched and layered containers; and depolymerized resin. The report did not include information whether the latter two options could be used by other companies or for other products.

Use of reusable or refillable RPPCs: Two members reported use of reusable or refillable RPPCs (water bottles and gum ball machines), but this application seemed to have only limited applicability.

Replaced with other materials: Five members replaced RPPCs in 1994 with other materials or flexible plastic containers, thereby eliminating these containers from RPPC requirements.

Research and development: Thirty-one companies reported having engaged in over $10.3 million for research and development (R&D) related to RPPC source reduction and/or recycled plastic collecting, processing, or remanufacturing. Six companies spent approximately $112,000 in 1994 on various kinds of public service communications in California to encourage recycling or reuse of plastic containers. Six others reported various other activities to help minimize plastic waste.

PCR in other packaging (postconsumer resin): Six members reported that in 1994 they used PCR in non-RPPC packaging materials, including secondary packaging materials for food products sold in California. No examples were given.

Future activities: Member companies involved in RPPC waste reduction activities in 1994 plan to maintain or expand those activities. Those who were not engaged, for the most part, plan to begin doing so.

Because the data reported were aggregated, staff was unable to identify actions each member company had undertaken and, as a result, could not determine which companies could do more to reduce, reuse, and recycle rigid plastic packaging containers.

2) the Cosmetic, Toiletry, and Fragrance Association

The CTFA is the national trade association representing the personal care products industry. The CTFA submitted the report on behalf of 40 of its members with 35 named subsidiaries or affiliates (see Attachment 2).

The report does not specifically identify how the members will be in compliance by January 1, 1997. The report describes efforts the members are taking and concerns and barriers facing the members. The report includes the percentage of the members that have source reduced their containers and those that are using postconsumer resin.

A. Actions Reported as Not Feasible and Reasons

The following were not necessarily reported as "not feasible", but were identified as issues of concern facing the cosmetic industry, primarily due to consumer health and safety and federal limitations.

While the federal government does not prohibit the use of postconsumer plastic resin in cosmetic packaging, the U.S. Food and Drug Administration's (FDA) approach to regulating cosmetic packaging has a significant affect on the industry's ability to comply with California's law. The Federal Food, Drug, and Cosmetic Act (ACT) requires safe cosmetic products and packaging. The ACT deems a cosmetic to be adulterated if it bears or contains any poisonous or deleterious substance which may render it dangerous to users. The product would also be considered adulterated if its container is composed, in whole or part, of any poisonous or deleterious substances which render the contents injurious to health.

Prior to California's RPPC law, FDA had not addressed the issue of recycled materials in cosmetic packaging. To address the cosmetic industry concerns, CTFA requested an FDA statement on the use of postconsumer resin (PCR) in November, 1992. The FDA responded in March, 1993 that any mandated requirement that drives current technology beyond what can reasonably be accomplished in a specified time period, could be in direct

conflict with the ACT. While the letter included the guidelines for the use of recycled plastics in food packaging, it clearly states that packaging for cosmetics differs from foods not only in product integrity, but in product aesthetics. The shelf life for cosmetics is generally much longer than for foods. Packaging for many different types of cosmetics requires considerable development time and investment before a manufacturer can be sure that it will meet the legal requirements of the ACT as well as aesthetic marketing standards. In summary, the letter from FDA supports the cosmetic industry's efforts to source reduce its packaging, but cautions the industry on expanding the use PCR without adequate testing and quality control. FDA stressed the requirement that all packaging must comply with the adulteration provisions of the ACT. In mandating use levels for PCR, sufficient time must be given to ensure that new and increased uses of PCR do not introduce potential health hazards.

The report details that the most success by participants is in source reduction because of safety packaging concerns and availability of PCR.

B. Actions Reported as Underway

Overall use of RPPCs: Results of the survey of the participating members indicate that the RPPCs they sold in 1994 weighed an estimated 4,400 tons. The driving choice of using plastic is the nonbreakability.

Source reduction: Eight companies reported source reduction since 1990. In total, these companies reported a 29 percent source reduction (438 tons) of the RPPCs sold in California in 1994. Sixteen of the companies reported that source reduction was underway but not yet completed. Thirty-five of the 40 members reported that prior to 1990 they had already source reduced some or all containers as much as they believed possible.

Use of PCR: Three companies used RPPCs with at least 25 percent PCR in 1994. The estimated total 1994 weight was 727 tons, or 47 percent of the three companies' total RPPC weight. No information was included in the report to determine whether other companies or other cosmetic products could include PCR.

Reusable or refillable RPPCs: One company reported reuse or refill, but the use did not meet the RPPC compliance requirement of at least five reuses or refills. No information was included in the report to determine whether reuse or refill were feasible options.

Replacement with other materials: Two companies replaced RPPCs with other materials, thereby excluding these packages from RPPC compliance.

Research and development: Sixteen companies invested $4.5 million in research and development related to source reduction and use of PCR. Four companies invested over $400,000 in R&D related plastic collecting, processing, or remanufacturing. Nine reported various other activities designed to help minimize plastic waste.

Members who engaged in activities in 1994 expect to maintain or expand on those activities. Those who were not engaged in waste reduction activities plan to begin doing so.

Because the data reported were aggregated, staff was unable to identify actions each member company had undertaken and, as a result, could not determine which companies could do more to reduce, reuse, and recycle rigid plastic packaging containers.

3) the American Health and Beauty Aids Institute

AHBAI is a trade association representing 17 manufacturers of ethnic hair care and cosmetic products (see Attachment 3). All member manufacturers report that they are working and will continue to work with their suppliers to meet compliance by January 1, 1997, either through source reduction or use of postconsumer resin.

Thirty-five percent of the manufacturers indicated they started some form of packaging reduction in the past two years and nearly half of them have source reduced by ten percent from 1990 to 1994 so are already in compliance.

Twenty-seven percent have already begun using containers with at least twenty-five percent postconsumer resin, and approximately twenty-three percent indicate that they use containers which are reusable at least five times.

Some manufacturers are changing packaging designs to achieve source reduction such as changing from a jar and closure packaging to a dairy style tub and lid. This results in a reduction of thirty to fifty percent.

No possible actions were reported as not feasible.

Staff Findings and Conclusions

Each of the trade association reports indicates the product manufacturers are taking a variety of actions to reduce, reuse, and recycle rigid plastic packaging containers. In both the food and cosmetic industries, federal requirements and concerns for product

quality and consumer health and safety limit the use of postconsumer resin, refill and reuse opportunities, and, in many applications, further source reduction. Major concerns were expressed by the food and beverage industries about their ability to comply with the RPPC Program by January 1, 1997. However, the industries are continuing to explore additional actions and finance more research and development to make all reasonable attempts to meet the mandates.

Staff believes the product manufacturers represented in the three trade association reports are taking and will continue to take all feasible actions to reduce, reuse, and recycle rigid plastic packaging containers as required by PRC § 42310.1(c)(1). Staff recommends approval of each of the trade association reports.

VI. ATTACHMENTS

1. Food/Beverage Association Report Participating Companies
2. Cosmetic, Toiletry, and Fragrance Association Report Participating Companies
3. American Health and Beauty Aids Institute Report Participating Companies

VII. APPROVALS

Prepared by: Bill Huston Bill Huston Phone 255-2461

Reviewed by: John Smith John Smith Phone 255-2413

Reviewed by: Dan Gorfain Dan Gorfain Phone 255-2320

Legal review/Approval: DP ~~Phone~~ 1/31/96 12:50 noon

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
January 24, 1996

AGENDA ITEM 11

ITEM: CONSIDERATION OF THE RIGID PLASTIC PACKAGING CONTAINER COMPLIANCE REPORTS FROM INDIVIDUAL FOOD AND COSMETIC PRODUCT MANUFACTURERS

I. SUMMARY

The Board's Rigid Plastic Packaging Container Program requires food and cosmetic product manufacturers to file reports with the Board by December 1, 1995. The statute further requires the Board to approve or disapprove the reports by February 1, 1996.

II. PREVIOUS COMMITTEE ACTION

At the time this item went to print, the Local Assistance and Planning Committee had not met, so the Committee has not taken action on this item.

III. OPTIONS FOR THE BOARD

The Board may decide to:

1. Approve reports submitted by food and cosmetic product manufacturers.

2. Disapprove reports submitted by food and cosmetic product manufacturers. Identify additional actions for the product manufacturer to undertake, and recommend a fine if the product manufacturer does not agree to undertake the additional actions.

IV. STAFF RECOMMENDATION

Staff recommends the Board approve the compliance reports listed in the Attachment. Staff does not recommend any of the reports be disapproved.

V. ANALYSIS

Background

Public Resources Code (PRC) section 42310.1(a) allows a two-year waiver for food and cosmetic product manufacturers to comply with the Board's Rigid Plastic Packaging Container Program (RPPC). Section 42310.1(c)(1) requires those food and cosmetic product manufacturers not in compliance with the RPPC requirements to submit a report to the Board by December 1, 1995. Each report must demonstrate that the product manufacturer is taking and will continue to take *"all feasible actions"* to ensure the reduction, recycling, or reuse of rigid plastic packaging containers and the development and the expansion of markets for rigid plastic packaging containers. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, social, health, safety, and technological factors. Those actions may include, but are not limited to, the following:

(A) The use of postconsumer recycled plastic in rigid plastic packaging containers sold in this state;

(B) The use of postconsumer recycled plastic in other packaging materials sold or manufactured in this state;

(C) The use of postconsumer recycled plastic in other products sold or manufactured in this state;

(D) Arranging for the use of postconsumer recycled plastic collected in this state in the manufacture of non-rigid plastic packaging container product or packaging of another entity;

(E) The procurement of products containing postconsumer recycled plastic including, but not limited to, trash bags, trash containers, pallets, carpeting, slip sheets, and shrink wrap; and

(F) The demonstration of financial investment in recycled plastic collecting, processing, and remanufacturing activities in the state.

PRC section 42310.2(b) requires the Board to review and approve or disapprove the reports by February 1, 1996. If the Board determines that a manufacturer did not submit a report or is not taking all feasible actions, the Board <u>may</u> take one of the following actions <u>as selected by the product manufacturer</u>:

1. require the manufacturer to take additional actions; or
2. impose a civil penalty of up to $100,000.

Staff Review

Staff has reviewed the reports submitted by individual food and cosmetic product manufacturers. As submitted, many of the reports lacked specific information required by staff in order to recommend approval/disapproval. These manufacturers were contacted and requested to submit the additional information. In all cases, the additional information was provided.

Staff developed three basic principles to guide the review of the compliance reports:

1. Reports were reviewed to determine whether the manufacturer was taking "all feasible actions" to be able to be in full compliance with the RPPC Program by January 1, 1997, using one of the compliance options. Manufacturers were not expected to explore all feasible actions for all compliance alternatives.

2. Product manufacturers were given the benefit of the doubt if some actions were reported as "not feasible" and staff had no other basis to counter the information provided.

3. For those manufacturers who do not expect to be in compliance by January 1, 1997, staff offered additional options for the manufacturer to consider so that compliance could be reached on schedule. The options recommended by staff were more "technical assistance" than "regulatory" in nature.

In general, staff found most food product manufacturers intended to comply through source reduction. This decision was based on major concern about customer safety and possible food contamination if postconsumer resin was used in the food containers. Dairies are also looking at opportunities to meet a 45% recycling rate for milk jugs made from natural HDPE.

Cosmetic manufacturers, on the other hand, were about equally divided on seeking compliance through source reduction and the use of postconsumer resin in their containers. Many cosmetic product manufacturers are exploring both options.

Staff discovered that smaller product manufacturers had limited opportunities to comply with the RPPC Program. These companies purchase containers in small quantities (less than 5,000 at a time) so have very little influence on the container manufacturers decisions to source reduce or use postconsumer resin in the containers. The available containers are usually "extras" from production runs of 100,000 or more, or are stock items offered by the container manufacturer. Staff will explore opportunities to encourage container manufacturers to stock or otherwise provide containers meeting the RPPC requirements and develop a list of such manufacturers to share with product manufacturers.

Staff Findings and Conclusions

As noted previously, staff reviewed the reports to determine whether the companies were doing all feasible actions to be able to comply with the RPPC requirements by January 1, 1997. Most of the smaller food and cosmetic product manufacturers had limited opportunities to influence the design or content of the containers they purchased since their small orders limited them to stock-on-hand by the container suppliers. All had taken reasonable actions to select containers which would comply with the RPPC Program, noting, though, that federal restrictions greatly limited their ability to use postconsumer content containers or use them for reuse and refill. Many also noted that additional source reduction could seriously affect product shelf life and integrity.

Staff believes these manufacturers are doing everything feasible to reduce, reuse, and recycle rigid plastic packaging containers as required by PRC § 42310.1(a). Staff recommends all these reports be approved.

VI. ATTACHMENTS

List of Product Manufacturer Reports Submitted and Staff Recommends be Approved.

VII. APPROVALS

Prepared by: Bill Huston Bill Huston Phone 255-2461

Reviewed by: John Smith John Smith Phone 255-2413

Reviewed by: Dan Gorfain Dan Gorfain Phone 255-2320

Legal review/Approval: RB ~~Phone~~ 1/11/96 12:00 noon

ATTACHMENT

RIGID PLASTIC PACKAGING CONTAINER COMPLIANCE REPORTS SUBMITTED PURSUANT TO PUBLIC RESOURCES CODE SECTION 42310.1(c)(1) BY FOOD AND COSMETIC PRODUCT MANUFACTURERS

-RECOMMENDED BY STAFF FOR APPROVAL-

A. Alba Naturals
B. Alberto-Culver USA, Inc.
C. Aloe Laboratories, Inc.
D. Aloe Up, Inc.
E. Asian Condiments & Spices
F. Carme' International
G. Christopher Ranch
H. Conair Corporation
I. Crystal Geyser Roxane
J. Darigold
K. Del Monte Foods
L. DEP Corporation
M. Dionis Goats Milk Soap, Inc.
N. Elm Packaging Company
O. Estee Lauder Inc.
P. Flavurence Corporation
Q. Gena Laboratories Inc.
R. Georgette Klinger Skin Care
S. Great Brands of Europe Inc.
T. Harmony Laboratories, Inc.
U. HDS Cosmetic Lab
V. HFI Inc.
W. J. K. Pharmaceuticals, Inc.
X. John Frieda Professional Hair Care, Inc.
Y. Kerstin Florian Inc.
Z. Kimberly-Clark
AA. Kiwi Brands Inc.
AB. KMS Haircare
AC. Marquez Brothers - Mexican Imports, Inc.
AD. Nabisco Foods Group
AE. Neoteric Cosmetics, Inc.
AF. Nexxus Products Company
AG. Orly International Inc.
AH. Patterson Frozen Foods
AI. Pro-Line Corporation
AJ. Qualis Inc.
AK. Raani Corporation
AL. Randall International
AM. Reckitt & Colman
AN. Rockview Farms
AO. Ruiz Food Products, Inc.
AP. St. Ives Laboratories, Inc.
AQ. Starwest Botanicals, Inc.
AR. Steinfeld's Western Acres
AS. Swiss Dairies, Inc.
AT. The Dial Corporation
AU. Vita-Pakt Citrus Products
AV. Barton Brands of California
AW. RossAn Laboratories Inc.
AX. Concept Now Cosmetics
AY. Timber Crest Farms
AZ. Mist Company
BA. DLC Enterprise
BB. Premiere Products, Inc.
BC. RGA Research
BD. Freeman Cosmetic Corp.
BE. Dawn Food Products, Inc.
BF. Cantisano Foods, Inc.

ATTACHMENT AV

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Barton Brands of California, Inc. #035
P.O. Box 6263
Carson, CA 90749-6263

Reported Actions Underway: Food (Distilled Spirits)

Barton Brands has been informed by their container manufacturer that they are working towards meeting the 10 percent source reduction.

Actions Reported as Not Feasible and Reasons:

Federal law prohibits the reuse or refill of containers of distilled spirits.

Staff Analysis:

Barton Brands is a product manufacture of distilled spirits. Barton Brands has been informed by their container manufacturer that it has targeted source reduction and plans to reduce the weight of the container to meet compliance with California's law by January 1, 1997.

Staff Recommendation: Approve

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: RossAn Laboratories, Inc. #036
4802 Memphis Street
Dallas, TX 75207-5210

Reported Actions Underway: Cosmetics

RossAn will be requesting containers from their suppliers that meet California's requirements.

Actions Reported as Not Feasible and Reasons:

As a small business the company is limited to stock available from their suppliers.

Staff Analysis:

RossAn Laboratories is a small cosmetic manufacturer with total annual sales under $500,000. As a result cost of goods is over 60 percent of sales which leaves them with margins so small that they can only order stock containers. The company always orders green when possible but at times the premium cost of recycled containers is 40 percent more; this type of premium could easily cause a small business to close its doors. RossAn will continue to work with its suppliers to obtain containers that meet compliance for California's law. As a small business this is their only feasible action.

Staff Recommendation: Approve

ATTACHMENT AX

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Concept Now Cosmetics #013
P.O. Box 3208
Santa Fe Springs, CA 90670

Reported Actions Underway: Cosmetics

Concept Now Cosmetics will be requesting containers from their suppliers that meet California's requirements.

Actions Reported as Not Feasible and Reasons:

As a small business the company is limited to stock available from their suppliers.

Staff Analysis:

Concept Now Cosmetics is a small cosmetic manufacturer (distributor). The company has one eight ounce container with a small distribution in California. As a small business and based on the low level usage of the eight ounce container Concept is limited to ordering stock available for its suppliers. Concept Now will continue to work with its suppliers and request containers that meet compliance for California's law. As a small business this is their only feasible action.

Staff Recommendation: Approve

ATTACHMENT A1

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Timber Crest Farms #028
4791 Dry Creek Road
Healdsburg, CA 95448

Reported Actions Underway: Food

Timber Crest Farms will be requesting containers from their suppliers that meet California's requirements.

Actions Reported as Not Feasible and Reasons:

As a small business the company is limited to stock available from their suppliers.

Staff Analysis:

Timber Crest Farms is a small food product manufacturer. Due to the small quantity of plastic bottles ordered for its product the company must purchase from stock available. The company is currently taking efforts with their distributor to locate bottles that meet compliance for California's law. In addition the company is evaluating other distributors for bottles to meet compliance. As a small business this is their only feasible action.

Staff Recommendation: Approve

ATTACHMENT AZ

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Mist Company #031
20938 Bandera Street
Woodland Hills, CA 91364

Reported Actions Underway: Cosmetics

Mist Company will be requesting containers from their suppliers that meet California's requirements.

Actions Reported as Not Feasible and Reasons:

As a small business the company is limited to stock available from their suppliers.

Staff Analysis:

Mist Company is a small cosmetic manufacturer with two cosmetic formulas sold in eight ounce and sixteen ounce size bottles. Due to the small quantity of plastic bottles ordered the company must purchase from stock available. Mist Company will continue to work with its suppliers and investigate other suppliers to obtain containers that meet compliance for California's law. As a small business this is their only feasible action.

Staff Recommendation: Approve

ATTACHMENT BA

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: DLC Enterprises #051
7008 Marcelle Street
Paramount, CA 90723

Reported Actions Underway: Cosmetics

DLC Enterprises will be requesting containers from their suppliers that meet California's requirements.

Actions Reported as Not Feasible and Reasons:

As a small business the company is limited to stock available from their suppliers.

Staff Analysis:

DLC Enterprises is a small cosmetic product manufacturer. Due to the small quantity of plastic bottles ordered for its product the company must purchase from stock available. The company is currently taking efforts with their supplier to locate bottles that meet compliance for California's law. In addition the company will be contacting other suppliers for containers that meet compliance. As a small business this is their only feasible action.

Staff Recommendation: Approve

ATTACHMENT BB

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Premiere Products, Inc. #042
10312 Norris Avenue, Suite C
Pacoima, CA 91331

Reported Actions Underway: Cosmetics

Premiere Products will be requesting containers from their suppliers that meet California's requirements.

Actions Reported as Not Feasible and Reasons:

As a small business the company is limited to stock available from their suppliers.

Staff Analysis:

Premiere Products is a small cosmetic product manufacturer. The company is attempting to reduce packaging and use recycled material when possible. Due to the small quantity of plastic bottles ordered for its product the company must purchase from stock available. The company is currently taking efforts with their suppliers to locate bottles that meet compliance for California's law. As a small business this is their only feasible action.

Staff Recommendation: Approve

ATTACHMENT BC

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: RGA Products, Inc. #091
P.O. Box 958
Sacramento, CA 95812-0958

Reported Actions Underway: Unclear

RGA will be working with its PET bottle manufacturers in testing the feasibility of using 25 percent postconsumer resin and the feasibility of source reducing PET materials by 10 percent.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

RGA is working with their current bottle manufacture testing the feasibility of using postconsumer resin and/or source reducing its PET containers by 10 percent in order to meet compliance by January 1, 1997.

Staff Recommendation: Approve

ATTACHMENT BD

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Freeman Cosmetic Corporation #092
10000 Santa Monica Blvd., Suite 400
Los Angeles, CA 90067

Reported Actions Underway: Cosmetics

Freeman Cosmetic Corporation is working with its current supplier to convert its bottles to contain 25 percent postconsumer resin.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Freeman Cosmetic Corporation is actively working with its container manufacturer to convert its eight ounce or larger bottles to contain 25 percent postconsumer resin. The first target launch is the third quarter of 1996. Review of the resin integrity and cost are in process. The remainder of Freeman products will be phased into compliance using 25 percent postconsumer resin by January 1, 1997.

Staff Recommendation: Approve

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Dawn Food Products, Inc. #093
2021 Micor Drive
Jackson, Michigan 49203-3487

Reported Actions Underway: Food

Dawn Food Products, Inc. is actively working with their current supplier to reduce the density of their pails by 10 percent.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Dawn Food Products, Inc. is working with their current supplier on redesigning their pails to meet the 10 percent source reduction. The pails are currently being tested for specifications on the reduced wall thickness, height and width measurements. Dawn's plans are to have full implementation of their source reduced pails by January 1, 1997.

Staff Recommendation: Approve

ATTACHMENT BF

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Cantisano Foods, Inc #095
815 West Whitney Road
Fairport, NY 14450-1030

Reported Actions Underway: Food

Cantisano Foods, Inc. is working with its container supplier to achieve a 10 percent source reduction to meet compliance.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Cantisano Foods, Inc. is a manufacturer of food products. Its food products are packaged in two types of containers; 64 ounce 90 gram containers 128 ounce 160 gram containers. The 64 ounce containers are both polyproylene and PVC containers, and the 128 ounce container is a polyproylene container.

The 64 ounce PVC container has already been source reduced by 10 percent and meets compliance. Cantisano's container supplier has informed Cantisano that it intends to achieve a 10 percent source reduction in the polyproylene containers to meet compliance by January 1, 1997.

Staff Recommendation: Approve

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Alba Naturals, Inc. #033
P.O. Box 40339
Santa Barbara, CA 93140

Reported Actions Underway:

Alba Naturals, Inc. is working with its current suppliers and will step up efforts to obtain containers that meet compliance through use of postconsumer resin.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Alba Naturals is a small company and only buy stock available (1,000 to 5,000 units). Alba has made numerous inquiries, but none of the suppliers they have contacted so far stock postcosumer containers. One supplier indicated it could provide a 75 percent postconsumer bottle, but only in quantities of 100,000. The company is making every effort to meet California's law by requesting containers that meet California's requirement. As a small company that orders stock available, this is the only action they have available to them.

Staff Recommendation: Approve

ATTACHMENT 3

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Alberto Culver #040
Curt Funke
2525 Armitage Avenue
Melrose Park, IL 60160

Reported Actions Underway: Food and Cosmetics

Alberto Culver has begun actions to meet compliance through source reduction.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Alberto Culver Company U.S.A. is a manufacturer of both food and cosmetics. They intend to be incompliance by January 1, 1997, by meeting the source reduction requirements. It intends to reduce the number of PVC bottles from seven to just three. The company is also going to apply corporate averaging across all containers to meet source reduction. Alberto Culver has invested in new tooling, molds, and parts for its filling lines. The source reduction projects are all expected to be completed by late 1996.

Staff Recommendation: Approve

ATTACHMENT C

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Aloe Labs, Inc. #060
P.O. Box 831
Harlingen, TX 78551

Reported Actions Underway: Cosmetics

Aloe Labs, Inc. is contacting its current suppliers and others for containers that meet compliance through either source reduction or use of postconsumer resin.

Actions Reported as Not Feasible and Reasons:

As a small business the company is limited to stock available from their suppliers.

Staff Analysis:

Aloe Labs., Inc. is a small company that utilizes stock containers from their suppliers (quantities of 5,000 or less). They are aware of California's RPPC program and are taking the only feasible option which is to request containers that meet compliance through postconsumer resin or source reduction.

Staff Recommendation: Approve

ATTACHMENT D

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Aloe Up, Inc. #064
P.O. Box 2913
Harlingen, TX 78551

Reported Actions Underway: Cosmetics

Aloe Up, Inc. is contacting current suppliers and others that will be able to provide containers that meet compliance through either source reduction or use of postconsumer resin.

Actions Reported as Not Feasible and Reasons:

As a small business the company is limited to stock available from their suppliers.

Staff Analysis:

Aloe Up, Inc. is a small company that utilizes stock containers from their suppliers (quantities of 5,000 or less). They are aware of California's RPPC program and are taking the only feasible option which is to request suppliers for containers that meet compliance through use of postconsumer resin or source reduction.

Staff Recommendation: Approve

ATTACHMENT E

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Asian Condiments & Spices, Ltd. #062
14455 Don Julian Road
City of Industry, CA 91746

Reported Actions Underway: Food

Asian Condiments & Spices is contacting current suppliers and others that will be able to provide containers that meet compliance through either source reduction or use of postconsumer resin.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Asian Condiments & Spices, Ltd., is currently working with their suppliers to obtain containers that meet the requirements of Calfiornia's RPPC law. It is not sure at this time which option it will be, but will continue to work with suppliers for containers that meet compliance by January 1, 1997.

Staff Recommendation: Approve

ATTACHMENT F

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Carme' #012
Michael L. Bate
84 Galli Drive
Novato, CA 94949

Reported Actions Underway: Cosmetics

Carme' will meet compliance through source reduction by redesigning and light weighting the containers. The redesign of the containers will reduce the resin by 25 percent. Thirty to forty percent of the company's product will be in the new packaging by April 1996 and the remainder will be placed in production by the end of 1996.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Carme' Internation is a manufacturer of cosmetics. Through a complete redesign of their containers Carme' has indicated that they will be in compliance through source reduction by January 1, 1997.

Staff Recommendation: Approve

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Christopher Ranch #045
305 Bloomfield Avenue
Gilroy, CA

Reported Actions Underway: Food

Christopher Ranch's 3-lb and 5-lb containers have been light-weighted by 10 percent. The company's 1-lb container is being evaluated for a reduction of at least 10 percent.

Actions Reported as Not Feasible and Reasons:

FDA has not approved use of postconsumer in containers used for whole peeled garlic.

Staff Analysis:

Christopher Ranch is both a grower/shipper of fresh produce and a food product manufacturer. They are currently taking the necessary steps to meet compliance by January 1, 1997, through source reduction.

Staff Recommendation: Approve

ATTACHMENT H

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Conair Corporation #057
1 Cummings Point Road
Stamford, Connecticut 06904

Reported Actions Underway: Cosmetics

Conair will be implementing, where feasible, 25 percent postconsumer material for new cosmetic packaging as they are introduced in 1996 and will be phasing in 25 percent postconsumer containers for existing products throughout 1996.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Conair is a product manufacturer of cosmetics. They have indicated that they intend to be in compliance by January 1, 1997, by utilizing 25 percent postconsumer material in all of their plastic containers.

Staff Recommendation: Approve

ATTACHMENT I

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: C.G. Roxane Crystal Geyser #018
Mr. Jean-Piere Gagneux
1210 South Highway 395
Olancha, CA 93549

Reported Actions Underway: Food (Water Bottler)

The PET containers produced by Crystal Geyser Roxane meet compliance through source reduction as January 1, 1995.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Crystal Geyser Roxane is a food manufacturer. Through redesign of the extrusion molding process Crystal has already source reduced their containers by 10 percent and are in compliance.

Staff Recommendation: Approve

ATTACHMENT J

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Darigold #044
635 Elliot Avenue West
Seattle, WA 98119

Reported Actions Underway: Dairy

All Darigold cottage cheese, yogurt, sour cream, whipped butter and ice cream containers (except for pint size ice cream) currently meet the 10 percent source reduction compliance. The manufacturers of Darigold's pint size ice cream container is in the process of requesting "non-objection" letter from FDA to allow use of postconsumer plastic. Darigold is awaiting approval from FDA on use of postconsumer for milk packaging. Darigold will also expanding milk jug collection and recydling promotion efforts into areas of significant populations in northern California where it distributes milk in effort to meet a 45 percent recycling rate.

Actions Reported as Not Feasible and Reasons:

FDA has not approved use of postconsumer in milk jugs.

Staff Analysis:

Darigold is a product manufacturer of dairy foods. A large portion of their containers currently meet compliance through source reduction. Their container manufacturers are seeking FDA approval for use of postconsumer plastic in their pint size ice cream container and their milk jugs.

In order to increase the use of postconsumer plastic markets in California, Darigold is requesting Rehrig (a California manufacturer) to increase the use of postconsumer plastic in their plastic cases which are used for transporting dairy products.

Staff Recommendation: Approve

ATTACHMENT K

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Del Monte #009
John Pearson
P.O. Box 9004
Walnut Creek, CA 94598

Reported Actions Underway: Food

Del Monte will meet compliance through source reduction. Del Monte's 28 ounce bottle has been 10 percent source reduced as of August 1995, with production of its 14 and 40 ounce bottles at a 10 percent lighter weight beginning February 1996. Currently testing with their 64 ounce container.

Actions Reported as Not Feasible and Reasons:

Health, safety, and economic factors prevent the re-use of Del Monte's ketchup containers.

Staff Analysis:

Del Monte is a manufacturer of catsup packaged in rigid plastic containers. Their report indicates that all actions are being taken to be in compliance through source reduction by January 1, 1997.

Staff Recommendation: Approve

ATTACHMENT L

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: DEP Corporation #027
Linda Moffat
2101 East Via Arado
Rancho Dominguez, CA 90220-6189

Reported Actions Underway: Not clear if food or cosmetic

DEP Corporation is currently working with its blow molders to reduce gram weight by 10 percent for PET, HDPE, and PVC containers. It will utilize postconsumer PET and HDPE where possible. It is also converting molds to utilize PET resin.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

DEP does not indicate whether they are a manufacturer of food or cosmetics. DEP has indicated that it is working with its blow molders to reduce gram weight by 10 percent where possible and to utilize postconsumer where possible. All actions will be implemented by January 1, 1997, to be in compliance.

Staff Recommendation: Approve

ATTACHMENT M

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Dionis Goats Milk Soap, Inc. #024
P.O. Box 5142
Charlottesville, VA 22905

Reported Actions Underway: Cosmetics

Dionis Goats Milk Soap, Inc. is working with its current suppliers and others for containers that meet compliance through either source reduction or use of postconsumer resin.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Dionis is a small company with wholesale sales amounting to only $250,000 and as such is limited to buying containers in small or stock quantities (1,000 to 5,000 units). They currently purchase and use containers with postconsumer material whenever available and are making every effort to meet California's law by requesting containers that meet California's requirement. As a small company that orders stock available, this is the only action they have available to them.

Staff Recommendation: Approve

ATTACHMENT N

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Elm Packaging #029
Allen R. Kidd
2300 Raymer Drive
Fullerton, CA 92633

Reported Actions Underway: Food (Egg-Cartons)

Elm Packaging has submitted a letter of non-objection to FDA for use of up to 40 percent postconsumer polystyrene. It expects a favorable ruling in time to allow Elm Packaging to meet compliance with the 25 percent postconsumer by January 1, 1997.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Elm Packaging produces hinged-lid egg cartons from polystyrene. They have submitted a letter of non-objection to FDA for the use of postconsumer up to 40 percent. Other egg packaging producers have received similar rulings from the FDA.

Staff Recommendation: Approve

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Estee Lauder Inc. #056
Research Park
125 Pinelawn Road
Melville, NY 11747

Reported Actions Underway: Cosmetics

Estee Lauder has contacted its packaging manufacturers to determine their use of both pre and postconsumer material. It is performing and will continue to perform testing of postconsumer packaging to determine its acceptability in Estee Lauder products.

The company is evaluating packaging in flexible plastic tubes for source reduction and is also investigating thinner-walled and reduced packaging opportunities for new and existing products.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Estee Lauder is a product manufacturer of cosmetics. Its products are packaged in approximately 30 different types of containers. It is currently testing recovered and recycled PET and HDPE containers for their plastic packaging. It is also source reducing by thin-walling and reduced packaging where possible. The company will continue these activities to meet a successful implementation of either reduced packaging or the use of postconsumer content to meet compliance by January 1, 1997.

Some of the company's packages may be changed to flexible containers, thereby eliminating them from RPPC program requirements. Any resulting source reduction created by switching to flexible containers may be credited to rigid containers.

Staff Recommendation: Approve

ATTACHMENT P

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Flavurence Corporation #006
Bill Geller
1916 Tubeway Avenue
Commerce, CA 90040

Reported Actions Underway: Food

Flavurence Corporation is working with its container manufacturers in developing a thinner bottle to come into compliance through source reduction.

Actions Not Feasible and Reasons:

Use of postconsumer plastic has not yet received FDA approval for use with their product.

Staff Analysis:

Flavurence Corporation is a food flavor manufacturer. Flavurence is currently working with its bottle and container suppliers for thinner and lighter weight containers which will meet compliance through source reduction.

Staff Recommendation: Approve

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Gena Laboratories Inc. #037
P.O. Box 380459
Duncanville, TX 75138

Reported Actions Underway: Cosmetics

Gena Laboratories is contacting its current suppliers and others that will be able to provide containers that meet compliance through either source reduction or use of postconsumer resin.

Actions Reported as Not Feasible and Reasons:

As a small business the company is limited to stock available. If suppliers will not provide containers that meet compliance, it makes compliance impossible.

Staff Analysis:

Gena Laboratories is a small cosmetic company located in Texas. As a small company they are limited to stock available their only feasible option is to continuing requesting containers that will meet compliance for California by January 1, 1997.

Staff Recommendation: Approve

ATTACHMENT R

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Georgette Klinger Skin Care #038
Lawrence Farber
19 Empire Boulevard
So. Hackensack, NJ 07606

Reported Actions Underway: Cosmetics

Georgette Klinger intends to be in compliance by using 25 percent postconsumer resin. Their current container manufacturer is actively working to obtain postconsumer resin. The company has also contacted a resin manufacturer that is working on an alternate plastic to use recycled plastic in cosmetic containers.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Garget Klinger is a manufacturer of skin care cosmetics. They intend to be in compliance by January 1, 1997 by using 25 percent postconsumer material.

Staff Recommendation: Approve

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Great Brands of Europe Inc. #047
500 Westputman Avenue
Greenwich, CT 06830

Reported Actions Underway: Food (Bottled Water)

Great Brands is taking actions to be in compliance through source reduction. Where the company uses PVC containers they will be switching to PET containers to obtain further source reduction and provide a more recyclable resin. They are also testing new PET preforms for further source reduction.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Great Brands of Europe is a sales and marketing organization. They are the exclusive importer into the US of the Evian, Volvic and Northern Crystal brands of bottled water. The majority of their product will be incompliance through source reduction by January 1, 1997. They are continuing all efforts to be in full compliance through source reduction by January 1, 1997.

Staff Recommendation: Approve

ATTACHMENT T

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Harmony Laboratories, Inc. #023
P.O. Box 39
Landis, N.C.

Reported Actions Underway: Cosmetics

Harmony Laboratories is contacting its current suppliers and others to obtain containers that meet compliance through either source reduction or use of postconsumer resin.

Actions Reported as Not Feasible and Reasons:

Safety concerns with the use of postconsumer material make this approach unfeasible at this time. They will continue to work with suppliers in this area.

Staff Analysis:

Harmony Laboratories is a small cosmetic company located in North Carolina. As a small company they are limited to stock available, their only feasible option is to continue requesting containers that will meet compliance for California by January 1, 1997.

Staff Recommendation: Approve

ATTACHMENT U

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: HDS Cosmetics Lab #058
111 Calvert Street
Harrison, NY 10528

Reported Actions Underway: Cosmetics

HDS has begun working with its container supplier for a container which will meet California's requirements through source reduction or postconsumer resin.

Actions Reported as Not Feasible and Reasons: None

HDS has contacted all of the major suppliers in the US and have not been able to find a supplier that has a container that meets their needs. They have begun working with their current supplier in Italy to obtain a container that will meet California's requirement for either source reduction or postconsumer resin.

Staff Analysis:

HDS Cosmetics is a small distributor of therapeutic skin care products. The packaging consists of bottles and tubes ranging in size from .5 to 16 ounces. Less than 10 percent are packaged in 8 and 16 ounce sizes.

The company cannot afford to have custom molds made. HDS is a small business, initial capital for a mold is between $24,000 and $50,000 each and minimum volumes are often hundreds of thousands of pieces. As a small business cannot afford the initial outlay, and do not order in large volumes. When ordering from suppliers, are limited to available stock. By ordering containers that meet California's compliance requirements the company is taking the only feasible action available to it.

Staff Recommendation: Approve

ATTACHMENT V

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: HFI Laboratories #066
15A Koch Service Road
Corte Madera, CA 94925

Reported Actions Underway: Cosmetics

HFI Laboratories is contacting its current suppliers and others that will be able to provide containers that meet compliance through either source reduction or use of postconsumer resin.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

HFI Laboratories has only one five gallon container that is sold with their name on the label as the product manufacturer. HFI also produces and packages other products, but these cosmetics identify another company as the product manufacturer. HFI will let these customers know of California's requirements. HFI will continue to seek containers to meet compliance by January 1, 1997.

Staff Recommendation: Approve

ATTACHMENT W

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: J.K. Pharmaceuticals, Inc. #034
Joseph P. Knipper
1645 Oak Street
Lakewood, NJ 08701

Reported Actions Underway: Cosmetics

Most of J. K. Pharmaceuticals products are exempt as they are pharmaceutical, although it does produce a conditioning shampoo which is sold in California. Their container manufacturer has agreed to obtain and supply containers using 25 percent postconsumer resin.

Actions Reported as Not Feasible and Reasons: None

J. K. Pharmaceuticals, Inc. primarily produces products which are exempt from the program, although they do produce a conditioning shampoo that is packaged in an 8 ounce container. J.K. Pharmaceuticals bottle supplier has indicated that it will obtain a container using 25 percent postconsumer material from a subcontractor or independent contract to meet compliance by January 1, 1997.

Staff Recommendation: Approve

ATTACHMENT X

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: John Frieda #020
James Federici
57 Danbury Road
Wilton, CT 06897-4439

Reported Actions Underway: Cosmetics

John Frieda is continuing its efforts to be in compliance through use of postconsumer resin. It is also eliminating plastic packaging where possible.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

John Frieda is a manufacturer of hair care products. They are currently working with bottle manufacturers to meet compliance by January 1, 1997, by using 25 percent postconsumer material in their containers. They have also eliminated plastic packaging and have redesigned for use of cardboard in place of plastic. These containers are not regulated by the RPPC program.

Staff Recommendation: Approve

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Kerstin Florian Inc. #053
15375 Barranca Parkway, Suite A-104
Irvine, CA 92718

Reported Actions Underway: Cosmetics

Kerstin Florian Inc. is contacting its current suppliers and others that will be able to provide containers that meet compliance through either source reduction or use of postconsumer resin.

Actions Reported as Not Feasible and Reasons:

As a small business they are limited to stock available. If suppliers will not provide containers that meet compliance, it makes compliance impossible.

Staff Analysis:

Kerstin Florian is a small manufacturer of cosmetic products. As a small company they are limited to stock available. Their only feasible option is to continue requesting containers that will meet compliance for California by January 1, 1997. One supplier has informed Kerstin that they do source bottles that comply if purchase quantities justify the manufacturers minimum production runs (normally units of 100,000 or more). They did indicate that they would try to assist in combining runs when ever possible. Another supplier provided Kerstin with similar information.

Staff Recommendation: Approve

ATTACHMENT 2

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Kimberly-Clark #026
Fred W. Shaffer
401 North Lake Street
Neenah, Wisconsin 54957-0349

Reported Actions Underway: Cosmetics

Kimberly-Clark will be in compliance through source reduction by replacing its tubs to a flexible packaging which holds 160 wipes as opposed to 80 wipes.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Kimberly-Clark is the product manufacturer of Huggies Baby Wipes. Kimberly-Clark has indicated that they will replace their rigid tubs with a flexible package which holds 160 wipes as opposed to 80 wipes. If so, they will no longer be regulated by the RPPC program.

Staff Recommendation: Approve

ATTACHMENT AA

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Kiwi Brands Inc. #055
Division of Sara Lee Corp.
447 Old Swede Road
Douglassville, PA 19518-1239

Reported Actions Underway: Cosmetics

Kiwi Brands Inc. is attempting to reduce the container weight by 10 percent and have also identified a resin supplier of postconsumer HDPE which is being evaluated for compatibility for use with their product.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Kiwi Brands Inc. produces a cosmetic product which is sold in an 8 ounce container. They are taking steps to reduce the container by 10 percent and are also evaluating the use of postconsumer material. They will continue these efforts in order to achieve compliance by January 1, 1997.

Staff Recommendation: Approve

ATTACHMENT AB

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: KMS #010
Greg Halcomb
4712 Mountain Lakes Blvd.
Redding, CA 96003

Reported Actions Underway: Cosmetic

KMS is currently researching both source reduction and postconsumer (through multilayer) to meet compliance by January 1, 1997. The final decision on which option to use will depend on performance of the container in testing, aesthetics, and cost.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

KMS is a manufacturer and distributor of hair care products. They are currently testing source reduction and use of postconsumer material in a multilayer container. The option they choose will depend on performance of the container in testing. Once testing is complete and the decision is made they will purchase containers that meet compliance on or before January 1, 1997.

Staff Recommendation: Approve

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Marquez Brothers #043
Mexican Imports, Inc.
612 W. 5th Street
Hanford, CA 93230

Reported Actions Underway: Food

Marquez Brothers is taking action through source reduction and use of postconsumer resin. The company is continuing to work with container manufacturers to obtain containers that are FDA approved for use of postconsumer material.

Actions Reported as Not Feasible and Reasons:

The container manufacturer has contacted their suppliers and has not yet found a postconsumer resin that has received final FDA approval for their 3-1/2 gallon food pail.

Staff Analysis:

Marquez Brothers is a manufacturer of food products. It uses 8 ounce, 15 ounce, 16 ounce, 32 ounce jars, and a 3-1/2 gallon container for their food products. The 8 ounce and 15 ounce containers will be in compliance through source reduction. Their container manufacturers are in the process of developing containers which will comply with the regulations (for the remaining containers) and also meet FDA guidelines through source reduction or postconsumer content. Marquez Brothers will start using such containers as soon as they become available. They will take every effort to be in compliance by January 1, 1997.

Staff Recommendation: Approve

ATTACHMENT AD

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Nabisco Foods Group #007
Charles J. Bennett, Ph.D.
7 Campus Drive
P.O. Box 311
Parsippany, NJ 07054-0311

Reported Actions Underway: Food

Nabisco Foods Group is working on continuing efforts toward source reduction. It is testing and experimenting for use of postconsumer and will use postcónsumer resin where experiments allow. Nabisco is also supporting use of postconsumer plastic through negotiations with their resin suppliers and ongoing R&D with new materials.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

A number of Nabisco food containers are currently in compliance through source reduction. Nabisco is continuing negotations with their resin suppliers to find suitable postconsumer resin and are involved in ongoing R&D with new materials. Nabisco will continue to take all efforts to be in compliance by January 1, 1997.

Staff Recommendation: Approve

2W

ATTACHMENT AE

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Neoteric Cosmetics Inc. #005
4880 havana Street
Denver, CO 80239

Reported Actions Underway: Cosmetics

Neoteric Cosmetics is working with its current suppliers to obtain containers that meet compliance through source reduction or use of postconsumer resin.

Actions Reported as Not Feasible and Reasons:

As a small business the company is limited to stock available from their suppliers.

Staff Analysis:

Neoteric Cosmetics Inc, is a small company and only buys in small quantities or stock available (1,000 to 5,000 units). Alba has made numerous inquiries, but none of the suppliers they have contacted so far stock postcosumer containers. The company is making every effort to meet California's law by requesting containers that meet California's requirement. As a small company that orders in small quantities or stock available, this is the only action they have available to them.

Staff Recommendation: Approve

ATTACHMENT AF

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Nexxus Products Company #067
P.O. Box 1274
Santa Barbara, CA 93116

Reported Actions Underway: Cosmetics

Nexxus plans to achieve compliance through both source reduction and use of postconsumer resin. PVC and PET containers are being designed to source reduce by 10 percent. HDPE containers will be split 50/50 colored and clear, utilizing the averaging method. The colored containers will use 50 percent postconsumer material

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Nexxus Products Company purchases its products and containers through St. Ives Laboratories. Compliance will be met by January 1, 1997 through both source reduction and the use of postconsumer resin. Source reduction will be met by redesigning PVC and PET containers. Use of postconsumer resin will be met in the HDPE containers by averaging colored and clear containers 50/50 and using 50 percent postconsumer in the colored containers.

Staff Recommendation: Approve

ATTACHMENT AG

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Orly International Inc. #041
9309 Deering Avenue
Chatsworth, CA 91311

Reported Actions Underway: Cosmetics

Orly Internationl has requested and is working with bottle manufacturers to obtain bottles containing up to 25 percent postconsumer material.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Orly International is a manufacturer of cosmetic products. The primary packaging consists of fraction ware glass, but the company uses a small percentage of rigid plastic containers. Orly anticipates using and obtaining bottles with 25 percent postconsumer material in the future to be in compliance by January 1, 1997.

Staff Recommendation: Approve

ATTACHMENT Att

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Patterson Frozen Foods, Inc. #021
Paul Fanelli
P.O. Box 114
Patterson, CA 95363-0114

Reported Actions Underway: Food

Patterson Frozen Foods contacted its current supplier in January 1995, to determine level of compliance by January 1, 1997, either through source reduction or postconsumer resin. In September 1995 Patterson began contacting other suppliers for containers that are currently in compliance or will be in compliance by January 1, 1997.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Patterson Foods is a manufacturer of frozen foods. It has not indicated what method it will be in compliance by January 1, 1997. Patterson Foods is working with their current supplier and other suppliers to make sure they are provided containers that are in compliance.

Staff Recommendation: Approve

ATTACHMENT AI

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Pro-Line #032
Douglas J. Mark
2121 Panoramic Circle
Dallas, TX 75212

Reported Actions Underway: Cosmetics

Pro-Line is currently working and will continue to work with container manufacturers to meet compliance through source reduction. Where source reduction is not feasible due to damaging the integrity of the container, Pro-Line will pursue the use of postconsumer resin.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Pro-Line Corporation is a manufacturer of cosmetics. It is continually working with and monitoring its suppliers for containers that will be in compliance by January 1, 1997, through source reduction and postconsumer use.

Staff Recommendation: Approve

ATTACHMENT AJ

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Quails Inc. #046
4600 Park Avenue
Des Moines, Iowa 50321

Reported Actions Underway: Cosmetics

Quails Inc. is verifying with container manufacturers that containers meet FDA approval for use of postconsumer material. The company is performing stability testing to determine if postconsumer plastic will provide adequate protection against product damage.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Quails Inc. is a small privately owned business comprised of blending and filling of liquid products. A majority of its products are private label contracts, over-the-counter drugs, pesticides, and medical devices which are exempted from the RPPC program. The company is taking all efforts to meet compliance for its cosmetic products subject to the RPPC program by January 1, 1997, through use of postconsumer resin.

Staff Recommendation: Approve

ATTACHMENT AK

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Raani Corporation #061
5401 W. 65th Street
Bedford Park, IL 60638

Reported Actions Underway: Cosmetics

Raani Corporation is contacting its current suppliers and others that will be able to provide containers that meet compliance through either source reduction or use of postconsumer resin.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Raani Corporation is a small company that utilizes stock containers from their suppliers (quantities of 5,000 or less). They are aware of California's RPPC program and are taking the only feasible option which is to request suppliers for containers that meet compliance through use of postconsumer resin or source reduction. They currently purchase containers with postconsumer material whenever available.

Staff Recommendation: Approve

ATTACHMENT AL

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Randall International #054
2728 Loker Avenue West
Carlsbad, CA 92008

Reported Actions Underway: Cosmetics

Randall International's one gallon containers have been source reduced by 10 percent. Randall has contacted all of their container suppliers and others requesting samples of containers with postconsumer material. If feasible they will use the containers.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Randall International is a cosmetics and over-the-counter drug company. A small percentage of their cosmetic line is sold in California. While their name does not appear on the container, Randall International packages the product and provides it to their clients, who in turn put their name on the label. Randall International has submitted the report on behalf of its clients: Garden Botanika, Hotel Del Coronado, Marriot Desert Springs Resort, and Sonoma Mission Inn. Randall is currently taking and will continue to take all efforts to make sure its clients are in compliance by January 1, 1997.

Staff Recommendation: Approve

ATTACHMENT AM

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Reckitt Colman #017
Janet M Wengler
225 Summit Avenue
Montvale, NJ 07645-1575

Reported Actions Underway: Food & Household Products

Reckitt Colman intends to be in compliance by applying the corporate averaging method, averaging the non-food container (which use more than 25 percent postconsumer resin) with the food containers. They are also pursuing source reduction of some of the food containers.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Reckitt and Colman is a manufacturer of both food and cosmetics. They intend to meet compliance by January 1, 1997 by applying the corporate averaging method across their household and cosmetic products. Ninety-two percent of their household containers currently contain at least 25 percent postconsumer and their PET containers contain 100 percent postconsumer.

Staff Recommendation: Approve

ATTACHMENT AN

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Rockview Farms #048
7011 Stewart & Gray Road
P.O. Box 688
Downey, CA 90241

Reported Actions Underway: Dairy

Rockview Farms is working closely with its container manufacturer to achieve source reduction. The company will also continue to work with its container manufacturer to test new containers that meet the requirements of the RPPC program. Rockview will also work with container manufacturers as technology develops for improvement in the use of postconsumer material in food and dairy containers.

Actions Reported as Not Feasible and Reasons:

The Food and Drug Administration has not issued a letter of non-objection for the use of postconsumer resin in plastic milk containers. The customers health and safety is absolute.

Staff Analysis:

Rockview Farms is a small family owned dairy business. Rockview processes and packages raw milk. The company also processes fruit punch and occasionally orange juice from concentrate. The only rigid plastic container used is the one gallon HDPE milk jug container. The safety of consumers is the issue of utmost concern to Rockview. Because of FDA concerns and barriers with the use of postconsumer material in milk containers Rockview is directing its efforts to maximize source reduction by January 1, 1997, and is continuing these efforts with its container manufacturer.

Staff Recommendation: Approve

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Ruiz Food Products, Inc. #049
P.O. Box 37
Dinuba, CA 93618-0037

Reported Actions Underway: Food

Ruiz Food Products, Inc is taking all actions to be in compliance through source reduction. It is currently working with and will continue to work with packaging containers to find options to bring packaging into compliance by January 1, 1997.

Actions Reported as Not Feasible and Reasons:

Due to safety and liability concerns the use of postconsumer is not feasible.

Staff Analysis:

Ruiz Food Products, Inc., is an independent, family owned food product manufacturer. They produce 231 products but only five of their products are packaged in two different rigid plastic containers. One of the two containers is currently in compliance through source reduction. The company is currently working with their container supplier and others to bring the other rigid plastic container in compliance by January 1, 1997.

Staff Recommendation: Approve

ATTACHMENT A P

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: St. Ives Laboratories, Inc. #019
Kara Rossi
9201 Oakdale Avenue
Chatsworth, CA 91311

Reported Actions Underway: Cosmetics

St. Ives Laboratories will achieve compliance through both source reduction and use of postconsumer resin. They are designing PVC and PET containers to source reduce by 10 percent. They are utilizing the averaging method with HDPE containers by using 50 percent postconsumer resin in their colored containers and 50 percent of their containers (clear containers) will be virgin resin.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

St. Ives is a manufacturer of cosmetic products. St. Ives intends to be in compliance by January 1, 1997, through both source reduction and the use of postconsumer material. Source reduction will be achieved by redesigning of the PVC and PET containers. The use of postconsumer plastic will be met in their HDPE containers by averaging colored and clear containers 50/50 and using 50 percent postconsumer resin in the colored containers.

Staff Recommendation: Approve

ATTACHMENT AQ

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Starwest Botanicals #015
Daniela E. Ernst
11253Trade Center Drive
Rancho Cordova, CA 95742

Reported Actions Underway: Food & Cosmetics

Starwest Botanicals is working with its container manufacturers to meet compliance through source reduction.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Starwest Botanicals is a manufacturer of natural cosmetic and food products. They have indicated that they are not currently in compliance but will be in compliance by January 1, 1997 through source reduction.

Staff Recommendation: Approve

ATTACHMENT AR

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Steinfeld's Products Company #022
10001 N. Rivergate Blvd.
Portland, OR 97203-6596

Reported Actions Underway: Food

Steinfeld's is currently pursuing testing in source reduction of its one gallon container. The company is working with its container suppliers to obtain mustard jars and five gallon buckets that will meet compliance.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Steinfeld's is a food manufacturer of pickles, relishes, mustard and sauerkraut. Their products are packaged in nine ounce, sixteen ounce, one gallon and five gallon containers. It is currently testing its one gallon container for source reduction and is continually working with its suppliers, with its other containers, to obtain containers that will meet compliance through source reduction and/or averaging.

Staff Recommendation: Approve

ATTACHMENT A5

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Swiss Dairy #065
12161 Madera Way
Riverside, CA

Reported Actions Underway: Dairy

Swiss Dairy is working closely with its container manufacturer to achieve source reduction. The company will also continue to work with its container manufacturer to test new containers that meet the requirements of the RPPC program. Swiss Dairy will also work with container manufacturers as technology develops for improvement in the use of postconsumer material in food and dairy containers.

In early 1996 Swiss Dairy's container manufacturer is installing, on-site at Swiss Dairy, HDPE blow mold machinery. The machinery will be state of the art where the possibility exists to achieve further source reduction. The containers produced on-site will be subject to less transportation damage. The containers will go directly to the fill lines with little or no potential for damage resulting in a significant reduction in waste.

Actions Reported as Not Feasible and Reasons:

The Food and Drug Administration has not issued a letter of non-objection for the use of postconsumer resin in plastic milk containers. The customers health and safety is absolute.

Staff Analysis:

Swiss Dairy is a small family owned dairy business. Swiss processes and packages raw milk. The only container used is the one gallon HDPE milk jug container. The safety of consumers is the issue of utmost concern to Swiss. Because of FDA concerns and barriers with the use of postconsumer material in milk containers Swiss is directing its efforts to maximize source reduction by January 1, 1997, and is continuing these efforts with its container manufacturer.

Staff Recommendation: Approve

ATTACHMENT AT

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Dial Corporation #016
Michele Herrity
15101 North Scottsdale Road
Scottsdale, Arizona 85254-2199

Reported Actions Underway: Cosmetics & Food

Approximately 25 percent of Dial's cosmetic products are already packaged in RPPCs using 25 percent postconsumer resin. Will continue efforts to be in full compliance with all containers by January 1, 1997 through use of postconsumer resin.

Actions Reported as Not Feasible and Reasons: None

Staff Analysis:

Dial Corporation is a manufacturer of both food and cosmetics. The food division only has one product packaged in a RPPC, which Dial is planning to discontine in 1996. Twenty-five percent of Dial's cosmetic products are currently packaged using 25 percent postconsumer. Dial intends to continue their efforts to be in full compliance by January 1, 1997, through 25 percent postconsumer content.

Staff Recommendation: Approve

ATTACHMENT AU

RIGID PLASTIC PACKAGING CONTAINER PROGRAM
COMPLIANCE REPORTS FROM FOOD AND COSMETIC MANUFACTURERS

-STAFF ANALYSIS AND RECOMMENDATIONS-

Company: Vita-Pakt #011
Larry Pabis
707 N. Barranca
Covina, CA 91723

Reported Actions Underway: Food (Juice Products)

Vita-Pakt is currently purchasing source reduced containers and will continue efforts in source reduction to meet compliance with the program.

Actions Reported as Not Feasible and Reasons:

There has been no FDA approval for use of postconsumer in their food containers.

Staff Analysis:

Vita-Pakt produces juice products. Packaging used for their containers includes HDPE and PET. Their main supplier of HDPE bottles has indicated that they have already source reduced by 10 percent since 1990 and are in compliance. Vita-Pakt has indicated that it will continue to make every effort to be in compliance by January 1, 1997.

Staff Recommendation: Approve

California Integrated Waste Management Board

JANUARY 24, 1996

AGENDA ITEM 25

ITEM: Consideration of Policy for Granting Reductions After Board Approval of Source Reduction and Recycling Elements

I. SUMMARY

How should the Board handle requests for retroactive reductions in the short-term (1995) diversion requirements that are submitted after the Board has approved a jurisdiction's Source Reduction and Recycling Element?

The Board has granted reductions in the short-term (1990-1995) planning and 25% diversion requirements to seven counties and sixteen cities. These jurisdictions each submitted a Petition for Reduction (PFR) to the Board requesting the reduction and justifying why they were unable to meet the 25% goal. Board staff reviewed each jurisdiction's PFR and subsequently presented it to the Board with a recommendation. Reductions were granted only to rural jurisdictions that met the criteria established by the Board in Title 14, California Code of Regulations (14 CCR) § 18755. All of these reductions were either granted prior to or concurrent with the Board's approval of the jurisdiction's Source Reduction and Recycling Element (SRRE).

Board staff recently received two PFRs of the 25% goal by jurisdictions which have submitted, and received Board approval of, their SRREs. Other jurisdictions have indicated they will also soon submit such PFRs. Each of these jurisdictions, in their Board approved SRREs, state that they will achieve the 25% goal and describe the programs which will be implemented to achieve this goal. By approving the SRREs, the Board, pursuant to Public Resources Code (PRC) § 41801, has adopted the element based on substantial evidence in the record that the city can achieve the mandated goals.

II. PREVIOUS COMMITTEE ACTION

The Local Assistance and Planning Committee is scheduled to consider the staff recommendations on the Policy for Granting Reductions After Board Approval of Source Reduction and Recycling Elements at its montly meeting on January 17, 1996. This item was prepared prior to the meeting, so the Committee's action regarding the recommendations will be presented at the Board meeting.

III. OPTIONS FOR THE BOARD

Board staff, in conjunction with staff counsel, have developed four scenarios which the Board may choose to consider in determining whether to grant short-term reductions, particularly since the short-term period is over. They are as follows:

(1) *Grant a retroactive reduction* in the short-term diversion requirements to qualifying jurisdictions who meet the recommended criteria when the PFRs are submitted by the jurisdiction.

(2) *Grant a retroactive reduction* in the short-term diversion requirements; however, wait until the 1995 disposal reporting data is available and the jurisdiction calculates whether it has achieved the disposal reduction goal. After reviewing this calculation, determine whether a reduction is necessary and if so, grant the reduction to qualifying jurisdictions who meet the recommended criteria.

(3) *Deny the PFR* for the short-term diversion requirements. The short-term period is over and the jurisdiction cannot change what was implemented in the short-term to meet the 1995 goal. Board staff can review the jurisdiction's 1995 disposal reduction calculations. If after reviewing this data and concluding that the jurisdiction has not met the 25% goal, Board staff could perform an analysis to determine whether the jurisdiction, given its rural circumstances, met the criteria set forth in the *CIWMP Enforcement Policy - Failure to Implement a SRRE* for making a good faith effort to meet the 25% goal.

This analysis would take into consideration whether the jurisdiction implemented all feasible programs to meet the goal, given its rural circumstances (economy, population, waste generation, and other factors affecting a rural jurisdiction's ability to meet the goals). Board staff may use criteria similar to that as outlined in the Board's *Policy for Granting Reductions in the 50% Diversion Requirement*. This criteria was designed to determine as nearly as possible whether a jurisdiction can meet the 50% diversion requirement and whether it has made a good faith effort to do so.

This analysis would also differentiate between those jurisdictions requesting a reduction due to rural conditions, or due to other factors which are not specific to rural jurisdictions (i.e., disposal reporting data, base-year inaccuracies).

(4) *Consider issuing a 2 year extension* in meeting the disposal reduction goal as allowed by PRC § 41787.4. The Board may grant a two year time extension from the diversion requirements to rural jurisdictions if specific conditions are met. One of these conditions requires the Board to adopt written findings that adverse market or economic conditions beyond the control of the rural jurisdiction prevent the jurisdiction from meeting the diversion requirements. However, the Board has not yet determined what qualifies as adverse market or economic conditions. This determination would require analysis of materials marketing and the economics of recycling in the various rural areas of the State.

IV. STAFF RECOMMENDATION

Staff recommend that the Board consider scenarios three and four

identified above in determining whether to grant any retroactive reductions in the short-term diversion requirements after the Board has approved a jurisdiction's SRRE.

Legally, there are no restrictions on when the Board may grant a PFR to a jurisdiction: a PFR can be approved either before or after a SRRE has been approved. However, by submitting a PFR after the SRRE has been approved, and after 1995, the jurisdiction will still have to meet the criteria of presenting substantial evidence in the record for the Board to consider. Staff believes meeting this standard means that each jurisdiction requesting a PFR after the Board approves its SRRE will need to justify why it could not meet the goals as indicated in its Board approved SRRE, identify new projections and the basis for the new projections, and identify what programs will be used to achieve the new projections.

If a jurisdiction significantly changes its projected numbers or adds new diversion programs, a revision of the jurisdiction's SRRE may be necessary.

V. ANALYSIS

Statutory and Regulatory Requirements for PFRs

PRC § 41780 requires each city and county to divert 25% of its solid waste from disposal by 1995 and 50% of its solid waste from disposal by the year 2000 through waste prevention, recycling and composting. PRC § 41782 allowed exceptions to be made to this mandate under specified circumstances for rural jurisdictions.

AB 688 (Sher), effective January 1, 1995, repealed PRC § 41782 and added PRC § 41787. This new section specified additional requirements for rural jurisdictions to be eligible to petition for reductions. In addition to small geographic size or low population density and small amount of waste generated, interested jurisdictions must now be implementing the following programs:

1. A source reduction and recycling program designed to handle the predominant classes and types of solid waste generated within the rural city or rural county.

2. A public sector diversion and procurement program.

3. A public information and education program.

AB 688 also added Sections 40183 and 40184 which define rural cities and counties, respectively. Jurisdictions must also now meet these criteria to be eligible to petition:

(a) An incorporated city which has a geographic area of less than three square miles, has a waste generation rate of less than 100 cubic yards per day, or 60 tons per day, and which is located in a rural area.

(b) An incorporated city which has a population density of less than 1,500 people per square mile, has a waste generation rate of less than 100 cubic yards per day, or 60 tons per day, which is located in a rural area.

(c) "Rural County" means any county which has a population of 200,000 or less and which is located in a rural area.

(d) For the purposes of these sections, the Board shall adopt regulations that define "rural area" in a manner that establishes criteria and conditions applicable only to cities and counties located in those areas of the state that are rural in character. Those criteria shall include, but are not limited to, the requirement that those cities and counties are located in agricultural or mountainous areas of the state and are geographically distant from markets for recyclable materials.

These provisions restrict the eligibility of a few small cities located in metropolitan areas. However, they also increase from 15 to 32 the number of rural counties that will be eligible to petition. This is because the limiting factor for counties will no longer be a maximum waste generation rate of less than 100 cubic yards per day or 60 tons per day, but a population limit of 200,000. The total number of remaining cities eligible to petition for a reduction is 145.

AB 440 (Sher), effective January 1, 1994, added an additional reduction related provision to the Uncodified Law. Section 17 of the Uncodified Law states the following:

(a) The Board may reduce the diversion requirements of Section 41780 for a portion of the unincorporated part of a county of the seventh class, as specified in Section 28028 of the Government Code, if the county demonstrates, and the Board concurs, based upon substantial evidence in the record, that the achievement of those diversion requirements is not feasible in that area due to both of the following circumstances:

(1) The low population density of the area.
(2) The small quantity of waste generated within the area.

(b) The Board shall establish alternative, but less comprehensive, requirements for the area if the Board grants a reduction in diversion requirements, which will ensure compliance with this division.

(c) Notwithstanding subdivision (a), it is the intent of the Legislature that any area that is granted a reduction in diversion requirements shall establish programs to meet the requirements of this division to the maximum extent possible.

For the purpose of this section, counties of the seventh class are defined in Section 28028 of the Government Code as those which contain a population of 650,000 and under 700,000.

14 CCR § 18775 outlines the procedures for submitting a PFR. It also describes the information required in the PFR and in annual progress reports.

Criteria For Granting Reductions in the 50% Diversion Requirements

The Board took a position in early 1990-1991 that petitions for reductions for the 50% goal year would not be considered by the Board at that time. The reason for this position was based on the fact that the 50% goal year (the year 2000) was more than 9 to 10 years away and it was premature to grant a petition that far in advance. Solid waste technology, market conditions and other factors could change in 9-10 years for a local jurisdiction. These changes could in fact enable a jurisdiction to actually meet the goals.

However, in October 1994, the Board approved a policy for granting reductions in the 50% medium term diversion requirements. This policy specified that the Board shall consider and act on PFRs in the 50% diversion requirement based upon an evaluation of a standard set of criteria. These criteria were designed to determine as nearly as possible whether a jurisdiction can meet the diversion requirement and whether it has made a good faith effort.

Statutory and Regulatory Requirements for Revising or Revoking PFRs

14 CCR § 18775(e) specifies that the Board may revise or revoke a reduction if necessary based upon information provided in a required annual report. Also, AB 688 (Sher) as codified in PRC § 41787(b) specifies that the Board shall issue an order requiring the rural city or county to comply with the diversion requirements of PRC § 41780, if a jurisdiction is no longer eligible for a reduction, for example, because of population growth.

Other Related Statutory and Regulatory Requirements

Measuring Goal Achievement: There are several steps in measuring diversion goal achievement. The following discussion will summarize the procedure used to determine goal achievement.

In the base-year (usually 1990), each jurisdiction determined the total amount of waste disposed and the total amount of waste diverted to calculate the total amount generated in the base-year. Using base-year generation amounts, jurisdictions will get credit for diversion that was occurring before the Integrated Waste Management Act, while basing the goals on base-year disposal amounts alone would not.

In 1995, jurisdictions will not measure the total amount generated, they will only measure disposal. But to determine whether the 25% goal has been met, one must compare the amount disposed in 1995 with an estimate of what is generated in 1995. Therefore the 1995 generation number must be calculated based on the base-year generation amount.

Since economics and population affect solid waste generation amounts, the base-year generation amount must be adjusted for these changes. The Board approved adjustment method (14 CCR Article 9.3) adjusts the base-

year generation amount to reflect 1995 conditions. The adjustment method yields an estimated 1995 generation amount, which is an estimate of how much solid waste was generated in a jurisdiction based on current economic and population indicators. It is the estimated 1995 generation amount that must be reduced by 25% to reach the statutory goal for 1995.

In 1995, the diversion goal is 25%. But in a disposal-based reporting system, the 25% diversion is not measured. Instead the 75% of disposal remaining is measured. The estimated 1995 generation tonnage is multiplied by 0.75, or 75%, to calculate the maximum allowable disposal for 1995. The maximum allowable disposal is the maximum amount of solid waste that a jurisdiction can dispose while still meeting the 25% diversion goal.

The disposal reporting system, as established by Board regulations (14 CCR Article 9.0), estimates the amount of waste disposed by each jurisdiction every year. The calculated maximum allowable disposal is compared to the measured disposal to determine if the goal has been achieved. The goal is met if the calculated maximum is greater than measured disposal.

Jurisdictions report all of the above information for Board review in their Annual Reports.

Failure to Implement a SRRE: PRC § 41825 requires that the Board, at least once every 2 years, review each jurisdiction's SRRE and HHWE. If, after a public hearing is held, the Board finds that the jurisdiction has failed to implement its SRRE or HHWE, the Board then issues an order of compliance with a specific schedule for achieving compliance. PRC § 41850 specifies that, if after holding a public hearing and issuing a compliance order, the Board finds that the jurisdiction has failed to meet the compliance order, the Board may impose administrative civil penalties upon the jurisdiction. This section also directs the Board, in determining whether or not to impose penalties and the amount of any penalties imposed, to consider specific circumstances such as the following:

(1) Natural disasters.
(2) Budgetary conditions within a city, county, or regional agency which could not be remedied by the imposition or adjustment of solid waste fees.
(3) Work stoppages which directly prevent a city, county, or regional agency from implementing its SRRE or HHWE.

In addition, the Board must consider the extent to which a jurisdiction has made good faith efforts to implement its SRRE or HHWE.

In response to this legislation, the Board adopted, in February 1995, the Countywide Integrated Waste Management Plan (CIWMP) Enforcement Policy Part II which establishes guidelines in determining whether a jurisdiction failed to implement a SRRE or HHWE. This document also establishes a penalty structure, should a jurisdiction fail to implement its SRRE or HHWE.

According to the CIWMP Enforcement Policy Part II, the Board must consider circumstances specific to rural jurisdictions such as market development obstacles, population density, waste generation rates, demographic and economic factors, and other factors affecting a rural jurisdiction's ability to meet the diversion requirements.

Two Year Time-Extension: AB 688 (Sher) added an additional relief provision for rural jurisdictions, PRC § 41787.4. This section states that the Board may grant a two year time extension from the diversion requirements of Section 41780 to a rural city, rural county, or rural regional agency if all of the following conditions are met:

(a) The Board adopts written findings, based on substantial evidence in the record, that adverse market or economic conditions beyond the control of the rural city, rural county, or rural regional agency prevent the rural city, rural county, or rural agency from meeting the diversion requirements.

(b) The rural city, rural county, or rural regional agency submits a plan of correction that demonstrates how it will meet the diversion requirements before the time extension expires, which includes the source reduction, recycling, and composting programs it will implement and states how those programs will be funded.

(c) The rural city, rural county, or rural regional agency demonstrates that it is achieving the maximum feasible amount of source reduction, recycling, or composting of solid waste within its jurisdiction.

PFR Analysis and Procedure

Upon receipt of a PFR, staff review and analyze the petition to determine the relative merit of a jurisdiction's request. In their review and analysis of PFRs, staff determine whether a jurisdiction is effectively implementing all feasible diversion programs and whether the jurisdiction is incapable of diverting more than it projects in the petition. Staff also evaluate a number of specific criteria related to wastestream composition, location of markets, volumes of recyclables, local staff and financial resources, current diversion programs, planned diversion programs, and the strength of the jurisdiction's effort. This has allowed the Board to consider and grant PFRs on a case-by-case basis.

Until now, the Board only considered PFRs submitted prior to or concurrent with Board consideration of the jurisdiction's SRRE. This allowed staff to incorporate the reduction into the consideration of the jurisdiction's SRRE. By approving the PFR before or concurrent to the SRREs, the Board, pursuant to Public Resources Code (PRC) § 41801, adopted the elements based on substantial evidence in the record that the city could not achieve the mandated goals; therefore, reduced goals were set.

The fact that these PFRs are being submitted during the latter part of, or after, 1995 may impact the decision of the Board to grant a reduction

for the short-term. Staff have determined that based on the PFR eligibility criteria for cities, there are 145 remaining cities which qualify to submit PFRs. Staff see the potential for other jurisdictions which have approved SRREs to submit PFRs in 1996 (after-the-fact) based on low numbers resulting from the disposal reporting data and based on the fact that they meet the rural criteria. This is why staff believe the policy decision from this case will set precedence to future PFRs.

As described previously, although jurisdictions may qualify to petition the Board for a reduction in the diversion requirements, the Board is not obligated to grant reductions to those jurisdictions.

If a jurisdiction submits a PFR after the SRRE has been approved, and after 1995, the jurisdiction will still have to meet the criteria of presenting substantial evidence in the record for the Board to consider. Staff believes meeting this standard means that each jurisdiction requesting a PFR after the Board approves its SRRE will need to justify why it could not meet the goals as indicated in its Board approved SRRE, identify new projections and the basis for the new projections, and identify what programs will be used to achieve the new projections.

The Board is required to consider the extent a jurisdiction has made a good faith effort to implement its SRRE. Good faith effort is shown when a jurisdiction has made all reasonable and feasible efforts to implement programs or activities that achieve progress toward reaching the 25% and 50% goals. Therefore, if the Board denies a PFR for the short-term diversion requirement, a jurisdiction will still be afforded the opportunity to show its good faith efforts toward implementing diversion programs and obstacles or difficulties encountered toward implementing those programs. And, if the Board issues a 2-year extension in meeting the disposal reduction goals, the Board would be required to prepare written findings on the specific conditions that were beyond the control of a local jurisdiction. The jurisdiction would be required to demonstrate its good faith efforts made toward achieving the goals as well.

Prepared by: Tabetha Willmon TW Phone: 255-2316

Reviewed by: Toni Terhaar/John Sitts TT JS Phone: 255-2304

Reviewed by: Lorraine Van Kekerix/Pat Schiavo LVK PS Phone: 255-2670

Reviewed by: Judith Friedman JF Phone: 255-2376

Legal Review: Elliot Block EB Date/time: 1/16/96

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
January 24, 1996

AGENDA ITEM 26

ITEM: CONSIDERATION OF FINAL DESIGNATION OF THE NORTHEASTERN CALIFORNIA RECYCLING MARKET DEVELOPMENT ZONE

I. SUMMARY

On February 22, 1995, the Board gave conditional designation to the Northeastern California Recycling Market Development Zone (RMDZ). The Northeastern California RMDZ consists of the cities of Alturas, Susanville, and Portola; and the Counties of Lassen, Modoc, and Plumas. The RMDZ designation was conditionally approved to allow the zone administrator time to comply with California Environmental Quality Act (CEQA) requirements. Lassen County Economic Development Department is the lead agency for purposes of zone administration. It has submitted a letter (Attachment #2) requesting final designation and a Notice of Determination (Attachment #3) indicating that CEQA requirements were met.

By regulation, conditionally designated zones must fulfill all conditions of approval prior to being granted final designation. After final designation, zones and businesses are eligible to receive program benefits, including RMDZ loans.

II. PREVIOUS COMMITTEE ACTION

At the time the Board agenda item was due, the Market Development Committee had not yet met. The results of the January 19, 1996, Market Development Committee will be presented at the Board meeting.

III. OPTIONS FOR THE BOARD

The Board may decide to:

1. Approve the staff recommendation
2. Not approve the staff recommendation

IV. STAFF RECOMMENDATION

Staff recommends that the Board approve the Northern California RMDZ request for final designation by adopting resolution #96-25.

V. ANALYSIS

Background

Title 14, California Code of Regulations (CCR), section 17911 requires conditionally designated zones to send the Board a formal request for final designation status upon meeting conditions of approval. To receive program benefits, such as low interest loans, zones must be granted final designation status.

Findings

Board staff in the Waste Characterization and Analysis Branch reviewed the Negative Declaration (ND) prepared by the Lassen County Environmental Review Officer dated October 24, 1995, and found that there are no outstanding issues concerning the ND. The Notice of Determination was filed with the Lassen County clerk on November 1, 1995. Therefore, the Northeastern California RMDZ has completed all conditions for final designation. The application is complete and has met the criteria for designation as set forth in 14 CCR, 17900-17914.

VI. ATTACHMENTS

1. Resolution #96-25
2. Northeastern California RMDZ Zone Administrator letter requesting final designation
3. Notice of Determination
4. CEQA Review Documentation Memo

VII. APPROVALS

Prepared by: Steven Boyd — Phone: 255-2446

Reviewed by: John R. Blue JRB 12/26/95 — Phone: 255-2451

Reviewed by: Carole Brow JRB for C.B 12/26/95 — Phone: 255-2426

Reviewed by: Daniel Gorfain DG 12/26/95 — Phone: 255-2320

Legal Review: [signature] — Date/Time: 1/9/96 12:00 noon

Attachment #1

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION #96-25

FOR FINAL DESIGNATION OF THE NORTHEASTERN CALIFORNIA RECYCLING MARKET DEVELOPMENT ZONE FOR DESIGNATION CYCLE 1994-95

WHEREAS, Public Resources Code sections 42010-42023 establish the Recycling Market Development Zone (RMDZ) Program for the development of Secondary Materials Business Enterprises; and

WHEREAS, Public Resources Code sections 40502 and 42013 grant the Board the authority to develop regulations describing the process for Recycling Market Development Zone application and designation; and

WHEREAS, in accordance with Title 14, California Code of Regulations (CCR), section 17910, designated zones must comply with California Environmental Quality Act (CEQA) requirements in order to receive final designation and be eligible for program incentives; and

WHEREAS, the Northeastern California RMDZ was granted conditional designation in February 1995; and

WHEREAS, the Northeastern California RMDZ has demonstrated compliance with CEQA and completed all requirements for final designation as a zone pursuant to regulatory requirements found in 14 CCR 17910-17911;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby grants final designation to the Northeastern California Recycling Market Development Zone.

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 January 24, 1996.

Dated:

Ralph E. Chandler
Executive Director

Attachment #2

3663

County of Lassen

Department of Community Development

• PLANNING • BUILDING INSPECTION • ECONOMIC DEVELOPMENT/HOUSING • LAFCO • CODE ENFORCEMENT • MINING

ROBERT K. SORVAAG, *Director*
JOSEPH J. BERTOTTI, *Assistant Director*
JIM KIRBY, *Building Official*
707 Nevada Street
Susanville, CA 96130

☎ (916) 251-8269
Fax: (916) 251-8373

Zoning & Building
Inspection Requests
☎ (916) 257-LAND

RECEIVED
NOV 17 1995
mig to Lit
CC to Exhibit file

November 14, 1995

Mr. Daniel Pennington, Chairman
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826

Dear Mr. Pennington,

The Northeastern California Recycling Market Development Zone has satisfied the conditions set forth in the Notification by demonstrating compliance with the California Environmental Quality Act. A copy of the filed Negative Declaration is attached.

I hereby apply on behalf of the Northeastern California RMDZ applicants for final designation as the Northeastern California Recycling Market Development Zone.

Sincerely,

Patrick J Landon
Zone Administrator

Attachment: Negative Declaration

cc: John Blue, Manager
RMDZ Program

Attachment #3

(Lassen County, 707 Nevada Street, Susanville CA. 96130), (916) 251-8269

NOV 01 1995

THERESA NACEL
LASSEN COUNTY CLERK
By _____ Dep.

NOTICE OF DETERMINATION

TO: ____ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

__X__ County Clerk
County of Lassen
Courthouse, Susanville, CA 96130

FROM:
Lassen County
707 Nevada St., Rm. 236
Susanville, CA 96130

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title: Northeastern California Recycling Market Development Zone

Contact Person Area Code/Number/Extension

Robert K. Sorvaag 916 251-8269

Project Location: Areas within the city/county jurisdictions of Lassen, Modoc, and Plumas Counties.

Project Description: A joint application to the California Integrated Waste Management Board for the designation of the Northeastern California Recycling Market Development Zone. The application is being made under the Recycling Market Zone Development program and will encompass the area within the city/county jurisdictions of Lassen, Modoc, and Plumas Counties. Participating jurisdictions will provide a menu of eleven incentives for recycling-based businesses to locate or to develop within the region.

This is to advise that Lassen County
[x] Lead Agency [ ] Responsible Agency
has approved the above described project on October 18, 1994 and has made the following determinations regarding the above described project:

1. The project ___ will, __X__ will not have a significant effect on the environment.
2. ____ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   __X__ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures ___ were, __X__ were not made a condition of the approval of the project.
4. A statement of Overriding Considerations ___ was, __X__ was not adopted for this project.
5. Findings __X__ were, ____ were not made pursuant to the provisions of CEQA.

This is to certify that the final ___ EIR, __X__ NEGATIVE DECLARATION with responses and record of project approval is available to the General Public at the Lassen County Department of Community Development, 707 Nevada Street, Susanville, CA 96130.

For Robert K. Sorvaag — 10-24-95 — Director of Community Development

Date — Title

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ATTACHMENT #4

State of California

California Environmental Protection Agency

MEMORANDUM

To: Carole Brow
Zone Administration Branch
Waste Prevention and Market Development

Date: December 20, 1995

From: _____
Patrick Schiavo, Manager
Waste Characterization & Analysis Branch
Diversion, Planning, and Local Assistance Division
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: REVIEW OF ENVIRONMENTAL DOCUMENTATION TO FULFILL CEQA REQUIREMENTS FOR FINAL RECYCLING MARKET DEVELOPMENT ZONE DESIGNATION FOR THE NORTHEASTERN CALIFORNIA RECYCLING MARKET DEVELOPMENT ZONE

California Integrated Waste Management Board (Board) staff have completed their review of the Negative Declaration (ND), Notice of Determination, and local government resolutions for the Northeastern California Recycling Market Development Zone (RMDZ), consisting of Lassen County, City of Susanville, Modoc County, City of Alturas, Plumas County, and the City of Portola. The resolutions designate the County of Lassen as lead applicant for the Northeastern California RMDZ.

Project Description

The Northeastern California RMDZ is a joint application to the Board for zone designation. The project will encompass the area within the city/county jurisdictions of Lassen, Modoc, and Plumas Counties. Participating jurisdictions will provide a menu of eleven incentives for recycling-based businesses to locate or to develop within the region.

Findings

Board staff finds there are no outstanding issues concerning the ND, NOD, or resolutions. Each jurisdiction agrees to designate the County of Lassen as the lead applicant for all zone-related documents. The County of Lassen agrees to execute the application and all related documents for the RMDZ.

Staff agree with the application's statement on page 122 of Section 5 that subsequent individual development projects under this RMDZ program may require further environmental review.

Should you have any questions regarding CEQA review, please contact Becky Shumway of my staff at 255-2401.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
January 24, 1996

AGENDA ITEM 27

ITEM: CONSIDERATION OF FINAL DESIGNATION OF THE SANTA BARBARA REGIONAL RECYCLING MARKET DEVELOPMENT ZONE

I. SUMMARY

On February 22, 1995, the Board gave conditional designation to the Santa Barbara Regional Recycling Market Development Zone (RMDZ). The Santa Barbara Regional RMDZ consists of the cities of Carpinteria, Lompoc, Santa Barbara, Santa Maria and Santa Barbara County. The Santa Barbara Regional RMDZ designation was conditionally approved to allow the zone administrator time to comply with California Environmental Quality Act (CEQA) requirements. Santa Barbara County Public Works Department is the lead agency for purposes of zone administration. It has submitted a letter requesting final designation and a Notice of Determination indicating that CEQA requirements were met.

By regulation, conditionally designated zones must fulfill all conditions of approval prior to being granted final designation. After final designation, zones and businesses are eligible to receive program benefits, including RMDZ loans.

II. PREVIOUS COMMITTEE ACTION

At the time the Board agenda item was due, the Market Development Committee had not yet met. The results of the January 19, 1996, Market Development Committee will be presented at the Board meeting.

III. OPTIONS FOR THE BOARD

The Board may decide to:

1. Approve the staff recommendation
2. Not approve the staff recommendation

IV. STAFF RECOMMENDATION

Staff recommends that the Board approve the Santa Barbara Regional RMDZ request for final designation by adopting resolution # 96-12 .

V. ANALYSIS

Background

Title 14, California Code of Regulations (CCR), section 17911 requires conditionally designated zones to send the Board a formal request for final designation status upon meeting conditions of approval. To receive program benefits, such as low interest loans, zones must be granted final designation status.

Findings

Staff of the Waste Prevention and Market Development Division has received a request for final designation (Attachment #2). Board staff in the Waste Characterization and Analysis Branch reviewed the Negative Declaration (ND) dated October 18, 1995, prepared by the County of Santa Barbara Public Works Department, Solid Waste & Utilities Division, and found that there are no outstanding issues concerning the ND. In addition, the Notice of Determination (Attachment #3) was filed with the County of Santa Barbara clerk on November 22, 1995. Therefore, the Santa Barbara Regional RMDZ has completed all conditions for final designation. The application is complete and has met the criteria for designation as set forth in 14 CCR, 17900-17914.

VI. ATTACHMENTS

1. Resolution #96-12
2. Santa Barbara Regional RMDZ Zone Administrator letter requesting final designation
3. Notice of Determination
4. CEQA Review Documentation Memo

VII. APPROVALS

Prepared by: Lin Lindert 12/14/95 — Phone: 255-4453

Reviewed by: John R. Blue JRB 12/14/95 — Phone: 255-2451

Reviewed by: Carole Brow CBrow 12/18/95 — Phone: 255-2426

Reviewed by: Daniel Gorfain DG 12/18/95 — Phone: 255-2320

Legal Review: MCM — Date/Time: 12/19/95

Attachment #1

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION # 96-12

FOR FINAL DESIGNATION OF THE SANTA BARBARA REGIONAL RECYCLING MARKET DEVELOPMENT ZONE FOR DESIGNATION CYCLE 1994-95

WHEREAS, Public Resources Code sections 42010-42023 establish the Recycling Market Development Zone (RMDZ) Program for the development of Secondary Materials Business Enterprises; and

WHEREAS, Public Resources Code sections 40502 and 42013 grant the Board the authority to develop regulations describing the process for Recycling Market Development Zone application and designation; and

WHEREAS, in accordance with Title 14, California Code of Regulations (CCR), section 17910, designated zones must comply with California Environmental Quality Act (CEQA) requirements in order to receive final designation and be eligible for program incentives; and

WHEREAS, the Santa Barbara Regional RMDZ was granted conditional designation in February 1995; and

WHEREAS, the Santa Barbara Regional RMDZ has demonstrated compliance with CEQA and completed all requirements for final designation as a zone pursuant to regulatory requirements found in 14 CCR 17910-17911;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby grants final designation to the Santa Barbara Regional Recycling Market Development Zone.

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 January 24, 1996.

Dated:

Ralph E. Chandler
Executive Director

Attachment #2

COUNTY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT
123 East Anapamu Street
Santa Barbara, California 93101
805/568-3000 FAX 805/568-3019

PHILLIP M. DEMERY
Director

November 27, 1995

Lin Lindert
Recycling Market Development Zone Program
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826

Dear Lin:

The County of Santa Barbara, acting as the lead agency for the Santa Barbara Regional Recycling Market Development Zone, requests final designation from the California Integrated Waste Management Board. Attached is the Notice of Determination filed to notify the public that a Negative Declaration for this project was approved pursuant to the guidelines for implementation of CEQA by the County of Santa Barbara Board of Supervisors on November 28, 1995.

If you have any questions, please contact me at (805) 681-4054 or Jennifer LeMay at (805) 681-4068.

Sincerely,

Ron Cortez
Santa Barbara Regional RMDZ Administrator

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Attachment #3

NOTICE OF DETERMINATION

To: ___ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: (Public Agency)
County of Santa Barbara
Dept. of Public Works
123 E. Anapamu Street
Santa Barbara, CA 93101

95 NOV 22 AM 8: 31
CLERK OF THE BOARD OF SUPERVISORS

_X_ County Clerk
County of Santa Barbara

SUBJECT

Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resource Code.

Recycling Market Development Zone — 95-ND-34
Project Title — EIR or ND NUMBER

SCH 95 1010038 — Public Works Dept./Jennifer LeMay (805) 681-4068
State Clearinghouse Number (if submitted to Clearinghouse) — Lead Agency/Contact Person — Area Code/Telephone/Ext.

Project Location: The Recycling Market Development Zone lies within the boundaries of the County of Santa Barbara and includes all unincorporated areas and the cities of Carpinteria, Lompoc, Santa Barbara, and Santa Maria.

Project Description: The Recycling Market Development Zone Program is intended to expand local markets for recyclable and reusable materials. Businesses that manufacture recycled content products are eligible for state low interest loans, technical assistan siting assistance, and local incentives such as streamlined regulation.

This is to advise that the Public Works Department
(Lead Agency or Responsible Agency)

has approved the above described project on November 28, 1995 and has made the following determinations regarding the above described project:

1. The project [___ will _X_ will not] have a significant effect on the environment.
2. ___ An Environmental Impact Report was prepared for this project pursuant to the Provisions of CEQA.
   _X_ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [___ were _X_ were not] made a condition of the approval of the project.
4. A statement of Overriding Consideration [___ was _X_ was not] adopted for this project.
5. Findings [___ were _X_ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR or ND with comments and responses and record of project approval is available to the general public at:

___ Santa Barbara Dept. of Public Works: 123 E. Anapamu St., Santa Barbara, CA 93101

Charles V. Elliott — 11/22/95 — ENV. PLANNER, SR.
Signature (Public Agency) — Date — Title

Date received for filing at OPR:

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Attachment #4

State of California

California Environmental Protection Agency

MEMORANDUM

To: Carole Brow, Manager
Zone Administration Branch
Waste Prevention and Market Development Division

Date: November 30, 1995

cc: Lin Lindert

From: John Sitts, Acting Manager
Waste Characterization and Analysis Branch
Diversion, Planning, and Local Assistance Division
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: REVIEW OF CEQA DOCUMENTATION TO FULFILL REQUIREMENTS FOR FINAL RECYCLING MARKET DEVELOPMENT ZONE DESIGNATION FOR THE SANTA BARBARA REGIONAL RECYCLING MARKET DEVELOPMENT ZONE

California Integrated Waste Management Board (Board) staff have completed review of the Negative Declaration for the Santa Barbara Regional Recycling Market Development Zone dated October 18, 1995. Following the project description below, you will find staff's comments on the document.

Project Description:

The County of Santa Barbara and the cities of Carpinteria, Lompoc, Santa Barbara and Santa Maria are proposing a program to encourage manufacturing companies to use recycled materials in their manufacturing processes and to expand markets for recyclable and reusable materials. The Recycling Market Development Program will offer manufacturers that use recycled content materials access to state low interest loans, technical assistance, siting assistance, and local incentives such as streamlined permitting.

Findings:

Board staff finds that there are no outstanding issues concerning the Negative Declaration (ND). In addition to the ND, the County of Santa Barbara has sent to Board staff a copy of the Notice of Determination that has been filed with the County of Santa Barbara clerk on November 22, 1995 (the 30th day of the comment period will end on December 22, 1995). Therefore, the Santa Barbara Regional Recycling Market Development Zone demonstrated CEQA compliance for this project.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
January 24, 1996

AGENDA ITEM 28

ITEM: CONSIDERATION OF APPROVAL OF RECYCLING MARKET DEVELOPMENT ZONE PROGRAM LOAN APPLICATIONS FOR THE FOURTH QUARTER, 1995:

A. APPAREL MANUFACTURERS SUPPLY CO.
B. COLD CREEK COMPOST, INC.
C. GOLDEN BEAR PACKAGING, INC.
D. JACOBSON PLASTICS, INC.
E. OAK PAPER PRODUCTS CO. INC., DBA ACORN PAPER PRODUCTS CO.

I. SUMMARY

This agenda item presents five Recycling Market Development Zone (RMDZ) loans for approval for the fourth quarter of 1995.

II. PREVIOUS COMMITTEE ACTION

The Market Development Committee is scheduled to consider this item on January 19, 1996. Results of the committee decision were not available at the time this agenda item went to print. The committee's action will be available prior to the January 24, 1996, Board meeting.

III. OPTIONS FOR THE BOARD

The Board may:

1. Accept the Market Development Committee's recommendation.

2. Modify the Market Development Committee's recommendation.

3. Take no action and return the item to the Committee or staff for further consideration.

IV. COMMITTEE RECOMMENDATION

The Market Development Committee has not met as of the time this agenda item went to print. Staff recommends that the Board approve the resolution provided as Attachment 1, awarding the following RMDZ loans in order of priority:

OAK PAPER PRODUCTS CO., INC., DBA ACORN PAPER PRODUCTS CO.	$1,000,000
COLD CREEK COMPOST, INC.	250,000
APPAREL MANUFACTURERS SUPPLY CO.	500,000
GOLDEN BEAR PACKAGING, INC.	300,000
JACOBSON PLASTICS, INC.	300,000
TOTAL	$2,350,000

The Loan Committee will hold a special meeting to consider Cold Creek Compost, Inc. and Oak Paper Products Co., Inc., loan applications on January 10. Staff may revise its recommendation based on the Loan Committee's action. If needed, a revised agenda item will be made available closer to the Board meeting date.

V. ANALYSIS

Together, the five loan projects represent a combined capacity of nearly 28,456 tons per year (TPY) of new processing and manufacturing capacity for paper (three projects), organics (one project), and plastic (one project). These loans are projected to create approximately 40.5 new jobs.

The RMDZ loan program began accepting loan applications in January 1993. As of December 22, 1995, 42 loans have been closed in the amount of $16,285,370. An additional 7 active loans in the amount of $2,140,000 have been approved by the Board but not yet closed.

1. The Purpose of the RMDZ Loan Program

The RMDZ loan program was created pursuant to Public Resources Code section 42010 et seq. The program provides direct loans to businesses and local governments located in RMDZs. To qualify, businesses must use postconsumer or secondary waste materials in their production process and have proposed projects which are consistent with the Board's annually adopted objectives for the RMDZ loan program. Local governments may use funds for public works infrastructure which directly supports businesses who use

postconsumer or secondary waste materials. The funds may be used by businesses for real property, equipment, working capital or refinancing of current debt.

Loans may be made for up to 50% of the cost of a project, with a maximum of $1 million. The term of the loans must not exceed 10 years. The current interest rate is 5.8 percent, fixed.

The RMDZ loan program is funded by an annual $5 million allocation from the Integrated Waste Management Account. According to current statute (PRC section 42010 (g)), the program will sunset on July 1, 1997.

2. Overview of Loan Approval Process

The RMDZ loan program operates on quarterly cycles. Loan applications submitted each quarter are evaluated by staff and submitted for approval to the RMDZ Loan Committee, Market Development Committee and the Board. Staff of the Board's Permitting and Enforcement Division review each project to determine whether or not the proposed operations would be considered "Solid Waste Facilities". The types of facilities being recommended for approval for RMDZ loans are considered "recycling facilities" by Permitting and Enforcement Division staff (Attachment 2). Recycling facilities are not included in the definition of "Solid Waste Facility" (PRC sections 40194, 40200) and are not currently required to obtain permits or permit exemptions.

After Board approval, loan documents are prepared by loan program staff and reviewed by the Board's legal counsel and by the borrowers. Usually, loans are approved by the Board subject to a series of special conditions, such as the need to perform an environmental assessment of properties taken as collateral, obtaining appraisals, or other financial documentation. Upon satisfaction of all special conditions, the loan is "closed," and funds are disbursed.

For the fourth quarter of 1995, the deadline for application submittal was October 6, 1995. Twelve new applications were received. Staff evaluated each for financial soundness and project eligibility and determined that five qualified for recommendation to the RMDZ Loan Committee. The Loan Committee's recommendation will be forwarded to the Market Development Committee on January 19.

3. Priority Ranking of Loans

As required by program regulations (14 CCR 17935.4 (b)), the loans recommended for approval by the Loan Committee, based strictly on their financial soundness, will be ranked by staff in order of their ability to satisfy the program's market development priorities.

Criteria for determining priority appear in statute, regulations and through annually adopted Board policies. (See Attachment 3.) Using a scoring scheme based on these criteria, RMDZ loan staff scores and ranks each proposed project. The rankings are provided before the date of the Market Development Committee meeting.

The priority criteria used in the scoring are:

The likelihood of each proposed project to increase market demand for secondary materials.	50 Points
The impact on markets for the Board's priority materials(mixed paper, high-density polyethylene, mixed plastics and compostable materials).	25 Points
The size, in tons per year, of the proposed project.	10 Points
Classification of the project within the integrated waste management hierarchy.	10 Points
The use of other funds in the proposed project in addition to RMDZ loan funds.	5 Points

4. Description of Loans

The fourth quarter 1995 loans recommended to the Loan Committee for review are described in Attachment 4.

IV. FUNDING INFORMATION

The loans ($2,350,000) will be funded from the Recycling Market Development Revolving Loan Subaccount.

Amount Requested in Item: $2,350,000

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: _____

VI. ATTACHMENTS

1. Board Resolution #95-819
2. Requests for Interdivisional Review
3. RMDZ Loan Program Priority Criteria and Statutory Priority
4. Summary of RMDZ Loan Applications

VII. APPROVALS

Prepared by: Nadine Ford by Phone: 255-2295

Reviewed by: Robert Caputi by Phone: 255-2442

Reviewed by: Carole Brow by Phone: 255-2426

Reviewed by: Daniel Gorfain Phone: 255-2320

Reviewed by: Judy Friedman LWK Phone: 255-2308

Reviewed by: Doug Okumura Phone: 255-2431

Reviewed by: Marie LaVerne 1/8/96 Phone: 255-2269

Legal Review: Date/Time: 1/9/96 10:30AM

Attachment 1

DRAFT

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION 95-819
APPROVAL OF LOANS FOR THE FOURTH QUARTER OF 1995 FROM THE RECYCLING MARKET DEVELOPMENT ZONE REVOLVING LOAN FUND

WHEREAS, the Board is authorized to make loans to recycling businesses using postconsumer or secondary waste materials located in designated Recycling Market Development Zones from its Recycling Market Development Revolving Loan Account;

WHEREAS, Board staff solicited applications for loans July 8, 1995, through October 6, 1995;

WHEREAS, Board staff has determined that five (5) applicants are eligible for consideration of loan funding and has recommended to the Loan Committee the approval and authorization of loans to the eligible applicants;

WHEREAS, the Loan Committee has considered the credit-worthiness of the eligible applicants and has recommended to the Market Development Committee the approval and authorization of loans to the eligible applicants;

WHEREAS, the Market Development Committee has considered the extent to which the eligible applicants meet the goals of the Recycling Market Development Zone Loan Program and has recommended to the Board the approval and authorization of loans to the eligible applicants;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the recommendations of the Board staff, the Loan Committee and the Market Development Committee, the Board hereby approves the funding of the following loans in the following original principal amounts as set forth next to the borrower's name, subject to all terms and conditions contained in the loan agreement to be prepared by Board staff for the loan in accordance with applicable regulations, and on such other terms and conditions as the Board or its duly authorized staff representative in its or their sole discretion deems necessary or advisable:

BORROWER	AMOUNT
APPAREL MANUFACTURERS SUPPLY CO.	$ 500,000
COLD CREEK COMPOST, INC.	250,000
GOLDEN BEAR PACKAGING, INC.	300,000
JACOBSON PLASTICS, INC.	300,000
OAK PAPER PRODUCTS CO. INC., DBA ACORN PAPER PRODUCTS CO.	1,000,000

RESOLVED FURTHER, that the Board, the Executive Director, its authorized representative, or the Executive Director's designee, be and each hereby is, authorized to do and perform any and all such acts, including execution of the loan agreements to be prepared by Board staff and all other documents or certificates as the Board or its authorized representative in its or their sole discretion deem necessary or advisable to carry out the purposes of the foregoing resolution.

RESOLVED FURTHER, that any actions taken by the Board or the Executive Director, its authorized representative, or the Executive Director's designee prior to the date of the adoption of the foregoing resolutions that are within the authority conferred by those resolutions, are hereby ratified, confirmed and approved as the acts and deeds of the Board.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board on January 24, 1996.

Dated:

Ralph E. Chandler
Executive Director

Attachment 2

REQUESTS FOR INTERDIVISIONAL REVIEW

REQUEST FOR INTERDIVISIONAL REVIEW

WP&MD-1
7-5-95

Date: 10/13/95

To:	Doug Okumura	Contact:		Phone:		Division:	P&E
From:	Dan Gorfain	Contact:	Bob Caputi	Phone:	255-2442	Division:	WP&MD

Subject: Permitting and Enforcement Status of Apparel Manufacturing Supply Co. Loan Project

Action needed: Determination regarding the status of this loan applicant's project facility with regard to permits and enforcement issues.

Date action needed: 10/20/95

Background Information:

Apparel Manufacturing Supply Co. (95-118)
6900 Washington Blvd.
Montebello, CA 90640

RMDZ: County of Los Angeles
Purpose: Machinery and equipment & Working Capital
Amount requested: $937,600
Ton/yr diverted: 1,296
Jobs Created: 6
Material Type: Paper (OCC & Tissue)
Project Tpye: Manufactures paper products for the garment industry

CIWMB Contact: Nadine Ford (2295)

Questions to be answered: [Please also indicate the basis for the answer given. See examples on back.]

Is the facility within the jurisdiction of the CIWMB? NO

Does the facility have a solid waste facilities permit? ~~No~~ N/A

What is the position of the LEA regarding this facility? Not contacted as this is not a solid waste fac. or operation at this time.

If the facility needs a permit or permit revision for the subject project, what type of permit and when will the permit process be completed?

N/A

Other comments?

Aproved:	Angene Hambleton	Date: 10-19-95
Aproved:	[signature]	Date: 10/20/95
Aproved:	[signature]	Date: 10/20/95

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State of California

California Environmental Protection Agency

MEMORANDUM

To: Robert Caputi
Zone Administration Branch

Date: January 4, 1996

From: Russ J. Kanz, IWMS
Permits Branch
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: COLD CREEK COMPOST

In response to our meeting earlier today we have gathered information concerning grinding of green waste at the following facilities:

Caspar Transfer Station - This facility is permitted to accept a maximum 19 tons of waste per day. The facility is permitted to accept green waste, and grind it on site.

Ukiah Landfill - This facility is operating in violation of a permit issued in 1979. The facility is currently operating under a Stipulated Agreement due to continuing violations of the permit. The facility accepts green waste which is stored and removed from the site. It is not clear what tonnage can be accepted, and it does not appear to be acceptable to grind green waste at this site.

Central Disposal Site (Sonoma County Landfill) - The landfill diverts green waste to the compost operation that is on site. The compost facility is currently operating without a permit under a Notice and Order. The compost facility is requesting to be permitted to accept between 200 and 300 tons of green waste per day.

Lakeport Transfer Station - This facility is permitted to accept a maximum of 200 tons of waste per day. They can store green waste for composting off site. The Report of Station Information does not clearly state if the facility can grind material on site.

Eastlake Sanitary Landfill - This facility is the only landfill in Lake County, it is permitted to accept up to 200 tons of waste per day. They can not grind material on site, however they do accept green waste for shipment off site.

City of Fort Bragg - This is not a facility.

I spoke to the Mendocino County LEA today, and they were not aware of the Cold Creek Compost proposal to grind green waste at these facilities. They also were not aware of the proposal to land spread the green waste, ash, and manure at the Guntly Ranch and Covelo site. They did indicate that they would want to have the Regional Water Quality Control Board involved in any land spreading activities. In addition, they were not aware of any applications from these facilities for grinding green waste. The LEA also stated that Cold Creek Compost requested a copy of a Registration Permit application today for the Guntly Ranch compost operation. I hope this answers your questions concerning these sites. As we stated in the meeting it is not always possible to determine from the permits how much green waste a facility may accept on a daily basis. Please contact me if you have any additional questions.

REQUEST FOR INTERDIVISIONAL REVIEW

WP&MD-1
7-6-95

Date: 10/13/95

To:	Doug Okumura	Contact:		Phone:		Division:	P&E
From:	Dan Gorlain	Contact:	Bob Caputi	Phone:	255-2442	Division:	WP&MD

Subject: Permitting and Enforcement Status ofGolden Bear Packing, Inc. Loan Project

Action needed: Determination regarding the status of this loan applicant's project facility with regard to permits and enforcement issues. Date action needed: 10/20/95

Background information:

Golden Bear Packing, Inc. (95-121)
740 North Tenth Street
San Jose, CA 95112

RMDZ: San Jose
Purpose: Machinery and equipment
Amount requested: $600,000
Ton/yr diverted: 1,000
Jobs Created: 10
Material Type: Paper (OCC)
Project Tpye: Manufactures corrugated packaging, point of purchase displays & packaging supplies.

CIWMB Contact: Nadine Ford (2295)

Questions to be answered: (Please also indicate the basis for the answer given. See examples on back.)

Is the facility within the jurisdiction of the CIWMB?

NO, NOT A SOLID WASTE FACILITY

Does the facility have a solid waste facilities permit?

NO

What is the position of the LEA regarding this facility?

UNKNOWN

If the facility needs a permit or permit revision for the subject project, what type of permit and when will the permit process be completed?

N/A

Other comments? THE PERMIT STATUS MAY CHANGE WHEN THE TIERED PERMITTING REGULATIONS ARE IMPLEMENTED.

Aproved:	Cindy Bagg	Date: 10/18/95
Aproved:	[illegible]	Date: 10/18/95
Aproved:	[illegible]	Date: 10-19-95

REQUEST FOR INTERDIVIS. _NAL REVIEW

WP&MD-1
-7-6-93

Date: 10/13/95

To:	Doug Okumura	Contact:		Phone:		Division:	P&E
From:	Dan Gorlain	Contact:	Bob Caputi	Phone:	255-2442	Division:	WP&MD
Subject:	Permitting and Enforcement Status of Jacobson Plastics, Inc. Loan Project						
Action needed:	Determination regarding the status of this loan applicant's project facility with regard to permits and enforcement issues.					Date action needed:	10/20/95

Background information:

Jacobson Plastics, Inc. (95-123)
1375 Gladys Avenue
Long Beach, CA 90804

RMDZ: Long Beach
Purpose: Machinery and equipment & Working Capital
Amount requested: $875,000
Ton/yr diverted: 1,000
Jobs Created: 15
Material Type: Plastic (various grades)
Project Tpye: Manufactures injection molded products from recycled content pellets

CIWMB Contact: Kristin Yee (2475)

Questions to be answered: [Please also indicate the basis for the answer given. See examples on back.]

Is the facility within the jurisdiction of the CIWMB? ~~N/A~~ NO

Does the facility have a solid waste facilities permit? N/A

What is the position of the LEA regarding this facility? Not contacted as this is not a SWF or operation at this time.

If the facility needs a permit or permit revision for the subject project, what type of permit and when will the permit process be completed?

N/A

Other comments?

Aproved:	Suzanne Hambleton	Date: 10-19-95
Aproved:	[illegible]	Date: 10/20/95
Aproved:	[illegible]	Date: 10/20/95

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REQUEST FOR INTERDIVISIONAL REVIEW

WP&MD-1
7-6-93

Date: 10/13/95

To:	Doug Okumura	Contact:		Phone:		Division:	P&E
From:	Dan Gorlain	Contact:	Bob Caputi	Phone:	255-2442	Division:	WP&MD

Subject:	Permitting and Enforcement Status of Oak Paper Products Co. Inc., dba Acorn Paper Products Co. Loan Project		
Action needed:	Determination regarding the status of this loan applicant's project facility with regard to permits and enforcement issues.	Date action needed:	10/20/95

Background Information:

Oak Paper Products Co. Inc., dba Acorn Paper Products Co. (95-112)
3686 E. Olympic Blvd., Los Angeles, CA 90023

RMDZ: City of Los Angeles
Purpose: M&E, Working Capital, Site Improvement
Amount requested: $1,000,000
Ton/yr diverted: 1,000
Jobs Created: 8
Material Type: Paper (OCC)
Project Tpye: Manufactures corrugated packaging, point of purchase displays & packaging supplies

CIWMB Contact: Nadine Ford (2295)

Questions to be answered: [Please also indicate the basis for the answer given. See examples on back.]

Is the facility within the jurisdiction of the CIWMB? No

Does the facility have a solid waste facilities permit? N/A

What is the position of the LEA regarding this facility? Not contacted as this is not w/in Bds authority Not a SWF or operation at this time.

If the facility needs a permit or permit revision for the subject project, what type of permit and when will the permit process be completed?

N/A

Other comments?

Aproved:	Suzanne Hambleton	Date: 10-16-95
Aproved:	[illegible]	Date: 10/20/95
Aproved:	[illegible]	Date: 10-20-95

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Attachment 3

RMDZ Loan Program Priority Criteria

Statutory Priority

"The highest priority for funding shall be given to projects which demonstrate that the project will increase market demand for recycling the project's type of post-consumer material." (PRC Sec. 42010 (d)(3))

Regulatory Priority

"Priority consideration shall be given to projects which... demonstrate the greatest use of other funds in the project and/or the highest degree of effort by the borrower to obtain other funds." (14 CCR 17933 (2))

Board-Adopted Priority

Priority consideration shall be given to projects which satisfy the following 1994 RMDZ Loan Program Objectives:

1) Maximize the effectiveness of the RMDZ Loan Program as a market development tool by restricting funding to projects which manufacture recycled-content end-products, or otherwise increase demand for secondary materials which directly support achievement of local waste diversion goals.

2) Support the Board's Market Development Plan by giving priority consideration to projects which utilize the Board's priority materials, and which utilize the greatest diverted tonnage.

   The Board's priority materials are mixed waste paper, compostable materials, high-density polyethylene and mixed plastics.

3) Support the integrated waste management hierarchy by promoting in order of priority: 1) source reduction; 2) recycling and composting; 3) environmentally safe transformation and environmentally safe land disposal. (PRC Sec. 40051 (a))

To achieve this objective, the Board shall:

   a. Give priority lending consideration to source reduction projects which satisfy objectives 1 and 2 above; and

b. Give lowest lending priority to transformation projects, and limit funding of such projects to those which:

i. Produce value-added products.

ii. Are not detrimental to current or future efforts to increase source reduction, recycling or composting of the project's material type.

iii. Do not, in the aggregate, exceed 10% of all loan funds to be awarded during any annual loan funding cycle.

Attachment 4

Summary of RMDZ Loan Requests & Staff Recommendations

A. APPAREL MANUFACTURERS SUPPLY CO.

RMDZ (City): County of Los Angeles (Montebello)

Loan Amount: $500,000

Purpose: Machinery & Equipment and Working Capital

Market Impact:

	Current	Projected Increase	Total
Tons Diverted	936	1,296	2,232
Jobs Created	52	6	58

Company:
In 1939, Apparel Manufacturers Supply Co., Inc. was formed to supply the garment manufacturers of Los Angeles with sewing thread. Located in the center of the garment district in downtown Los Angeles, Apparel was close enough to its customers to deliver merchandise on handcarts and bicycles. Over the years the company expanded by diversifying into other product lines. Five years ago, the company expanded vertically by becoming a manufacturer of paper products to the garment industry.

Product:
Apparel Manufacturers Supply Co., Inc. manufactures using state of the art paper converting equipment, counter rolls of kraft, butcher, tissue, chipboard and pattern paper for use primarily by the garment industry. The paper is used primarily in the cutting of garment patterns from fabric and in the garment design process. The company also manufacturers die cut chipboard packaging material such as shoulder guards and collar bands. It currently operates two paper converting lines as well as two wash care label presses.

Regulatory Compliance:
The applicant has certified that the project is in compliance with all local, state, and federal laws, regulations, requirements and rules, including the California Environmental Quality Act found in Public Resources Code sections 21000 et seq. According to staff of the Permitting and Enforcement Division, this particular project is not currently affected by the California Integrated Waste Management Board's permitting requirements.

In December 1994, the Board adopted a policy for the RMDZ loans regarding the eligibility of paper projects. The policy adopted determined that paper manufacturers and converters are eligible for RMDZ loans. However, funding for paper converters is limited to businesses that use recycled paper for at least 75 percent of their converting feedstock. Recycled paper is defined as that containing a minimum of 50 percent secondary material, of which at least 20 percent is postconsumer materials. These amounts were determined to be consistent with the current state and federal procurement standards. The loan applicant is aware of these requirements, which will be included as a program covenant in the loan agreement.

B. COLD CREEK COMPOST, INC.

RMDZ (City): Sonoma/Mendocinc County (Ukiah)

Loan Amount: $250,000

Purpose: Machinery & Equipment and Working Capital

Market Impact:

	Current	Projected * Increase	Total
Tons Diverted	500	16,500	17,000
Jobs Created	3.5	1.5	5

* Only considers start-up phase of operations and material which would normally be landfilled.

Company:

On September 1, 1995, Cold Creek Compost, Inc., (Cold Creek), a start-up company, assumed the sales and composting operations begun in 1978 by its predecessor, M&M Ranch, a California general partnership. Cold Creek is owned 67% by Margrethe Schioler, 23% by Joseph Mileck, and 10% by Martin and Marie-Louise Mileck. Also on September 1, 1995, an affiliated entity, M&M Feed and Supply, Inc., assumed the activities of a retail farm supply/hardware store and a farming operation from M&M Ranch. Currently, M&M Ranch is a shell operation owning only the 400 acre M&M Ranch property at Covelo.

Project History:

On September 6, 1994, the Loan Committee recommended approval of a $650,000 loan to Cold Creek, Inc., for a green waste compost operation in Mendocino County. The loan request was not considered by the Market Development Committee because at that time, the company lacked a Board required permit.

On June 9, 1995, the Loan Committee recommended approval of a revised loan request for $565,000 to Cold Creek, Inc. The recommendation was conditional upon, among other things, concurrence by the Board at its June 28, 1995, meeting of a solid waste facility permit for Cold Creek, Inc. At the Loan Committee meeting mention was made of a newspaper article which stated that a lawsuit was filed against the company. A representative from the company dismissed the importance of the lawsuit, referring to it as frivolous.

Subsequent to the Loan Committee meeting, but prior to the Market Development Committee meeting, additional information on several issues raised concerns regarding the project. Specifically, staff was concerned about the impact of the pending lawsuit, the ability of the company to obtain a required permit from the Regional Water Quality Control Board (RWQCB), and possible changes to the operation which could affect the project cost and, potentially, the ability of the company to adequately service the proposed debt.

Of particular concern was a Petition for Writ of Mandate and a Complaint for Injunctive Relief that were filed in the Mendocino County Superior Court on April 5, 1995. The Petition alleged that the Mendocino County Board of Supervisors should have required an Environmental Impact Report (EIR) prior to issuing a Conditional Use Permit (CUP) for the proposed composting facility.

Relying on the Negative Declaration adopted by the Mendocino County Board of Supervisors, the Board, on June 28, 1995, concurred in the issuance of Solid Waste Facilities Permit No. 23-AA-0029 (issued on October 18, 1995), for the Cold Creek project.

On December 8, 1995, a Superior Court judge in Mendocino County ruled that an EIR must be prepared for the Guntly Ranch composting site. Preparation of the EIR is expected to take between five and nine months, but could take longer.

The Board's legal counsel has advised that because of the court's action, in effect, nullified the previously approved County CUP and Solid Waste Facilities Permit may be in question; and that a new Solid Waste Facilities Permit will have to be considered by the Board once an EIR has been certified and necessary County approvals have been obtained. At that point, the financial viability of the green waste composting operation at the leased 12 acre Guntly Ranch site can be reevaluated.

APPLICANT'S REVISED PROJECT

Cold Creek has requested that the $565,000 request for both the green waste composting at the Guntly Ranch site and the mobile green waste mulching operation be considered. Because of the uncertain status of local and Board permits as a result of the court order that an EIR be prepared, staff is recommending funding only the mobile green waste mulching component of Cold Creek's request.

Cold Creek currently composts and sells grape pomace, animal waste (chicken and dairy manure), and collects a tip fee for fly ash used as an amendment to the manure compost blend, or applied directly to the soil at the M&M Ranch site.

The proceeds from the loan amount recommended by staff will be used to purchase mobile equipment and provide working capital to enable Cold Creek to grind green waste (for a tip fee) into mulch at landfills and transfer stations sites. Planned locations at which Cold Creek will grind green waste include: Ukiah Landfill, City of Fort Bragg, and Caspar transfer station. A possible additional location is the Lake County (Lakeport) Landfill.

The resulting mulch from the grinding operation will be spread (without compensation) on approximately 600 acres of the Guntly Ranch (a 4,000 acre ranch) and 200 acres of the M&M Ranch. The addition of mulch is intended to reclaim the subject acreage, based on a 10 to 20 ton application rate per acre, per year.

Cold Creek's application projects 27% of its total operating revenue from tip fees from green waste and 10% from fly ash contract fees, both of which will be diverted from landfills. The sale of manure compost (containing fly ash), and gypsum/lime sales represents 51% and 12% of the projected total revenue stream, respectively.

Regulatory Compliance:

According to Cold Creek, the proposed green waste grinding or mulching part of their proposed project is not subject to the Board's regulatory jurisdiction. The applicant has certified that the mulching project is in compliance with all local, state, and federal laws, regulations, requirements and rules, including the California Environmental Quality Act found in Public Resources Code sections 21000 *et seq*.

The status of Cold Creek's regulatory compliance is under review by staff of the Board's Permitting and Enforcement Division. This review will be completed prior to the consideration of this loan by the Market Development Committee.

Concern has been expressed by staff that if the fly ash were to be stockpiled at the Guntly Ranch or M&M Ranch it could constitute a "nontraditional facility." Cold Creek has stated that the fly ash is not being stockpiled at either site. Approximately 500 tons currently on site is being mixed with manure at the rate of 20%. Projections indicate approximately 3,000 tons per year of ash will be either land applied or mixed with approximately 6,300 tons of manure compost.

In approving this loan, the Board puts the applicant on notice that it will have to continue to comply with the Board's compost regulations, as well as with any other regulations promulgated for nontraditional facilities that may, in the future, apply to its operations. Staff will make every effort to advise and assist the applicant with regard to these matters.

C. GOLDEN BEAR PACKAGING, INC.

RMDZ (City): San Jose

Loan Amount: $300,000

Purpose: Machinery & Equipment and Working Capital

Market Impact:

	Current	Projected Increase	Total
Tons Diverted	3,000	1,000	4,000
Jobs Created	54	10	64

Company:
Golden Bear Packaging, Inc. was founded in 1985 to act as a corrugated box converter that supplies imprinted cartons to electronics, food, and light and heavy industry clients within 150 mile radius of the manufacturing facility. In August, 1994 one of the company's founders sold his shares to Employee Stock Ownership Trust. As of September 30, 1995, Golden Bear had a total of 54 employee/owners.

Product:
The company converts corrugated paper board into boxes. Specifically, the company uses various equipment to score, slot, imprint, and glue corrugated stock to specific customer requirements. Also, the company operates Computer Aided Design (CAD) equipment that allows it to rapidly design boxes so that customers can convert concepts into production designs significantly faster and more accurately than ever has been achievable before.

Regulatory Compliance:
The applicant has certified that the project is in compliance with all local, state, and federal laws, regulations, requirements and rules, including the California Environmental Quality Act found in Public Resources Code sections 21000 et seq. According to staff of the Permitting and Enforcement Division, this particular project is not currently affected by the California Integrated Waste Management Board's permitting requirements.

In December 1994, the Board adopted a policy for the RMDZ loans regarding the eligibility of paper projects. The policy adopted determined that paper manufacturers and converters are eligible for RMDZ loans. However, funding for paper converters is limited to businesses that use recycled paper for at least 75 percent of their converting feedstock. Recycled paper is defined as that containing a minimum of 50 percent secondary material, of which at least 20 percent is postconsumer materials. These amounts were determined to be consistent with the current state and federal procurement standards. The loan applicant is aware of these requirements, which will be included as a program covenant in the loan agreement.

D. JACOBSON PLASTICS, INC.

RMDZ (City): Long Beach

Loan Amount: $300,000

Purpose: Machinery & Equipment and Working Capital

Market Impact:

	Current	Projected Increase	Total
Tons Diverted	20	980	1,000
Jobs Created	35	15	50

Company: Jacobson Plastics was founded in 1968 by Abraham Jacobson. The business was built up working primarily in the drapery business. Abraham's son, Jeff Jacobson, took over the business in 1979 and became president of both Jacobson Plastics, Inc. and Speed-O-Pin, manufacturers of drapery related items. In 1982, Jeff Jacobson expanded into household convenience items. Over the past 25 years, Jacobson has patented over 25 products domestically and internationally. The products have proven to be marketable and successful items

Product: Jacobson Plastics, Inc. currently operates a plastic injection molding manufacturing plant using virgin plastics as feedstock. Injection molding has accessed numerous niche markets for the company. They produce a plethora of products, including drapery hardware, toys, household gadgets, athletic protectors, mini-blind cleaning tools, automotive accessories, bicycle accessories, and orthodontic device parts. The company is now expanding into the recycling business by utilizing recycled plastic instead of virgin plastic in the manufacturing of automotive accessories.

Regulatory Compliance: The applicant has certified that the project is in compliance with all local, state, and federal laws, regulations, requirements and rules, including the California Environmental Quality Act found in Public Resources Code Sections 21000 et seq.

E. OAK PAPER PRODUCTS CC. INC., DBA ACORN PAPER PRODUCTS CO.

RMDZ (City): City of Los Angeles

Loan Amount: $1,000,000

Purpose: Machinery & Equipment and Working Capital

Market Impact:

	Current	Projected Increase	Total
Tons Diverted	3,720	11,280	15,000
Jobs Created	126	8	134

Company:
The company was established in 1959 to be a distributor of corrugated boxes. Oak Paper expanded in 1969 into manufacturing of corrugated packaging with its converting machinery. Its most recent expansion has been into custom packaging and distribution of shipping supplies.

Product:
The company manufactures over 1400 sizes of corrugated cartons for immediate delivery and supplies custom made-to-order styles and sizes using its paper converting equipment. It also supplies a wide range of shipping room supplies, including poly bags, cushioning, mailers, tape and stretch film.

Regulatory Compliance:
The applicant has certified that the project is in compliance with all local, state, and federal laws, regulations, requirements and rules, including the California Environmental Quality Act found in Public Resources Code sections 21000 et seq. According to staff of the Permitting and Enforcement Division, this particular project is not currently affected by the California Integrated Waste Management Board permitting requirements.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
January 24, 1996

AGENDA ITEM 29

ITEM: CONSIDERATION OF RECYCLING MARKET DEVELOPMENT ZONE PROGRAM EVALUATION REPORT

I. SUMMARY

In February 1995, the California Integrated Waste Management Board (Board) designated eleven new Recycling Market Development Zones (RMDZs), reaching its goal of a total of 40 RMDZs. As a result, the Recycling Market Development(RMDZ) program staff began redirecting its energies towards the implementation of this program.

At its September 1995 meeting, the Market Development Committee directed staff to evaluate and return with recommendations regarding program achievements to date and future objectives and needs. As directed, staff prepared an evaluation of the RMDZ program illustrating achievements, successes and shortcomings of the program and presenting the Committee with recommendations for the program's future.

II. PREVIOUS COMMITTEE ACTION

The Market Development Committee did not meet by the time this agenda item for the January 24, 1996, Board meeting went to print.

III. OPTIONS FOR THE BOARD

The Board members may decide to:

1. Approve Market Development Committee on the report and its recommendations.

2. Modify the Market Development Committee action and recommendations.

3. Refer the report back to the Market Development Committee for further consideration.

4. Not approve the report.

IV. COMMITTEE RECOMMENDATION

N/A

V. ANALYSIS

Background

Authorized by Senate Bill 1322 (Bergeson, Stats. 1989, ch. 1096), the RMDZ program was established as a tool for helping local governments meet the waste diversion goals of AB 939. The program objective was to help create markets for diverted materials by increasing the use of recycled materials as industrial feedstock.

In 1991, the Board set the goal of establishing forty RMDZs by 1996. In February 1995, the Board designated eleven new RMDZs, reaching the Board's 40 RMDZ goal. Prior to reaching the goal of designating forty RMDZs, the primary objective of the Zone Section was to recruit and establish these forty RMDZs. Once designation was complete, the Board recognized the need to evaluate program objectives and to redirect activities, as appropriate, to further the goals of the program.

Findings

In the course of the program evaluation, staff identified the following areas of concern:

1. There is limited awareness of the program within the business community.

2. Many zone administrators wear other local "hats," have competing priorities and receive limited local funding for RMDZ activities.

3. Up-to-date technical information is not readily available to the RMDZs.

4. The RMDZ loan program is scheduled to sunset July 1, 1997.

5. Zone Administrators are not accountable to the Board.

6. There continues to be an interest by RMDZs in applying for expansion.

7. Zone administrators have diverse experience and backgrounds.

8. The RMDZs have significant variability in the resources available to them.

9. The Board's RMDZ staff should continue its education and training in marketing and economic development.

In addition, the Zone Administrators and other stakeholders surveyed, have indicated the following needs for the success of the program:

1. Provide funding for local administration of the RMDZ program.

2. Provide training for Zone Administrators in the areas of economic development and integrated waste management.

3. Provide marketing assistance to the RMDZs.

4. Provide more incentives for businesses to site in an RMDZ.

5. Improve the loan program.

6. Provide regional representatives to the RMDZs.

7. Increase cooperation with other economic development programs.

In response, staff makes the following recommendations which are discussed in greater detail in the report which can be found as Attachment 1:

A. Develop and implement a comprehensive marketing plan.

B. Publish Quarterly Market Reports for use by the RMDZs and manufacturers.

C. Work with the zone administrators to encourage more consistent and thorough reporting of activities.

D. Enhance training efforts for Zone Administrators.

E. Develop a specific strategy for addressing rural recycling economic development issues.

F. Pursue funding opportunities for the RMDZs through federal and private grants and any other identifiable option.

G. Provide added services to the Zone Administrators.

H. Assist the RMDZs to provide additional incentives for businesses to locate, expand, and remain within them.

VI. ATTACHMENTS

1. RMDZ Program Evaluation Report

VII. APPROVALS

Prepared by: Mary Farr		Phone: 255-2465
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Reviewed by: Carole Brow		Phone: 255-2426
Reviewed by: Daniel Gorfain	1/10/96	Phone: 255-2320
Legal Review:		Date/Time: 12:30 1/10/96

Recycling Market Development Zone

(Draft)

Program Evaluation Report

January 1996

I. Introduction

In February 1995, the California Integrated Waste Management Board (Board) reached its goal of designating 40 Recycling Market Development Zones (RMDZ). Reaching this milestone signaled the need to review the program's accomplishments and examine its future direction. In September, the Board's Market Development Committee directed staff to evaluate the RMDZ program, identify program needs, and recommend program objectives, direction and priorities for the future.

As a part of its evaluation, staff surveyed zone administrators, businesses, and economic development professionals to determine how they perceived program performance to date and what they saw to be its objectives, needs, and priorities, as it matures and moves into a mode of service to the RMDZs and facilitation of recycling economic development in "getting to 50%." In addition, staff has reviewed previous program surveys and comments regarding the program since its inception in 1990.

This report presents staff's review, analysis, conclusions and recommendations with regard to the RMDZ program.

II. Program Review

A. Program History:

In response to the concerns leading to the passage of Assembly Bill 939 (Sher, Stats. 1989, ch. 1095), the State of California established the Recycling Market Development Zone (RMDZ) Program. Authorized by Senate Bill 1322 (Bergeson, Stats. 1989, ch. 1096), the program objective was to create markets for diverted materials by increasing the use of recycled materials as industrial feedstock. This was the first program in the nation to couple established economic development practices with integrated waste management efforts. The program was intended to provide local governments with a useful tool to reduce dependence on diminishing landfill space and to meet the waste diversion goals of AB 939 by working with the private manufacturing sector.

To jurisdictions receiving RMDZ designation, the Integrated Waste Management Board (Board) provided, in exchange for local commitments to fostering recycling based manufacturers, incentives to businesses located, or locating, in RMDZs which use recycled materials as feedstock in their manufacturing processes. Incentives provided to businesses by the Board include low interest loans and various types of technical assistance. The Board also provides services to local RMDZ staff as training, "matchmaking" (linking material suppliers to users), supplying technical information, such as market data, and networking.

In March 1991, the Board set out to establish 40 RMDZs by 1996. Because of great interest by local government, this goal was reached in 1995. During the first four years, the primary objective of the Board's Zone Assistance section was to recruit and establish these RMDZs. Each year, staff hosted a series of workshops, throughout the state, explaining the benefits of the program and the application process for designation to interested jurisdictions. Most local staff responsible for AB 939 compliance, most commonly the recycling coordinators, were receptive and enthusiastic to the idea. Those jurisdictions whose elected officials and executive management were equally supportive were usually successful in getting a RMDZ established to serve their community.

Staff worked closely with jurisdictions in the development of their RMDZ designation applications. Often, in the case of multi-jurisdictional applications, this involved coordinating the efforts of several local government staffs, consultants and economic development departments. To provide all local governments with the opportunity to prepare successful RMDZ applications, staff prepared guidebooks on the application process. Staff was also available for extensive consultation with prospective applicants.

As a result of Board and local government staffs' efforts, the 40 designated RMDZs are widely distributed throughout the state, and represent urban and rural jurisdictions alike. Local jurisdictions within the RMDZs include 52% of the State's population.

In the course of the initial zone designation process, each RMDZ application was reviewed for completeness and evaluated for the following factors:

1. Financial support available to businesses which may exist or may plan to relocate within the proposed zone;

2. The adequacy of the funding and organizational structure committed to the proposed zone;

3. The ability of the proposed zone to supply the quantity and quality of feedstock necessary to support the targeted recycling businesses;

4. How the zone will comply with California Environmental Quality Act (CEQA) requirements;

5. The adequacy of existing or planned infrastructure within the proposed zone that will support development of recycling businesses;

6. The potential effectiveness of proposed local incentives to attract commercial development;

7. The adequacy of market development planning within the proposed zone application; and

8. The available land and buildings within the proposed zone that will be used to support recycling business development.

B. Initial RMDZ Program Objectives:

To date, during the program's formative period, the objectives of the RMDZ program have been to:

1. Establish 40 Recycling Market Development Zones by 1996.
2. Establish the RMDZ revolving loan program.
3. Increase the use of recycled materials by manufacturers located within the RMDZs.
4. Attract new recycling-based businesses to California to site within the RMDZs.
5. Develop a network of "Recycling Economic Development Professionals."
6. Provide technical assistance to the RMDZs.

C. Attainment of the Program Objectives to Date:

1. **Establish 40 Recycling Market Development Zones by 1996:**
Due to high local government interest and demand for the program in response to staff's recruitment efforts, the Board reached its 40-RMDZ goal in 1995, one year ahead of schedule. The RMDZs were selected for designation in a competitive process in four cycles. Twelve RMDZs were designated in 1992, five in 1993, and twelve in 1994. In February 1995, the Board designated the last eleven RMDZs. Today, 195 local jurisdictions, comprising 52 percent of the state's population, are participants in the Board's RMDZ program. Appendix A includes a map of California showing the location of the 40 RMDZs.

With the Board no longer designating new RMDZs, the only option for jurisdictions wishing to participate in the RMDZ program is to find a neighboring RMDZ willing to expand. In anticipation of the resulting increased interest in RMDZ expansions, staff revised the RMDZ redesignation regulations to be clearer and easier to follow and have written a "user friendly" guide for the jurisdictions to follow while pursuing RMDZ expansions.

2. **Establish the RMDZ revolving loan program:**
The Board established its revolving loan program as a valued part of the RMDZ program. In 1990, Senate Bill 2310 (Bergeson, Stats. 1990, ch. 1543) authorized the Board to make low interest loans to businesses using recycled materials in their

manufacturing processes. Since FY 92-93, the RMDZ loan program has been funded by a $5 million annual allocation from the Integrated Waste Management Account. The first loans were approved by the Board in the second quarter of 1993. As of December 1, 1995, the Board approved 49 loans, committing $18.3 million to the increased use of recycled materials by manufacturers. Of these, 40 loans, totaling $14.2 million, have been closed. It is important to note that the RMDZ loan program leverages private money by requiring 50 percent of the project cost to be obtained from other sources. The Board's *1995 RMDZ Loan Program Evaluation* reported an average of $1.22 of private investment for every $1.00 of State funds invested.

3. **Increase the use of recycled materials by manufacturers within the RMDZs:** As a result of direct lending by the Board, it is estimated that 1.5 million tons per year are being added to the state's recycling-based manufacturing capacity. In addition to the results of direct lending, there are significant increases in the use of recycled materials by other manufacturers due to the Board's and local staffs' efforts. Of the zone administrators surveyed who reported increases in the use of recycled materials, 26% reported an increase in excess of 40,000 tons per year. (39% of RMDZs responding to the survey were designated in 1995.) Board and local staff provide businesses with a variety of services, ranging from identifying available incentives to information on how to find feedstock.

   In part, the increased use of recycled material resulted from the leveraging that occurs because of the RMDZ program: local economic development now takes into consideration the local waste management efforts. Because of the RMDZ program, economic development and waste management professionals are working together throughout the state. For example, in Merced County there are regular meetings between the Solid Waste Department's Recycling Coordinator and staff of the Economic Development Corporation, a linkage that did not exist before the RMDZ program. One zone administrator who works out of an economic development office, remarked: "(The RMDZ program) keeps us asking the 'Do you recycle?' question of our prospects."

4. **Attract new businesses to California to site within the RMDZs:** The RMDZ program has stimulated the siting of new businesses in California. In addition to the Board's low interest loans, RMDZs offer a variety of local incentives, including permitting and site selection assistance and employee training. In order to increase the attractiveness of the RMDZs to businesses, staff worked with utilities throughout the state to provide rate concessions similar to what is offered in Enterprise Zones. Now California's three major utilities (Pacific Gas and Electric, San Diego Gas and Electric, and Southern California Edison) all offer some type of utility rate concessions to new businesses siting in the RMDZs they serve.

In response to the Program Evaluation Survey, zone administrators indicated that they are working with more than 200 new and new-to-California businesses each year. They also indicated that they are working with an additional 200 existing businesses seeking to expand their use of recycled materials as feedstock. Although all of these businesses may not site in an RMDZ, or become significant producers of recycled-content products, this represents a significant step in the direction of a sustainable, secondary materials economy.

5. **Develop a network of "Recycling Economic Development Professionals":** Beginning in 1992, the Board has sponsored a series of recycling economic development training classes for local government and Board staff who have become the core of a network of recycling economic development professionals. These classes have brought together for the first time a large number of economic development and solid waste management professionals. Many of these individuals later became the local zone administrators when their jurisdictions became designated as RMDZs.

   In June 1994, the Board let a contract to organize an association of RMDZs, similar to the California Association of Enterprise Zones. In April 1995, at a Board-sponsored RMDZ conference, the zone administrators voted to elect a board of directors and officially launch the California Association of Recycling Market Development Zones (CARMDZ). The CARMDZ mission is to facilitate information sharing among the zone administrators and to provide a mechanism for the zone administrators to speak with a unified voice when addressing the Board, the Legislature, and the public.

6. **Provide technical assistance to the RMDZs and RMDZ businesses:** Technical assistance provided by staff has ranged from helping RMDZs and businesses with the preparation of their initial applications to finding feedstock for RMDZ businesses and meeting with businesses to explain the benefits of the RMDZ program. Staff acted as primary contact for the zone administrators, providing any information requested, often referring the zone administrator to additional sources of information. The Board provided regular workshops and training sessions for the zone administrators in the areas of integrated waste management, economic development, and marketing.

   The level of service provided to each RMDZ has been a factor of how much service is requested by the RMDZs. RMDZs with established economic development programs often required less assistance than those without. One of the primary points of focus for this evaluation is: How can the Board provide better service to the zone administrators?

III. Program Evaluation by RMDZ Stakeholders

Prior to initiating this report, staff prepared and sent out three surveys targeting zone administrators, businesses that have been in contact with the RMDZ program, and economic development professionals. These surveys, along with an analysis of the results, can be found in Appendices B, C, and D. The intent of the surveys was to query these primary "stakeholder" or "customer" groups of the Board's RMDZ program about the effectiveness of the program, their satisfaction with the services provided, and their suggestions for its improvement.

Staff also took advantage of the survey to investigate issues relating to future marketing efforts such as the importance businesses place on specific factors when selecting a potential site. This yielded some interesting insights, such as the difference in perception between economic development professionals and businesses regarding the importance of local loan and grant programs in siting decisions. The economic development professionals rated local loan and grant programs as the most important factor in siting businesses. The businesses, however, rated it as one of the least important factors, rating access to markets and raw material supply as the most important factors. Other comparisons between the results of the three surveys can be found in Appendix E.

On average, the surveys indicate the **highest** level of satisfaction with:

a. Staff responsiveness;

b. Information provided on recycled materials; and

c. Referrals to other sources of assistance.

On average, the surveys indicated the **lowest** level of satisfaction with:

a. Permitting assistance;

b. Siting assistance; and

c. Marketing assistance.

There was significant variability in the level of satisfaction expressed by zone administrators with the services provided by the Board. Generally, businesses indicated significantly less satisfaction than either the zone administrators or the economic development professionals. This may be attributable to the fact that a large number of the businesses surveyed were unsuccessful loan applicants. Indeed, the most critical comments received were about the credit and collateral requirements of the RMDZ loan program, which were perceived by many to be too onerous and unreasonable.

The additional services most commonly requested by the zone administrators included:

a. Marketing and business attraction, national and international;

b. Administrative funding;

c. More flexible loan program (especially funding for start-ups); and

d. More incentives to attract businesses to the RMDZs.

A complete list of the requests and comments of the zone administrators can be found in Appendix B. These requests are discussed in more detail later in the next section.

IV. Analysis of Issues Currently Facing the RMDZ Program

As this program moves from a "developmental" to a more fully "operational" phase, staff has identified certain issues and barriers which should be addressed in order to better achieve program objectives. Zone administrators have also identified particular needs for assistance from the Board.

A. General Issues:

1. There is limited awareness of the program within the business community.
2. Many zone administrators wear other local "hats," have competing priorities and receive limited local funding for RMDZ activities.
3. Up-to-date technical information is not readily available to the RMDZs.
4. The RMDZ loan program is scheduled to sunset July 1, 1997.
5. Zone administrators are not accountable to the Board.
6. There continues to be an interest by RMDZs in applying for expansion.
7. Zone administrators have diverse experience and backgrounds.
8. The RMDZs have significant variability in the resources available to them.
9. The Board's RMDZ staff should continue its education and training in marketing and economic development.

1. **There is limited awareness of the program within the business community.** Board and local staff have done considerable advertising, particularly through national business development publications. In addition, after the local marketing activities made possible by one-time AB 1220 allocations, most mainstream businesses, inside and outside of the RMDZs, remain unaware of about the

program's existence or of the incentives it offers. As an illustration, at the recent Westpack '95 national packaging exposition, staff met with representatives, often high level, of over a hundred manufacturers, most of whom are located in California. Over forty of these businesses are currently using recycled material in their manufacturing processes. Seven of these are currently located in an RMDZ, yet none were aware of the RMDZ program.

If we are to continue to increase the use of recycled materials by manufactures within the RMDZs through conversion and expansion of existing businesses and through the attraction of new businesses, it is imperative that there be an intense and sustained effort to increase the awareness of the program. This can be achieved through the development and implementation of a thoughtful and well-organized marketing plan. Elements of this plan would include outreach to priority businesses through trade organizations, service clubs, conferences and trade shows, in addition to direct outreach to targeted businesses through mail. The targeted businesses would be identified as part of the RMDZ marketing plan development. These businesses would be selected consistent with the Board's market development plan.

The bulk of the Board's RMDZ marketing efforts to date have centered on national advertising in business development publications. Staff has found, however, that direct communication with businesses through specific targeting and personal contact, trade shows and public speaking engagements, are a much more cost-effective means of engaging businesses. In addition to manufacturers, there should be an effort to educate ancillary service businesses, especially the lending community, accountants, and economic development professionals.

2. **Many zone administrators wear other local "hats," have competing priorities and receive limited local funding for RMDZ activities.** In most instances, the local administration of this program was simply added to the duties of existing waste management or economic development staff, with little or no budget augmentation. As a result, most zone administrator outreach efforts have been of limited effectiveness. In particular, most zone administrators have been unable to locate prospects outside their local areas. Also, many zone administrators feel they have 'tapped-out' the local area for businesses to target even though, as the Westpack example shows, there are recycling-based businesses in RMDZs which have not yet been contacted through Zone Administrator outreach.

   Because of the limitations of local RMDZ resources, either the Board will need to take an increased role in the attraction of new businesses to the RMDZs or the Board will need to provide additional funding. Most of the zone administrators surveyed indicated these limitations of local resources contributed to the need for 'leads' to follow-up on. The Board could fulfill this need with an additional emphasis placed on marketing to out-of-state businesses. Based on staff's experience to date, this could be effectively accomplished through nationwide trade

organizations, conferences and trade shows in addition to direct outreach to targeted businesses. This may require additional funding for staff travel and trade show participation.

3. **Up-to-date technical information is not readily available to the RMDZs.** Zone administrators often point to the difficulty they have when businesses need information about the availability and cost of specific material types. Specific technical assistance requested by the RMDZs includes regional information on the availability of recycled materials and technical evaluation of new and emerging technologies.

   Regular reports on material availability and costs would assist the zone administrators increase the use of recycled material by manufacturers within their RMDZs. Staff of the Board's Waste Prevention and Market Development Division have begun to produce quarterly statewide market reports on the Board's priority materials. These reports include information on the quantity, quality and price of commonly recycled materials. Where there are clear differences in regional markets for a specific material type (i.e., colored glass), the reports will reflect this information.

   Under current regulation, jurisdictions are required to report on diversion programs they fund or operate. As this diversion program information from local governments begins to come in to the Board's Local Assistance and Planning Division, reports providing more regionalized information for use by the RMDZs and their manufacturers will become available.

4. **The RMDZ loan program is scheduled to sunset July 1, 1997.** Many zone administrators consider the RMDZ loan program to be their strongest incentive. There is considerable concern among these zone administrators about the loss of the RMDZ loan program. Without it, zone administrators expect to find it difficult to maintain local support for the RMDZ program.

   Recognizing the importance of the RMDZ loan program, and its significance as a business expansion, attraction and retention incentive, the Board, in May 1995, forwarded to the Legislature its recommendations for the extension of the loan program. The recommendations, contained in its report entitled: "*Recycling Market Development Zone Loan Program Evaluation,*" *are:*

   1. Extend the RMDZ loan program sunset date from July 1, 1997 to July 1, 2006.

   2. Extend funding for the loan program by continuing the annual transfer of $5 million from the Integrated Waste Management Account (IWMA) until July 1, 2000.

3. Continue the Recycling Market Development Revolving Loan Sub-account beyond the year 2000, based on an analysis of the IWMA fund condition and Board program needs.

4. Authorize the Board to participate in a pilot program with the California Capital Access Program (CalCAP), administered by the California Pollution Control Financing Authority, for an amount not to exceed $500,000. Require the Board to evaluate its participation in the program and report its findings to the Legislature by March 31, 1999.

The Board's recommendations are expected to be considered by the Legislature in 1996. Extension of the RMDZ loan program is currently one of the objectives of the CARMDZ.

5. **Zone administrators are not accountable to the Board.** This primarily affects the ability of the Board to set and achieve specific 'result-based' objectives , such as tons diverted or jobs created. Some RMDZs, especially those administered by an economic development department, provide more specific and extensive data. Economic development programs traditionally report to their elected officials the number of businesses served, attracted, expanded and retained. It is a relatively simple matter to extend this data to include the tons diverted and jobs created by these businesses. However, RMDZs administered by solid waste departments are usually not accustomed to collecting and reporting this type of information. Even if the RMDZs are achieving spectacular results, local staff has no statutory or regulatory responsibility to report results to staff. This effectively limits staff to 'process-based' goals, such as the number of clients served or presentations made, or 'results-based' goals which are controllable, such as the number of leads generated as a result of the Board's outreach efforts.

To ensure that the program is leading to an increase in the use of recycled materials within the RMDZs and attracting new businesses, the Board could:

a. Work with the zone administrators to encourage more consistent and thorough reporting of activities.

b. Hiring an outside consultant to provide regular reporting on the activities of the RMDZs.

c. Revise existing regulations to require more extensive reporting.

Option A is probably the most appropriate. An outside consultant would likely face the same difficulties as staff do in collecting information. The same information that would help Board staff with program administration would also be beneficial to

local staff as they 'fine-tune' their local programs and as they seek continued local and legislative support for their activities. It may even be possible to provide some specific incentive, such as funding, to RMDZs that provide a certain set of information. Due to the competing duties already facing the zone administrators, changes in regulations to "force" the issue of reporting might not result in better reporting unless there was some significant penalty for non-compliance. The Board could provide a template to the RMDZs, leading to a more standard reporting format.

6. **There continues to be an interest by RMDZs in applying for expansion.** Although the Board will not be designating *new* RMDZs, there continues to be interest by local governments in joining one already in existence.

   The development and review of these expansion applications (technically 'redesignation applications') require significant Board staff time, often in excess of that required by the original designation application. Board staff expects to bring to the Board approximately five redesignation applications each calendar year. Board staff is currently working on eleven active RMDZ expansions. In addition, staff is responding to frequent inquiries from several other jurisdictions about inclusion in an RMDZ. Until the interest in RMDZ expansion is exhausted, it should be expected that this application review process may take as much as twenty percent of Board RMDZ staff time.

   The Board may consider whether to discourage the continued expansion of the existing RMDZs. Options include suspending RMDZ expansions for a year or more, tightening the requirements for expansion, or maintaining a neutral position. Suspending RMDZ expansions or increasing the requirements for RMDZ expansions is not likely to result in significantly less use of staff time. Indeed, the final act of bringing the expansion application to the Board represents only a small fraction of the staff time spent on these projects. In addition, increasing the requirements for RMDZ expansion may require a regulatory change to enact.

7. **The zone administrators have diverse experience and backgrounds.** The zone administrators represent diverse interests and abilities. A recent survey of the zone administrators found them to be almost evenly divided into two groups: those with economic development backgrounds and those with solid waste backgrounds. This range of experience makes it more difficult for the Board to fashion training and assistance programs with universal application. In addition, there is significant turnover among the zone administrators, necessitating nearly continuous training for new zone administrators.

   In order to continue the development of the network of Recycling Economic Development Specialists, the Board should consider providing an ongoing training program in integrated waste management and economic development for the zone

administrators. The Board can continue to provide training augmented by contract training. In the past, the Board has provided extensive training in economic development to interested zone administrators through the use of a contractor. Additionally, staff has provided training in integrated waste management and economic development at workshops for the zone administrators. These efforts have been effective and appreciated, but have been hampered by travel and time limitations faced by zone administrators. An enhanced training program could include regional training sessions led by trained educators in both fields. The program should also include training on new and emerging technologies so the zone administrators will be able to more adequately evaluate new projects and proposals by businesses.

8. **The RMDZs have significant variability in the resources available to them.** Some RMDZs have dedicated administrators, and some use recycling coordinators who are responsible for everything from curbside collection and waste management planning to administering the RMDZ. Again, the variety of RMDZ resources makes developing assistance programs with universal application more difficult. What works in an urban zone may not work in a rural zone. Rural RMDZs with fewer resources at their disposal often welcome more 'hands-on' assistance from Board staff. Urban RMDZs with a more established economic development service network more often desire Board staff's assistance only with specific program or waste management issues.

   Currently, Board staff provides services on an 'as requested' basis. Board staff should now undertake efforts to develop a separate strategy for addressing rural recycling economic development issues. This strategy would be developed with input from the rural RMDZs and would address training needs, dedicated staffing levels (i.e., number of RMDZs assigned to each Board RMDZ staff), specialized reference materials and greater coordination with staff from other divisions and agencies. The goal of the strategy would be to empower rural zone administrators with the tools needed to successfully develop their RMDZs, not for Board staff to take over their administration.

9. **The Board's RMDZ staff should continue its education & training in marketing and economic development.** The Board's RMDZ staff comes from a variety of professional backgrounds. Until recently, economic development expertise was not as necessary for staff to be effective in the RMDZ program. Now, with the shift of focus to economic development of recycling based manufacturing, it is increasingly important. However, not all Board RMDZ staff has training in integrated waste management *and* economic development. This makes it difficult to provide the needed business development assistance the RMDZs often require. This lack of training in economic development is especially limiting when staff is working with a Zone Administrator who is similarly untrained.

Any training program for the zone administrators could include provisions to train Board staff at the same time. This would incur little or no additional expense since the training will be provided in a group setting and should be able to accommodate additional students with little difficulty.

B. Requests of staff assistance from the zone administrators:

As the program has matured, and local and Board staffs work to achieve program objectives, the need for additional services has become apparent. To help identify needed services, the Board's RMDZ staff has solicited input from zone administrators, at every opportunity, on what additional services they would like to see from the Board. For example, discussion of such needs took place at a recent zone administrators' workshop in Sacramento. In addition, as part of this evaluation, each Zone Administrator, and much of the local RMDZ staff, was surveyed on this and other aspects of the program. What follows is a summary and an analysis of these requests.

1. Provide funding for local administration of the RMDZ program.
2. Provide training for zone administrators in the areas of economic development and integrated waste management.
3. Provide marketing assistance to the RMDZs.
4. Provide more incentives for businesses to site in an RMDZ.
5. Improve the loan program.
6. Provide regional representatives to the RMDZs.
7. Increase cooperation with other economic development programs.

1. **Provide funding for local administration of the RMDZ program.** The most frequently requested type of assistance is funding to augment budgets for local programs. The funding is requested for both outreach and zone administration.

   In 1993, AB 1220 (Eastin, Stats. 1993, ch. 656) made funds available to the existing 29 RMDZs for use in their marketing efforts. Each of the existing 29 RMDZs received a contract from the Board for approximately $25,000 to develop brochures, purchase equipment and conduct outreach to businesses. Administrators for the final 11 RMDZs, designated in 1995, have expressed the desire for a similar opportunity.

Currently, options for providing direct funding for the new RMDZs, at any level, are limited. Funding could come from a special allocation from the legislature, the Integrated Waste Management Account, the RMDZ loan fund, from a RMDZ loan processing fee or from an as yet unidentified source. Given the Board's and the State's current funding constraints, it is unlikely that substantial funding could come from these sources. For example, funds from the RMDZ loan account are limited by statute to direct expenditure for loans and loan administration. In addition, it is unlikely there would be broad support for the reduction in loan availability for this purpose. Funding the RMDZs through RMDZ loan processing fees would be limited by the amount available, typically less than $50,000 per year. Use of the processing fee for RMDZ support would also require a budgetary change. It is currently budgeted for re-lending through the RMDZ loan program. This leaves funding from an as yet unidentified source as the most likely alternative. Board staff should continue to pursue funding opportunities for the RMDZs through federal and private grants and any other identifiable option.

As an alternative to providing direct funding to the RMDZs, the Board could provide the functional equivalent in the form of services to the zone administrators. The Board could provide more economically, on a state-wide basis, through in-house staff or contracted labor, some of the services which the RMDZs would purchase individually. These services could include training, marketing and graphics services.

2. **Provide training for zone administrators in the areas of economic development and integrated waste management.** Zone administrators frequently indicate the need for training in the area where they lack expertise.

   As described earlier, the Board will need to provide ongoing training and education in these areas. An enhanced training program will include regional training sessions lead by trained educators in both fields. The program should also include training in new and emerging technologies so the zone administrators will be able to more adequately evaluate projects and proposals by businesses.

3. **Provide marketing assistance to the RMDZs.** After funding, the most requested form of assistance requested by the zone administrators is for marketing assistance to provide leads for the RMDZs to follow-up on and to enhance the RMDZs' ability to attract new businesses.

   Specific marketing assistance requested by zone administrators includes promotional materials such as brochures and table top displays, national mail-outs and advertising, and an Internet home page and/or electronic bulletin board. As indicated earlier, the Board could conduct this type of activity, on a statewide basis, more economically than the RMDZs could do as individuals. For example, instead of each RMDZ paying for artwork and development of brochures, the Board could

develop, either in-house or through a contractor, a 'generic' RMDZ brochure which could be customized with the name and other information specific to each RMDZ.

Staff is currently developing a marketing strategy, to be implemented by Board staff, to accomplish the following (in order of importance):

a) Target manufacturers within the RMDZs, through direct mail, trade shows, and industry newsletters, who do, or may be able to, use Board priority recycled materials in their manufacturing to inform them of incentives available to them;

b) Target business service professionals (lenders, economic development professionals, accountants, etc.) within the state, with an emphasis on those within the RMDZs, through service organizations and industry conferences;

c) Target manufacturers outside of the state, through advertising and trade shows; and

d) Target the general public within the state, with an emphasis on the population within the RMDZs to raise the general awareness of the program.

Implementation of this marketing plan will largely satisfy the marketing needs of the zone administrators. Particularly if the Board develops marketing materials, such as brochures, which can be 'customized' for the use of each of the RMDZs. Additionally, Board staff is currently working (within existing contracts) to produce two table top displays the RMDZs could check out to use for their outreach efforts.

4. **Provide more incentives for businesses to site in an RMDZ.** The RMDZs are competing with other states for businesses. The zone administrators have asked for additional incentives to attract businesses to their RMDZs.

If the RMDZs are to compete successfully with other states' incentive programs in attracting manufacturers, the Board will need to provide the RMDZs with additional incentives for businesses to locate there. Incentives requested by the zone administrators include tax-credits, and management, marketing and technical assistance for businesses. Some of these incentives, tax-credits in particular, will require legislative action to be implemented. Other of these incentives such as management and marketing assistance could be offered economically through contracts with independent service providers. Marketing assistance would include direct consultation with recycling based businesses to develop marketing plans and assist with other marketing activities. Management consulting would include assistance with preparing business plans and other management decisions.

The Board's RMDZ staff is currently proposing a contract for fiscal year 1996-97 to provide management and marketing assistance to recycling based businesses sited within the RMDZs. Incentives requiring legislative approval would have to be initiated through the Board's legislative proposal process. Statutory changes can be difficult to enact, and could take years to accomplish.

5. **Improve the loan program.** Specific improvements requested include eliminating the quarterly loan application cycle, lowering the interest rate and making the program more suitable for funding start-up businesses. In order to move to continuous processing of loan applications, it would require a regulatory change. These regulation changes would restructure the loan committee to allow monthly meetings on an as needed basis. The financial consultant contract is being modified to shift resources from staff assistance to providing loan packaging assistance in support of the RMDZs. An electronic database is being developed to automate much of the loan servicing function.

6. **Provide regional representatives to the RMDZs.** As Board staff has become more involved with the recycling economic development process, there have been greater demands for site visits and meetings with local zone staff. Under current travel budget limitations it is difficult for Board staff to provide these services to the extent requested. It would be possible to house a Board RMDZ staff person in an existing Southern California office. This staff person would then be more available to meet with businesses and zone administrators while incurring less travel time and less expense. The downside would be the isolating effect on this staff person, who would be less available for inside meetings and supervision.

7. **Increase cooperation with other economic development programs.** Although Board RMDZ staff work with economic development professionals on an a individual basis, there is currently no organized coordination between the RMDZ program and other statewide, public and private, economic development organizations (such as the Trade and Commerce Agency and CALED). This is in part due to the 'newness' of the RMDZ program, and to the fact that the Board has not traditionally worked with these organizations and there are no existing working relationships to start from. This lack of working relationships with these organizations results in lost opportunities to share leads and information which could help attract recycling-based businesses to California.

   The Board's RMDZ staff is currently working to improve this situation and the lack of working relationships with other economic development organizations will be addressed in the development of Board's RMDZ marketing strategy.

V. Future Program Objectives

Based on the analysis of program performance to date, issues facing the program and the needs expressed by the zone administrators, business and economic development personnel, staff is recommending the following objectives for the RMDZ program:

A. **To effectively market the program in partnership with the RMDZs, implement a comprehensive marketing plan that promotes and encourages: 1) the expansion of existing recycling businesses within the RMDZs; 2) conversion of manufacturers within the RMDZ from the use of virgin feedstock to the use of recycled materials; and 3) attraction of manufacturers of recycled-content products to the RMDZs from other parts of California and from other parts of the country.**

B. **Broaden RMDZ incentives available to expand, retain and attract recycling-based businesses to the RMDZs.**

C. **Provide effective technical assistance to the RMDZs including feedstock information, business development, financing resources, manufacturing technologies and marketing assistance.**

D. **Expand existing RMDZs only where the jurisdiction proposing expansion has demonstrated a distinct advantage to recycling-based economic development.**

E. **Provide training to Board staff and zone administrators, designed to increase their effectiveness in implementing the RMDZ program.**

F. **Conduct a biennial evaluation of the program performance and program needs.**

G. **Depending on available funds, provide direct general financial support to the RMDZs.**

H. **Increase awareness in the business community within RMDZs about waste prevention and buying recycled products.**

VI. Recommendations

To achieve the above objectives, staff recommends that the Board:

1. **Develop and implement a comprehensive marketing plan.**

   Elements of this plan will include: Targeting of and outreach to priority businesses through trade organizations, participation in strategically selected conferences and trade shows, strategic advertising, and other methods to be determined.

   In addition to manufacturers, there will be an effort to educate ancillary service businesses, especially the lending community, accountants, and economic development professionals. The building of working relationships with other economic development organizations will be also be addressed in the RMDZ marketing strategy.

   A draft marketing plan will be presented to the Market Development Committee, by April 1996.

2. **Publish Quarterly Market Reports for use by the RMDZs and manufacturers.**

   Staff of the Waste Prevention and Market Development Division have begun producing a quarterly market report on the status of the Board's priority materials. The first report was sent out in November 1995. In addition to these reports, the diversion program information from local governments providing more regionalized information for use by the RMDZs and their manufacturers will become available this year.

   The zone administrators are being added to the mailing list for the market status reports, and should receive the report for the fourth quarter 1995, by February 1996, and regularly thereafter. The reports from local diversion programs will become available later in 1996.

3. **Work with the zone administrators to encourage more consistent and thorough reporting of activities.**

   The same information that will help Board staff with program administration will help the zone administrators market their program locally. This information will also be beneficial to local staff as they 'fine-tune' their local programs and as they seek continued local and legislative support for their activities. Efforts initiated now would result in improved annual report information by Early 1997.

4. **Enhance training efforts for zone administrators.**

This enhanced training program will provide ongoing, regional training by professional educators in integrated waste management and economic development. This training program should also include training in new and emerging technologies so the zone administrators will be able to more adequately evaluate new projects and proposals by businesses. Any training program for the zone administrators will include provisions to also train Board staff. The initiation of the enhanced program will occur in fiscal year 95-96. The program should then be ongoing.

5. **Develop a specific strategy for addressing rural recycling economic development issues.**

   This strategy would be developed with input from the rural RMDZs and will address training needs, dedicated staffing levels (i.e., number of RMDZs assigned to each Board RMDZ staff), specialized reference materials and greater coordination with staff from other divisions and agencies. Development of this strategy will be initiated now and implementation should begin by June 1996.

6. **Pursue funding opportunities for the RMDZs through federal and private grants and any other identifiable option.**

   The search is ongoing. Staff will report back to the Committee by April 1996 with further information and recommendations.

7. **Provide added services to the zone administrators.**

   Where direct funding from the Board may not be available, staff will investigate services the Board could provide more economically, on a state-wide basis, through in-house staff or contracted labor, which the RMDZs would otherwise have to purchase individually. These services could include enhanced marketing activities, graphic support and the development of marketing materials for use by the RMDZs. This effort has already been initiated. Staff should report back to the Committee by April 1996 with further information and recommendations.

8. **Assist the RMDZs to provide additional incentives for businesses to locate, expand, and remain within them.**

   The Board's RMDZ staff is currently proposing a contract for fiscal year 1996-97 to provide management and marketing assistance to recycling-based businesses wishing to expand, remain or locate within the RMDZs. This effort is already initiated and staff will report back to the Market Development Committee in April 1996 with further information and recommendations.

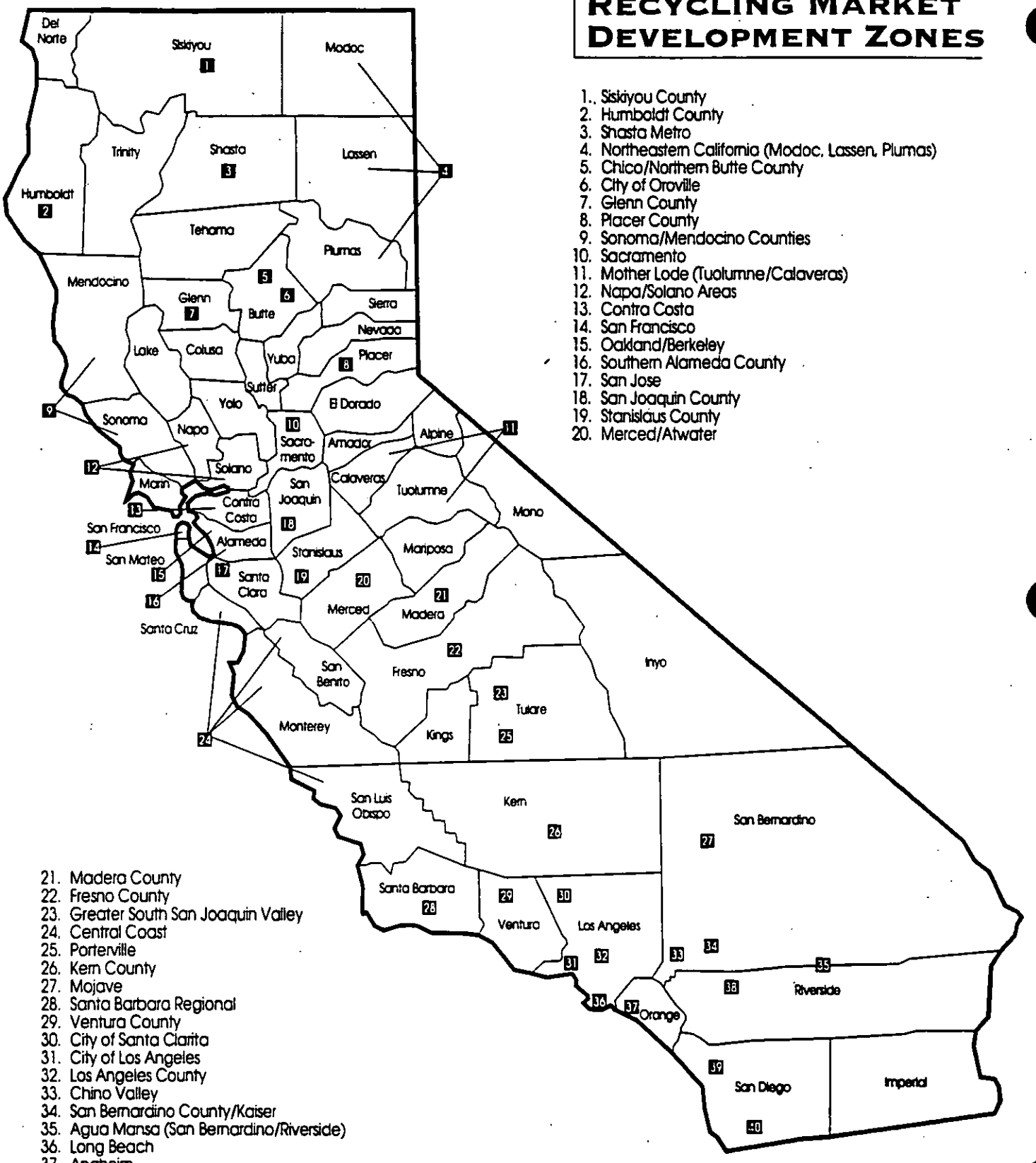
Appendices

Appendix A. California map showing the RMDZs
Appendix B. Business Survey
Appendix C. Zone Administrator Survey
Appendix D. Economic Development Professionals Survey
Appendix E. Comparison of survey results

APPENDIX A

MAP OF CALIFORNIA SHOWING THE LOCATION OF THE 40 RMDZs

CALIFORNIA'S RECYCLING MARKET DEVELOPMENT ZONES



1. Siskiyou County
2. Humboldt County
3. Shasta Metro
4. Northeastern California (Modoc, Lassen, Plumas)
5. Chico/Northern Butte County
6. City of Oroville
7. Glenn County
8. Placer County
9. Sonoma/Mendocino Counties
10. Sacramento
11. Mother Lode (Tuolumne/Calaveras)
12. Napa/Solano Areas
13. Contra Costa
14. San Francisco
15. Oakland/Berkeley
16. Southern Alameda County
17. San Jose
18. San Joaquin County
19. Stanislaus County
20. Merced/Atwater
21. Madera County
22. Fresno County
23. Greater South San Joaquin Valley
24. Central Coast
25. Porterville
26. Kern County
27. Mojave
28. Santa Barbara Regional
29. Ventura County
30. City of Santa Clarita
31. City of Los Angeles
32. Los Angeles County
33. Chino Valley
34. San Bernardino County/Kaiser
35. Agua Mansa (San Bernardino/Riverside)
36. Long Beach
37. Anaheim
38. Riverside County
39. North San Diego County
40. San Diego

APPENDIX B

SURVEY TO BUSINESS AND RESULTS

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Business survey form

Business survey results
(Questions: 1,2,6,8,9,10,12,13,15,16)

Business survey results (Questions: 4,5,7,11)

Bar chart results (Questions: 4,5,7,11)

Recycling Market Development Zone Program
Survey for Recycling Businesses

1. **Company information:**

Company Name_____
Contact Person_____
Phone (____)_____

Type of Business:

- ☐ Manufacturer
- ☐ Broker
- ☐ Other (please specify)_____

How many employees currently work at your facility?_____

If you have multiple product lines, how many employees work in the manufacture of recycled content products?_____

2. **If you use any of the following recycled materials, please indicate the percentage used in manufacturing your product: (Please check all that apply.)**

Material	Type (e.g., grade, resin)	Recycled (Percent)	Virgin (Percent)	Tons/Year	
				Recyled	Virgin
Paper					
Plastic					
Glass					
Wood					
Asphalt					
Concrete					
Textiles					
Green Waste					
Metal					
Other (specify)					

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3. **What type of recycled content products do you manufacture?**

- ☐ Paper products
- ☐ Printing & writing products
- ☐ Solids (e.g., road base, concrete, etc.)
- ☐ Plastic products (pellets)
- ☐ Plastic products (finished products)
- ☐ Compost/Mulch
- ☐ Glass products
- ☐ Automotive products (e.g., anitfreeze, oil)
- ☐ None
- ☐ Paint and/or solvents
- ☐ Building & Construction
- ☐ Metal products
- ☐ Retreaded Tires
- ☐ Tire-derived products
- ☐ Furniture
- ☐ Clothing
- ☐ Other:_____

4. **On a scale of 1-5 (5 being most important), please indicate the importance of the following in your decision to use recycled materials in your manufacturing:**

Company philosophy	1	2	3	4	5
State RMDZ incentives	1	2	3	4	5
Local RMDZ incentives	1	2	3	4	5
Lower cost of production	1	2	3	4	5
Lower cost of feedstock	1	2	3	4	5
Improved product quality	1	2	3	4	5
Availability of local feedstock	1	2	3	4	5
Market demand for recycled products	1	2	3	4	5
Government mandated recycled content	1	2	3	4	5
Price preference policies	1	2	3	4	5
Others:_____	1	2	3	4	5
_____	1	2	3	4	5

5. **On a scale 1-5 (5 being most significant), please indicate the significance of the following obstacles to the growth of your company's use of recycled materials:**

Limited access to capital	1	2	3	4	5
Technical limitations	1	2	3	4	5
Lack of markets for your products	1	2	3	4	5
Permitting issues/Environmental regulations	1	2	3	4	5
Operational costs	1	2	3	4	5
Feedstock availability	1	2	3	4	5
Increased cost of recycled feedstocks	1	2	3	4	5
Meeting product specifications	1	2	3	4	5
Maintaining end-product quality	1	2	3	4	5
Inadequate local incentives	1	2	3	4	5
Inadequate state incentives	1	2	3	4	5
Lack of Governmental cooperation	1	2	3	4	5
Lack of skilled labor	1	2	3	4	5
Other:_____	1	2	3	4	5

6. **Is your company planning to expand its use of recycled materials?**

☐ Yes ☐ No ☐ Unsure

If you answered **NO**, what assistance could help change your mind?

_____

_____

7. **On a scale of 1-5 (5 being most important), please indicate the importance of the following in your decision to site in your current location:**

RMDZ low interest loans	1	2	3	4	5
Federal funding (e.g., SBA 504, 7a, etc.)	1	2	3	4	5
RMDZ business development assistance	1	2	3	4	5
Utility rate incentives	1	2	3	4	5
Enterprize Zone incentives	1	2	3	4	5
Property and housing costs	1	2	3	4	5
Adequate labor force	1	2	3	4	5
Proximity to raw material supply	1	2	3	4	5
Access to markets/customers	1	2	3	4	5
Marketing assistance	1	2	3	4	5
Permit streamlining assistance	1	2	3	4	5
Local grants, loans & other incentives	1	2	3	4	5
Access to rail lines, highways, airports or shipping	1	2	3	4	5
Identification of feedstock availability	1	2	3	4	5
Industrial site availability	1	2	3	4	5
Other (specify)_____	1	2	3	4	5

8. **Have you received assistance through the RMDZ program?**

☐ Yes ☐ No

If **YES**, please list in order of importance the type of services received:
1 = most important; 5 = least important

1._____
2._____
3._____
4._____
5._____

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9. **Was there an increase in your use of recycled materials as a result of the RMDZ assistance?**

☐ Yes ☐ No

If **YES**, by approximately how many tons/year?_____tons.

10. **How many jobs were created as a result of the RMDZ assistance?**_____

11. **On a scale 1-5 (5 being most satisfactory), please indicate your satisfaction with the services received through the RMDZ program: (Please mark all that apply.)**

Low-interest loan assistance	1	2	3	4	5
Recycled materials information	1	2	3	4	5
Business development assistance	1	2	3	4	5
Permitting assistance	1	2	3	4	5
Marketing assistance	1	2	3	4	5
Siting assistance	1	2	3	4	5
General information provided	1	2	3	4	5
Referral to other sources of information	1	2	3	4	5
Credit evaluations were expeditious	1	2	3	4	5
Credit evaluations were fair	1	2	3	4	5
Collateral/credit negotiations were expeditious	1	2	3	4	5
Collateral/credit negotiations were fair	1	2	3	4	5
Closing of loans was expeditious	1	2	3	4	5
Help was provided in timely manner	1	2	3	4	5
Other:_____	1	2	3	4	5

12. **Please list in order of importance, other ways the Board can help your business: 1 = most important; 5 = least important**

1._____
2._____
3._____
4._____
5._____

<u>If you have applied for a RMDZ loan, please answer #13:</u>

13. **What do you like BEST about the RMDZ Loan program?**

_____
_____

Least?_____
_____

14. **How would you improve the RMDZ program?**

_____
_____
_____
_____
_____
_____

15. **Would you like us to contact you about assistance which may be available to your business?**

☐ Yes ☐ No

16. **Do you have any additional comments?** (Use additional pages as needed.)

_____
_____
_____
_____
_____
_____

Thank you for taking the time to complete this questionnaire. Please return or fax it by **DECEMBER 1, 1995** to :

Mary Farr
CIWMB
8800 Cal Center Drive
Sacramento, CA 95826
Fax: (916) 255-2573
Phone: (916) 255-2465

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BUSINESS SURVEY RESULTS
(Questions: 1,2,6,8,9,10,12,13,15,16)

Total Surveys Sent: 210
Total Surveys Reviewed: 42
Total surveys returned to sender: 17

Questions #1: Company information:

Manufacturer: 22
Broker: 1
Other: 16

Total Number of Employees: 924

Total Number of Recycling Jobs: 159

Questions #2:

Materials	No. of respondents	Tons/Yr	End product
Paper	7	3,127,020	Paper products Building Panels
Plastic	5	82,890	Pellets; Print/Write & Plastic products
Glass	1	10	Glass products
Wood	4	12,000	Bldg/Construction Livestock bedding
Asphalt	3	1,053,800	Bldg/Construction Road base
Concrete	2	1,105,200	Concrete; Solids/Road base
Textiles	1	34,500	Clothing; Furniture
Green Waste	8	100,290	Compost/Mulch
Metal	0		
Other	5	68,000	Castings; Paint products; Scrap wallboard

Question #6: Planned Expansion:

Yes: 25 No: 1 Unsure: 7 N/A: 4

Question #8:

8a: Received RMDZ Assistance:

Yes: 14 No: 17 N/A: 6

8b: List of services deemed most important
(1 = most important; 5=least important)

1a. Low Interest Loans with reasonable collateral
b. Help in processing the application
c. Help in receiving the grant
d. Seminars
e. Technical assistance

2a. Contacts w/County/State/Private Recycling Professionals
b. Introduction into various feedstock markets
c. Immediate access to staff for problem solving

3a. General information
b. Competitive interest rate on loans

4. Ability to meet CIWMB at site, rather than Sacramento

Question #9: Increase in the use of recyclable materials due to RMDZ:

Yes: 11 No: 11 N/A: 14

Question #10: Jobs created because of the RMDZ assistance:

No response: 24
Jobs were not created due to RMDZ: 7
Jobs created due to RMDZ: 109

Question #12: Ways in which RMDZ Program can assist your business:
(1 = most important; 5 = least important)

1a. Public education to increase recycling rate/demand for recycled content products.
b. Reduce the paperwork required for the program.

Question #12: (Cont'd)

c. Provide technical assistance.
d. Call back promptly and help with individual programs.
e. Require recipients of loan funds to pick up all recycled waste from referrals.

f. Make soft loans w/modest collateral.
g. Mandate percent usage of recycled content mandatory in furniture goods.
h. Require Local/City/State Governments to purchase products from loan recipients, when practical.
i. Expedite paperwork for an existing, proven business.
j. Remove 70% collateral requirements for 50% loan amount.
k. Reduce time between filing application and receiving funds.
l. Simplify loan process.
m. Omit tierred permitting.

2a. Get State Government officials to meet with recycle businesses.
b. Shift approved specific zones.
c. Omit application fee.
d. Consider "volume" in lieu of "tons" when calculating material diverted from land fills. Example: 10,000 tons of textile waste uses more space than 10,000 tons of metal.

3a. Provide regulations to encourage diversion of scrap from landfills.
b. Help loan recipients with local education programs.
c. Maintain loans for private firms only. Public agencies are unfair competitors to private firms.

4a. Provide follow-up.
b. Help market finished products.

5a. Assign one staff member to each company to help resolve their problems.
b. Provide recommendations to other parts of the State and Counties.

c. Evaluation process is too harsh. Standard banking practices should be adopted in lieu of current agreements.

Question #13: Satisfaction with RMDZ loan program:

	Best	Least
Low-Interest Loans	10	
Long-Terms	2	
AB 939		1
Staff Cooperation	2	
Paperwork		3

Question #13: (cont'd)

	Best	Least
Loan Processing	1	1
Loan Fee		1
Community Recognition	1	
Seminars	1	
Required Collateral		

Question #15: Do you wish further assistance:

Yes: 19 No: 8 N/A: 8

Question #16: Additional Comments:

1. Staff did not follow-through and did not contact applicant regarding grant.

2. RMDZ help could be used in setting up a wastestream in textiles in San Francisco. Also, RMDZ could mediate negotiations between business and City.

3. Recyclers are refusing to pick up polyurethane foam. Provide curbside pick-up for foam.

4. Christy Beaman has been most helpful in introducing us to recycling interests and forwarding information.

5. Not enough information provided in initial packet regarding collateral.

6. Too many conflicting requirements between State, County and Federal agencies.

7. Provide loans to those who cannot qualify for bank loans.

8. Provide assistance in marketing and production of new products.

9. Make loan evaluation criteria available to the applicants early in the process.

BUSINESS /EY RESULTS

Question 4: Decision to use recycled materials in manufacturing

Respondent	4a Company philosophy	4b State RMDZ incentives	4c Local RMDZ incentives	4d Lower cost of production	4e Lower cost of feedstock	4f Improved Product Quality	4g Availability of local feedstock	4h Recycled prod mkt demand	4i Gov mandated recyc content	4j Price preference policies	4k Other
A&M Plastic Recyc											
Badger Forest Prod	4	1	1	5	4	2	4	4	1	5	
CA Grey Bears Inc	5	3		3	5	5	5				
Copp Materials Inc						5	5	5			
Counter/Production	5	1	1	1	3	4	4	4	1	1	1
Cranford Inc	5	3	3	2	2	2	4	2	1	1	
DKD Investments	3	1	1	2	2	2	4	3	2	1	
E-cort Div, Kelly Moore	5	1	1	3	5	1	4	1	5	1	5
Encore Ribbon	4	3	3	4	3	2	4	4	2	4	
Envirosave	5	5	5	5	5	5	5	5	5	5	5
Garbage Collection	5	2	2	4	1	5	4	3	1	1	5
Granite Construction	4						4	2		3	
Gridcore	4	1	1	3	3	4	4	5	3	3	
Hemacinto Rcl & Mat	1	1	1	2	2		2	4	1	1	1
Hughes Missile Sys											
J.R.S Tires							5	5			
Jervis Webb Co of CA											
Kellogg Supply Inc	4	4	4	3	2	4	2	3	3	3	
L.A. Fiber company	5	1	1	4	4	1	4	1	1	2	
Lazz Products	5	3	3	3	5	3	5	3	3		
Mallard Creek Inc	3	4	4	3	4	4	4	4	1	3	
Marplast Inc	1	2	3	5	5	4	5	5	2		
North Valley Recon	5	4	4	3	3	4	4	5	3	4	
Oak Paper Products	5	4	4	3	3	3	4	4	2		
Plastopan N.A., Inc.	5	5	5				3	5	1	1	5
Productivity Ca Inc	4	2	2	1	5	4	3	3	1	2	
Recy Earth Prod Inc	5	3	3	3	5	5	5	5	5	3	4
Rossi Transport Serv	5	3	3	2	2	3	5	4	2	4	
Shred Away	1						2	4			
Simi Valley Base, Inc.					5		5	5			
Sonoma Compost	5	1	1	5	5	3	5	5	3	2	
Sta Clara Waste Water	5						4	4			
Sutta Co	1	1	1	1	1	1	1	5	1	1	1
The Plactory	5	1	1	1	5	3	2	1	1	1	
Tiny Tots Linen											
Triad Energy Resourc	5	1	1	2	5	2	4	3	2	2	
Valley By-Products							5	5			
Valley cmpst & topsoi	5	1	1	1	1	3	5	1	1	1	
Web Recycling Ctr											
Zumbrun Construction	5	1	1	1	1	5	3	4	1	1	
TOTAL	129	63	61	75	96	89	138	126	65	56	27
AVERAGE	3.2	1.6	1.5	1.9	2.4	2.2	3.5	3.2	1.4	1.4	0.7

Question 5: Significance of obstacles to growth of company's recycled material use

Respondent	5a Limited access to capital	5b Technical limitations	5c Lack of markets for products	5d Permitting/Environ regs	5e Operational costs	5f Feedstock availability	5g Incr cost of recycled fdstck	5h Meeting product specs	5i Maintaining end-prod quality	5j Inadequate local incentives	5k Inadequate state incentives	5l Lack of gov cooperation	5m Lack of skilled labor	5n Other
A&M Plastic Recyc														
Badger Forest Prod	5	1	1	1	4	2	1	1	1	5	5	4	2	
CA Grey Bears Inc						5								5
Copp Materials Inc										5		4		5
Counter/Production	5	1	2	2	3	1.	1	1	2	1	1	1	1	1
Cranford Inc	3	2	2	3	3	3	2	4	3	3	4	2	3	
DKD Investments	3	3	3	4	3	2	1	1	1	3	3	3	1	
E-cort Div, Kelly Moore	1	1	5	1	2	1	1	2	3	5	5	5	1	
Encore Ribbon	3	1	2	2	2	2	1	2	2	3	3	2	1	
Envirosave	5	3	3	3	4	3	3	4	5	5	4	4	3	
Garbage Collection	4	1	1	4	2	1	1	1	1	3	4	5	1	5
Granite Construction	1	1	3		4		1					1		
Gridcore	5	3	2	2	2	3	4	2	3	4	4	2	2	
Hemacinto Rcl & Mat	2	1	1	4	1	3	1	1	1	4	4	5	1	
Hughes Missile Sys										5				
J.R.S Tires				5		5	5							
Jervis Webb Co of CA		5			5			5						
Kellogg Supply Inc	4	4	2	3	3	2	3	4	4	3	3	3	3	
L.A. Fiber company	4	4	4	4	3	2	2	5	5	2	2	3	3	
Lazz Products	3	2	4	2	3	2	3	4	4	2	2	2	2	
Mallard Creek Inc	2	4	3	5	3	2	2	2	2	3	3	5	3	
Marplast Inc	5	5	3	5	5	5	1	2	2	2	2	5	5	1
North Valley Recon	3	3	3	3	3	2	3	3	3	3	3	3	3	
Oak Paper Products	5	4	3	3	4	3	5	4	4	4	4	4	4	3
Plastopan N.A., Inc.	1	5	1	1	4	5	4	5	5	3	3	1	1	
Productivity Ca Inc	5	2	1	5	3	3	4	2	2	3	3	2	3	
Recy Earth Prod Inc	5	1	3	3	3	5	1	2	2	4	4	5	2	
Rossi Transport Serv	3	3	3	5	5	3	2	3		5	5	4	3	
Shred Away	1									3	4			2
Simi Valley Base, Inc.						5								
Sonoma Compost	2	2	1	5	3	1	1	3	2	2	2	2	1	
Sta Clara Waste Water	4				4									
Sutta Co	3	3	5	4	5	1	1	1	1	1	1	1	1	1
The Plactory	5	2	2	2	3	4	2	3	4	2	2	5	1	
Tiny Tots Linen	5	1	1	5	3	1	1	1	1	5	5	5	1	
Triad Energy Resourc	4	2	1	2	4	2	2	2	2	2	2	2	4	
Valley By-Products	5	1	2	2	3	3	3	2	2	2	2	1	1	
Valley cmpst & topsoi	5	1	1	5	1	5	1	1	1	1	1	4	1	
Web Recycling Ctr	5	2	4	5	2					4		3		
Zumbrun Construction	5	2	1	3	5	3	4	2	2	3	3	3	5	
TOTAL	121	76	73	103	107	90	67	75	70	105	93	101	63	23
AVERAGE	3.0	1.9	1.8	2.6	2.7	2.3	1.7	1.9	1.8	2.6	2.3	2.5	1.6	0.6

Question 7: Decision to site in current location

Respondent	7a RMDZ low interest loans	7b Federal funding	7c RMDZ business dev assist	7d Utility rate incentives	7e Enterprise Zone incentives	7f Property & housing costs	7g Adequate labor force	7h Proximity to raw matl supply	7i Access to mktd/customers	7j Marketing assistance	7k Permit streamlining assist	7l Local grants, loans, other	7m Rail, hiway, air, ship access	7n ID of feedstock availability	7o Industrial site availability	7p Other
A&M Plastic Recyc	1	1	1	1	1	1	2	2	3	1	1	1	4	1	3	
Badger Forest Prod	2	1	1	1	1	1	3	5	5	1	1	1	4	2	4	
CA Grey Bears Inc		5				5	5	5	5							5
Copp Materials Inc									5						5	
Counter/Production	3	1	3	1	1	1	1	1	3	1	1	1	3	1	3	1
Cranford Inc	1	1	1	1	1	3	1	3	3	3	3	1	3	3	5	
DKD Investments	1	1	1	1	1	2	2	3	2	1	1	1	1	3	3	
E-cort Div, Kelly Moore	1	1	1	1	1	1	1	5	3	4	4	1	4	4	1	
Encore Ribbon	1	1	1	1	1	2	2	4	4	2	1	1	4	3	3	
Envirosave	3	4	5	3	4	4	5	5	5	5	2	5	5	5	5	5
Garbage Collection	3	3	1	3	3	2	4	5	2	1	3	4	4	4	4	5
Granite Construction	1	1	1	1	1	1	1	3	4	1	1	1	1	1	1	
Gridcore	1	3	1	4	3	2	4	4	4	1	4	4	3	3	3	
Hemacinto Rcl & Mat	1	1	1	1	1	3	1	4	4	1	1	1	1	2	4	
Hughes Missile Sys																
J.R.S Tires						5										5
Jervis Webb Co of CA																
Kellogg Supply Inc	3	3	3	4	4	3	4	4	5	4	4	3	3	3	4	
L.A. Fiber company	5	1	4	4	1	1	4	5	4	2	4	2	2	4	4	
Lazz Products																
Mallard Creek Inc	1	4	3	1	1	1	4	4	4	1	4	4	3	4	4	
Marplast Inc	5	5	5	5	5	5	2	3	3	5	2	5	4	5	2	
North Valley Recon	4	3	3	3	2	4	4	4	3	2	3	2	4	4	5	
Oak Paper Products	5	5	4	4	4	3	3	4	4	3	4	4	2	2	3	
Plastopan N.A., Inc.	1	1	1	3	1	1	1	1	4	1	2	5	4	1	4	
Productivity Ca Inc	4	1	2	2	1	1	3	2	3	2	1	1	4	2	5	
Recy Earth Prod Inc	5	1	5	1	3	1	1	4	4	1	3	4	1	4	5	
Rossi Transport Serv	4	1	4	1	4	2	3	4	4	2	3	1	5	4	5	
Shred Away								1	2							
Simi Valley Base, Inc.					5			5								
Sonoma Compost	1	1	1	2	1	1	1	5	5	1	1	1	1	1	5	
Sta Clara Waste Water								4	4				4	4	4	
Sutta Co	4	3	4	3	5	5	1	5	5	1	4	1	5	5	5	
The Plactory	1	1	1	1	1	1	4	4	3	1	1	1	1	1	1	1
Tiny Tots Linen	1	4	1	1	1	4	5	1	1	1	1	1	1	1	4	1
Triad Energy Resourc	1	1	1	1	1	3	3	3	4	1	2	2	2	3	3	
Valley By-Products	1	1	1	1	1	1	1	5	5	1	4	1	1	5	4	
Valley cmpst & topsoi	1	1	1	1	1	1	1	5	5	1	1	1	4	5	1	5
Web Recycling Ctr					4	4	3	2	3	4	4	1	2			
Zumbrun Construction	1	1	1	1	1	5	3	3	3	1	1	1	1	1	3	5
TOTAL	67	62	63	56	66	60	83	127	130	67	72	63	91	91	116	33
AVERAGE	1.7	1.6	1.6	1.5	1.7	2.0	2.1	3.2	3.3	1.4	1.8	1.6	2.3	2.3	2.9	0.8

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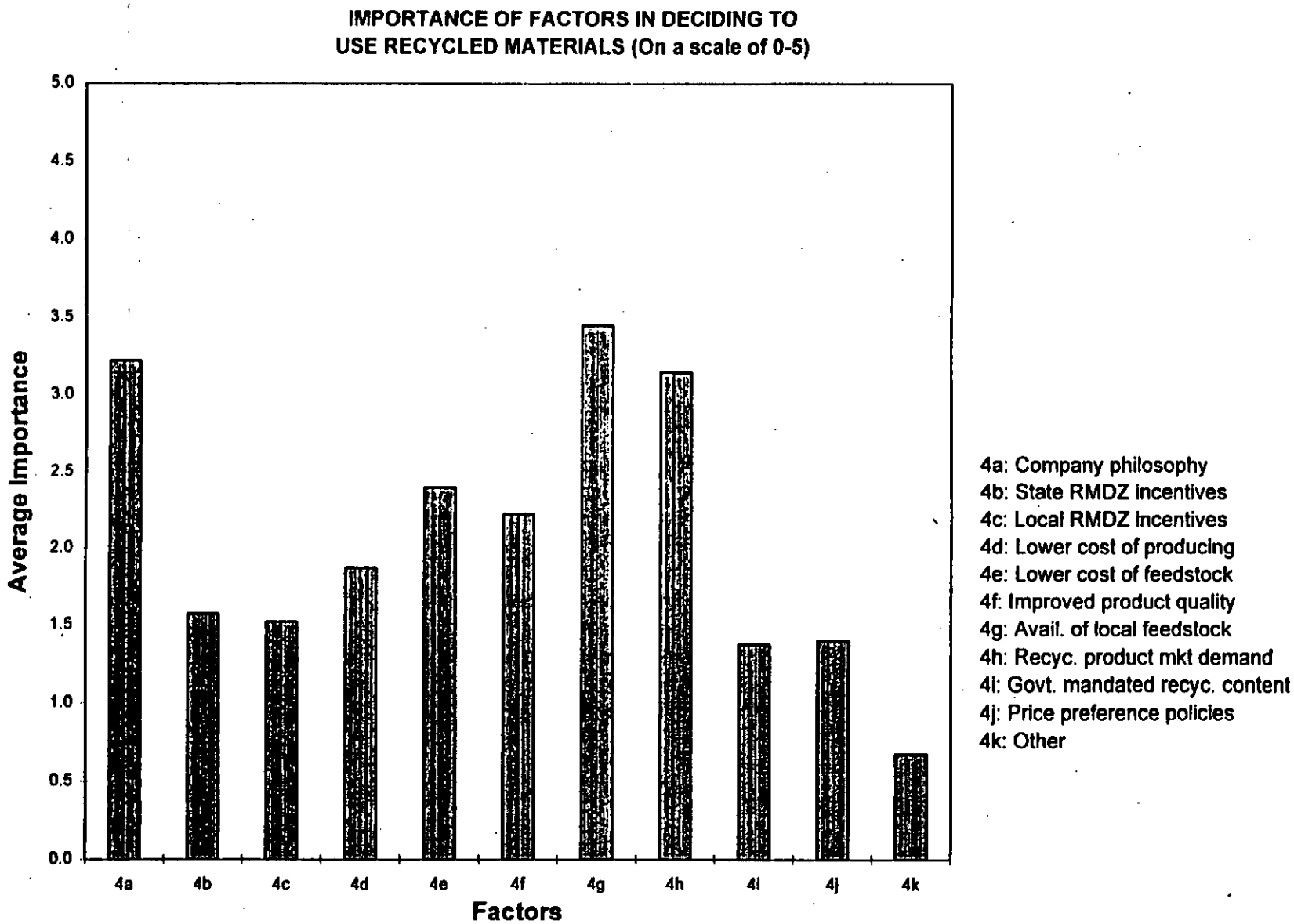
BUSINESS SURVEY RESULTS

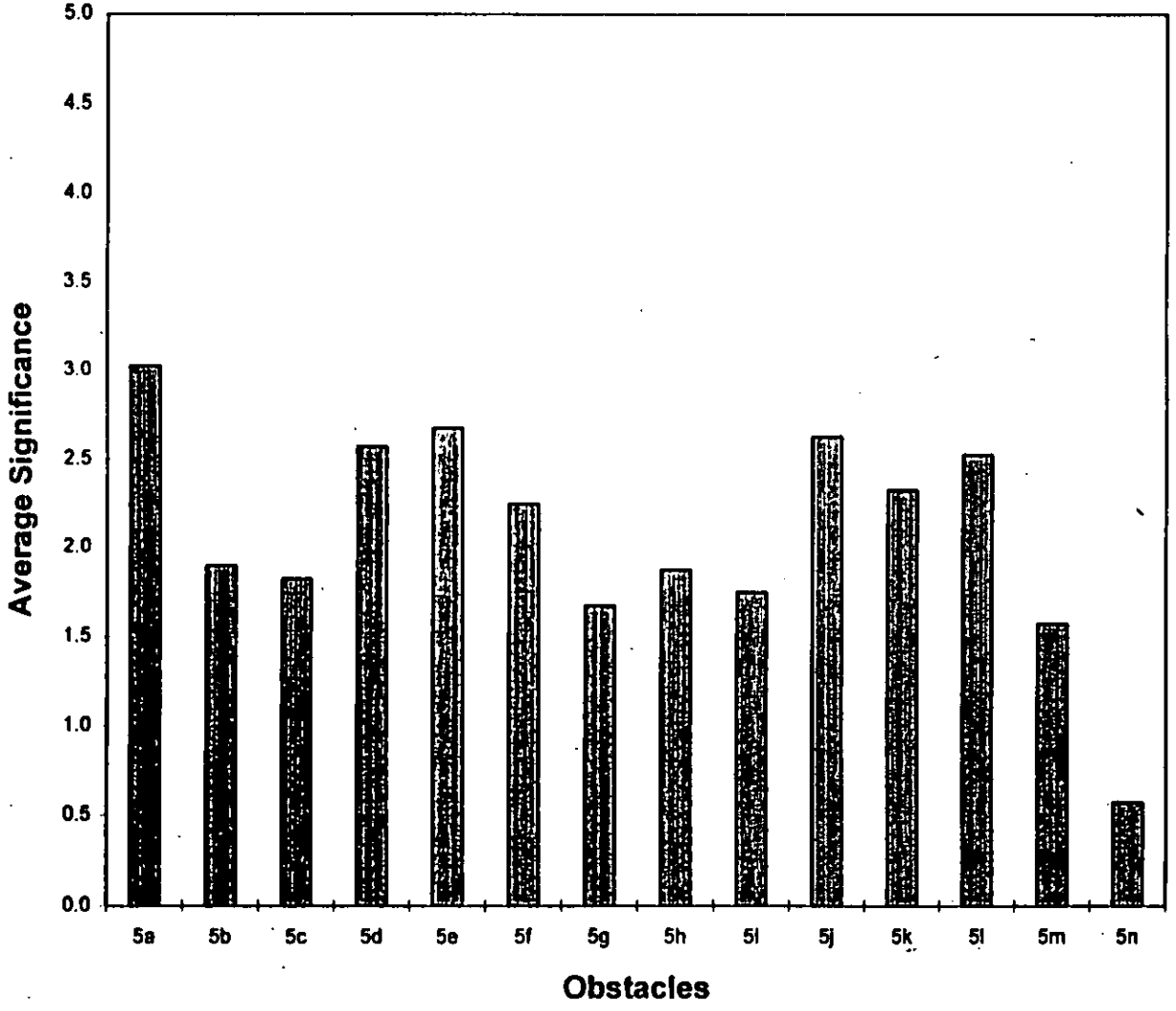
	Question 11: Satisfaction with services received through RMDZ program														
	11a	11b	11c	11d	11e	11f	11g	11h	11i	11j	11k	11l	11m	11n	11o
Respondent	Low-interest loan assistance	Recycled materials info	Business dev assistance	Permitting assistance	Marketing assistance	Siting assistance	General info provided	Referral to other info sources	Expeditious credit evaluations	Fair credit evaluations	Expeditious collateral negotns	Fair collateral negotiations	Expeditious loan closings	Timely help provided	Other
A&M Plastic Recyc															
Badger Forest Prod	3	1	2	1	1	1	2	1	1	1	1	1	1	1	
CA Grey Bears Inc		5	3				4		5		5		5	5	
Copp Materials Inc					3			4						4	
Counter/Production															
Cranford Inc	3	2	2	2	2	2	3	2	2	2	2	2	1	1	
DKD Investments	5	3	2		2		3	1	3	3	3	3	3	3	
E-cort Div, Kelly Moore															
Encore Ribbon	3	3	1	1	1	1	2	3	2	2	2	2	3	3	
Envirosave		5	5		5		5	5							
Garbage Collection	3	1	1	1	1	1	1	1	1	1	1	1	1	1	
Granite Construction															
Gridcore															
Hemacinto Rcl & Mat															
Hughes Missile Sys		4					4	1						4	1
J.R.S Tires															
Jervis Webb Co of CA															
Kellogg Supply Inc															
L.A. Fiber company	5	2	2	2	2	2	3	4	4	5	5	5		5	
Lazz Products															
Mallard Creek Inc															
Marplast Inc	1	2	3	3	4	4	1	1	3	3	3	3	2	1	
North Valley Recon	5	3	3	4	3	3	3	3	4	4	4	4	4	4	
Oak Paper Products															
Plastopan N.A., Inc.	4	3	1		1		3	3	3	3	3	1	4	5	
Productivity Ca Inc	5								4	4	4	4	4	4	
Recy Earth Prod Inc	5	3	2	3	3	3	3	4	5	4	2	2	3	3	
Rossi Transport Serv	2								1	3	1	3	1	1	
Shred Away															
Simi Valley Base, Inc.	5														
Sonoma Compost															
Sta Clara Waste Water															
Sutta Co	5	1	1	4	1	1	1	1	3	4	3	4	2	5	
The Plactory	2	5	5	5	5	5	3	5	5	2	3	2	5	4	
Tiny Tots Linen															
Triad Energy Resourc															
Valley By-Products															
Valley cmpst & topsoi	4	1	1	1	1	1	4	2	1	1	1	1	1	4	
Web Recycling Ctr															
Zumbrun Construction	1		1				1	1	3	1	3	1		4	
TOTAL	61	44	35	27	35	24	46	42	50	43	46	39	40	62	1
AVERAGE	3.6	2.8	2.2	2.5	2.3	2.2	2.7	2.5	2.9	2.7	2.7	2.4	2.7	3.3	1.0

Business Survey - Question 4



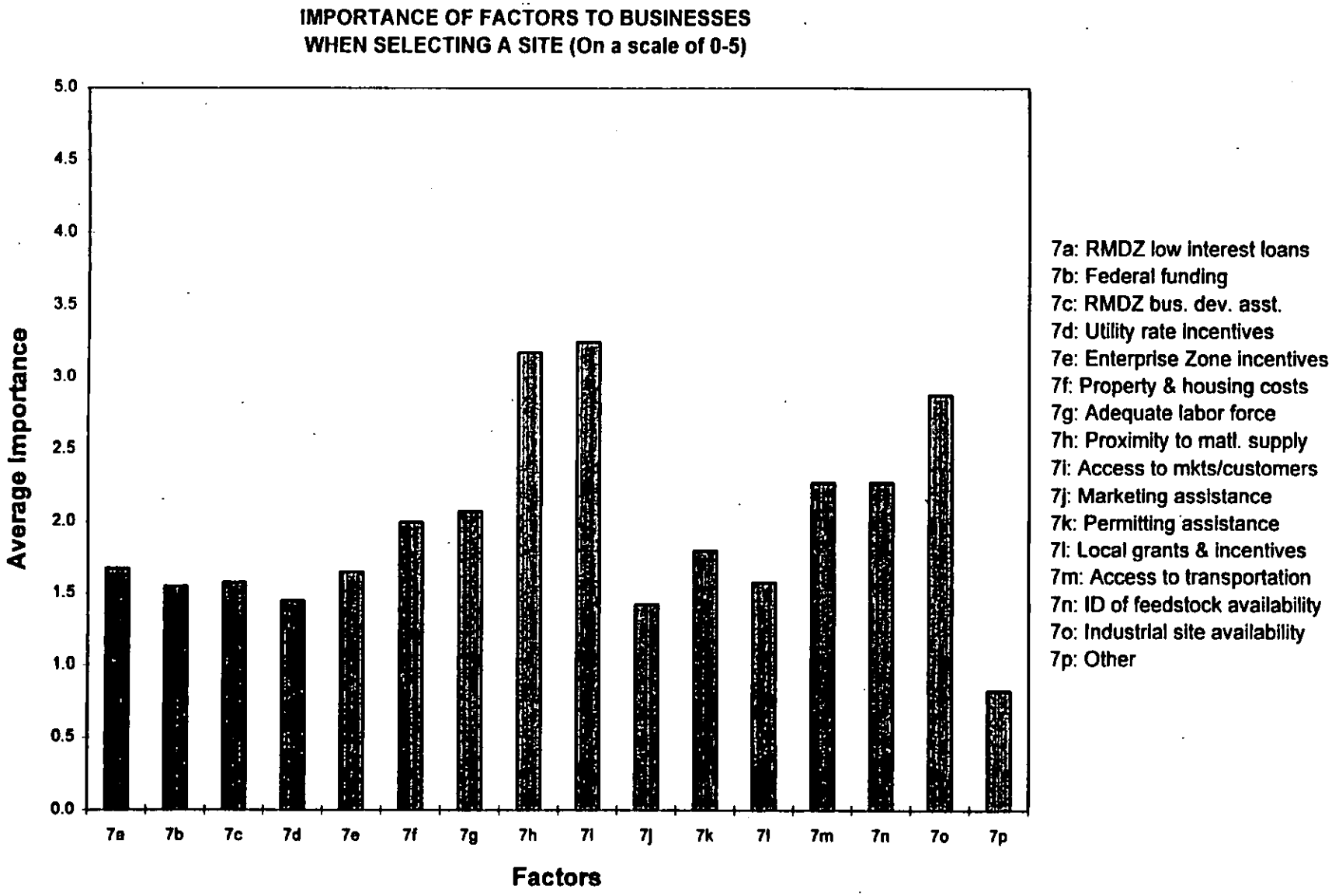
Business Survey - Question 5

SIGNIFICANCE OF OBSTACLES TO THE GROWTH OF BUSINESSES' USE OF RECYCLED MATERIALS (On a scale of 0-5)

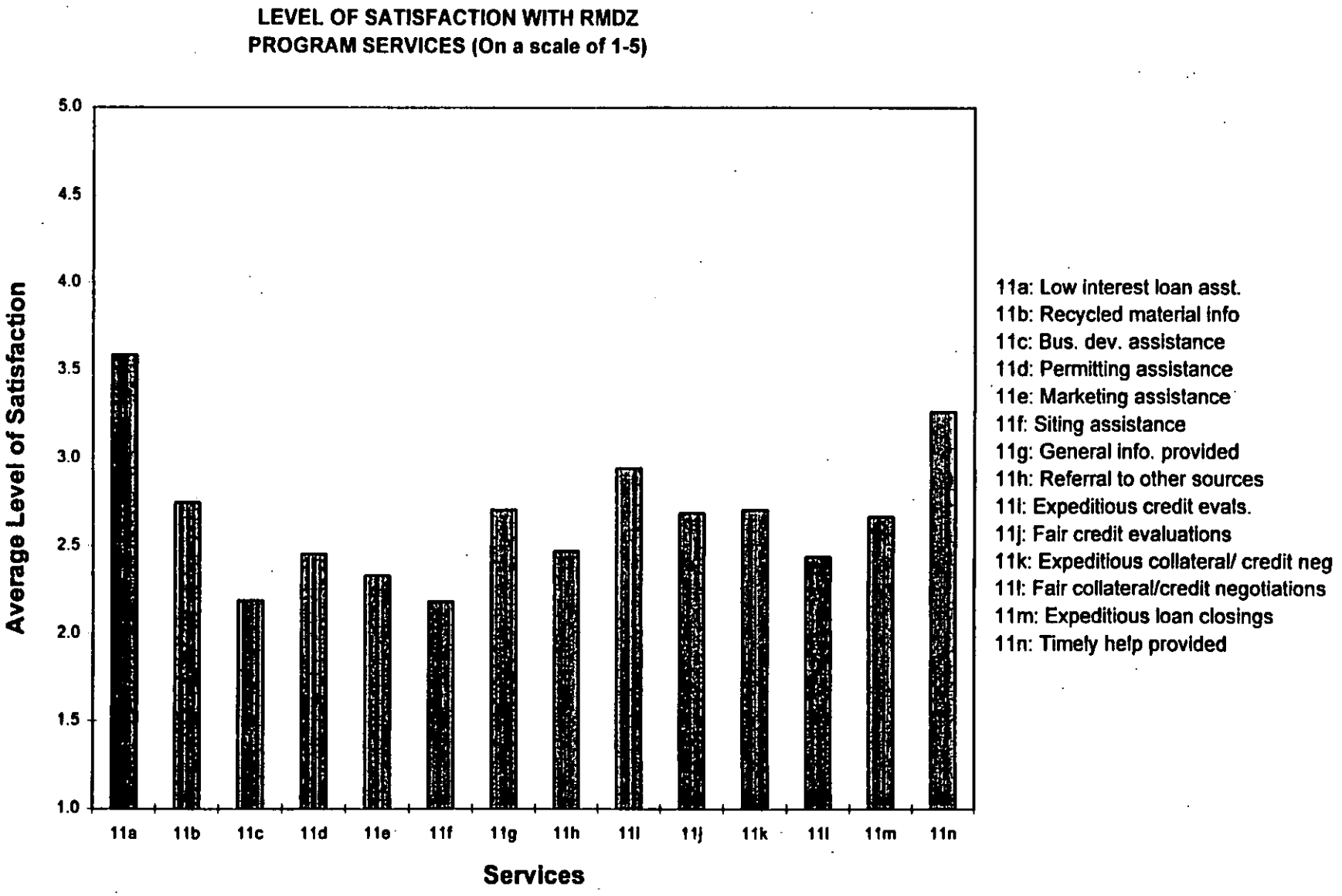


5a: Limited access to capital
5b: Technical limitations
5c: Lack of markets for products
5d: Permitting/Environ. regs
5e: Operational costs
5f: Feedstock availability
5g: Increased cost of recy. feedstk
5h: Meeting products specs
5i: Maintaining end-product quality
5j: Inadequate local incentives
5k: Inadequate state incentives
5l: Lack of gov. cooperation
5m: Lack of skilled labor
5n: Other

Business Survey - Question 7



Business Survey - Question 11



APPENDIX C

SURVEY TO ZONE ADMINISTRATORS AND RESULTS

Table of contents

Zone Administrators survey form

Zone Administrators survey results
(Questions: 2,4,5,6,7,8,9,10,15,16,17,18,19,20)

Zone Administrators survey results
(Questions: 3,11,12,13,14)

Bar chart results (Questions: 3,11,12,13,14)

Recycling Market Development Zone Program
Survey of Zone Administrators

1. Organization Name:_____
Contact Person: _____
Address: _____
City: _____ State: _____ Zip:_____
Phone (____)_____

2. **How many recycling-based manufacturers do you assist each year? (Please check all that apply.)**

- ☐ New #_____
- ☐ Expanded #_____
- ☐ Retained #_____
- ☐ Attracted #_____
- ☐ Other_____ #_____

3. **If you have provided assistance to recycling based manufacturers, on a scale 1-5 (5 being most frequent) please indicate the frequency of the following types of assistance provided:**

Needs were handled by local resources	1	2	3	4	5
Referred to the RMDZ loan program	1	2	3	4	5
Referred to the RMDZ for other assistance	1	2	3	4	5
Business development plans were created	1	2	3	4	5
Requested local or other government guaranteed loans	1	2	3	4	5
Businesses received environmental assistance	1	2	3	4	5

Other:_____

4. **What type of recycled products are produced in your Zone?**

- ☐ Paper products
- ☐ Printing & writing products
- ☐ Solids (e.g., road base, concrete, etc.)
- ☐ Plastic products (pellets)
- ☐ Plastic products (finished products)
- ☐ Compost/Mulch
- ☐ Glass products
- ☐ Automotive products (e.g., antifreeze, oil)
- ☐ Other: _____
- ☐ Paint and/or solvents
- ☐ Building & Construction
- ☐ Metal products
- ☐ Retreaded Tires
- ☐ Tire-derived products
- ☐ Furniture
- ☐ Clothing
- ☐ Fire logs

5. **Which of these materials are you targeting? (Check all that apply.)**

- ☐ Paper
- ☐ Wood
- ☐ Textiles
- ☐ Other (specify):_____
- ☐ Plastic
- ☐ Asphalt
- ☐ Green Waste
- ☐ Glass
- ☐ Concrete
- ☐ Metal

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6. **Does your RMDZ overlap an existing Enterprise Zone?**

☐ Yes ☐ No

7. **Do you administer an Enterprise Zone in addition to your RMDZ?**

☐ Yes ☐ No

8. **Has there been an increase in the use of recycled materials as a result of the RMDZ assistance or zone designation?**

(a) ☐ Yes ☐ No

If **YES**, please estimate the amount of increase in the use of recycled materials since your zone designation?

☐ 0-1,000 tons/year
☐ 1,001-5,000 tons/year
☐ 5,001-10,000 tons/year
☐ 10,000 - 20,000 tons/year
☐ 20,000 - 40,000 tons/year
☐ More than 40,000 tons/year

(b) **What do you believe were the most significant reasons for the increase?**

_____

_____

_____

9. **If known, do you expect your local jurisdiction meet AB 939 goals?**

☐ Yes ☐ No ☐ Unsure

If **NO**, why not?

_____

_____

10. **If known, to what degree has the RMDZ program helped your jurisdiction achieve AB 939 goals?**

☐ Not at all helpful
☐ Not significantly helpful
☐ Somewhat helpful
☐ Significantly helpful
☐ Extremely helpful

11. **In your business recruitment efforts, on a scale 1-5 (5 being most important), please indicate which of the followings DETER businesses from locating in a RMDZ: (check all that applies)**

Lack of knowledge on the program	1	2	3	4	5
Access to markets	1	2	3	4	5
Lack of demand for recycled products	1	2	3	4	5
Not eligible for RMDZ loan	1	2	3	4	5
Inadequate local incentives (specify)_____	1	2	3	4	5
Inadequate State incentives (specify)_____	1	2	3	4	5
Inadequate recycled materials supply	1	2	3	4	5
Inadequate transportation network (roads, rail, etc.)	1	2	3	4	5
Property and housing costs	1	2	3	4	5
Operation costs	1	2	3	4	5
Lack of skilled labor	1	2	3	4	5
Permitting issues/Environmental regulations	1	2	3	4	5
Other: (specify)_____	1	2	3	4	5

12. **On a scale of 1-5 (5 being most important), please indicate the importance of the following to a business selecting a site:**

RMDZ low interest loans	1	2	3	4	5
Utility rate incentives	1	2	3	4	5
Enterprize Zone incentives	1	2	3	4	5
RMDZ marketing assistance	1	2	3	4	5
Local business development assistance	1	2	3	4	5
Housing & property costs	1	2	3	4	5
Operation costs	1	2	3	4	5
Skilled labor force	1	2	3	4	5
Proximity to material supply	1	2	3	4	5
Access to markets/customers	1	2	3	4	5
Permit streamlining assistance	1	2	3	4	5
Local grants, loans & other incentives	1	2	3	4	5
Access to rail lines, highways, airports or shipping	1	2	3	4	5
Identification of feedstock availability	1	2	3	4	5
Industrial site availability	1	2	3	4	5
Others (specify)_____	1	2	3	4	5
_____	1	2	3	4	5

13. **On a scale 1-5 (5 being most important), please indicate the importance of the following services to your future successes in retaining, expanding, and attracting businesses in the RMDZ?**

Business recruitment assistance	1	2	3	4	5
National outreach to businesses	1	2	3	4	5
Funding for marketing materials (e.g. brochures)	1	2	3	4	5
Funding for administrative costs	1	2	3	4	5
Identification of available grants (nationwide)	1	2	3	4	5
Local business workshops	1	2	3	4	5
Attending statewide business conferences	1	2	3	4	5
Attending nationwide business conferences	1	2	3	4	5
Networking between RMDZs	1	2	3	4	5
Waste management information	1	2	3	4	5
Economic development training	1	2	3	4	5
Other training (specify):_____	1	2	3	4	5
Tax credits	1	2	3	4	5
Hiring credits	1	2	3	4	5
Others:_____	1	2	3	4	5
_____	1	2	3	4	5

14. **If you have received services through the RMDZ program, on a scale of 1-5 (5 being most satisfied), please indicate your level of satisfaction with the program: (Please mark all that apply.)**

Recycled materials information	1	2	3	4	5
Business development assistance	1	2	3	4	5
Permitting assistance	1	2	3	4	5
Marketing assistance	1	2	3	4	5
Siting assistance	1	2	3	4	5
Closing of loans was expeditious	1	2	3	4	5
Referral to other sources of information	1	2	3	4	5
Help was provided in timely manner	1	2	3	4	5
Assisted in business recruitment	1	2	3	4	5
Recruited businesses were screened quickly	1	2	3	4	5
Other:_____	1	2	3	4	5
_____	1	2	3	4	5

15. **What services do your local agencies provide to businesses who locate in a RMDZ? (Excluding the Board's services.)**

1._____
2._____
3._____
4._____
5._____

16. **Please list in order of importance, other ways the Board can help businesses:**
1 = most important; 5 = least important;

1. _____
2. _____
3. _____
4. _____
5. _____

17. **What do you like BEST about the RMDZ Loan program?**

_____
_____
_____

LEAST: _____
_____
_____

18. **What other services can the Board provide your RMDZ to ensure its success?**

_____
_____
_____
_____

19. **If you could change the RMDZ program, what would you change?**

_____
_____
_____
_____
_____

20. **Do you have any additional comments you would like to add?** (Please use additional pages as needed.)

_____
_____
_____
_____

Thank you for taking the time to complete this questionnaire. Please return or fax it by **DECEMBER 1, 1995** to :

Mary Farr
RMDZ Program
CIWMB
8800 Cal Center Drive
Sacramento, California 95826
Phone: (916) 255-2465 Fax: (916) 255-2573

ZONE ADMINISTRATORS SURVEY RESULTS
(Questions: 2,4,5,6,7,8,9,10,15,16,17,18,19,20)

Total surveys sent: 40
Total surveys reviewed: 24

Question #2: Recycling-based manufacturers assisted:

New:	163	(Ventura 50)
Expanded:	131	(Ventura 50)
Retained:	36	
Attracted:	138	(Mojave 100)
Other:	0	

Question #4: Type of Recycled Products Manufactured in the RMDZs:

Paper:	8	Printing & Writing:	3
Glass:	7	Solids (eg: roadbase):	18
Metal:	7	Plastic (pellets):	8
Furniture:	4	Plastic (finished):	10
Clothing:	4	Compost/Mulch:	16
Firelogs:	3	Automotive (antifreeze):	3
Retreaded Tires:	5	Tire-derived:	5
Paint/Solvents:	7	Building & Construction:	5
Other:	6		

Question # 5: Recycled materials targeted in the RMDZs:

Paper:	15
Plastic:	15
Glass:	8
Wood:	9
Asphalt:	4
Concrete:	6
Textiles:	5
Green Waste:	15
Metal:	5
Other:	4

Question #6: Do the RMDZ overlap with Enterprise Zone?

Yes: 14 No: 10

Question # 7: Do you administer EZ & RMDZ?

Yes: 5 No: 18

Question #8:

8a: Increase in recycled material because of RMDZ:

Yes: 13 No: 5

Amount of tons/year increase since zone designation:

0-1,000:	6	1,0001-5,000:	1
5,0001-10,000:	1	10,000-20,000:	0
20,000-40,000:	2	>40,000:	3

8b. Reasons for the increase:

a. Assistance in the use of recycled materials in manufacturing.
b. Technical assistance from the city's waste management office.
c. Increased awareness in the importance of buying recycled content.
d. Loan funding (2)

Question #9: Does your local jurisdiction expect to meet AB 939?

Yes: 19 No: 0 Unsure: 4

Question #10: Degree the program helped to meet AB 939:

Not at all helpful:	1
Not significantly helpful:	5
Somewhat helpful:	13
Significantly helpful:	1
Extremely helpful:	0

Question #15: Services provided by local agencies to businesses in the RMDZs:

<u>Technical Assistance</u>

1. Identification of feedstock - 4
2. Permitting assistance (streamline, one-stop, utility reduction/waiver, landuse) - 17
3. Marketing assistance (national marketing of regional area, materials market data) - 5
4. General information and referrals
5. Assistance in solid waste/recycling issues

Business Development

1. Employment services (hiring referral services, job training - 7
2. Business development centers (SCORE, SBDC) - 3
3. Site identification/selection - 13
4. Business plan assessment/development - 3
5. Cost analysis
6. Enterprise Zone incentives - 7

Financing Assistance

1. Pre-screening loan qualifications - 2
2. Small business financing (SBA, Micro loans) - 3
3. Loan information (low interest loans, local financing, loan packaging, identification sources of funds) - 11

Question 16: Ways the Board could help businesses?
(1 = most important; 5 = least important)

1a. Allow RMDZ staff to be more involved
b. Loan program : Greater flexibility in RMDZ loan process; more efficient & effective loan program; keep RMDZ loan interest rates low (4)
c. Marketing assistance: Recycled content products marketing & promotion; information on recycled content products buyers and sellers; market research & analysis (by material) (5)
d. Technology research/transfer
e. Financial assistance: Tax credits; grants for R&D & start costs; identification of grant opportunities; administrative funds (10)
f. Increasing feedstock availability by AB 939
g. Reduced utility rates
h. Funding for entreneurial & management training for prospective loan applicants at locla level

2a. Recycled content legislation
b. Trade show information
c. Loan program: Lower interest rates; lower RMDZ loan application fee; less stringent loan eligibility (3)
d. Marketing assistance: Attraction efforts; mail outs & nationwide advertising; tradeshow information (5)
e. Technical assistance: R&D assistance; regional information on recyclable materials (4)

3a. Develop, maintain & make available databases on feedstock and products.
b. Regional representation/coordination (2)
c. Marketing assistance
d. Reduce collateral & cash flow requirements; lower loan rate; better guidelines for loan qualifications (3)

Question 16: (cont'd)

g. Mixed organics demonstration/pilot projects within the RMDZ
h. Continued grant funding for RMDZ coordinators

4a. Provide seed money for databases, surveys, local promotions
b. Development of business plans
c. Statewide feedstock database
d. Statewide & national publicity

5a. Micro-loans
b. Loan program
c. Electronic bulletin board
d. Duplicating CALED economic development efforts

Question # 17: Like BEST about the RMDZ program:

1. Low interest loans (4)
2. Team work
3. Flexibility for local implementation
4. Encourages diverse local jurisdictions to plan & work together
5. Staff enthusiasm, patience, knowledge, and support
6. New business opportunities
7. Technical assistance
8. Working with businesses
9. Staff & Board attentiveness
10. Loans when they materialize
11. Utility rate reduction
12. Training & economic development
13. Referral of prospects

Like Least about the RMDZ program:

1. Limitations/inflexibility of loan program (2)
2. No real incentives from State; beside the loan, all other RMDZ services are available without zone designation. (4)
3. Loans that do not materialize when they should
4. Not enough recruitment of businesses.
5. RMDZ expansion application requirements
6. Rising interest rates
7. Incapacity to fund solid start-ups
8. Lack of direct state support for local activities

Question # 18: Services the Board need to provide to the RMDZs:

1. Marketing & business attraction; national & international (5)
2. Continued support
3. Statewide efforts to educate politicians, purchasing agents & the public about recycled content products.
4. Additional loan related services for start-up companies.
5. Local workshops
6. Cross-training in waste management & economic development issues
7. Build strength through incentives
8. Grant and other sources of funding
9. Engineering specs for small-scale sludge/yard waste. Co-composting facility for Mendocino Coast
10. Administrative funding (2)
11. Fund solid start-ups
12. Marketing assistance
13. Local workshops
14. Higher loan limits

Question # 19: Changes needed to improve the RMDZ program:

1. More flexible loan program (3)
2. More CIWMB marketing assistance for all RMDZs
3. More state incentives for RMDZ companies - 2
4. Increase communication between sections within the Board & between the Board & RMDZs
5. Streamline paperwork
6. Lower interest rates
7. Offer tangible incentives as the Enterprise Zone program
9. Grant and support for marketing assistance Instead of loan program
10. Increase loan funding availability
11. Administrative support to locals

Question #20: Additional comments:

1. Offer technical advise (process/materials advise for a certain technology
2. More support to businesses
2. Most significant loan program
3. Work & coordinate efforts with existing economic development organization

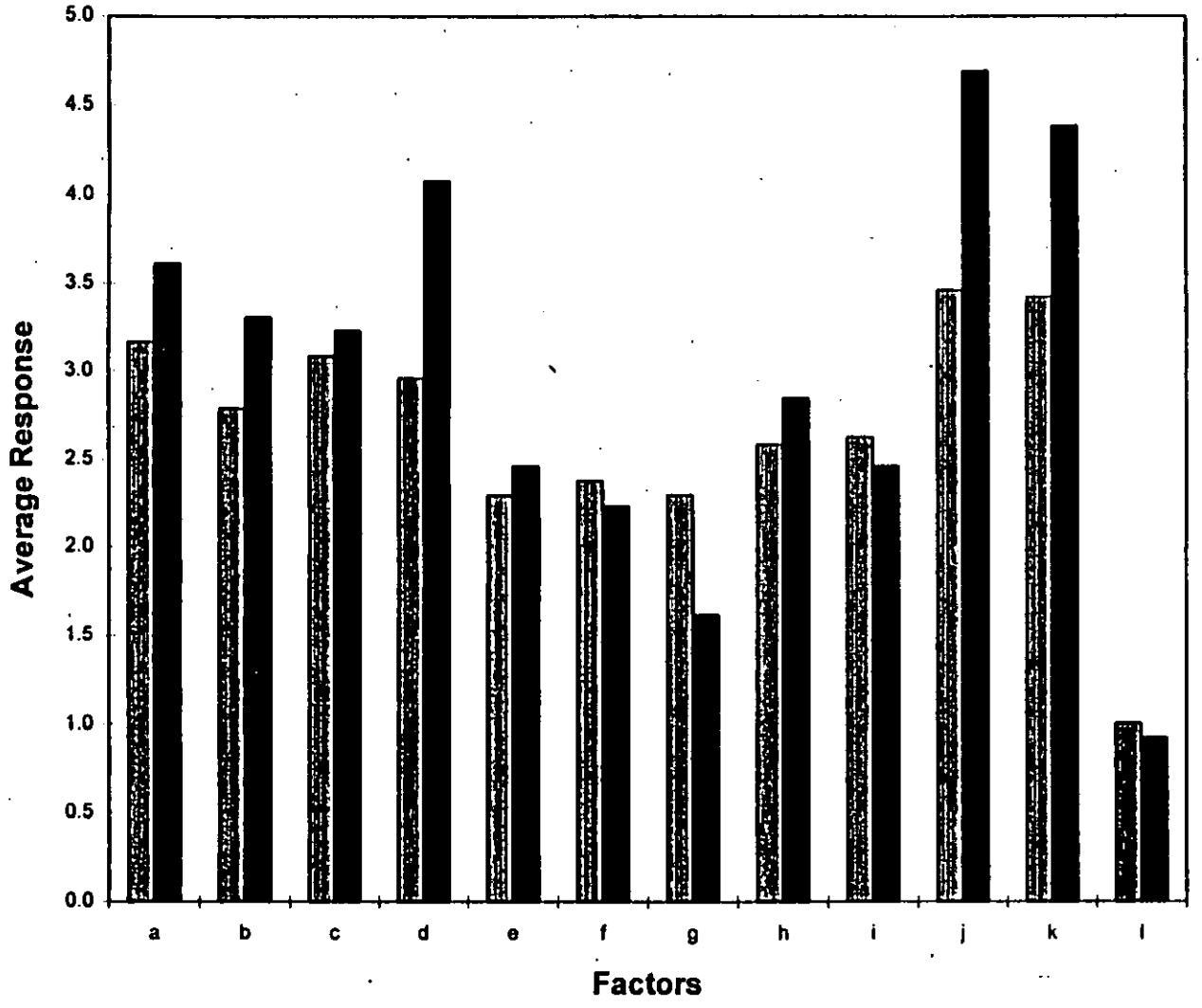
ZONE ADMINISTRATOR SURVEY RESULTS

	Question 3: Frequency of assistance							Question 11: Decision NOT to site in a RMDZ													Question 12: Selection of manufacturing site															
	3a	3b	3c	3d	3e	3f	3g	11a	11b	11c	11d	11e	11f	11g	11h	11i	11j	11k	11l	11m	12a	12b	12c	12d	12e	12f	12g	12h	12i	12j	12k	12l	12m	12n	12o	12p
Respondent	Needs handled by loc resource	Referred to RMDZ loan prog	Referred to RMDZ for assist	Business dev plans created	Req gov guaranteed loans	Bus received environ assist	Other	Lack of program knowledge	Access to markets	Lack of markets for products	Not eligible for RMDZ loan	Inadequate local incentives	Inadequate state incentives	Inadequate recyc matl supply	Inadequate transp network	Property & housing costs	Operation costs	Lack of skilled labor	Permitting/Environ regs	Other	RMDZ low interest loans	Utility rate incentives	Enterprise Zone incentives	RMDZ marketing assistance	Local business dev assistance	Property & housing costs	Operation costs	Skilled labor force	Proximity to raw matl supply	Access to mkts/customers	Permit streamlining assist	Local grants, loans, other	Rail, hiway, air, ship access	ID of feedstock availability	Industrial site availability	Other
Agua Mansa	5	5	2	1	3	1		2	4	4	4	2	2	4	1	1	3	1	3		3	4	3	2	4	5	5	5	5	5	4	3	5	5	5	
Chino & Chino Hills	2	3	1				5									3	4		2	5		2								4	3		1		5	
City of Long Beach	5	3	1	4	4	3		1	1	1	1	1	1	1	1	4	1	1	1	5	4	2	5	3	5	3	3	4	4	4	3	5	5	3	5	
City of Redding	4					3								5							5	5	5	5	5	5	5	5	5	5	5	3	5	5	5	
City of San Diego	5	2	1	1	1	2		3	2	4	2	2	1	2	3		3	1	2		2	3	3	1	2	4	4	2	4	5	4	4	3	4	4	
City of Santa Clarita	4	1	1	1		5		4	5	3	3	2	2	4	5	3	3	1	4	4	3	3		3	4	4	3	4		5	4	2	5	3	4	4
Fresno County	3	4	4	1				3	3	3	3	3	5	5	1	1	1	1	3		1	2	5	2	4	5	5	5	5	5	3	4	3	4	5	
Kern County	4	1	3	1	2	1		2	4	3	5	1	5	2	2	2	3	2	5		4	3	5	2	4	2	4	2	4	4	4	5	2	4	3	
Madera County	5	1	1	1	4	4		1	4	3	3	1	3	5	3	1	1	1	5		3	5	4	3	5	5	5	5	5	5	3	4	5	3	5	
Mendocino County	3	5	1	3	1	1		1	1	1	1	1	1	1	5	3	4	5	1		3	3	3	3	3	4	5	4	5	5	3	3	5	3	5	
Merced	5	4	3		2	3		1	2	3	3	5	5	3	1	1	1	1	1		3	5	4	4	3	4	4	2	3	3	4	4	4	3	5	
Mojave Desert	5	2			4	3		3	2	1				4						5	1				2					3				4	5	
Napa/Solano								5	3	1	4	3	3	4	4	4	5	4	4		4	3	4	4	5	4	5	3	4	4	4	4	4	4	4	
Oakland/Berkeley	5	2	1	1	3																3	2	2	2	2	2	4	4	4	5	2	3	5	5	5	
Riverside County	5	5	3	3	4	4		3	5	5	3	3	5	5	3	3	3	3	5		5	5	5	3	5	5	5	5	5	5	5	5	5	5	5	
Sacramento	5	1	2	2	2	2	3	1	5	5	1	2	1	5	4	4	5	5	4		1	2	3	3	4	5	5	5	5	5	4	3	4	4	4	
San Francisco								4	3	1	1	3	5	4	4	5	2	5	4	3	3															
San Joaquin County	4	5	2	2	4	4		2	1	4	2			2	1	5	5	1	5		5	5	5	3	3	4	4	3	3	4	5	4	4	3	4	
Santa Barbara	4	4	4	3	2	2																														
Siskiyou County																					1	1	2	1	3	5	3	4	4		2	3	4	4	4	4
Sonoma County	5	2				4					5								5		5						5	5	5		5	5		5		
Stanislaus RMDZ	5	4	4	3	3	1															3	4		4	4	4	4	4	4	4	4	4	4	4	4	
Tuolumne/Calaveras																						2	2		3	4	4	5	4	4	2	2	5		3	5
Ventura County	5	3	3	4	3	5	4	3	3	4	5	5	4	3	2	3	4	2	5	5	4	2		3	4	4	5	3	4	4	5	5	4	3	4	
TOTAL	88	57	37	31	42	48	12	39	48	46	46	34	43	59	40	43	48	34	59	27	66	63	60	51	74	78	87	79	82	88	78	75	82	78	93	13
AVERAGE	3.7	2.4	1.5	1.3	1.8	2.0	0.5	1.6	2.0	1.9	1.9	1.4	1.8	2.5	1.7	1.8	2.0	1.4	2.5	1.1	2.8	2.6	2.5	2.1	3.1	3.3	3.6	3.3	3.4	3.7	3.3	3.1	3.4	3.3	3.9	0.5

Comparison Between Survey Responses

(Zone Administrators vs. Economic Development Professionals)

CONTRIBUTION TO FUTURE SUCCESSES IN RETAINING, EXPANDING, AND ATTRACTING BUSINESSES (On a scale of 0-5)



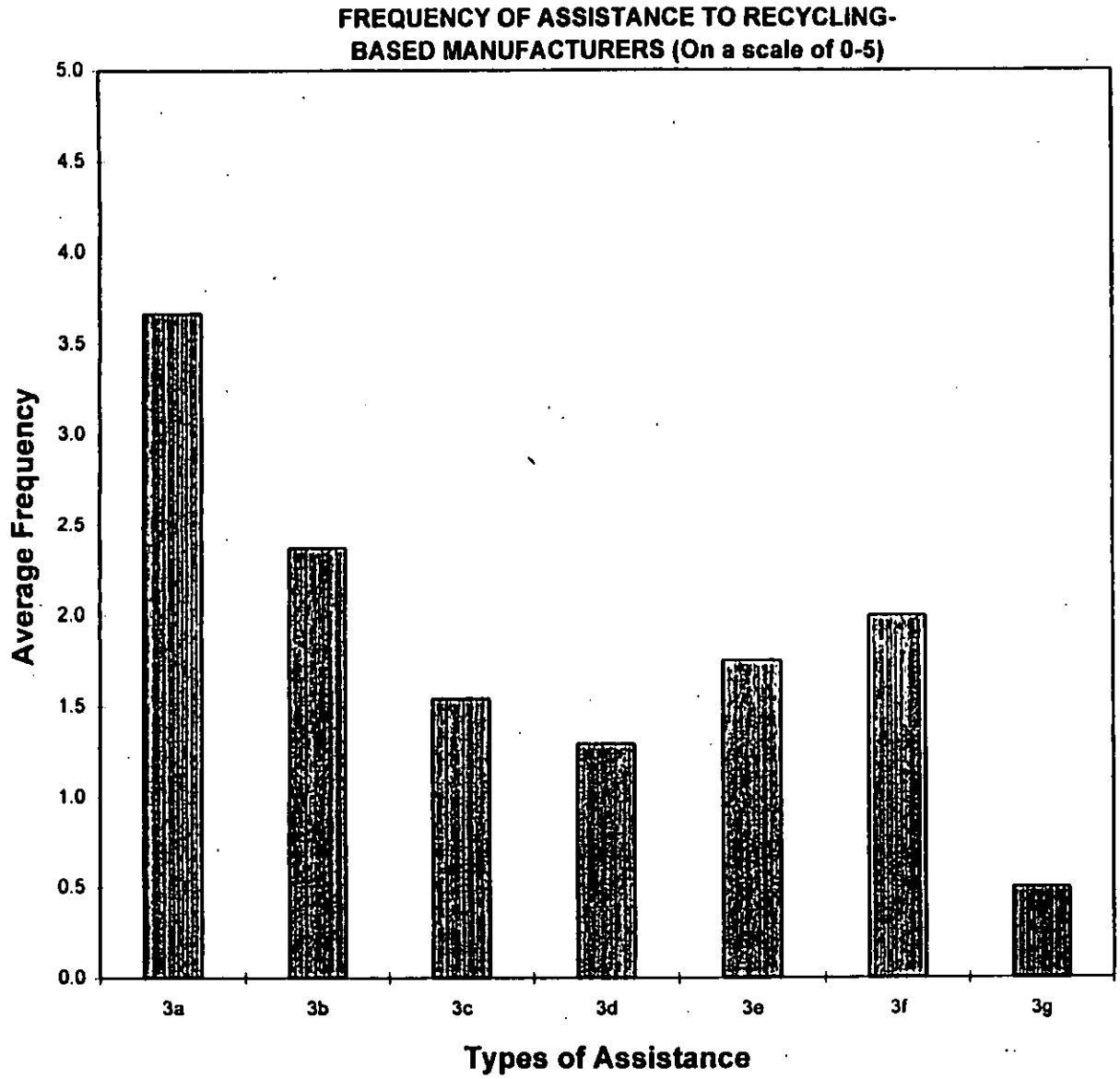
a: Bus: recruitment assistance
b: Marketing matls funding
c: Administrative costs funding
d: ID of available grants
e: Local business workshops
f: Attending statewide bus. confs
g: Attending nationwide confs
h: Waste management info
i: Economic dev. training
j: Tax credits
k: Hiring credits
l: Other

Zone Administrators
Economic Dev. Pros

ZONE ADMINISTRATOR SURVEY RESULTS

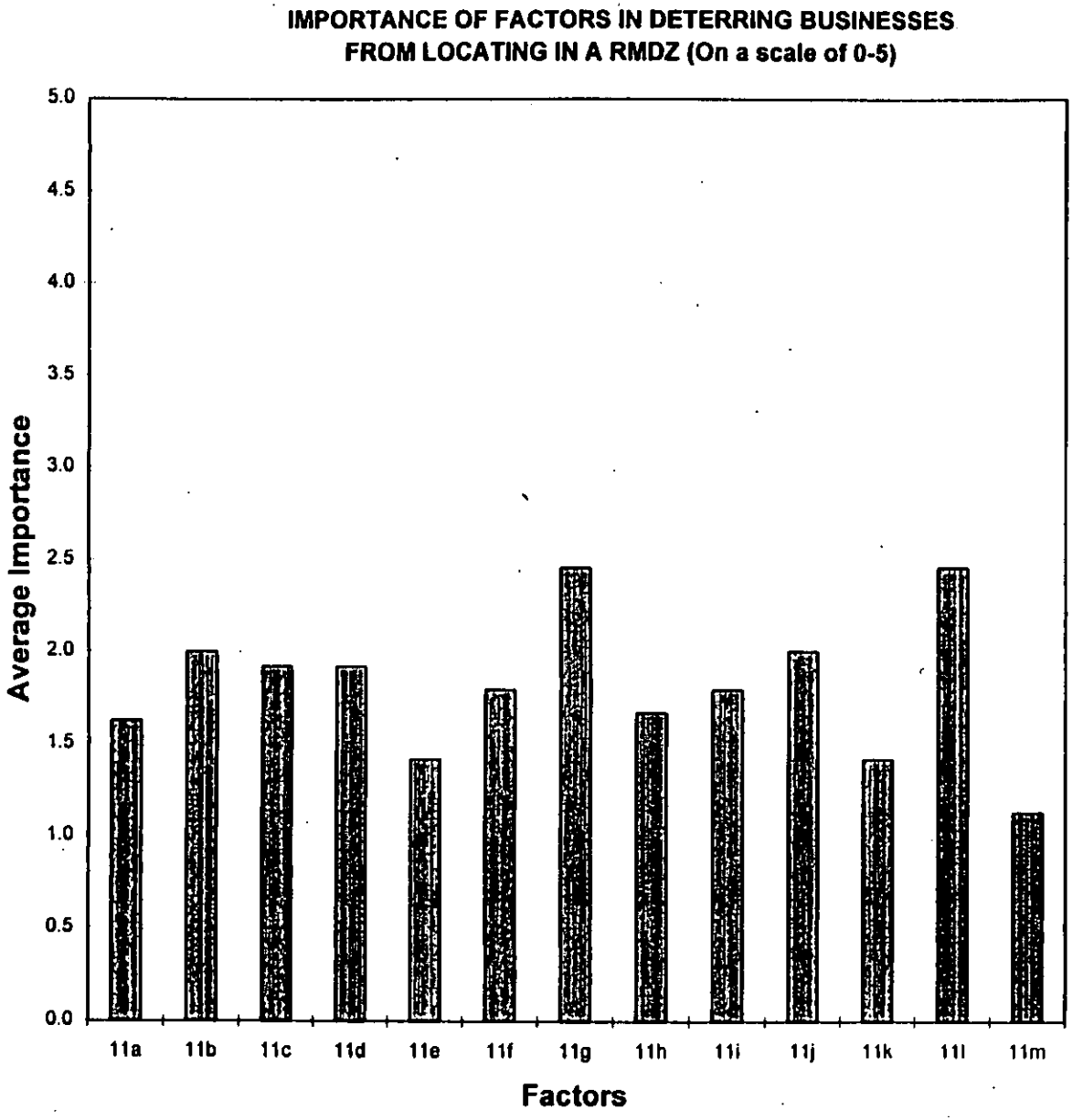
	Question 13: Contribution to future successes in retaining, expanding, attracting business															Question 14: Satisfaction with services received through RMDZ program										
	13a	13b	13c	13d	13e	13f	13g	13h	13i	13j	13k	13l	13m	13n	13o	14a	14b	14c	14d	14e	14f	14g	14h	14i	14j	14k
Respondent	Bus recruitment assistance	National outreach to business	Marketing matls funding	Administrative costs funding	ID of available grants	Local business workshops	Attending statewide bus confs	Attending national bus confs	Networking between RMDZs	Waste management info	Economic dev training	Other Training	Tax credits	Hiring credits	Other	Recycled materials info	Business dev assistance	Permitting assistance	Marketing assistance	Siting assistance	Expeditious loan closings	Referral to other info sources	Timely help provided	Assisted in bus recruitment	Recruited bus screened quickly	Other
Agua Mansa	3	4	4	3	5	3	2	2	3	4	4		5	5		5					4	4	5		4	
Chino & Chino Hills	4	5		3			1	2								3			3		3	4	3			
City of Long Beach	4	4	4	5	4	2	1	4	3	2	1		4	4			3				3		4		4	
City of Redding	5	5	5	5	5	5	5	5	5	5	5		5	5		5	4		5			5	5	5		
City of San Diego	3	4	2	1	3	4	4	3	4	3	4		4	4		2	3	2	2	2	3		3			
City of Santa Clarita	4	4	4	4	3	4	5	4	5	4	5	4	5	5		4	4	2	3	3		4	3	3	5	
Fresno County	3	1	5	5	3	1	2		3	3	4	4	5	5	5						5	5	5	5	5	
Kern County	1	1	3	1	3	2	2	2	1	1	1	2	5	5	5	4	2	5	3	4	4	3	5	4	4	
Madera County	5	5	5	5	5	2	2	2	3	5	5		5	5		4						4	2			
Mendocino County	4	4	1	1	4	3	3	1	3	3	2	5	5			5	5	3	3	3	1	3	4	1	1	
Merced	2	5	1	1	5	2	3	4	3	4	4		5	4		4	4		3	3		5	5			
Mojave Desert	4	1	2										5	3		1	1	1	1	1	1	1	1	1	1	
Napa/Solano	5	3	4	5	4	4	4	4	4	3	3		4	3		5	5		5			5	5	5	5	
Oakland/Berkeley	5	4	4	4	2	1	3	2	3	3	4		3	2		3			2		2	3	2			
Riverside County	5	5	5	5	5	5	5	5	5	5	3		5	5		3	3	4	2	3	3	4	4	4	4	
Sacramento	4	1	1	1	2	3	2	1	2	4	4		5	5		5	3	3	5	3	2	3	5	3	3	
San Francisco																										
San Joaquin County	4	5	5	3	5	2	2	4	3	2	2		5	5			3						4	2		
Santa Barbara	3	3	4	4	4	4	4	3	4	4	4		4	4		5	5		4			4	5			
Siskiyou County				5									4	4	5	5	4					5	5			
Sonoma County																				5		5				
Stanislaus RMDZ	4	4	4	4	4	4	4	4	4	4	4			4	4											
Tuolumne/Calaveras				5																						
Ventura County	4	4	4	4	5	4	3	3	3	3	4	5		5	5	3	3	2	2	2	3	4	4	3	4	
TOTAL	**76**	**72**	**67**	**74**	**71**	**55**	**57**	**55**	**61**	**62**	**63**	**20**	**83**	**82**	**24**	**66**	**52**	**22**	**43**	**29**	**34**	**71**	**79**	**36**	**40**	**0**
AVERAGE	**3.2**	**3.0**	**2.8**	**3.1**	**3.0**	**2.3**	**2.4**	**2.3**	**2.5**	**2.6**	**2.6**	**0.8**	**3.5**	**3.4**	**1.0**	**3.9**	**3.5**	**2.8**	**3.1**	**2.9**	**2.8**	**3.9**	**4.0**	**3.3**	**3.6**	**###**

Zone Administrator Survey - Question 3



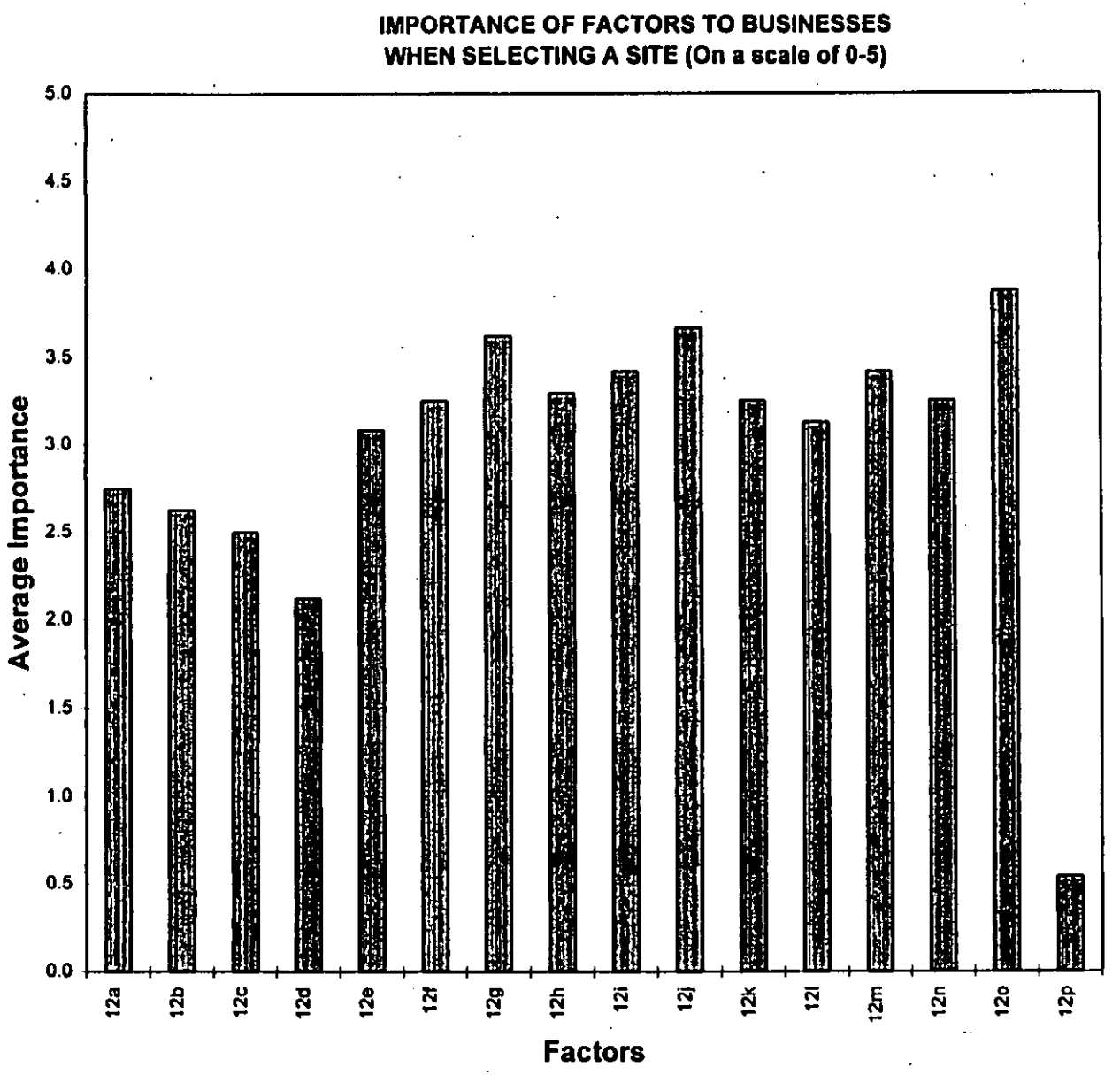
3a: Referred to local resources
3b: Referred to RMDZ loan
3c: Referred to RMDZ
3d: Created bus. dev. plans
3e: Referred to govt. loan prog.
3f: Provided environmental asst.
3g: Other

Zone Administrator Survey - Question 11



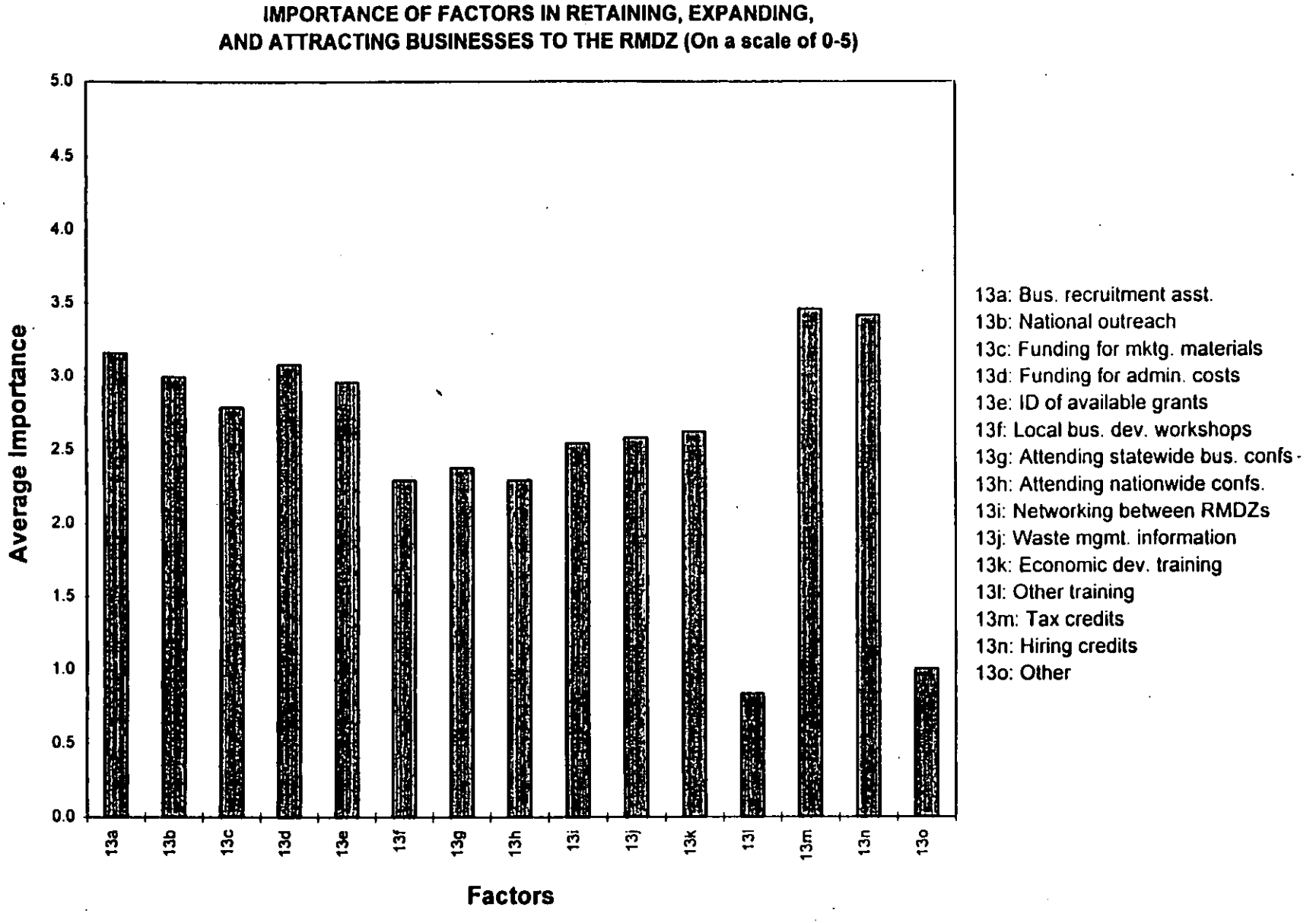
11a: No knowledge of program
11b: Mkt. access for recycled products
11c: Lack of demand for recyc. products
11d: Not eligible for RMDZ loan
11e: Inadequate local incentives
11f: Inadequate state incentives
11g: Inadequate recyc. matl. supply
11h: Inadequate transportation
11i: Property & housing costs
11j: Operating costs
11k: Lack of skilled labor
11l: Permitting/environmental regs.
11m: Other

Zone Administrator Survey - Question 12

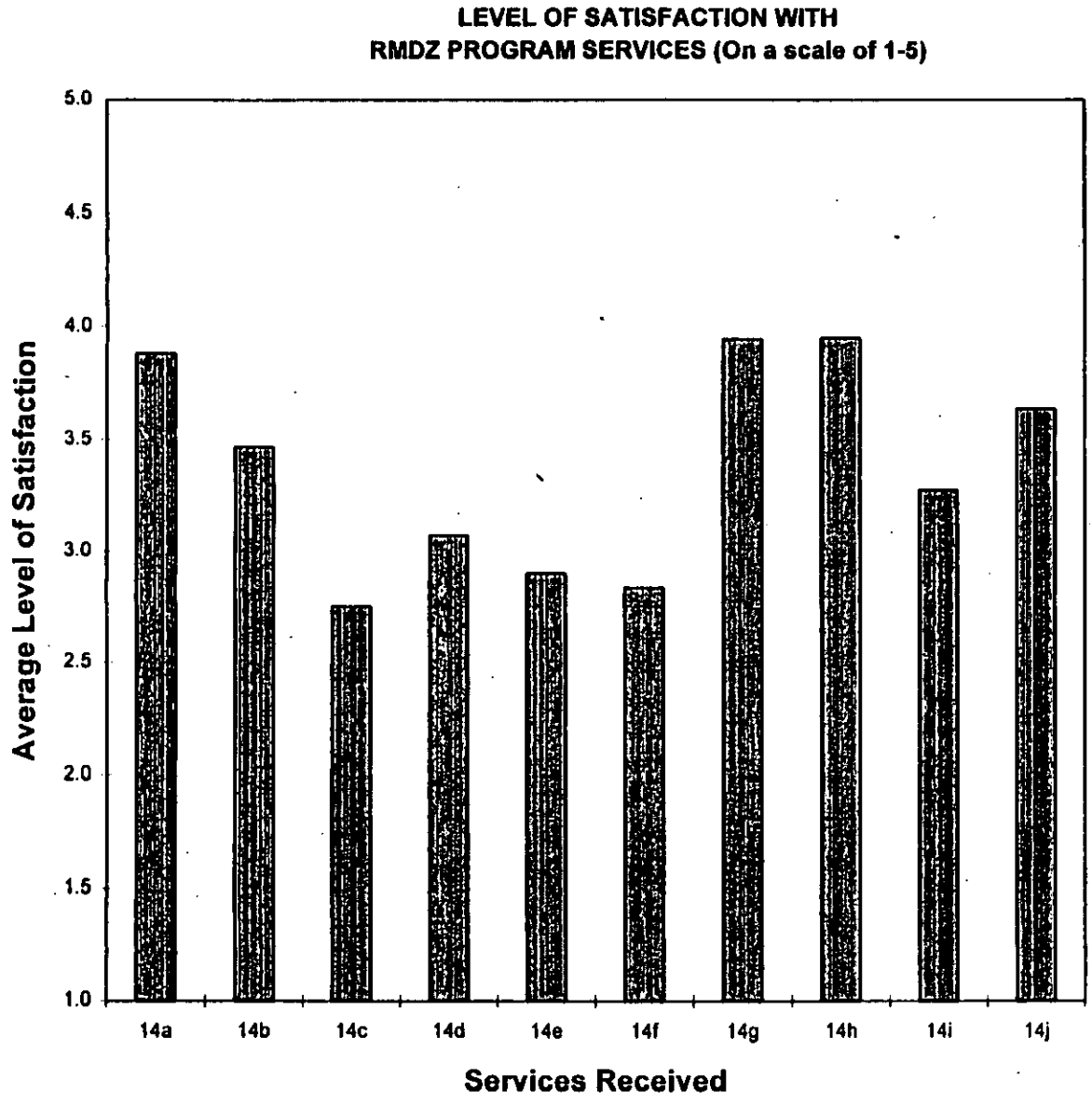


12a: RMDZ low interest loans
12b: Utility rate incentives
12c: Enterprise Zone incentives
12d: RMDZ marketing asst.
12e: Local bus. dev. asst.
12f: Housing & property costs
12g: Operation costs
12h: Skilled labor force
12i: Close to matl. supply
12j: Access to mkts/customers
12k: Permitting assistance
12l: Local incentives
12m: Access to transportation
12n: ID of feedstock availability
12o: Industrial site availability
12p: Other

Zone Administrator Survey - Question 13



Zone Administrator Survey-Question 14



14a: Recycled materials info.
14b: Bus. dev. assistance
14c: Permitting assistance
14d: Marketing assistance
14e: Siting assistance
14f: Expeditious loan closing
14g: Referral to other info. sources
14h: Timely help provided
14i: Assisted in bus. recruitment
14j: Recruited bus. screened quickly

APPENDIX D

SURVEY TO ECONOMIC DEVELOPMENT PROFESSIONALS AND RESULTS

Table of contents

Economic development professionals survey form

Economic development professionals survey results (Questions: 2,3,9,10,11,12)

Economic development professionals survey results (Questions: 4,5,6,7,8)

Bar chart results (Questions: 4,5,6,7,8)

Recycling Market Development Zone Program
Survey of Economic Development Professionals

1. Organization Name: _____
   Contact Person: _____
   Address: _____
   City: _____ State: _____ Zip: _____
   Phone (____)_____

2. **Are you aware of the State of California's Recycling Market Development Zone (RMDZ) program?**

   ☐ Yes ☐ No

3. **How many businesses using recycled materials in their manufacturing processes do you assist each year? (Please check all that apply.)**

   ☐ New #_____
   ☐ Expanded #_____
   ☐ Retained #_____
   ☐ Attracted #_____
   ☐ Other_____ #_____

4. **If you have provided assistance to recycling based manufacturers, on a scale 1-5 (5 being most frequent) please indicate the frequency of the following types of assistance provided:**

Needs were handled by local resources	1	2	3	4	5
Referred to the RMDZ loan program	1	2	3	4	5
Referred to the RMDZ for other assistance	1	2	3	4	5
Business development plans were created	1	2	3	4	5
Requested local or other government guaranteed loans	1	2	3	4	5
Businesses received environmental assistance	1	2	3	4	5

   Other:_____

5. **On a scale 1-5 (5 being most important), please indicate the importance of the following to a business deciding <u>NOT</u> to site in a particular location (e.g.,RMDZ):**

Lack of knowledge on the program	1	2	3	4	5
Access to markets	1	2	3	4	5
Lack of demand for recycled materials & products	1	2	3	4	5
Not eligible for RMDZ loan	1	2	3	4	5
Inadequate local incentives (specify)_____	1	2	3	4	5
Inadequate State incentives (specify)_____	1	2	3	4	5
Inadequate recycled materials supply	1	2	3	4	5
Inadequate transportation network (roads, rail, etc.)	1	2	3	4	5
Property and housing costs	1	2	3	4	5

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Operation costs	1	2	3	4	5
Lack of skilled labor	1	2	3	4	5
Permitting issues/Environmental regulations	1	2	3	4	5
Other: (specify)_____	1	2	3	4	5

6. **On a scale of 1-5 (5 being most important), please indicate the importance of the following to a manufacturer selecting a location to site:**

RMDZ low interest loans	1	2	3	4	5
Utility rate incentives	1	2	3	4	5
Enterprize Zone incentives	1	2	3	4	5
RMDZ marketing assistance	1	2	3	4	5
Business development assistance	1	2	3	4	5
Housing & property costs	1	2	3	4	5
Operation costs	1	2	3	4	5
Adequate labor force	1	2	3	4	5
Proximity to material supply	1	2	3	4	5
Access to markets/customers	1	2	3	4	5
Permit streamlining assistance	1	2	3	4	5
Local grants, loans & other incentives	1	2	3	4	5
Access to rail lines, highways, airports or shipping	1	2	3	4	5
Identification of raw material availability	1	2	3	4	5
Industrial site availability	1	2	3	4	5
Others (specify)_____	1	2	3	4	5
_____	1	2	3	4	5

7. **On a scale 1-5 (5 being most important), which of the following would contribute to future successes in retaining, expanding, and attracting businesses?**

Business recruitment assistance	1	2	3	4	5
Funding for marketing materials (e.g. brochures)	1	2	3	4	5
Funding for administrative costs	1	2	3	4	5
Identification of available grants (nationwide)	1	2	3	4	5
Local business workshops	1	2	3	4	5
Attending statewide business conferences	1	2	3	4	5
Attending nationwide business conferences	1	2	3	4	5
Waste management information	1	2	3	4	5
Economic development training	1	2	3	4	5
Tax credits	1	2	3	4	5
Hiring credits	1	2	3	4	5
Others:_____	1	2	3	4	5
_____	1	2	3	4	5

8. **If you have received services through the RMDZ program, on a scale of 1-5 (5 being most satisfied), please indicate your level of satisfaction with the program: (Please mark all that apply.)**

Recycled materials information	1	2	3	4	5
Business development assistance	1	2	3	4	5
Permitting assistance	1	2	3	4	5
Marketing assistance	1	2	3	4	5
Siting assistance	1	2	3	4	5
Closing of loans was expeditious	1	2	3	4	5
Referral to other sources of information	1	2	3	4	5
Help was provided in timely manner	1	2	3	4	5
Assisted in business recruitment	1	2	3	4	5
Recruited businesses were screened quickly	1	2	3	4	5
Other:_____	1	2	3	4	5
_____	1	2	3	4	5

9. **Please list in order of importance, other ways the Board can help businesses:**
1 = most important; 5 = least important;

1._____
2._____
3._____
4._____
5._____

If you have received services from the RMDZ Loan program, please answer #10:

10. **What do you like BEST about the RMDZ Loan program?**

_____
_____
_____
_____
_____

LEAST?_____
_____
_____
_____
_____

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11. **If you know about the RMDZ program, how would you improve it to meet the needs of businesses?**

_____
_____
_____
_____
_____
_____
_____
_____

12. **Do you have any additional comments?** (Use additional pages as needed.)

_____
_____
_____
_____
_____
_____
_____

Thank you for taking the time to complete this questionnaire. Please return or fax it by **DECEMBER 1, 1995** to :

Mary Farr
CIWMB
8800 Cal Center Drive
Sacramento, CA 95826
Fax: (916) 255-2573
Phone: (916) 255-2465

ECONOMIC DEVELOPMENT PROFESSIONALS
SURVEY RESULTS
(Questions: 2,3,8,9,10,11,12)

Total surveys sent: 55
Total surveys reviewed: 13

Question #2: Knowledge of Program:

Yes: 13 No: 0

Question #3: Recycling Businesses Assisted:

New:	32
Expanded:	24
Retained:	11
Attracted:	6
Other:	0

Question # 9: Ways the Board could help businesses?
(1 = most important; 5 = least important)

1a. Make business assistance program available
b. Provide data in a timely manner
c. Fast-track permitting
d. Make program/paperwork easier to understand
e. Provide financial incentives
f. Expand financial parameter
g. Technical Assistance
h. Develop additional incentives to make a difference between locating inside or outside a Zone.
i. Availability of loan program at all time rather than quarterly

2a. More marketing of the program role (making information available to cities)
b. Streamline loan closings
c. Expedite loan processing
d. Siting assistance and development regulations
e. Act as information clearinghouse: technology, feedstock, markets, resources, feasibility evaluations.
f. Utilize some RMDZ loan monies for businesses less than 3 years.

3a. Provide environmental regulation incentives
b. Provide more incentives, in general

4. Provide supply & market assistance

5. Provide grants & additional funding

Question #10: Like BEST about the RMDZ program:

a. Local staff is very helpful
b. Business assistance and knowledge of sites
c. Financing availability
d. Potential to be more effective (resources are available)

Like LEAST about the RMDZ program:

a. Not enough financial incentives
b. Beside the loan program, unclear for an economic person to market the RMDZ incentives
c. Business technical assistance (2)
d. Fast tracking
e. Not much to offer

Question #11: Ways Board could improve the RMDZ program to help businesses:

a. Expand financial assistance
b. Allow higher limits on loans
c. Provide loan guarantees
d. Expedited land use and environmental permitting
e. Provide tax credits
f. Expand definition of recycled materials
g. Expand the loan program
h. Allow local agencies determine what ideas should be funded
i. Better accessibility to Board staff
j. Additional incentives
k. Support technology research

Question #12: Additional comments:

1. Funding assistance for local agencies for quality feasibility studies

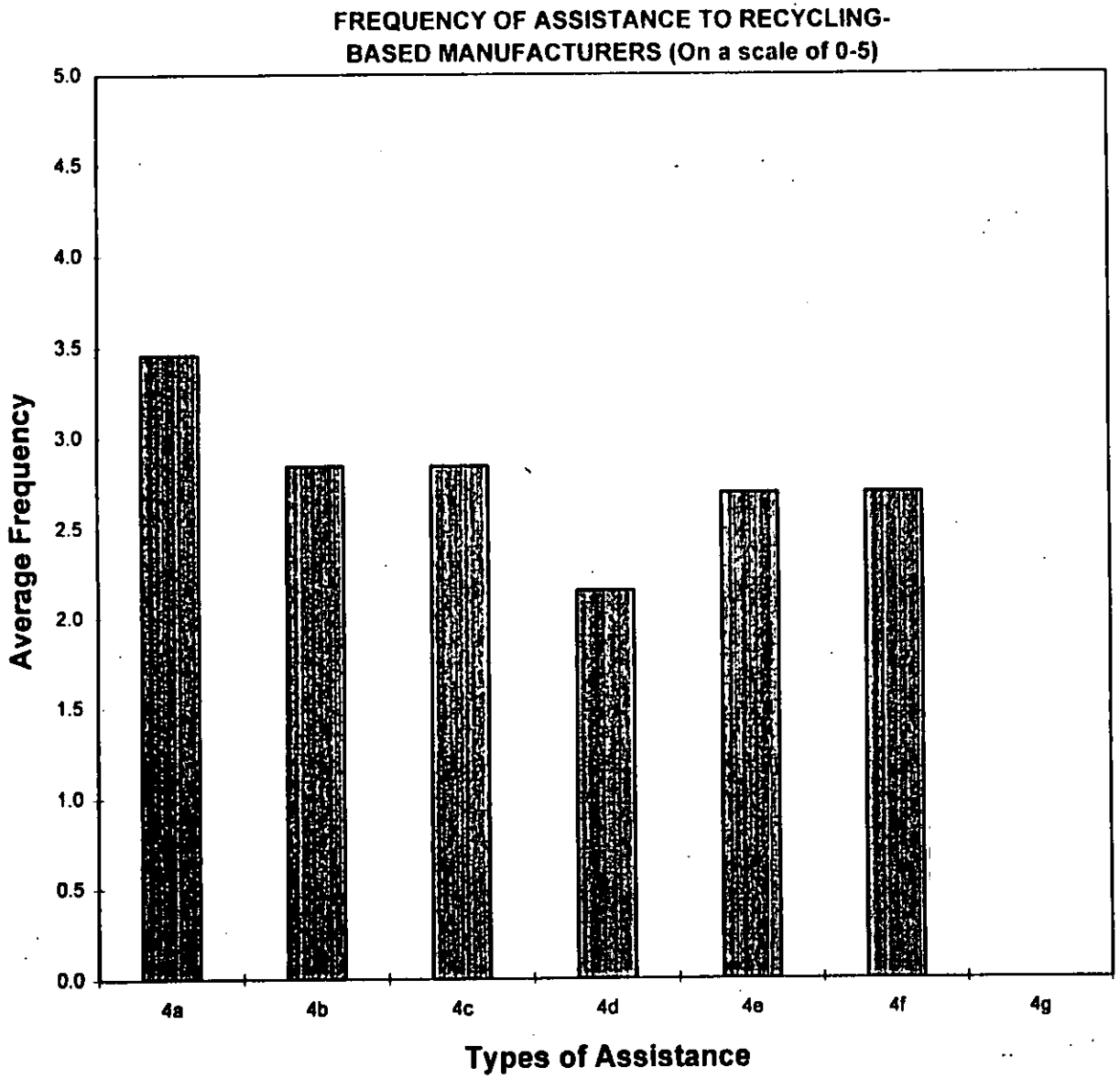
ECONOMIC DEVELOPMENT PROFESSIONALS SURVEY RESULTS

	Question 4: Frequency of assistance							Question 5: Decision NOT to site in a particular location													Question 6: Selection of manufacturing site															
	4a	4b	4c	4d	4e	4f	4g	5a	5b	5c	5d	5e	5f	5g	5h	5i	5j	5k	5l	5m	6a	6b	6c	6d	6e	6f	6g	6h	6i	6j	6k	6l	6m	6n	6o	6p
Respondent	Needs handled by loc resource	Referred to RMDZ loan prog	Referred to RMDZ for assist	Business dev plans created	Req gov guaranteed loans	Bus received environ assist	Other	Lack of incentive prog knowledge	Access to markets	Lack of markets for products	Not eligible for RMDZ loan	Inadequate local incentives	Inadequate state incentives	Inadequate recyc matl supply	Inadequate transp network	Property & housing costs	Operation costs	Lack of skilled labor	Permitting/Environ regs	Other	RMDZ low interest loans	Utility rate incentives	Enterprise Zone incentives	RMDZ marketing assistance	Business dev assistance	Property & housing costs	Operation costs	Adequate labor force	Proximity to raw matl supply	Access to mkts/customers	Permit streamlining assist	Local grants, loans, other	Rail, hiway, air, ship access	ID of feedstock availability	Industrial site availability	Other
Bakersfield City ED	4	3	3	1	1	3		2	4	2	2	4	5	2	5	2	2	3	3		2	2	5	2	4	2	2	3	3	5	3	5	4	2	4	
C B Commercial	4	3	3	1	4	5		3	5	2	3	3	2	4	4	3	5		4	5	4	3	4					4	4			4	4	4		5
Ca Trade & Commerc	4	2	3	1	4	5		1		2	2	4	4	2	3	4	4	1	5		4	4	5	3	5	3	3	2	3	3	5	5	4	3	5	
City of Oroville	1		1					5	3	3	5	2	4	3	3	1	4	1	5		5	4	5	3	4	1	4	5	4	4	5	5	4	4		1
City of Pomona								5				4				3			2	1								3				5	4		1	2
Crown EDC	1	4	5	4	3	1		2	2	4	5	1	4	3	5	3	3	4	1	2	1	5	5	3	1	3	5	5	4	3	4	4	4	3	4	3
Eureka Redev. Agenc	4	5	2	4	4	3		3	5	3	2	1	1	4	5	3	2	3	5		4	4	4	4	4	4	3	4	5	5	4	4	5	5	4	
Fresno EDC	4	5	5	4	3	2		2	5	5	2	5	5	3	3	1	5	2	5		3	2	2	3	4	2	5	2	4	4	3	4	4	4	5	
Riverside County EDA	4	4	3	3	4	4		4	4	5	3	3	5	5	3	3	3	3	5		4	5	5	3	5	4	4	4	4	4	4	5	4	4	4	4
Sac Housing & Redev	5	5	5	2	1	4		3	1	1	5			1	1	1	1	1	1		5	4	3	4	5	1	5	4	5	5	4	4	4	5	5	5
San Bernardino ED	5	2	5	5	5	5		2	3	5	1	2	4	2	1	1	1	1	1		1	3	3	1	4	4	4	5	5	5	4	4	5	5	4	
Stockton City ED	4	2	1	1	3	2		4	5	2	2	2	2	3	1	1	1	2	3		2	4	5	2	2	2	3	5	4	5	5	3	5	3	5	
Tulare County EDC	5	2	1	2	3	1		3	5	4	4	3	4	3	1	1	2	4			4	4	4	4	3	3	4	4	4	4	5	5	5	5	5	
TOTAL	**45**	**37**	**37**	**28**	**35**	**35**	**0**	**39**	**42**	**38**	**36**	**34**	**40**	**35**	**35**	**27**	**33**	**25**	**40**	**8**	**39**	**44**	**50**	**32**	**41**	**29**	**42**	**50**	**49**	**47**	**46**	**57**	**56**	**47**	**46**	**20**
AVERAGE	**3.5**	**2.8**	**2.8**	**2.2**	**2.7**	**2.7**	**0.0**	**3.0**	**3.2**	**2.9**	**2.8**	**2.6**	**3.1**	**2.7**	**2.7**	**2.1**	**2.5**	**1.9**	**3.1**	**0.6**	**3.0**	**3.4**	**3.8**	**2.5**	**3.2**	**2.2**	**3.2**	**3.8**	**3.8**	**3.6**	**3.5**	**4.4**	**4.3**	**3.6**	**3.5**	**1.5**

ECONOMIC DEVELOPMENT PROFESSIONALS SURVEY RESULTS

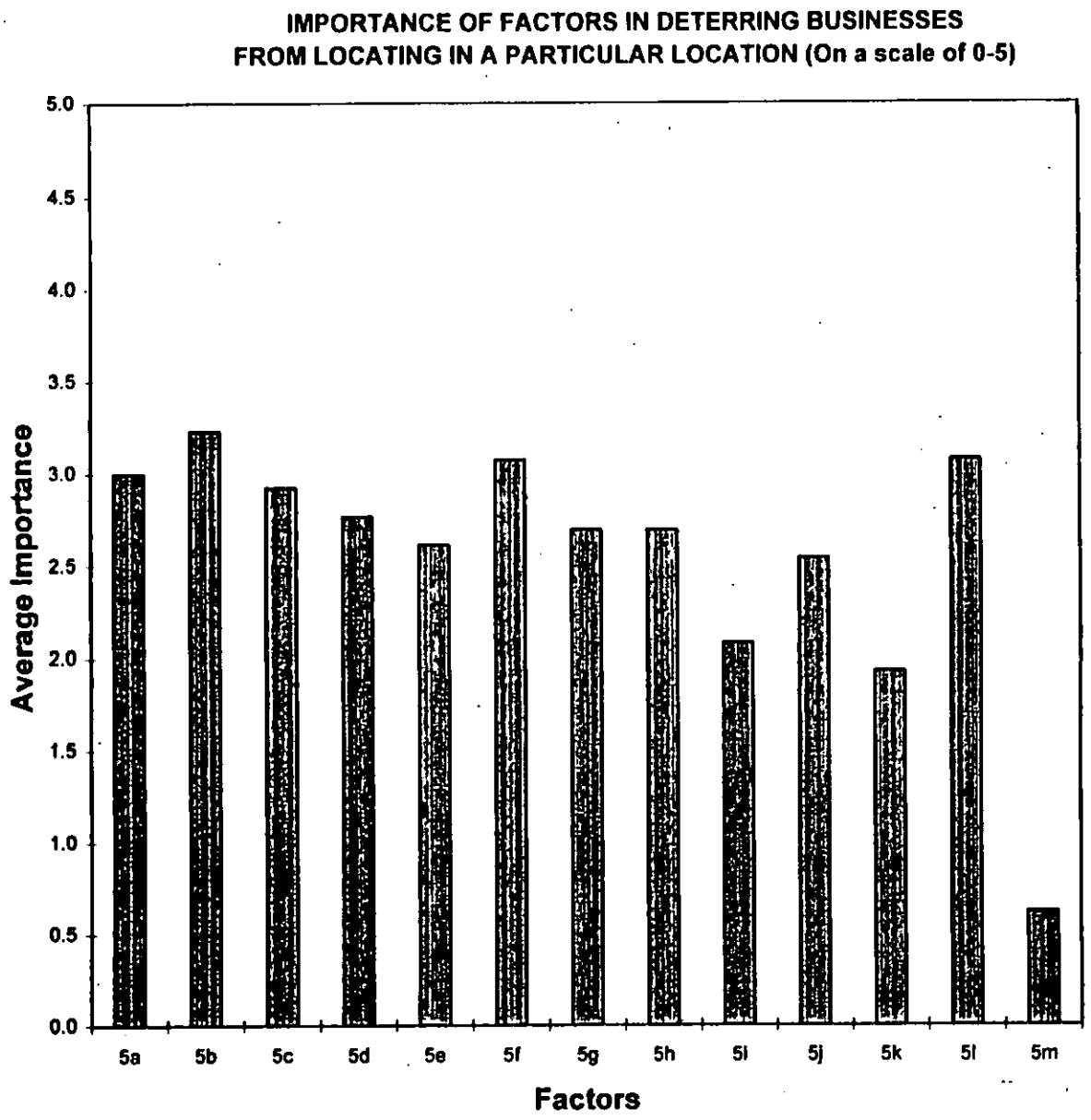
	Question 7: Contribution to future successes in retaining, expanding, attracting business												Question 8: Satisfaction with services received through RMDZ program										
	7a	7b	7c	7d	7e	7f	7g	7h	7i	7j	7k	7l	8a	8b	8c	8d	8e	8f	8g	8h	8i	8j	8k
Respondent	Bus recruitment assistance	Marketing matls funding	Administrative costs funding	ID of available grants	Local business workshops	Attending statewide bus confs	Attending national bus confs	Waste management info	Economic dev training	Tax credits	Hiring credits	Other	Recycled materials info	Business dev assistance	Permitting assistance	Marketing assistance	Siting assistance	Expeditious loan closings	Referral to other info sources	Timely help provided	Assisted in bus recruitment	Recruited bus screened quickly	Other
Bakersfield City ED	4	2	3	4	2	2	2	2	3	4	4												
C B Commercial										5	5		4		4					4			
Ca Trade & Commerc	3	3	4	5	2	2	2	4	4	5	5		5	3	4	3	5	2	4	5	4	4	
City of Oroville	3	5	3	5	4	3	1	2	2	5	5	5	4	2	2	2	1	4		3	2	2	
City of Pomona	3	2		5						4													
Crown EDC	5	3	3	4	1	2	2	3	2	5	5	3	3	2	3	3	3	3	4	3	2	3	2
Eureka Redev. Agenc	4	4	4	4	4	3		4	4	5	5												
Fresno EDC	4	4	5	5	3	3	3	4	2	4	4		3	3	2	2	2	2	3	3	2	3	
Riverside County EDA	5	5	5	4	4	5	4	4	3	5	5		3	3	4	2	3	3	4	4	4	4	
Sac Housing & Redev	5	4	4	4	5	4	2	4	4	4	4	4											
San Bernardino ED	5	5	5	3	3	2	2	4	4	5	5		5	4	3			4		5			
Stockton City ED	2	2	2	5	3	2	2	3	3	5	5												
Tulare County EDC	4	4	4	5	1	1	1	3	1	5	5		3	3		3		1	3	3			
TOTAL	**47**	**43**	**42**	**53**	**32**	**29**	**21**	**37**	**32**	**61**	**57**	**12**	**30**	**20**	**22**	**15**	**14**	**19**	**18**	**30**	**14**	**16**	**2**
AVERAGE	**3.6**	**3.3**	**3.2**	**4.1**	**2.5**	**2.2**	**1.6**	**2.8**	**2.5**	**4.7**	**4.4**	**0.9**	**3.8**	**2.9**	**3.1**	**2.5**	**2.8**	**2.7**	**3.6**	**3.8**	**2.8**	**3.2**	**2.0**

Economic Development Professionals Survey - Question 4



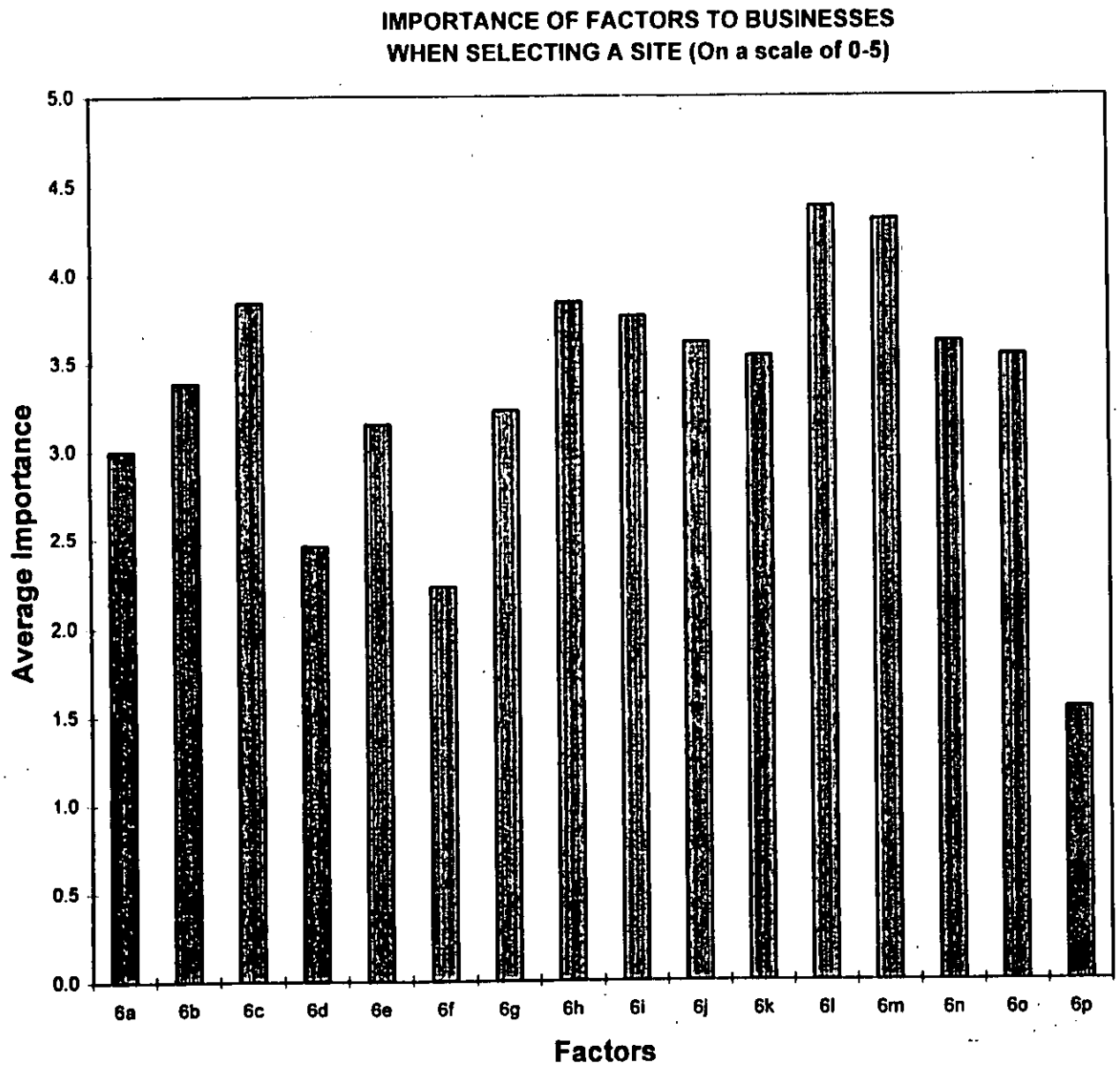
4a: Referred to local resources
4b: Referred to RMDZ loan
4c: Referred to RMDZ
4d: Created bus. dev. plans
4e: Referred to govt. loan prog.
4f: Provided environmental asst.
4g: Other

Economic Development Professionals Survey - Question 5



5a: No knowledge of program
5b: Mkt. access for recycled products
5c: Lack of demand for recyc. products
5d: Not eligible for RMDZ loan
5e: Inadequate local incentives
5f: Inadequate state incentives
5g: Inadequate recyc. matl. supply
5h: Inadequate transportation
5i: Property & housing costs
5j: Operating costs
5k: Lack of skilled labor
5l: Permitting/environmental regs.
5m: Other

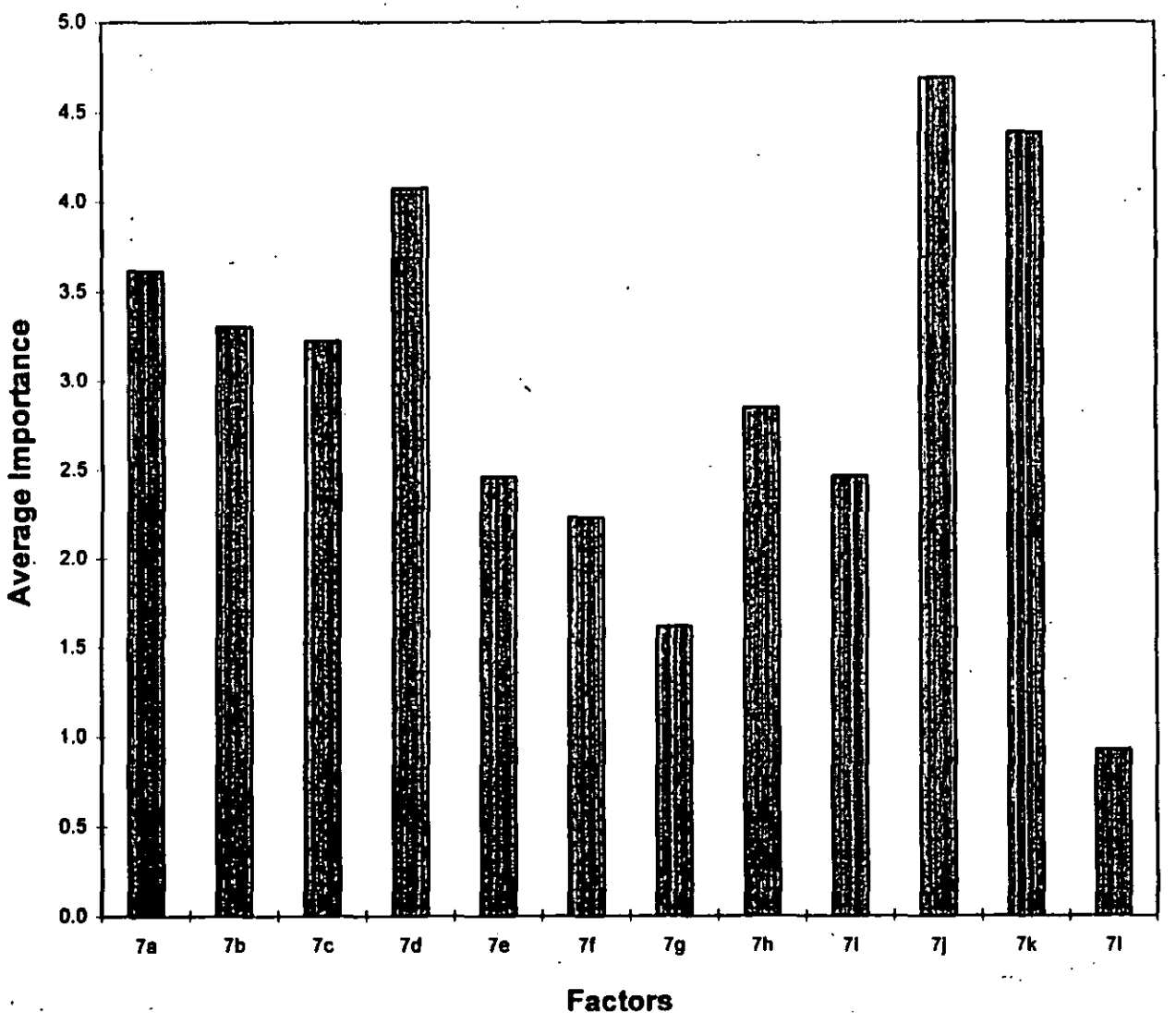
Economic Development Professionals Survey - Question 6



6a: RMDZ low interest loans
6b: Utility rate incentives
6c: Enterprise Zone incentives
6d: RMDZ marketing asst.
6e: Business dev. asst.
6f: Housing & property costs
6g: Operation costs
6h: Skilled labor force
6i: Close to matl. supply
6j: Access to mkts/customers
6k: Permitting assistance
6l: Local incentives
6m: Access to transportation
6n: ID of feedstock availability
6o: Industrial site availability
6p: Other

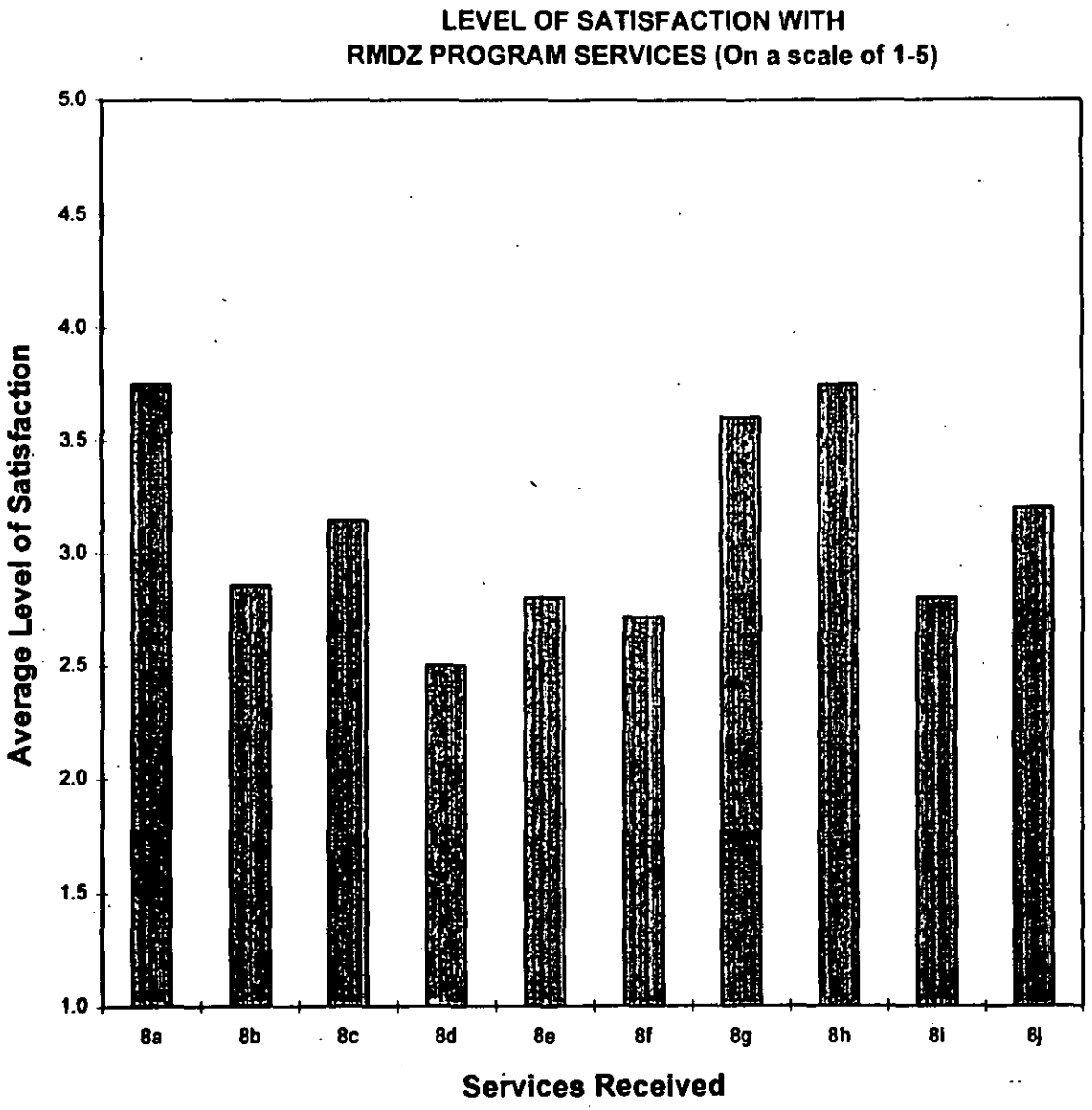
Economic Development Professionals Survey - Question 7

IMPORTANCE OF FACTORS IN RETAINING, EXPANDING, AND ATTRACTING BUSINESSES (On a scale of 0-5)



7a: Bus. recruitment asst.
7b: Funding for mktg. materials
7c: Funding for admin. costs
7d: ID of available grants
7e: Local bus. dev. workshops
7f: Attending statewide bus. confs
7g: Attending nationwide confs.
7h: Waste mgmt. information
7i: Economic dev. training
7j: Tax credits
7k: Hiring credits
7l: Other

Economic Development Professionals Survey - Question 8



8a: Recycled materials info.
8b: Bus. dev. assistance
8c: Permitting assistance
8d: Marketing assistance
8e: Siting assistance
8f: Expeditious loan closing
8g: Referral to other info. sources
8h: Timely help provided
8i: Assisted in bus. recruitment
8j: Recruited bus. screened quickly

APPENDIX E

COMPARISON RESULTS OF ZONE ADMINISTRATORS, ECONOMIC DEVELOPMENT PROFESSIONALS AND BUSINESSES

Bar chart results

COMPARISON OF SURVEY RESULTS

(Zone Administrators, Economic Development Professionals, and Businesses)

Question >	Frequency of assistance provided							Decision NOT to site in a location													Contribution to future successes in retaining, expanding, attracting businesses											
	a	b	c	d	e	f	g	a	b	c	d	e	f	g	h	i	j	k	l	m	a	b	c	d	e	f	g	h	i	j	k	l
Respondent	Needs handled by loc resource	Referred to RMDZ loan prog	Referred to RMDZ for assist	Business dev plans created	Req gov guaranteed loans	Bus received environ assist	Other	Lack of incentive prog knowledge	Access to markets	Lack of markets for products	Not eligible for RMDZ loan	Inadequate local incentives	Inadequate state incentives	Inadequate recyc matl supply	Inadequate transp network	Property & housing costs	Operation costs	Lack of skilled labor	Permitting/Environ regs	Other	Bus recruitment assistance	Marketing matls funding	Administrative costs funding	ID of available grants	Local business workshops	Attending statewide bus confs	Attending national bus confs	Waste management info	Economic dev training	Tax credits	Hiring credits	Other
Zone Administrators	3.7	2.4	1.5	1.3	1.8	2.0	0.5	1.6	2.0	1.9	1.9	1.4	1.8	2.5	1.7	1.8	2.0	1.4	2.5	1.1	3.2	2.8	3.1	3.0	2.3	2.4	2.3	2.6	2.6	3.5	3.4	1.0
Economic Dev. Pros	3.5	2.8	2.8	2.2	2.7	2.7	0.0	3.0	3.2	2.9	2.8	2.6	3.1	2.7	2.7	2.1	2.5	1.9	3.1	0.6	3.6	3.3	3.2	4.1	2.5	2.2	1.6	2.8	2.5	4.7	4.4	0.9
Businesses																																

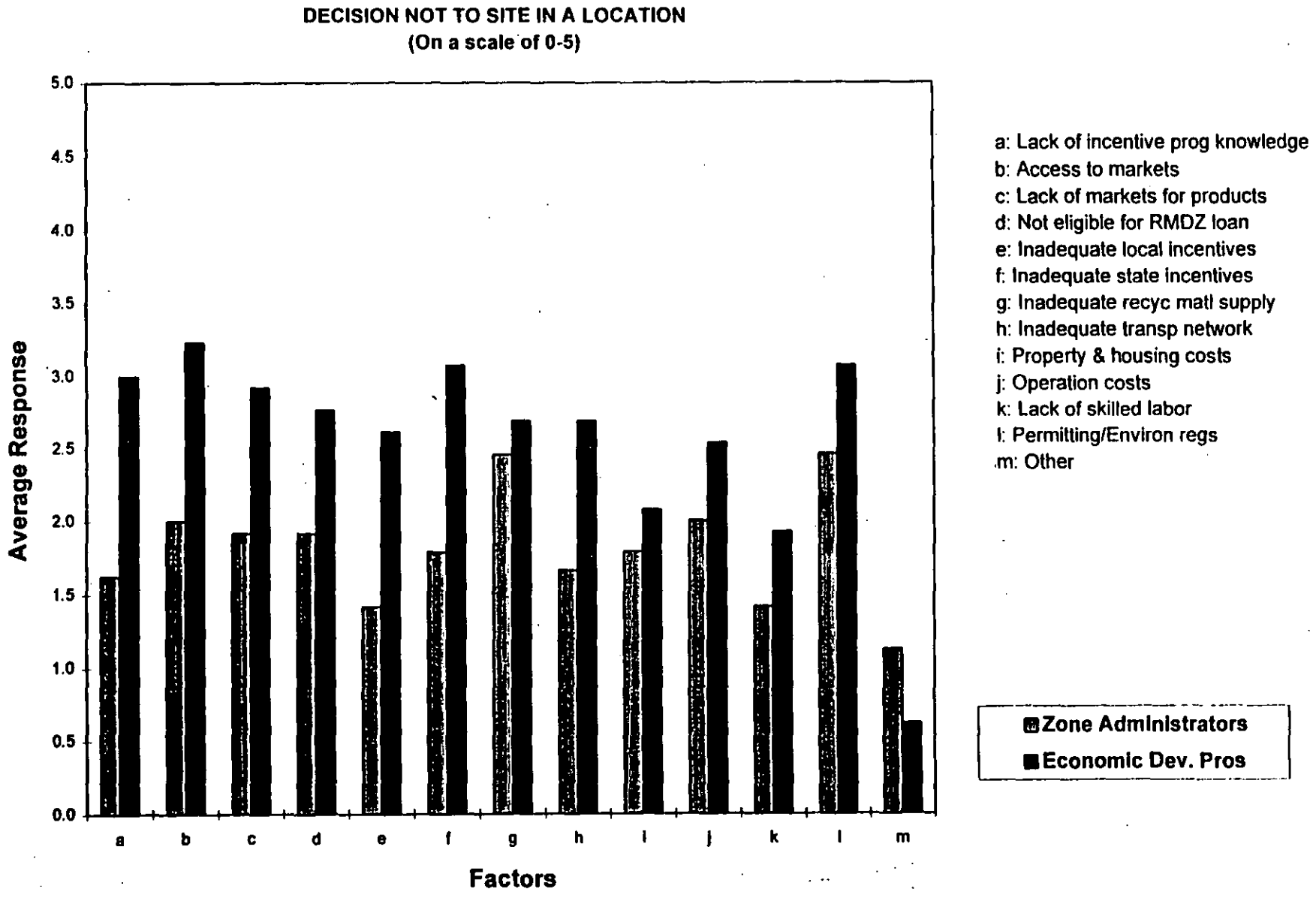
COMPARISON SURVEY RESULTS

(Zone Administrators, Economic Development Professionals, and Businesses)

Question >	Selection of manufacturing site														Satisfaction with services received through RMDZ program							
	a	b	c	d	e	f	g	h	i	j	k	l	m	n	a	b	c	d	e	f	g	h
Respondent	RMDZ low interest loans	Utility rate incentives	Enterprise Zone incentives	Property & housing costs	Adequate labor force	Proximity to raw matl supply	Access to mkts/customers	Marketing assistance	Permit streamlining assist	Local grants, loans, other	Rail, hiway, air, ship access	ID of feedstock availability	Industrial site availability	Other	Recycled materials info	Business dev assistance	Permitting assistance	Marketing assistance	Siting assistance	Referral to other info sources	Expeditious loan closings	Timely help provided
Zone Administrators	2.8	2.6	2.5	3.3	3.3	3.4	3.7	2.1	3.3	3.1	3.4	3.3	3.9	0.5	3.9	3.5	2.8	3.1	2.9	3.9	2.8	4.0
Economic Dev. Pros	3.0	3.4	3.8	2.2	3.8	3.8	3.6	2.5	3.5	4.4	4.3	3.6	3.5	1.5	3.8	2.9	3.1	2.5	2.8	3.6	2.7	3.8
Businesses	1.7	1.5	1.7	2.0	2.1	3.2	3.3	1.4	1.8	1.8	2.3	2.3	2.9	0.8	2.8	2.2	2.5	2.3	2.2	2.5	2.7	3.3

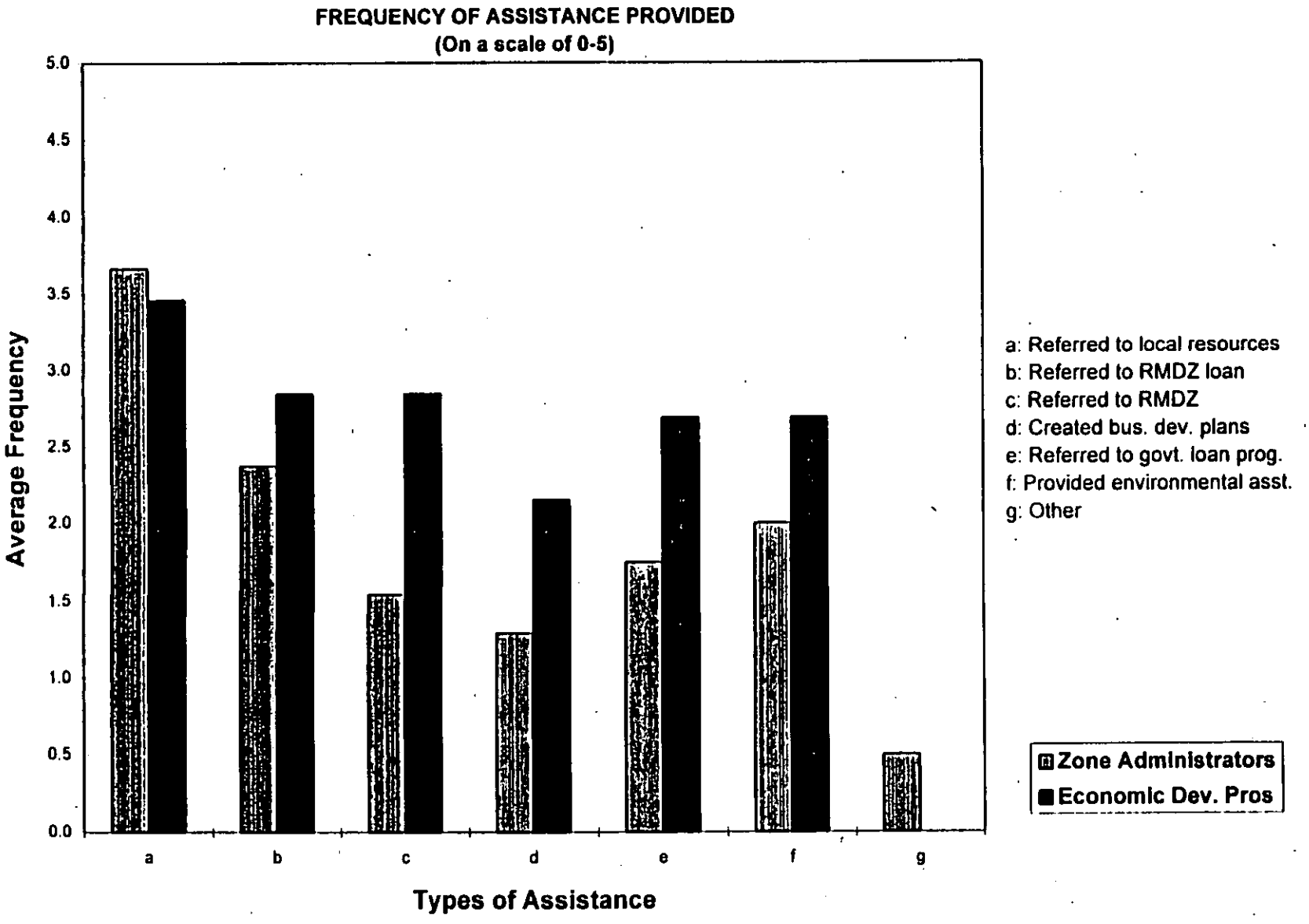
Comparison Between Survey Responses

(Zone Administrators vs. Economic Development Professionals)



Comparison Between Survey Responses

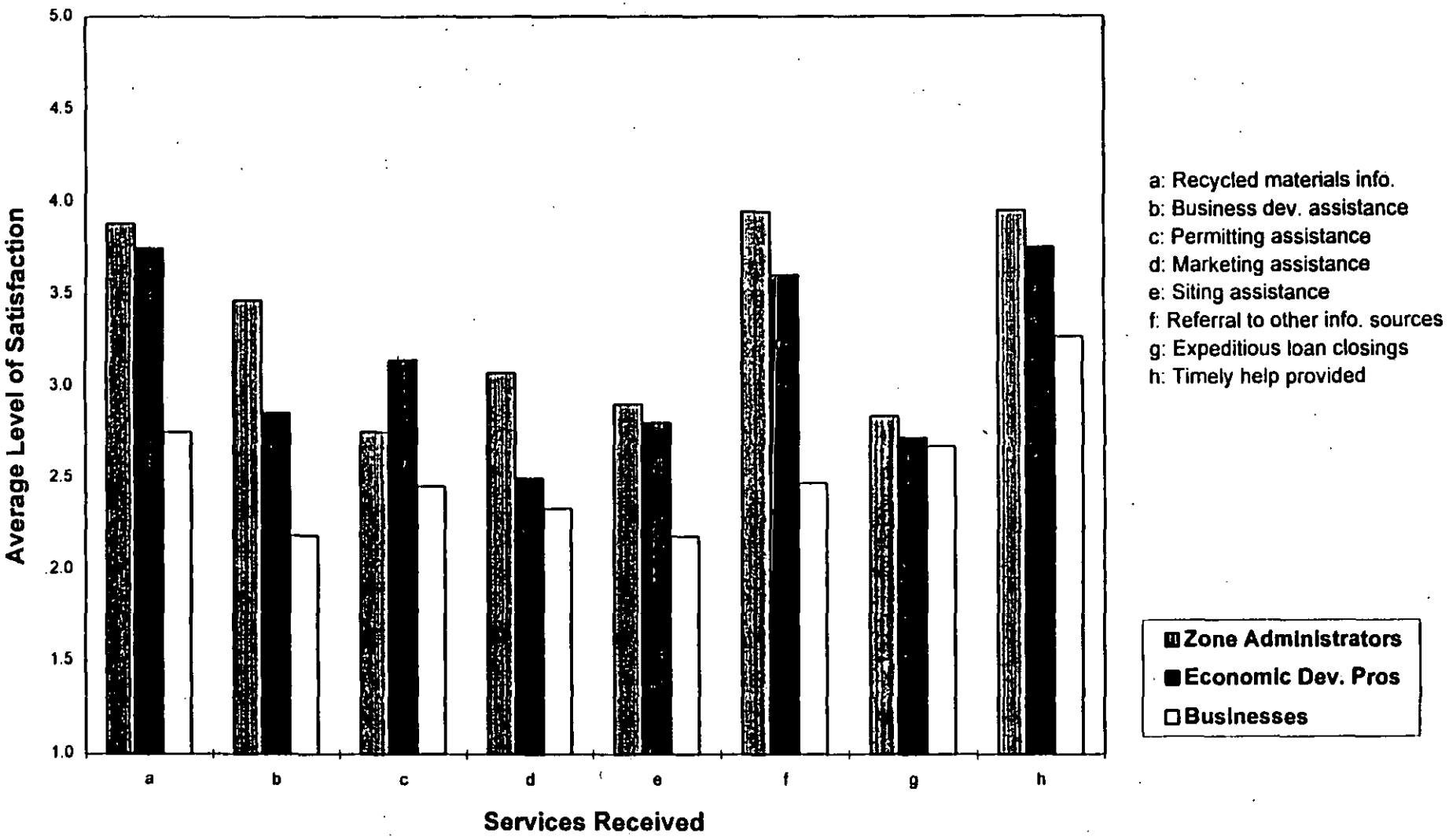
(Zone Administrators vs. Economic Development Professionals)



Comparison Between Survey Responses

(Zone Administrators, Economic Development Professionals, and Businesses)

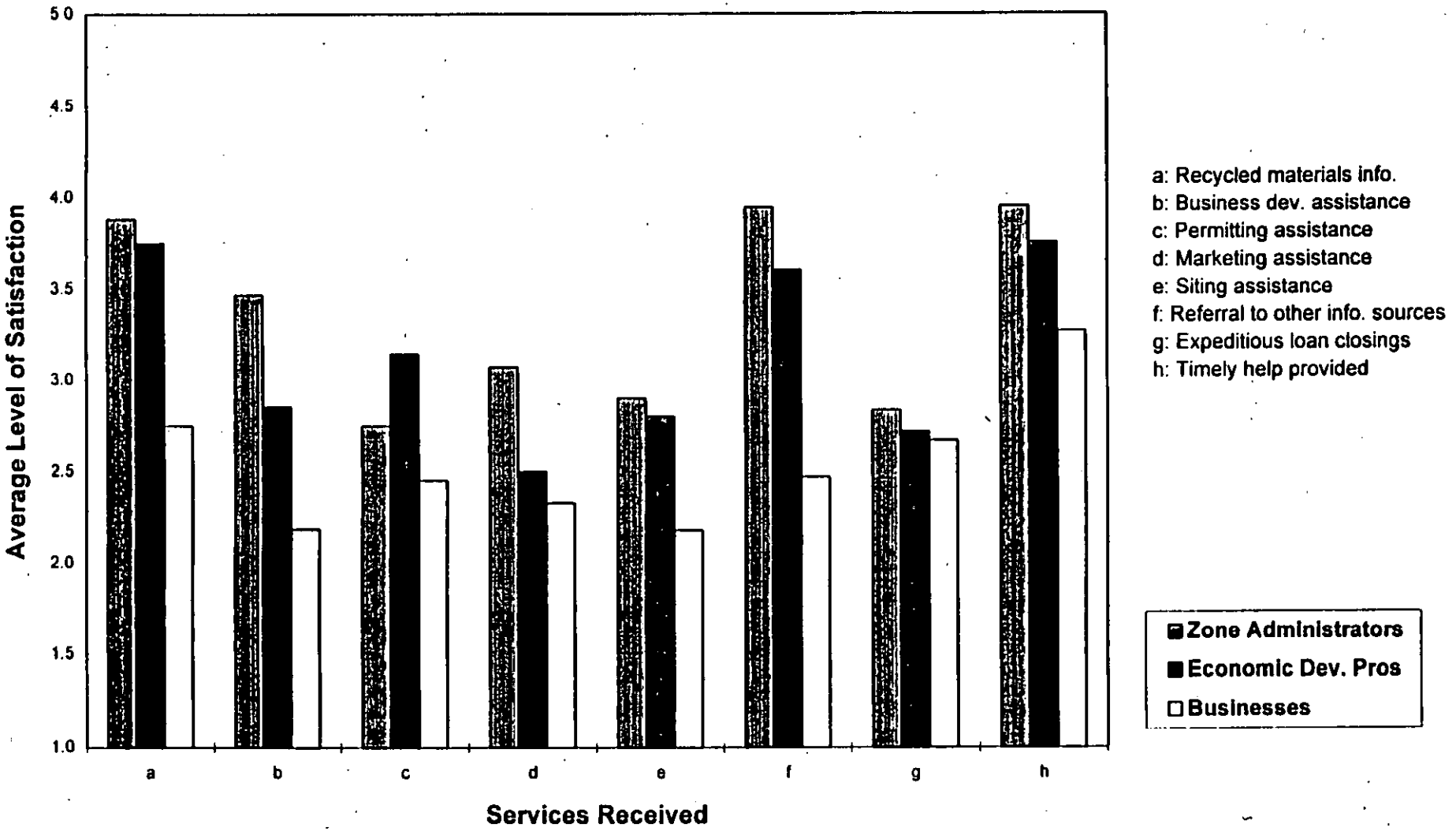
SATISFACTION WITH SERVICES RECEIVED THROUGH RMDZ PROGRAM (On a scale of 1-5)



Comparison Between Survey Responses

(Zone Administrators, Economic Development Professionals, and Businesses)

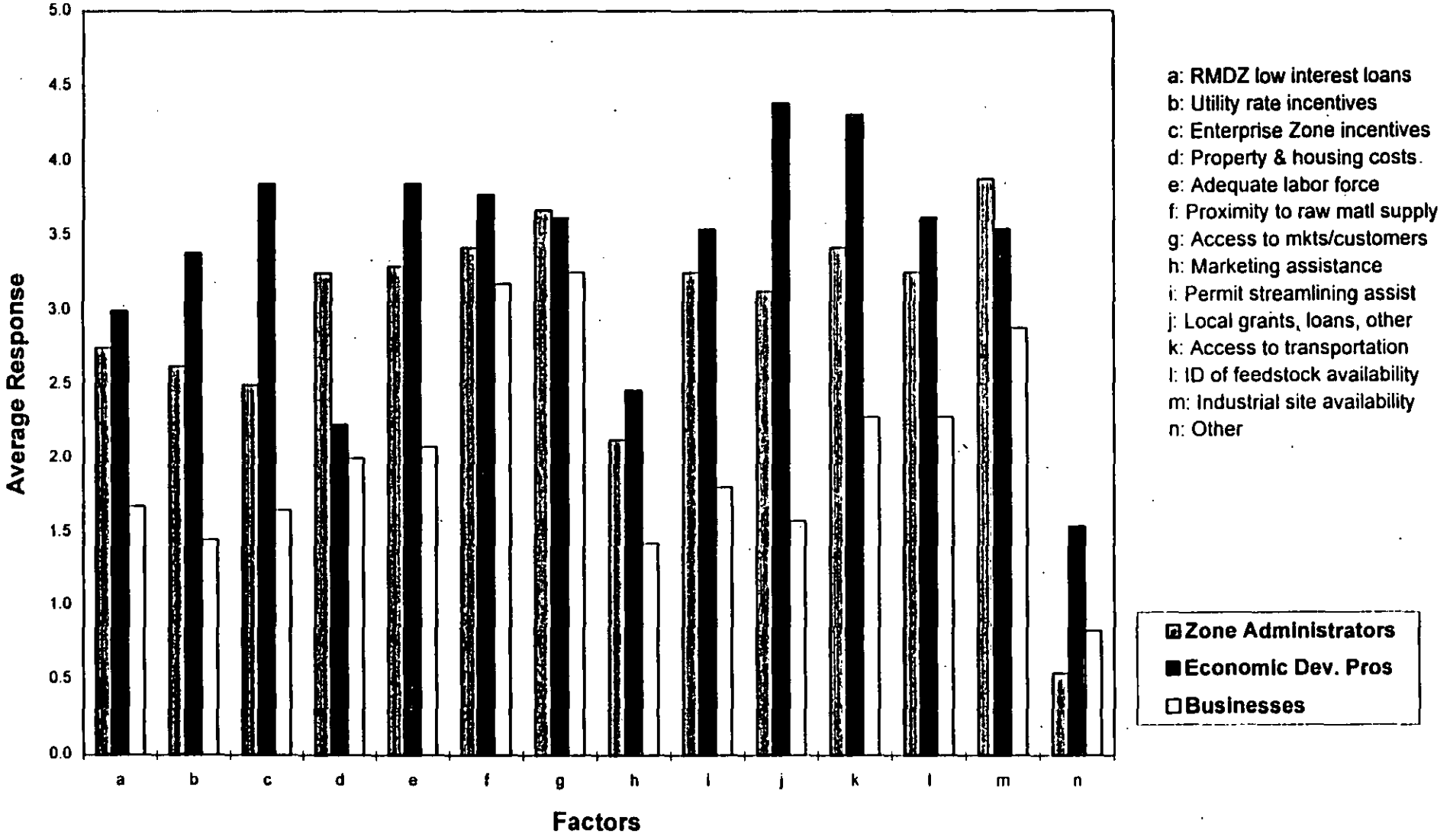
SATISFACTION WITH SERVICES RECEIVED THROUGH RMDZ PROGRAM (On a scale of 1-5)



Comparison Between Survey Responses

(Zone Administrators, Economic Development Professionals, and Businesses)

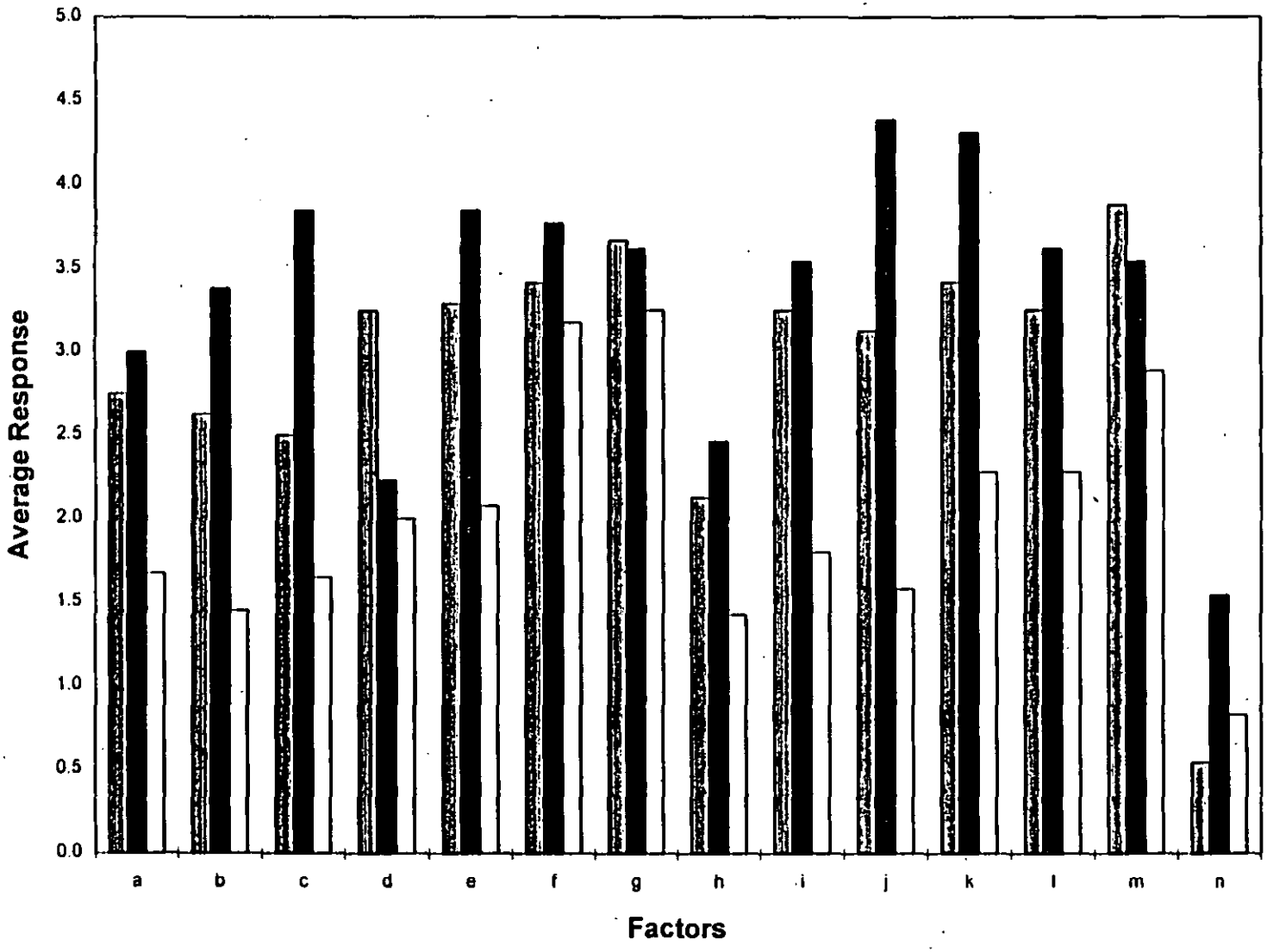
SELECTION OF MANUFACTURING SITE
(On a scale of 0-5)



Comparison Between Survey Responses

(Zone Administrators, Economic Development Professionals, and Businesses)

SELECTION OF MANUFACTURING SITE
(On a scale of 0-5)



a: RMDZ low interest loans
b: Utility rate incentives
c: Enterprise Zone incentives
d: Property & housing costs
e: Adequate labor force
f: Proximity to raw matl supply
g: Access to mkts/customers
h: Marketing assistance
i: Permit streamlining assist
j: Local grants, loans, other
k: Access to transportation
l: ID of feedstock availability
m: Industrial site availability
n: Other

Zone Administrators
Economic Dev. Pros
Businesses

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
January 24 and 25, 1996

AGENDA ITEM 30

ITEM: CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR THE SAN ANDREAS TRANSFER STATION, CALAVERAS COUNTY

I. COMMITTEE ACTION

As of the date that this item was prepared, the Permitting and Enforcement Committee had not yet made a recommendation or decision on this item.

II. BACKGROUND:

Facility Facts

Name:	San Andreas Transfer Station Facility No. 05-AA-0010
Facility Type:	Existing: Small Volume Transfer Station Proposed: Large Volume Transfer Station
Location:	4285 State Highway 49, San Andreas
Area:	2 acres total, 1 acre transfer
Setting:	Rural
Status:	Active, operating since 1975, permitted in 1978
Tonnage:	Currently accepting an average of 9 tons of waste per day; proposed permit allows a maximum of 38 tons of waste per day
Operator:	Calaveras County Public Works Department, Contact: Robert Pachinger, Junior Civil Engineer
Contract Operator:	Gambi Disposal, Inc.; Contact: Jerry Rocca
Owner:	Calaveras County, Contact: Robert Pachinger, Junior Civil Engineer
LEA:	Calaveras County Department of Environmental Health, Brian Moss, Director

Proposed Project Continued operation and improvements of an existing transfer station. Changes that have occurred since the 1978 permit was issued are summarized below:

1) The facility was issued a Conditional Use Permit (CUP) for the first time in 1992 (rezoned from unclassified to public service) and again in 1995 (establishes specific site design parameters);

2) Finding (1) of the 1978 permit estimated that the San Andreas Transfer Station received an average of 95 cubic yards of waste per day (approximately 12 tons per day at 250 pounds per cubic yard); The proposed permit restricts the daily tonnage to a maximum of 35 tons of waste per day (the design capacity);

3) The 1978 permit did not condition or restrict traffic volume; the proposed permit limits the number of vehicles allowed to use the site to a maximum of 560 vehicles per day (the number of vehicles that could be expected if the station ever received it's maximum permitted tonnage); the 1995 Report of Facility Information (RFI) states that 1994 peak traffic flow was 430 vehicles in one day;

4) Finding (1) of the 1978 permit stated that operating hours are from 9:00 a.m. to 5:30 p.m., Friday - Monday; The proposed permit allows the site to be open seven days per week between the hours of 9:00 a.m. and 5:30 p.m.; 7:00 a.m. to 8:00 p.m. during daylight savings time;

5) The 1978 permit references the franchise agreement with Timberline Disposal Co. as a conditioning document; the contract operator has since changed to Gambi Disposal, Inc.;

6) Finding (1) of the 1978 permit states that waste is transferred to the Red Hill Landfill; the Red Hill Landfill ceased accepting waste in 1990 and waste is now hauled to the Rock Creek Landfill;

7) The quantity of materials recycled on-site has increased; the 1992 Negative Declaration (ND) states that recycling is mandated to reduce the waste stream and vehicular movement;

8) The facility is currently permitted as a small volume transfer station. Although the average daily throughput is currently about 72 cubic yards per day, the Local Enforcement Agency (LEA) proposes to permit this facility as a large volume transfer station in anticipation of unusual peak loadings of over 100 CY per day. The 1994 peak load was 27 tons (216 CY) in one day.

III. SUMMARY:

Project Description The San Andreas Transfer Station is located along State Highway 49 between the towns of Mokulmne Hill and San Andreas. Surrounding land is designated unclassified, rural residential, and general agricultural (See Attachments 1 & 2).

Calaveras County has contracted with Gambi Disposal, Inc. for the daily operations of the transfer station, which currently receives an average of 9 tons per day. Although the LEA does not anticipate unusual peak loadings, the station is designed and will be permitted to process up to 35 tons of nonhazardous residential waste per day. In addition, the station will be permitted to accept up to three tons of separated recyclables per day. Special hazardous waste, such as used motor oil, batteries, and paint, may be collected if and when approved by the LEA. Waste loads from commercial haulers are not accepted at the transfer station.

An attendant is always on duty during operating hours. On-site improvements include the compactor, the attendant's shelter (located over the compactor's motor housing), a paved driveway and queuing area, a recycling drop-off area, and perimeter fencing. Waste is compacted into 40 cubic yard transfer bins before being hauled to the Rock Creek Landfill (Facility File No. 05-AA-0023) in western Calaveras County.

Environmental Controls Environmental controls for dust, noise, odor, vectors, traffic, fire, and litter are described in the April, 1995, RFI. 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 Newspapers, mixed paper, cans, glass, metals, and plastic drink bottles are collected in covered, watertight containers and shipped off-site for sorting and processing. In addition, the public may place reusable items (such as furniture, bicycles, tools) in a designated salvage area.

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. The proposed permit for this facility was originally received on June 14, 1995. The last day the Board could have acted was August 13, 1995. However, the LEA and the applicant waived the Board's statutory time limit (until February 14, 1996) while the county planning department prepared the additional environmental review.

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 (PRC Section 50000)

   The LEA has determined that the facility is identified by the most recently approved edition of the Calaveras County Solid Waste Management Plan, dated December 10, 1986, and therefor is in compliance with PRC Section 50000(a)(1). Board staff agree with said determination.

2. Consistency with General Plan (PRC Section 50000.5)

   The LEA has found that the proposed facility is consistent with, and is designated in, the County General Plan. In addition, the County Board of Supervisors have determined that the surrounding land use is compatible with the facility operation. Board staff agree with said finding.

3. Consistency with Diversion Requirements (PRC Section 44009)

   LEA Advisory No. 28, advises LEA's that beginning October 1995, any permits submitted for consideration by the Committee and Board, must be accompanied by a statement from the LEA making a determination whether there is substantial evidence that issuance of the proposed permit would prevent or substantially impair the jurisdiction's ability to meet diversion requirements. The LEA's cover letter, submitted with the proposed permit, makes the required finding. In addition, since this permit was originally submitted before October, 1995, Board Staff have also made this finding (See Attachment 5).

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 Calaveras County Planning Department prepared a ND (SCH# 93032064) for the proposed project. The ND was certified as approved by the lead agency on August 31, 1992, and a Notice of Determination (NOD) was filed by the lead agency on March 17, 1993.

   California Code of Regulations (CCR), Title 14 Section 15096 (CEQA Guidelines) requires the Board, as a responsible agency, to determine whether or not the evaluation of potential environmental impacts assessed in the environmental document is adequate for the Board's use in

the permitting process. However, the Board's Environmental Review Section had determined that the CEQA document submitted to support the Board's permit decision did not contain adequate information to make this finding.

Specifically, the 1992 ND did not include an analysis of the potential environmental impacts of the maximum waste throughput or the maximum traffic volumes.

The Calaveras Planning Department has since prepared a ND which adequately addresses the above concerns (SCH# 95102069). Board staff commented on the environmental document on November 20, 1995, and the Calaveras Board of Supervisors certified the ND on December 7, 1995. The County is expected to file the NOD on December 21, 1995. After reviewing the environmental documentation for the project, Board staff have determined that CEQA has been complied with.

5. Compliance 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 RFI, supporting documentation, the joint Board/LEA inspection of the site conducted on January 6, 1995, and subsequent LEA monthly inspections.

V. STAFF RECOMMENDATION:

Because a revised Solid Waste Facilities Permit is proposed, the Board must either concur in or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 96-13 concurring in the issuance of Solid Waste Facilities Permit No. 05-AA-0010.

VI. ATTACHMENTS:

1. Location Map
2. Area Map
3. Site Map
4. Permit No. 05-AA-0010
5. AB 2296 Finding of Conformance
6. Permit Decision No. 96-13

VII. APPROVALS:

Prepared by: Jon Whitehill Jon Whitehill Phone: 255-3881

Reviewed by: Don Pier Jr./Cody Begley 1/9/96 BEB for Phone: 255-2453

Approved by: Douglas Okumura Phone: 255-2431

Legal Review: Kathryn J. Sothis Date/Time: 1/11/96

IN CONSIDERATION OF THE IN-HOUSE WASTE PREVENTION POLICY

ATTACHMENTS 1 - 5

HAVE BEEN DELETED FROM THE BOARD PACKET

PLEASE REFER TO THE PERMITTING & ENFORCEMENT COMMITTEE AGENDA PACKET FOR COPIES OF ATTACHMENTS

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION NO. 96-13

WHEREAS, Calaveras County owns and operates the San Andreas Transfer Station which began operating in 1975 and was issued a Solid Waste Facilities Permit (SWFP) in 1978; and

WHEREAS, the Calaveras County Planning Commission approved Conditional Use Permit 91-18 on May 7, 1992, for the operation of the San Andreas Transfer Station; and

WHEREAS, the Calaveras County Board of Supervisors adopted Zoning Amendment 91-20 on August 31, 1992 changing the zoning of the site from "unclassified" to "public service" ; and

WHEREAS, the Calaveras County Planning Department, the lead agency for CEQA review, prepared a Negative Declaration (ND) for the proposed project; and Board staff provided comments to the County on March 4, 1992; and the Calaveras County Board of Supervisors adopted the final environmental document (SCH# 93032064) on August 31, 1992 and approved the Notice of Determination (NOD) for the project on May 17, 1993; and

WHEREAS, on June 14, 1995, the Calaveras County Environmental Health Department, acting as the Local Enforcement Agency (LEA), submitted to the Board for its review and concurrence in, or objection to, a revised SWFP for San Andreas Transfer Station; and

WHEREAS, in order to allow for additional environmental review, the LEA waived the Board's 60 day statutory time limit until February 14, 1996; and

WHEREAS, the Calaveras County Planning Department prepared a second ND for the proposed project; and Board staff provided comments to the County on November 20, 1995; and the Calaveras County Planning Commission adopted the final environmental document (SCH# 95102069) on December 7, 1995 and filed the NOD for the project on December 21, 1995; and

WHEREAS, the Calaveras County Planning Commission approved CUP-95-29 on December 21, 1995, establishing and conditioning the site design parameters for the revised SWFP; and

WHEREAS, the Board finds that all state and local requirements for the proposed SWFP have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, and consistency with the County General Plan; and

WHEREAS, Board staff have evaluated the proposed SWFP 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 project description in the CEQA document is consistent with the proposed SWFP; and

WHEREAS, the most recent joint CIWMB/LEA inspection, conducted on January 6, 1995, as well as subsequent LEA monthly inspections, document that the site is currently operating in compliance with State Minimum Standards for Solid Waste Handling and Disposal.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 05-AA-0010.

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 January 24 and 25, 1996.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
January 24 and 25, 1996

AGENDA ITEM 31

ITEM: CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR THE PALOMA TRANSFER STATION, CALAVERAS COUNTY

I. COMMITTEE ACTION

As of the date that this item was prepared, the Permitting and Enforcement Committee had not yet made a recommendation or decision on this item.

II. BACKGROUND:

Facility Facts

Name:	Paloma Transfer Station Facility No. 05-AA-0011
Facility Type:	Existing: Small Volume Transfer Station Proposed: Large Volume Transfer Station
Location:	4347 Paloma Road, Paloma
Area:	3.29 acres total, 1 acre transfer
Setting:	Rural
Status:	Active, operating since 1975, permitted since 1978
Tonnage:	Currently accepting an average of 7 tons of waste per day; proposed permit allows a maximum of 38 tons of waste per day
Operator:	Calaveras County Public Works Department, Contact: Robert Pachinger, Junior Civil Engineer
Contract Operator:	Gambi Disposal, Inc.; Contact: Jerry Rocca
Owner:	Calaveras County, Contact: Robert Pachinger, Junior Civil Engineer
LEA:	Calaveras County Department of Environmental Health, Brian Moss, Director

Proposed Project Continued operation and improvements of an existing transfer station. Changes that have occurred since the 1978 permit was issued are summarized below:

370

1) The facility was issued a Conditional Use Permit (CUP) for the first time in 1992 (rezoned from unclassified to public service) and again in 1995 (establishes specific site design parameters);

2) Finding (1) of the 1978 permit estimated that the facility received 65 cubic yards (cy) of uncompacted waste per day. The proposed permit restricts the daily tonnage to a maximum of 35 tons of waste per day (the facility currently receives an average of 7 tons of waste per day);

3) The 1978 permit estimated traffic volume to be approximately 378 vehicles per month; the proposed permit limits the number of vehicles allowed to use the site to a maximum of 560 vehicles per day (the number of cars that could be expected if the station ever received it's maximum permitted tonnage);

4) Finding (1) of the 1978 permit stated that operating hours are from 11:00 a.m. to 5:30 p.m., Saturday - Monday; The proposed permit allows the site to be open seven days per week between the hours of 9:00 a.m. and 5:30 p.m., 7:00 a.m. and 8:00 p.m. during daylight savings time;

5) The 1978 SWFP references the franchise agreement with Timberline Disposal Co. as a conditioning document; the contract operator has since changed to Gambi Disposal, Inc.;

6) Finding (1) of the 1978 SWFP states that waste is transferred to the Red Hill Landfill; the Red Hill Landfill ceased accepting waste in 1990 and waste is now hauled to the Rock Creek Landfill;

7) The quantity of materials recycled on-site has increased; the 1992 Negative Declaration (ND) states that recycling is mandated to reduce the waste stream and vehicular movement;

8) The facility is currently permitted as a small volume transfer station. Although the average daily throughput is currently about 7 tons per day, the Local Enforcement Agency (LEA) proposes to permit this facility as a large volume transfer station in anticipation of unusual peak loadings of over 100 CY per day (the 1994 peak load was 152 CY in one day).

III. SUMMARY:

<u>Project Description</u> The Paloma Transfer Station is located in western Calaveras County, 4 miles north of Highway 12, at 4347 Paloma Road, between the communities of Paloma and Valley

Springs. Surrounding land is designated agricultural and unclassified (Please see Attachments 1 & 2).

Calaveras County has contracted with Gambi Disposal, Inc. for the daily operations of the transfer station, which currently receives an average of 7 tons per day. Although the LEA does not anticipate unusual peak loadings, the station is designed and will be permitted to process up to 35 tons of nonhazardous residential waste per day. In addition, the station will be permitted to accept up to three tons of separated recyclables per day. Special hazardous waste, such as used motor oil, batteries, and paint, may be collected if and when approved by the LEA. Waste loads from commercial haulers are not accepted at the transfer station.

An attendant is always on duty during operating hours. On-site improvements include the compactor, the attendant's shelter (located over the compactor's motor housing), a paved driveway and queuing area, a recycling drop-off area, and perimeter fencing. Waste is compacted into 40 cubic yard transfer bins before being hauled to the Rock Creek Landfill (Facility File No. 05-AA-0023) approximately 18 miles to the south.

Environmental Controls Environmental controls for dust, noise, odor, vectors, traffic, fire, and litter are described in the April, 1995, Report of Facility Information (RFI). 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 Newspapers, mixed paper, cans, glass, metals, and plastic drink bottles are collected in covered, watertight containers and shipped off-site for sorting and processing. In addition, the public may place unwanted, but reusable, items (such as furniture, bicycles, tools) in a designated salvage area.

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. The proposed permit for this facility was originally received on June 14, 1995. The last day the Board could have acted was August 13, 1995. However, the LEA and the applicant have waived the Board's statutory time limits (until February 14, 1996) while the county planning department prepared additional environmental review.

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 (PRC Section 50000)

   The LEA has determined that the facility is identified by the most recently approved edition of the Calaveras County Solid Waste Management Plan, dated December 10, 1986, and therefor is in compliance with PRC Section 50000(a)(1). Board staff agree with said determination.

2. Consistency with General Plan (PRC Section 50000.5)

   The LEA has found that the proposed facility is consistent with, and is designated in, the County General Plan. In addition, the County Board of Supervisors have determined that the surrounding land use is compatible with the facility operation. Board staff agree with said finding.

3. Consistency with Diversion Requirements (PRC Section 44009)

   LEA Advisory No. 28, advises LEA's that beginning October 1995, any permits submitted for consideration by the Committee and Board must be accompanied by a statement from the LEA making a determination whether there is substantial evidence that issuance of the proposed permit would prevent or substantially impair the jurisdiction's ability to meet diversion requirements. The LEA's cover letter, submitted with the proposed permit, makes the required finding. In addition, since this permit was originally submitted before October, 1995, Board Staff have also made this finding (See Attachment 5).

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 Calaveras County Planning Department prepared a ND (SCH# 93032064) for the proposed project. The ND was certified as approved by the lead agency on August 31, 1992, and a Notice of Determination (NOD) was filed by the lead agency on March 17, 1993.

   California Code of Regulations (CCR) Title 14, Section 15096 (CEQA Guidelines) requires the Board, as a responsible agency, to determine whether or not the evaluation of potential environmental impacts assessed in the

environmental document is adequate for the Board's use in the permitting process.

However, the Board's Environmental Review Section determined that the CEQA document submitted to support the Board's permit decision did not contain adequate information to make this finding. Specifically, the 1992 ND did not include an analysis of the potential environmental impacts of the maximum waste throughput or the maximum traffic volumes.

The Calaveras Planning Department has since prepared a ND (SCH# 95102071) which adequately addresses the above concerns. Board staff commented on the environmental document on November 21, 1995, and the Calaveras Planning Commission certified the ND on December 7, 1995. The County is expected to file the NOD on December 21, 1995. After reviewing the environmental documentation for the project, Board staff have determined that CEQA has been complied with.

5. Compliance 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, supporting documentation, the joint Board/LEA inspection of the site conducted on June 26, 1995, and subsequent LEA monthly inspections.

V. STAFF RECOMMENDATION:

Because a revised Solid Waste Facilities Permit is proposed, the Board must either concur in or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 96-14 concurring to the issuance of Solid Waste Facilities Permit No. 05-AA-0011.

VI. ATTACHMENTS:

1. Location Map
2. Area Map
3. Site Map
4. Permit No. 05-AA-0011
5. AB 2296 Finding of Conformance
6. Permit Decision No. 96-14

VII. APPROVALS:

Prepared by: Jon Whitehill Jon Whitehill Phone: 255-3881

Reviewed by: Don Dier Jr./Cody Begley 1/9/96 BB for Phone: 255-2453

Approved by: Douglas Okumura Phone: 255-2431

Legal Review: Kathryn J. O'Brien Date/Time: 1/11/96

IN CONSIDERATION OF THE IN-HOUSE WASTE PREVENTION POLICY

ATTACHMENTS 1 - 5

HAVE BEEN DELETED FROM THE BOARD PACKET

PLEASE REFER TO THE PERMITTING & ENFORCEMENT COMMITTEE AGENDA PACKET FOR COPIES OF ATTACHMENTS

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION NO. 96-14

WHEREAS, Calaveras County owns and operates the Paloma Transfer Station which began operating in 1975 and was issued a Solid Waste Facilities Permit (SWFP) in 1978; and

WHEREAS, the Calaveras County Planning Commission approved Conditional Use Permit 91-24 on May 7, 1992, for the operation of the Paloma Transfer Station; and

WHEREAS, the Calaveras County Board of Supervisors adopted Zoning Amendment 91-20 on August 31, 1992 changing the zoning of the site from "unclassified" to "public service" ; and

WHEREAS, the Calaveras County Planning Department, the lead agency for CEQA review, prepared a Negative Declaration (ND) for the proposed project; and Board staff provided comments to the County on May 15, 1991; and the Calaveras County Board of Supervisors adopted the final environmental document (SCH# 93032063) on August 31, 1992 and approved the Notice of Determination (NOD) for the project on May 17, 1993; and

WHEREAS, on June 14, 1995, the Calaveras County Environmental Health Department, acting as the Local Enforcement Agency (LEA), submitted to the Board for its review and concurrence in, or objection to, a revised SWFP for the Paloma Transfer Station; and

WHEREAS, in order to allow for additional environmental review, the LEA waived the Board's 60 day statutory time limit until February 14, 1996; and

WHEREAS, the Calaveras County Planning Department prepared a second ND for the proposed project (SCH# 95102071); and Board staff provided comments to the County on November 21, 1995; and the Calaveras County Planning Commission adopted the final environmental document on December 7, 1995 and filed the NOD for the project on December 21, 1995; and

WHEREAS, the Calaveras County Planning Commission approved CUP-95-27 on December 21, 1995, establishing and conditioning the site design parameters for the revised SWFP; 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 County General Plan; and

WHEREAS, the project description in the CEQA document is consistent with the proposed SWFP; 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 most recent joint CIWMB/LEA inspection, conducted on June 26, 1995, as well as subsequent LEA monthly inspections, document that the site is currently operating in compliance with State Minimum Standards for Solid Waste Handling and Disposal.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 05-AA-0011.

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 January 24, 1996.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
January 24 and 25, 1996

AGENDA ITEM 32

ITEM: CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR THE WILSEYVILLE TRANSFER STATION, CALAVERAS COUNTY

I. COMMITTEE ACTION

As of the date that this item was prepared, the Permitting and Enforcement Committee had not yet made a recommendation or decision on this item.

II. BACKGROUND:

Facility Facts

Name:	Wilseyville Transfer Station Facility No. 05-AA-0013
Facility Type:	Existing: Small Volume Transfer Station Proposed: Large Volume Transfer Station
Location:	End of Blizzard Mine Road, Wilseyville
Area:	80 acres total, 1 acre transfer
Setting:	Rural
Status:	Active, operating since 1975, permitted since 1978
Tonnage:	Currently accepting an average of 8 tons of waste per day; proposed permit allows a maximum of 35 tons of waste per day
Owner/Operator:	Calaveras County Public Works Department, Contact: Robert Pachinger, Junior Civil Engineer
Contract Operator:	Gambi Disposal, Inc.; Contact: Jerry Rocca
Land Owner:	U.S. Department of the Interior, Bureau of Land Management
LEA:	Calaveras County Department of Environmental Health, Brian Moss, Director

Proposed Project Continued operation and improvements of a small/large volume transfer station. Changes that have occurred since the permit was issued in 1978 are summarized below:

1) The facility was issued a Conditional Use Permit (CUP) for the first time in 1992 (rezoned from unclassified to public service) and again in 1995 (establishes specific site design parameters);

2) Finding (1) of the 1978 permit estimated that the Wilseyville Transfer Station received an average of 94 CY/day (approximately 12 TPD at 250 lbs/CY); The proposed permit restricts the daily tonnage to a maximum of 35 tons of waste per day (the design capacity);

3) The 1978 permit did not condition or restrict traffic volume; the proposed permit limits the number of vehicles allowed to use the site to a maximum of 560 vehicles per day (the number of vehicles that could be expected if the station ever received it's maximum permitted tonnage);

4) Finding (1) of the 1978 permit stated that operating hours are from 9:00 a.m. to 5:30 p.m., Friday - Monday; The proposed permit allows the site to be open seven days per week between the hours of 7:00 a.m. and 8:00 p.m.;

5) The 1978 permit references the franchise agreement with Timberline Disposal Co. as a conditioning document; the contract operator has since changed to Gambi Disposal, Inc.;

6) Finding (1) of the 1978 permit states that waste is transferred to the Red Hill Landfill; the Red Hill Landfill ceased accepting waste in 1990 and waste is now hauled to the Rock Creek Landfill;

7) The quantity of materials recycled on-site has increased; the 1992 Negative Declaration (ND) states that recycling is mandated to reduce the waste stream and vehicular movement;

8) The 1978 permit states that land within 1,000 feet of the site is zoned agricultural, unclassified, and rural residential; The 1995 Report of Facility Information (RFI) shows surrounding land use zoned as unclassified and timber production with three structures within 1,000 feet;

9) The facility is currently permitted as a small volume transfer station. Although the average daily throughput is currently about 64 cubic yards per day, the Local Enforcement Agency (LEA) proposes to permit this facility as a large volume transfer station in anticipation of unusual peak loadings of over 100 CY per day. The 1994 peak load was 152 CY in one day.

III. SUMMARY:

Project Description The Wilseyville Transfer Station is located in north-central Calaveras County southeast of Highway 26 at the end of Blizzard Mine Road, near the town of Wilseyville. Surrounding land is designated unclassified, rural residential, and general agricultural (See Attachments 1 & 2).

Calaveras County has contracted with Gambi Disposal, Inc. for the daily operations of the transfer station, which currently receives an average of 8 tons per day. Although the LEA does not anticipate unusual peak loadings, the station is designed and will be permitted to process up to 35 tons of nonhazardous residential waste per day. In addition, the station will be permitted to accept up to three tons of separated recyclables per day. Special hazardous waste, such as used motor oil, batteries, and paint, may be collected if and when approved by the LEA. Waste loads from commercial haulers are not accepted at the transfer station.

An attendant is always on duty during operating hours. On-site improvements include the compactor, the attendant's shelter (located over the compactor's motor housing), a paved driveway and queuing area, a recycling drop-off area, and perimeter fencing. Waste is compacted into 40 cubic yard transfer bins before being hauled to the Rock Creek Landfill (Facility File No. 05-AA-0023) in western Calaveras County.

Environmental Controls Environmental controls for dust, noise, odor, vectors, traffic, fire, and litter are described in the April, 1995, RFI. 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 Newspapers, mixed paper, cans, glass, metals, and plastic drink bottles are collected in covered, watertight containers and shipped off-site for sorting and processing. In addition, the public may place unwanted, but reusable, items (such as furniture, bicycles, tools) in a designated salvage area.

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. The proposed permit for this facility was originally received on June 14, 1995. The last day the Board could have acted was August 13, 1995. However, the LEA

and the applicant waived the Board's statutory time limit (until February 14, 1996) while the county planning department prepared the additional environmental review.

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 (PRC Section 50000)

   The LEA has determined that the facility is identified by the most recently approved edition of the Calaveras County Solid Waste Management Plan, dated December 10, 1986, and is therefore in compliance with PRC Section 50000(a)(1). Board staff agree with said determination.

2. Consistency with General Plan (PRC Section 50000.5)

   The LEA has found that the proposed facility is consistent with, and is designated in, the County General Plan. In addition, the County Board of Supervisors have determined that the surrounding land use is compatible with the facility operation. Board staff agree with said finding.

3. Consistency with Diversion Requirements (PRC Section 44009)

   LEA Advisory No. 28, advises LEA's that beginning October 1995, any permits submitted for consideration by the Committee and Board, must be accompanied by a statement from the LEA making a determination whether there is substantial evidence that issuance of the proposed permit would prevent or substantially impair the jurisdiction's ability to meet diversion requirements. The LEA's cover letter, submitted with the proposed permit, makes the required finding. In addition, since this permit was originally submitted before October, 1995, Board Staff have also made this finding (See Attachment 5).

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 Calaveras County Planning Department prepared a ND (SCH# 92112042) for the proposed project. The ND was certified as approved by the lead agency on June 28, 1993, and a Notice of Determination (NOD) was filed by the lead agency on April 10, 1995.

California Code of Regulations (CCR), Title 14, Section 15096 (CEQA Guidelines) requires the Board, as a responsible agency, to determine whether or not the evaluation of potential environmental impacts assessed in the environmental document is adequate for the Board's use in the permitting process.

However, the Board's Environmental Review Section determined that the CEQA document submitted to support the Board's permit decision did not contain adequate information to make this finding. Specifically, the 1992 ND did not include an analysis of the potential environmental impacts of the maximum waste throughput or the maximum traffic volumes.

The Calaveras Planning Department has since prepared a ND which adequately addresses the above concerns (SCH# 95102072). Board staff commented on the environmental document on November 21, 1995, and the Calaveras County Planning Commission certified the ND on December 7, 1995. The County is expected to file the NOD on December 21, 1995. After reviewing the environmental documentation for the project, Board staff have determined that CEQA has been complied with.

5. Compliance 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 RFI, supporting documentation, the joint Board/LEA inspection of the site conducted on June 24, 1995, and subsequent LEA monthly inspections.

V. STAFF RECOMMENDATION:

Because a revised Solid Waste Facilities Permit is proposed, the Board must either concur in or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 96-15 concurring to the issuance of Solid Waste Facilities Permit No. 05-AA-0013.

VI. ATTACHMENTS:

1. Location Map
2. Area Map
3. Site Map
4. Permit No. 05-AA-0013
5. AB 2296 Finding of Conformance
6. Permit Decision No. 96-15

VII. APPROVALS:

Prepared by: Jon Whitehill Phone: 255-3881

Reviewed by: Don Diehl Jr./Cody Begley Phone: 255-2453

Approved by: Douglas Okumura Phone: 255-2431

Legal Review: Kathryn J. Sobrato Date/Time: 1/11/96

IN CONSIDERATION OF THE IN-HOUSE WASTE PREVENTION POLICY

ATTACHMENTS 1 - 5

HAVE BEEN DELETED FROM THE BOARD PACKET

PLEASE REFER TO THE PERMITTING & ENFORCEMENT COMMITTEE AGENDA PACKET FOR COPIES OF ATTACHMENTS

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION NO. 96-15

WHEREAS, Calaveras County operates the Wilseyville Transfer Station which began operating in 1975 and was issued a Solid Waste Facilities Permit (SWFP) in 1978; and

WHEREAS, the Calaveras County Planning Commission approved Conditional Use Permit 92-21 on June 28, 1993, for the operation of the San Andreas Transfer Station; and

WHEREAS, the Calaveras County Board of Supervisors adopted Zoning Amendment 92-43 on June 23, 1993 changing the zoning of the site from "unclassified" to "public service" ; and

WHEREAS, the Calaveras County Planning Department, the lead agency for CEQA review, prepared a Negative Declaration (ND) for the proposed project; and Board staff provided comments to the County on December 10, 1992; and the Calaveras County Board of Supervisors adopted the final environmental document (SCH# 92112042) on June 28, 1993 and filed the Notice of Determination (NOD) for the project on April 10, 1995; and

WHEREAS, on June 14, 1995, the Calaveras County Environmental Health Department, acting as the Local Enforcement Agency (LEA), submitted to the Board for its review and concurrence in, or objection to, a revised SWFP for the Wilseyville Transfer Station; and

WHEREAS, in order to allow for additional environmental review, the LEA waived the Board's 60 day statutory time limit until February 14, 1996; and

WHEREAS, the Calaveras County Planning Department prepared a second ND for the proposed project; and Board staff provided comments to the County on November 21, 1995; and the Calaveras County Planning Commission adopted the final environmental document (SCH# 95102072) on December 7, 1995 and filed the NOD for the project on December 21, 1995; and

WHEREAS, the Calaveras County Planning Commission approved CUP-95-30 on December 21, 1995, establishing and conditioning the site design parameters for the revised SWFP; 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 County General Plan; and

WHEREAS, Board staff have evaluated the proposed SWFP 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 project description in the CEQA document is consistent with the proposed SWFP; and

WHEREAS, the most recent joint CIWMB/LEA inspection, conducted on June 24, 1995, as well as subsequent LEA monthly inspections, document that the site is currently operating in compliance with State Minimum Standards for Solid Waste Handling and Disposal.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 05-AA-0013.

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 January 24 and 25, 1996.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
January 24 and 25, 1996

AGENDA ITEM 33

ITEM: CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR THE COPPEROPOLIS TRANSFER STATION, CALAVERAS COUNTY

I. COMMITTEE ACTION

As of the date that this item was prepared, the Permitting and Enforcement Committee had not yet made a recommendation or decision on this item.

II. SUMMARY:

Facility Facts

Name:	Copperopolis Transfer Station Facility No. 05-AA-0012
Facility Type:	Existing: Small Volume Transfer Station Proposed: Large Volume Transfer Station
Location:	3831 O'Byrnes Ferry Road, Copperopolis, near Highway 49 in southwest Calaveras County
Area:	1.87 acres total, 1 acre transfer
Setting:	Rural
Status:	Active, operating since 1975, permitted since 1978
Tonnage:	Currently accepting an average of 5 tons of waste per day; proposed permit allows a maximum of 38 tons of waste per day
Operator:	Calaveras County Public Works Department, Contact: Robert Pachinger, Junior Civil Engineer
Contract Operator:	Gambi Disposal, Inc.; Contact: Jerry Rocca
Owner:	Calaveras County, Contact: Robert Pachinger, Junior Civil Engineer
LEA:	Calaveras County Department of Environmental Health, Brian Moss, Director

Proposed Project Continued operation and improvements of a solid waste transfer station. Changes that have occurred since the permit was issued in 1978 are summarized below:

1) The facility was issued a Conditional Use Permit (CUP) for the first time in 1992 (rezoned from unclassified to public service) and again in 1995 (established specific site design parameters);

2) Finding (1) of the 1978 permit estimated that the Copperopolis Transfer Station received an average of 10 cubic yards of waste per day (approximately 1.2 tons per day at 250 pounds per cubic yard); The proposed permit restricts the daily tonnage to a maximum of 35 tons of waste per day (the design capacity);

3) Finding (1) of the 1978 permit estimated traffic volume at 103 vehicles per month but did not condition a maximum; The proposed permit limits the number of vehicles allowed to use the site to 560 vehicles per day (the predicted number of cars that could be expected if the station ever received it's maximum tonnage);

4) Finding (1) of the 1978 permit stated that operating hours are 11:00 a.m. to 5:00 p.m., Sat-Mon; the proposed permit allows operations 7 days/week between the hours of 9:00 a.m. and 5:30 p.m., 7:00 a.m. to 8:00 p.m. during daylight savings time;

5) The 1978 permit states that land within 1,000 feet of the site is zoned agricultural, unclassified, and rural residential; the 1995 Report of Facility Information (RFI) shows some surrounding land use rezoned as rural commercial and single family residential;

6) A 43 unit housing development has been built within about 300 feet of the transfer station since the permit was issued in 1978; the 1992 Negative Declaration (ND) prepared for the station's CUP determined that the station is compatible with surrounding land use;

7) The 1978 permit lists the franchise agreement with Timberline Disposal Co. as a conditioning document; the contract operator has since changed to Gambi Disposal, Inc.;

8) Finding (1) of the 1978 permit states that waste is transferred to the Red Hill Landfill; the Red Hill Landfill ceased accepting waste in 1990 and waste is now hauled to the Rock Creek Landfill;

9) The quantity of materials recycled on-site has increased; the 1992 ND states that recycling is mandated to reduce the waste stream and vehicular movement;

10) The facility is currently permitted as a small volume transfer station; although the average yardage of waste is currently about 40 cubic yards (CY) per day, the Local Enforcement Agency (LEA) proposes to permit this facility as a large volume transfer station in anticipation of peak loads over 100 cubic yards per day (the 1994 peak load was 120 CY in one day).

Project Description The Copperopolis Transfer Station was constructed in 1974 to replace the old burn dump located 400 feet away on a separate parcel. Calaveras County has contracted with Gambi Disposal, Inc. for the daily operations of the transfer station, which currently receives an average of 5 tons per day. Although the LEA does not anticipate unusual peak loadings (the 1994 peak load was 15 tons), the station was designed and will be permitted to process up to 35 tons of nonhazardous residential waste per day. In addition, the station will be permitted to accept up to three tons of separated recyclables per day.

Special hazardous waste, such as used motor oil, batteries, and paint, may be collected if and when approved by the LEA. Waste loads from commercial haulers are not accepted at the transfer station.

An attendant is always on duty during operating hours. On-site improvements include the compactor, the attendant's shelter (located over the compactor's motor housing), a paved driveway and queuing area, a recycling drop-off area, and perimeter fencing. Waste is compacted into 40 cubic yard transfer bins before being hauled to the Rock Creek Landfill (Facility File No. 05-AA-0023) in western Calaveras County.

Environmental Controls Environmental controls for dust, noise, odor, vectors, traffic, fire, and litter are described in the April, 1995, RFI. 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 Newspapers, mixed paper, cans, glass, metals, and plastic drink bottles are collected in covered, watertight containers and shipped off-site for sorting and processing. In addition, the public may place unwanted, but reusable, items (such as furniture, bicycles, tools) in a designated area.

III. 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. The proposed permit for this facility was originally received on June 14, 1995. The last day the Board could have acted was August 13, 1995. However, the LEA and the applicant waived the Board's statutory time limit (until February 14, 1996) while the county planning department prepared the additional environmental review.

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 (PRC Section 50000)

   The LEA has determined that the facility is identified by the most recently approved edition of the Calaveras County Solid Waste Management Plan, dated December 10, 1986, and therefor is in compliance with PRC Section 50000(a)(1). Board staff agree with said determination.

2. Consistency with General Plan (PRC Section 50000.5)

   The LEA has found that the proposed facility is consistent with, and is designated in, the County General Plan. In addition, the County Board of Supervisors have determined that the surrounding land use is compatible with the facility operation. Board staff agree with said finding.

3. Consistency with Diversion Requirements (PRC Section 44009)

   LEA Advisory No. 28, advises LEA's that beginning October 1995, any permits submitted for consideration by the Committee and Board, must be accompanied by a statement from the LEA making a determination whether there is substantial evidence that issuance of the proposed permit would prevent or substantially impair the jurisdiction's ability to meet diversion requirements. The LEA's cover letter, submitted with the proposed permit, makes the required finding. In addition, since this permit was originally submitted before October, 1995, Board Staff have also made this finding (See Attachment 5).

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 Calaveras County Planning Department prepared a ND(SCH# 93032065) for

the proposed project, rezoning of the transfer station parcel and issuance of a conditional use permit for the operation of the transfer station. The ND was certified as approved by the lead agency on August 31, 1992, and a Notice of Determination (NOD) was filed by the lead agency on March 17, 1993.

California Code of Regulations (CCR), Title 14 Section 15096 (CEQA Guidelines) requires the Board, as a responsible agency, to determine whether or not the evaluation of potential environmental impacts assessed in the environmental document is adequate for the Board's use in the permitting process. However, the Board's Environmental Review Section determined that the CEQA document submitted to support the Board's permit decision did not contain adequate information to make this finding. Specifically, the 1992 ND did not include an analysis of the potential environmental impacts of the maximum waste throughput or the maximum traffic volumes.

The Calaveras Planning Department has since prepared a ND which adequately addresses the above concerns (SCH# 95102070). Board staff commented on the environmental document on November 21, 1995, and the Calaveras County Planning Commission certified the ND on December 7, 1995. The County is expected to file the (NOD) on December 21, 1995. After reviewing the environmental documentation for the project, Board staff have determined that CEQA has been complied with.

5. Compliance 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 RFI, supporting documentation, the joint Board/LEA inspection of the site conducted on June 24, 1995, and subsequent LEA monthly inspections.

IV. STAFF RECOMMENDATION:

Because a revised Solid Waste Facilities Permit is proposed, the Board must either concur in or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 96-16 concurring in the issuance of Solid Waste Facilities Permit No. 05-AA-0012.

VI. ATTACHMENTS:

1. Location Map
2. Area Map
3. Site Map
4. Permit No. 95-AA-0012
5. AB 2296 Finding of Conformance
6. Permit Decision No. 96-16

VII. APPROVALS:

Prepared by: Jon Whitehill Jon Whitehill Phone: 255-3881

Reviewed by: Don Bier Jr./Cody Begley 1/19/96 Phone: 255-2453

Approved by: Douglas Okumura Phone: 255-2431

Legal Review: Kathryn J. Johnson Date/Time:

IN CONSIDERATION OF THE IN-HOUSE WASTE PREVENTION POLICY

ATTACHMENTS 1 - 5

HAVE BEEN DELETED FROM THE BOARD PACKET

PLEASE REFER TO THE PERMITTING & ENFORCEMENT COMMITTEE AGENDA PACKET FOR COPIES OF ATTACHMENTS

California Integrated Waste Management Board
Resolution No. 96-16

WHEREAS, Calaveras County owns and operates the Copperopolis Transfer Station which began operating in 1975 and was issued a Solid Waste Facilities Permit (SWFP) in 1978; and

WHEREAS, the Calaveras Planning Commission approved Conditional Use Permit 91-26 on May 7, 1992, for the operation of the Copperopolis Transfer Station; and

WHEREAS, the Calaveras County Board of Supervisors adopted Zoning Amendment 91-22 on August 31, 1992 changing the zoning of the site from "unclassified" to "public service"; and

WHEREAS, the Calaveras County Planning Department, the lead agency for CEQA review, prepared a Negative Declaration (ND) for the proposed project; and Board staff provided comments to the County on March 4, 1992; and the Calaveras County Board of Supervisors adopted the final environmental document (SCH# 93032065) on August 31, 1992 and approved the Notice of Determination (NOD) for the project on May 17, 1993; and

WHEREAS, the Red Hill Landfill ceased accepting waste on November 1, 1990, and waste is now transferred to the Rock Creek Landfill; and the EIR for Rock Creek Landfill analyzes traffic impacts of rerouting waste; and

WHEREAS, a 43 unit housing development has been built within 300 feet of the transfer station since the permit was issued in 1978; and the 1992 Negative Declaration prepared for the station's CUP determined that the station is compatible with surrounding land use; and

WHEREAS, on June 14, 1995, the Calaveras County Environmental Health Department, acting as the Local Enforcement Agency (LEA), submitted to the Board for its review and concurrence in, or objection to, a revised SWFP for Copperopolis Transfer Station; and

WHEREAS, in order to allow for additional environmental review, the LEA waived the Board's 60 day statutory time limit until February 14, 1996; and

WHEREAS, the Calaveras County Planning Department prepared a second ND for the proposed project; and Board staff provided comments to the County on November 20, 1995; and the Calaveras County Planning Commission adopted the final environmental document (SCH# 95102070) on December 7, 1995 and filed the NOD for the project on December 21, 1995; and

WHEREAS, the Calaveras County Planning Commission approved CUP-95-28 on December 21, 1995, establishing and conditioning the site design parameters for the revised solid waste facilities permit; 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 County General Plan; and

WHEREAS, Board staff have evaluated the proposed SWFP 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 project description in the CEQA document is consistent with the proposed SWFP; and

WHEREAS, the most recent joint CIWMB/LEA inspection, conducted on June 24, 1995, as well as subsequent LEA monthly inspections, document that the site is currently operating in compliance with State Minimum Standards for Solid Waste Handling and Disposal.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 05-AA-0012.

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 January 24 and 25, 1996.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
January 24 and 25, 1996

AGENDA ITEM 34

ITEM: CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR THE FLORIN-PERKINS LANDFILL, INC. MATERIAL RECOVERY AND TRANSFER STATION, SACRAMENTO COUNTY

I. COMMITTEE ACTION

As of the date that this item was prepared, the Permitting and Enforcement Committee had not yet made a recommendation or decision on this item. Findings that were made or verified after the committee item went to print are presented in redline text.

II. BACKGROUND:

Facility Facts

Name:	Florin-Perkins Landfill, Inc. Material Recovery and Transfer Station, Facility No. 34-AA-0183
Facility Type:	Large Volume Transfer Station and Materials Recovery Facility (MRF)
Location:	4201 Florin-Perkins Road, City of Sacramento
Area:	10 acre site, 1.5 acres processing area
Setting:	Located within permitted boundary of 106 acre exempt inert waste landfill
Status:	Proposed, Planned
Tonnage:	250 tons per day (TPD) maximum
Operator:	Florin-Perkins Landfill, Inc. Contact: Lee Nixt, President
Owner:	Florin-Perkins Landfill, Inc. Contact: Lee Nixt, President
LEA:	Sacramento County Department of Environmental Health, Jim Cermak, Supervisor
Proposed Project:	Construction and operation of Large Volume Transfer Station and Materials Recovery Facility

III. SUMMARY:

Project Description The proposed facility is located at the southeast corner of Florin-Perkins Road and Jackson Highway. The facility will be located adjacent to the Florin-Perkins Landfill. This unlined disposal facility (Facility File No. 34-AA-0180) only accepts inert waste and is exempt from the requirements of a permit. No part of the proposed MRF will be located on or within the fill area of the adjacent landfill. Other adjacent and surrounding parcels are zoned Heavy Industrial (MS-2) and are used for aggregate surface mining, industrial park, commercial, irrigated agriculture, or open space. There are two nearby residences, one 650 feet and one 425 feet from the facility.

The station will be designed and permitted to process a maximum of 250 tons of nonhazardous waste per day. Waste accepted will include commercial and industrial waste, construction and demolition debris, and household refuse. Although the facility will be permitted to process household refuse, only two percent of the waste stream is expected to consist of putrescible municipal solid waste.

An attendant will always be on duty during operating hours. No new buildings or fixed equipment are proposed as part of this operation. On-site improvements will include the attendant's shelter and scale house, a gravel driveway and queuing area, a 160 x 350 feet paved processing area, a waste water collection sump, and above ground leachate storage tanks. Inert nonrecyclable materials will be transferred to the adjacent landfill. Nonrecyclable municipal solid waste will be transferred to a permitted Class III landfill.

Environmental Controls Environmental controls for dust, noise, odor, vectors, traffic, fire, and litter are described in the May, 1995, Report of Facility Information (RFI). The Local Enforcement Agency (LEA) has determined that these controls, if followed, will allow the facility to comply with State Minimum Standards for Solid Waste Handling and Disposal. As the committee item went to print, Board staff had not yet completed it's analysis of the environmental controls proposed by the RFI. Board staff have since completed its review of the RFI and concur with the LEA's findings.

Resource Recovery The proposed permit requires recovery, for recycling or reuse, at least 15% of the material processed by the facility. Because of the composition of the targeted waste stream, the applicant expects to recover approximately 50% of material processed at the facility. In addition, the permit requires the facility to recover 30% of the "self haul" waste by January 1, 1999.

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. The proposed permit for this facility was received on December 21, 1995. The last day the Board could act is February 19, 1996. Staff have reviewed the proposed permit and supporting documentation and have made the following findings:

1. Conformance with County Plan (PRC Section 50000)

   The LEA has determined that the facility is not identified in the most recently approved edition of the Sacramento County Solid Waste Management Plan. However, pursuant to PRC Section 50000(a)(4), the Local Task Force has reviewed and commented on the proposed facility. In addition, the proposed permit contains a condition requiring the facility to recover, for recycling or for reuse, at least 15% of the material processed. Board and LEA staff have determined that the proposed permit is in compliance with PRC Section 50000.

2. Consistency with General Plan (PRC Section 50000.5)

   The LEA has found that the proposed facility is consistent with, and is designated in, the County General Plan. In addition, the Sacramento County Department of Environmental Review and Assessment and the Sacramento City Zoning Administrator have made the same finding and have also determined that the surrounding land use is compatible with the facility operation. Board staff agree with said findings.

3. Consistency with Diversion Requirements (PRC Section 44009)

   LEA Advisory No. 28 advises LEA's that any permits submitted for consideration by the Committee and Board must be accompanied by a statement from the LEA making a determination whether there is substantial evidence that issuance of the proposed permit would prevent or substantially impair the jurisdiction's ability to meet diversion requirements. The LEA's cover letter, submitted with the proposed permit, makes the required finding.

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 Sacramento County Environmental Management Department (LEA), Lead Agency for CEQA, in conjunction with the Sacramento Department of Environmental Review and Assessment, prepared a Negative Declaration (ND)(SCH# 95092030) for the proposed project. The ND was certified as approved by the lead agency on November 7, 1995 and a Notice of Determination (NOD) was filed by the Sacramento Department of Environmental Review and Assessment on November 8, 1995.

In addition, the Lead Agency is preparing an addendum to the Negative Declaration pursuant to Section 15164 of the California Code of Regulations (CCR). The addendum will determine that an increase in the permitted traffic volume of 5 vehicles per day (a 2% increase) is a minor technical change in the project which will not have a negative impact on the environment.

Section 15096 of the CCR requires the Board, as a responsible agency, to determine whether or not the evaluation of potential environmental impacts assessed in the environmental document is adequate for the Board's use in the permitting process. After reviewing the environmental documentation for the project, Board staff have determined that CEQA has been complied with.

5. Compliance with State Minimum Standards

The LEA has made the determination that the facility's proposed design and operation is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal based on their review of the submitted RFI and supporting documentation. As the committee item went to print, Board staff had not completed their review of the RFI. Board staff have since completed its review of the RFI and concur with the LEA's findings.

V. STAFF RECOMMENDATION:

Because a revised Solid Waste Facilities Permit is proposed, the Board must either concur in or object to the proposed permit as submitted by the LEA. The proposed permit was submitted on December 21, 1995. Since the Board has only 60 days to act on the permit, the permit cannot be considered at the February 27, 1996 Board meeting.

Because this permit was submitted shortly before the due date for January Permitting and Enforcement Committee agenda items, the committee item did not contain a recommendation.

Board staff has since completed its review of the permit and supporting documentation and recommend that the Board adopt Permit Decision No. 96-24 concurring to the issuance of Solid Waste Facilities Permit No. 34-AA-0183.

VI. ATTACHMENTS:

1. Area Map
2. Site Map
3. Permit No. 34-AA-0183
4. Permit Decision No. 96-24

VII. APPROVALS:

Prepared by: Jon Whitehill — Phone: 255-3881

Reviewed by: Don Bier Jr./Cody Begley — Phone: 255-2453

Approved by: Douglas Okumura — Phone: 255-2431

Legal Review: Kathryn J. Johnson — Date/Time: 1/11/96

IN CONSIDERATION OF THE IN-HOUSE WASTE PREVENTION POLICY

ATTACHMENTS 1 -3

HAVE BEEN DELETED FROM THE BOARD PACKET

PLEASE REFER TO THE PERMITTING & ENFORCEMENT COMMITTEE AGENDA PACKET FOR COPIES OF ATTACHMENTS

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION NO. 96-24

WHEREAS, Florin-Perkins Landfill, Inc. proposes to construct and operates a Large Volume Transfer Station and Materials Recovery Facility on Assessors Parcel No. 61-150-42 in the City of Sacramento; and

WHEREAS, the City of Sacramento Zoning Administrator approved an amendment to the applicant's Special Use Permit to allow a recyclable material recovery facility at the site; and

WHEREAS, the Sacramento County Environmental Management Department (LEA), Lead Agency for CEQA, in conjunction with the Sacramento Department of Environmental Review and Assessment, prepared a Negative Declaration (ND)(SCH# 95092030) for the proposed project; and Board staff provided comments to the County on October 15, 1995; and the Lead Agency adopted the final environmental document on November 7, 1995 and filed the Notice of Determination for the project on November 8, 1995; and

WHEREAS, on December 21, 1995, the Sacramento County Department of Environmental Health, acting as the Local Enforcement Agency (LEA), submitted to the Board for its review and concurrence in, or objection to, a new Solid Waste Facilities Permit for the Florin-Perkins Landfill, Inc. Materials Recovery and Transfer Station; 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 County General Plan; and

WHEREAS, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board and found the proposed facility design and operation in compliance with State Minimum Standards; and

WHEREAS, the project description in the CEQA document is consistent with the proposed permit; and

WHEREAS, the LEA has determined whether that there is no substantial evidence that issuance of the proposed permit would prevent or substantially impair the jurisdiction's ability to meet diversion requirements.

WHEREAS, the LEA has made the determination that the facility's proposed 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.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 34-AA-0183.

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 January 24 and 25, 1996.

Dated:

Ralph E. Chandler
Executive Director

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
January 24, 1996

AGENDA ITEM 35

ITEM: CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITY PERMIT FOR THE DESERT VALLEY COMPANY MONOFILL FACILITY, IMPERIAL COUNTY

I. COMMITTEE ACTION

As of the date this item was prepared, the Permitting and Enforcement Committee had not made a recommendation or decision on this item. Please note the changes from the permitting and Enforcement Committee Agenda Item are reflected in this item by redline, for current information, and ~~strikeout~~ for out-of-date information.

II. BACKGROUND

Facility Facts

Name:	Monofill Facility, Facility No. 13-AA-0022
Facility Type:	Class II Landfill
Location:	3301 W. Highway 86 Brawley, CA 92227
Setting:	Zoned Open Space
Operational Status:	Active, Permitted
Permitted Daily Capacity:	500 Tons Per Day (TPD)
Proposed Daily Capacity:	500 TPD
Area:	160 Acres, of which 18.7 acres are for disposal
Waste Type:	Designated Waste, such as drilling muds and cuttings, filter cake and soils contaminated with geothermal materials

Volumetric Capacity: As of September 30, 1995 the facility had a remaining capacity of 63,520 cubic yards in Phase I Cell out of a total of 300,000 cubic yard design capacity. Phase II Cell will have a capacity of 214,000 cubic yards, having an estimated site life of 4.3 years.

Operator/ Owner: Desert Valley Company
Bruce Carlsen, Manager

LEA: Imperial County Department of Health Services
Division of Environmental Health
Tom Wolf, Director

Proposed Project

The revised permit is necessary to: (a) allow Desert Valley Company to store/dispose of non-hazardous geothermal materials from newly acquired assets (Unocal Plants 1, 2 & 3) and from other geothermal exploration areas in Imperial county; (b) accept soil contaminated by non-hazardous geothermal material; (c) increase the currently permitted amount of geothermal waste from 54,570 tons per year to 65,700 tons per year, which will allow the average daily tonnage to increase from 150 tons per day to 180 tons per day; (d) install a class II designed leachate/rainwater collection pond. The pond (double celled) will hold approximately 400,000 gallons, and (e) modify the dimensions of Phase II Cell to appropriately maintain a 200 foot-set back from a potential fault.

III. SUMMARY

Site History

The facility was first permitted in May of 1990. The 1990 permit was revised on April 10, 1992. On August 11, 1995 the Local Enforcement Agency (LEA) conducted a permit review determining that the design operations at the site had gone through significant change.

The Desert Valley Company (DVC) is a wholly-owned subsidiary of Magma Power Company (Magma), formed for the purpose of disposing and/or storage of geothermal filter cake derived from geothermal brines and drilling muds and cuttings (DMC). These materials are a designated non-hazardous waste. The filter cake contains Naturally Occurring Radioactive Materials (NORM). These NORMs

are currently below regulatory concerns as determined by Health and Safety Code Standards. All of the materials disposed at this site are designated non-hazardous, and below the low-level radioactive classification.

In early 1995, the parent company (Magma) was purchased and now exists as a wholly owned subsidiary of California Energy Company, Inc. Magma's geothermal power plant partnerships now operate seven power plants in Imperial County. The purpose of the Magma Company is to produce electricity by capturing the hot water/slurry that is produced by each well. The hot water/slurry (500-600°F) comes out naturally under great pressure (500-600 psi). With the combination of pressure and temperature, steam is produced which is used to activate turbines, producing electricity. After the loss of temperature and pressure, the material left over contains dissolved solids which characterizes the filter cake that becomes waste.

Project Description

The facility is located approximately twelve miles northwest of the City of Westmoreland and four miles south of the Salton Sea. Immediately adjacent to the proposed site is uncultivated desert. The section of land located to the south is owned by the U.S. Navy and is used as a parachute range. The closest public road, State Route 86 (SR-86), is located approximately 1.25 miles to the north. The area north and east of SR-86 is irrigated cropland. The nearest structure to the facility is the Elmore Desert Ranch, which is located approximately two miles to the east-northeast.

The facility is planned in two phases. Phase One is sited in the eastern portion of the facility. Construction of Phase One (300,000 cubic yard cell) began on October 1, 1990 and operations began on May 1, 1991. Closure of Phase One is expected to occur in 1997. Phase Two is anticipated to be similar in design (214,000 cubic yard cell) and will be adjacent to Phase One on the western side. Phase Two will be constructed and it is planned to become operational in 1997. Phase Two is expected to undergo closure in 2001.

Each load of waste received is inspected and sampled for free liquids by the Monofill operator. If free liquids are observed, the load will be returned to the source for water removal. On an annual basis, samples of filter cake from each source (power plants) are analyzed by a California certified laboratory to ensure the continuing non-hazardous designation of the waste material. Results of analyses are submitted to the LEA and the RWQCB as part of routine monitoring reports for the Monofill.

After the loads are accepted, the truck driver is directed to the unloading area. Unloading of trucks is not allowed within 10 feet of the levees of the Monofill Facility. This will prevent inadvertent damage to the lining system. After discharging the waste, the truck will move away from the unloading area and will be inspected to insure that wastes are not tracked from the landfill. If wastes are present on the tires or vehicle, the material will be removed using brushes.

After unloading, wastes will be moved to the compaction area (near the sides of the Monofill) with a dozer/front end loader. Typically, wastes are placed in loose lifts (less than two feet, typically about eight inches) and compacted. Compaction of waste received typically occurs directly after discharge. To prevent damage to the liner system, no hard or sharp-edged objects will be placed within five feet of the landfill bottom or sidewalls.

At the end of the compaction activities or at the end of the day, the working face will be sprayed with "Soil Seal." This material is a patented formulation composed primarily of high grade latex acrylic-balanced copolymers prepared in an emulsion form. The soil seal is applied by a water truck using a sprayer. The material penetrates the soil surface to form a crust that is not easily dispersed by the wind. The Board approved the use of this alternative daily cover at their meeting of March 1992.

Operations of the Monofill Facility occur during daylight hours for a maximum of twelve hours. The normal operating hours are from 6:00 a.m. to 2:30 p.m.

Environmental Controls The operator intends to utilize strict operating practices to avoid creating any nuisance. The open space setting of the facility will facilitate this objective. Environmental controls associated with dust, vectors and birds, drainage, litter, noise, odor and fire have been addressed in the Report of Disposal Site Information (RDSI), which also describes the site's hazardous waste screening program in a manner that, if applied as described, will meet State Minimum Standards.

Resource Recovery Salvaging of the filter cake is being contemplated in the future. If the filter cake is found to have economic value, reclamation of the filter cake will be conducted. However, neither salvaging nor reuse has been proposed for any of the materials received at this site.

IV. ANALYSIS

Requirements for Concurrence with the Solid Waste Facility Permit
Pursuant to Public Resources Code (PRC), Section 44009, the Board

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has 60 calendar days to concur with or object to the issuance of a Solid Waste Facility Permit. Since the proposed permit for this site was received on December 18, 1995, the last day the Board could act is February 16, 1996.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation and have found them to be acceptable for the Board's consideration of concurrence. In making this determination, the following items were considered:

1. Conformance with the County Solid Waste Management Plan

   PRC, Section 50000, requires that until a Countywide Integrated Waste Management Plan has been approved by the IWMB, no person shall establish a new solid waste facility, or expand an existing solid waste facility which will result in a significant increase in the amount of solid waste handled at the facility. Because the landfill is not new or expanding, a determination of conformance is not required.

2. Consistency with the County General Plan

   PRC, Section 50000.5 (a) requires that until a Countywide Integrated Waste Management Plan has been approved by the IWMB, no person shall establish or expand a solid waste facility, unless the city or county in which the site is located makes a finding that the establishment or expansion of the facility is consistent with the applicable general plan of the city or county. Subsection (b) further requires that any new or expanded solid waste disposal facility shall be deemed to be consistent with the general plan. Because the landfill is not new or expanding, a determination of consistency is not required.

3. Consistency with Waste Diversion Requirements

   In accordance with Public Resources Code Section 44009 (a), and LEA Advisory No. 28, the LEA has inquired of the operator whether there are any contracts or other financial arrangements which are needed by the jurisdictions using the facility to achieve the waste diversion mandates. As evidence of their action, the LEA has submitted a letter stating that the operations of the landfill will not impair or impede waste diversion activities in Imperial County. The LEAs letter used in making this determination is included as Attachment 4.

4. California Environmental Quality Act (CEQA)

State law requires compliance with the California Environmental Quality Act (CEQA) through the preparation, circulation, and adoption/certification of an environmental document and mitigation reporting or monitoring program, or by determining that the project is categorically or statutorily exempt.

The Imperial County Planning Department prepared an Environmental Impact Report (EIR) (SCH#89032206) for the initial project. This EIR was certified as approved by the Lead Agency on July 11, 1990 and a Notice of Determination was filed. At that time, a Mitigation Plan was submitted to the Board. Potential environmental impacts and mitigation measures associated with the initial project were identified and incorporated in the Mitigation Plan.

Staff reviewed the revised RDSI. This document indicates that the negative declarations (ND) were prepared; one in 1991 and another in 1994, which apparently pertain to changes in the facility's design. Staff contacted the County Planning Department and the LEA to obtain copies of the NDs. ~~To date staff has not received these documents.~~ Staff also contacted the State Clearinghouse to determine if the documents had been circulated for agency review and comment. The State Clearinghouse has no record of these NDs. ~~A determination of the adequacy of the additional documents will be presented at the Permitting and Enforcement Committee Meeting.~~

Two negative declarations (ND) were prepared, one in 1991 and another in 1994. Neither of the NDs were circulated to CIWMB for review and comment. When requested by CIWMB staff, the LEA provided pertinent information regarding each ND. The 1991 ND was for clarification of the tonnage levels in the EIR associated with an increase in tonnage which is approved by the existing permit. The 1994 ND was for the addition of leachate ponds, changing of the design of Phase II Cell, and changes in the waste types and waste sources. Based on the information provided, staff have determined that the proposed permit is consistent with the projects analyzed in the 1994 ND.

5. Consistency with State Minimum Standards

The LEA and Board staff have determined that the facility's design and operations are in compliance with the State

Minimum Standards for Solid Waste Handling and Disposal based on a review of the submitted Report of Disposal Site Information and addenda thereto and upon monthly inspections.

On September 21, 1995 Board staff and the LEA conducted a joint inspection of the facility. The inspection revealed no violations of the State Minimum Standards. The LEA subsequently conducted an inspection on December 1, 1995 which showed no violations of State Minimum Standards. Staff agrees with the LEA's determination.

Note: The operator is in violation of PRC Section 44004 and PRC Section 44014 (b) for significant change and operating the facility outside the terms and conditions of the permit. With the issuance of the proposed permit, these violations will be corrected and the operator brought into compliance.

These violations were noted because the permit limits the acceptance of filter cake and drilling muds and cuttings from specific power plants. The operator had begun to accept filter cake from additional power plants due to the acquisition by Magma Power Company of new plants.

6. Closure/Postclosure Maintenance Plans and Financial Mechanism Requirements

Title 14, California Code of Regulations (CCR), Section 18268 requires Closure and Postclosure Maintenance Plans for landfills. Since Cell I is expected to be closed in 1997, the Final Closure Plans were deemed complete by the Board's Closure and Remediation Branch on August 24, 1995. The Preliminary Closure Plans for Cell II were deemed complete by the Board's Closure and Remediation Branch on August 16, 1995.

The Desert Valley Company has established a letter of credit as the financial assurance mechanism for closure and postclosure maintenance of the subject landfill. The mechanism meets the requirements of Title 14, California Code of Regulations (CCR), Division 7, Chapter 5, Article 3.5, Section 18287.

7. Operating Liability

The Board's Financial Assurances Section has evaluated the Liability Insurance Endorsement submitted by the Desert

Valley Company to demonstrate financial responsibility for operating liability claims. The Liability Insurance Endorsement executed on February 15, 1995 meets the requirements of 14 CCR Section 18236.

V. STAFF RECOMMENDATION:

Because a revised Solid Waste Facility Permit has been proposed, the Board must either concur with or object to the issuance of the permit as submitted by the LEA.

~~Staff is waiting for information regarding the adequacy of the documents prepared for the CEQA. Staff will present a recommendation at the Committee meeting.~~

The necessary information regarding the CEQA compliance documentation had been received and reviewed and found to be adequate, staff recommend that the Board adopt decision No. 96-17 concurring in the issuance of Solid Waste Facility Permit No. 13-AA-0022.

V. ATTACHMENTS

1. Location Map
2. Site Map
3. Permit No. 13-AA-0022
4. PRC 44009 Finding
5. Decision No. 96-17

Prepared by: Amalia Fernandez AF 1/9/96 Phone: 255-3301

Reviewed by: S. Hambleton / Don Dier 1/9/96 Phone: 255-2453

Approved by: Doug Okumura Phone: 255-2431

Legal Review: Kathryn J. Tobias Date/Time: 1/11/96

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IN CONSIDERATION OF THE IN-HOUSE WASTE PREVENTION POLICY

ATTACHMENTS 1 - 4

HAVE BEEN DELETED FROM THE BOARD PACKET

PLEASE REFER TO THE PERMITTING & ENFORCEMENT COMMITTEE AGENDA PACKET FOR COPIES OF ATTACHMENTS

California Integrated Waste Management Board

Permit Decision No. 96-17
January 24, 1996

WHEREAS, the Monofill Facility is owned and operated by the Desert Valley Company as a Class II landfill for the handling and disposal of designated waste, namely, drilling muds and cuttings, filter cake, and soil contaminated with geothermal materials; and

WHEREAS, on August 11, 1995, the Imperial County Department of Health Services, Division of Environmental Health, acting as the Local Enforcement Agency (LEA), conducted a permit review and determined that the facility had undergone significant changes requiring the operator to submit an application for a permit revision; and

WHEREAS, the LEA has submitted to the Board for its review and concurrence in, or objection to, a revised Solid Waste Facility Permit for the Monofill Facility; and

WHEREAS, the Imperial County Planning Department prepared an Environmental Impact Report (EIR) for the initial project (SCH #89032206) and Board staff provided comments to the County on September 1, 1989; additionally, two Negative Declarations (ND) were prepared, one in 1991 and another in 1994. The 1991 ND was for clarification of the tonnage levels in the EIR associated with an increase in tonnage which is approved by the existing permit. The 1994 ND was for the addition of leachate ponds, changing of the design of Phase II Cell, and changes in the waste types and waste sources. Based on the information provided, staff have determined that the proposed permit is consistent with the projects analyzed in the 1994 ND; 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, 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 Facility Permit No. 13-AA-0022.

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 January 24, 1996.

Dated:

Ralph E. Chandler
Executive Director

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
January 24, 1996

AGENDA ITEM 36

ITEM: CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR THE CHICAGO GRADE LANDFILL, SAN LUIS OBISPO COUNTY

PREVIOUS COMMITTEE ACTION:

At the time that this item was prepared, the Permitting and Enforcement Committee had not yet taken an action on this item. Please note that changes from the Permitting and Enforcement Committee agenda item are reflected in this item by ~~redline~~ for up to date information and ~~strikeout~~ for out of date information.

I. BACKGROUND:

Facility Facts

Name:	Chicago Grade Landfill, Facility No. 40-AA-0008
Facility Type:	Existing Class III Sanitary Landfill
Location:	Off of Homestead Road, North of Highway 41
Area:	45 acres, 36.25 acres to be permitted for disposal
Setting:	Agricultural and rural residential
Operational Status:	The site is currently operating under a Stipulated Order of Compliance and Agreement between the LEA and operator issued in February 1995.
Permitted Tonnage:	The Stipulated Order allows the operator to take a maximum daily tonnage of 115 tons per day (TPD) and an average of 85 TPD. The existing 1986 permit stated that the site was taking an average of about 61 TPD.
Proposed Tonnage:	A maximum of 500 TPD and 100,000 tons per year

Waste Types:	Municipal solid waste, agricultural waste, waste water treatment plant sludge
Volumetric Capacity:	No data on pre-landfill topography available; Total remaining airspace is approximately 3.1 million cubic yds or 1.26 million tons of waste capacity remaining (1994 figures); estimate closure date of 2020
Operator:	Chicago Grade Landfill, Inc. Walter and Patricia Johnson, Owners
Owners:	Walter and Patricia Johnson
LEA:	County of San Luis Obispo Department of Environmental Health Jerry Le Moine, Director

Proposed Project:

This facility operates under a solid waste facilities permit issued in October 1986 which stated that the landfill accepted an average of about 61 TPD and a February 1995 enforcement order limiting the landfill to a 115 TPD maximum and an average of 85 TPD. The proposed permit would allow the facility to accept up to a maximum of 500 TPD. The 1986 permit states that the facility was about 40 acres in size. This permit would define the facility as being 45 acres with a 36.5 acre "footprint". The proposed permit would also establish elevation and vehicle number limits on which the 1986 permit was silent.

II. SUMMARY

Site History Chicago Grade Landfill (CGL) is operated by Chicago Grade Landfill, Inc., a private company, within the boundaries of a ranch owned by Walter and Patricia Johnson. The facility began receiving solid waste in 1970, with the operator being San Luis Obispo County. In 1975, operations were assumed by the Johnsons. In 1986, the local enforcement agency (LEA) issued the current Solid Waste Facilities Permit to the Johnsons. This permit indicated that the site was then receiving an average of 61 TPD. In May 1992, the Johnsons leased the facility to Sanifill, Inc. which operated the landfill until September 1993. Then Sanifill opted to terminate the agreement and the Johnsons resumed their role as operators. Subsequently, the Johnsons established Chicago Grade Landfill, Inc. with themselves as owners. In February 1995, the LEA issued a stipulated order which allowed the facility to

accept up to a 115 TPD maximum and 85 TPD average. In April 1995, the LEA reviewed the 1986 permit and determined that a revision was necessary.

Project Description CGL is located off of Homestead Road, between Highway 41 and South El Pomar Road. This is in the Atascadero Templeton area in northern San Luis Obispo County.

Most of the land near the landfill is agricultural or rural residential. The site itself sits within the boundaries of ranch land owned by the Johnsons. The only structures within 1,000 feet of the permitted boundaries are ranch sheds. In fact, most of the land within 1,000 feet of the boundary is owned by the Johnsons.

Until recently, the site did not have a scale, and records were kept by volume. Average daily volume at the site was in the 360 to 500 cubic yard range.

The proposed permit would allow the site to accept up to a maximum of 500 TPD. CGL is a municipal solid waste landfill which takes residential, agricultural, commercial/industrial, and demolition wastes. The estimated closure date of 2020 shown on the proposed permit is in the middle of the dates predicted which vary considerably based on estimates of waste generation, compaction, cover to soil ratios, etc..

The site may also take such special wastes as non-friable asbestos and waste water treatment plant sludge.

The site is used by both commercial haulers and the public. Landfill personnel direct vehicles and maintain control of the unloading area at the active face. Wastes are spread into two foot thick layers and are then compacted. These layers form lifts 15 feet in thickness with maximum slopes of 3:1.

Environmental Controls No landfill gas collection or monitoring system is in place at CGL. A monitoring program as required by 14CCR 17858.23 and Subtitle D of RCRA is conducted with hand instrumentation.

A hazardous waste screening program including periodic load checks is in place at the facility to reduce the possibility of hazardous material disposal.

Dust effects are minimized by the proper maintenance of haul roads, water spray, and placement of vegetation.

Proper compaction and use of cover reduces the possibility of problems associated with odor and rodent and bird populations.

Noise levels are mitigated by proper maintenance of equipment. The severity of any of these nuisances is reduced by the location of the site within a canyon, the large buffer area surrounding the site, and its location away from populated areas.

Resource Recovery Programs Materials such as metallic discards, tires, concrete, and wood are placed into stockpile areas for removal. Landfill staff also perform some salvaging of reusable or recyclable materials. Such material seen by the landfill spotter is placed into a small salvage area near the working face for removal by a third party retailer.

III. ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to 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 permit was received on December 18, 1995, the last day the Board could act is February 16, 1996.

The LEA has submitted a proposed permit to the Board. Staff has reviewed the proposed permit and supporting documentation and has 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 Chicago Grade Landfill is consistent in the County's 1986 Solid Waste Management Plan. ~~As this item went to print, Board staff were still in the process of verifying this determination. Board staff agree with said determination.~~

2. Consistency with General Plan

   The LEA determined that, on July 12, 1995, the County Planning and Building Department found the landfill is consistent with the San Luis Obispo County General Plan and its surrounding land uses. ~~As this item went to print, Board staff were still in the process of verifying this determination. Board staff agree with said determination.~~

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3. Consistency with Waste Diversion Requirements

The LEA has provided a letter dated December 19, 1995 which indicates that there is no evidence that the revision of this permit will prevent or substantially impair a jurisdiction from achieving its mandated waste diversion goals. A copy of this letter may be found as Attachment 4.

4. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document. The County Department of Environmental Health, the LEA, acted as lead agency for this project. The County prepared a Mitigated Negative Declaration (MND)(SCH# 95071081) on which Board staff provided comments on August 17, 1995. The MND was approved by the LEA on December 13, 1995.

After reviewing the environmental documentation for the project, Board staff have determined that CEQA has been complied with and that the MND is adequate and appropriate for the Board's use in evaluating the proposed permit.

5. Conformance with State Minimum Standards

Board Enforcement staff, in conjunction with the LEA, inspected the site on September 12, 1995, and noted no violations of State Minimum Standards.

Board staff did note a violation of PRC §44014, as the site is accepting more waste than allowed consistent with the existing 1986 permit. The issuance of the proposed permit would reconcile the situation.

6. Financial Assurances

Board Financial Assurances staff evaluated the trust agreement submitted by the operator.

Based on this documentation, the closure fund meets the requirements of 14 CCR, Division 7, Chapter 5, Article 3.5, section 18284. Additional data provided by the operator indicates that the fund balance meets regulatory requirements at this time.

7. Operating Liability

Based on documentation submitted by the operator, the Certificate of Operating Liability meets the requirements of 14 CCR, Division 7, Chapter 5, Article 3.3, section 18236.

8. Closure and Postclosure Maintenance Plan

Staff of the Board, the Central Coast RWQCB, and the LEA have deemed the site's preliminary closure and postclosure maintenance plan to be complete. Board staff made their determination of completeness in May 1995.

IV. STAFF RECOMMENDATION:

Because a revised Solid Waste Facilities Permit is being proposed, the Board must either object or concur with the proposed permit as submitted by the LEA.

Should the LEA findings in items 1 and 2 as described above be validated by the Board's Office of Local Assistance, staff recommends that the Board adopt Permit Decision No. 96-19 concurring in the issuance of Solid Waste Facilities Permit No. 40-AA-0008.

V. ATTACHMENTS:

1. Location Map
2. Facility Map
3. Permit No. 40-AA-0008
4. Letter from LEA Relating to Waste Diversion Goals
5. Permit Decision No. 96-19

Prepared By: David Otsubo 1/9/96 Phone: 255-3303

Approved By: Suzanne Hambleton/Don Dier, Jr. 1/9/96 1/10/96 Phone: 255-2453

Approved By: Douglas Okumura Phone: 255-2431

Legal Review: Kathryn J. Tobias Date/Time: 1/11/96

IN CONSIDERATION OF THE IN-HOUSE WASTE PREVENTION POLICY

ATTACHMENTS 1 - 4

HAVE BEEN DELETED FROM THE BOARD PACKET

PLEASE REFER TO THE JANUARY 10, 1996 PERMITTING & ENFORCEMENT COMMITTEE AGENDA PACKET FOR COPIES OF ATTACHMENTS

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
Permit Decision No. 96-19
January 24, 1996

WHEREAS, the Chicago Grade Landfill received a Solid Waste Facilities Permit in 1986 which stated that the site accepted an average of 61 tons per day of solid waste; and

WHEREAS, the San Luis Obispo County Division of Environmental Health, acting as the Local Enforcement Agency (LEA), issued a Stipulated Order of Compliance and Agreement allowing the facility to accept up to a maximum 115 tons per day; and

WHEREAS, Chicago Grade Landfill, Inc. applied for a permit revision to increase their maximum permitted daily tonnage to 500 tons per day and 100,000 tons per year; and

WHEREAS, the San Luis Obispo County Division of Environmental Health acted as lead agency in the preparation of a mitigated negative declaration, and Board staff reviewed the document and provided comments on August 17, 1995, 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

WHEREAS, the San Luis Obispo County Division 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 Chicago Grade Landfill; 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 this 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. 40-AA-0008.

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 the California Integrated Waste Management Board held January 24, 1996.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
January 24, 1996

AGENDA ITEM 37

ITEM: CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR THE CITY OF EL PASO DE ROBLES LANDFILL, SAN LUIS OBISPO COUNTY

I. COMMITTEE ACTION:

The Permitting and Enforcement Committee (Committe) voted 3-0 on a motion to support the staff recommendation. The motion included a staff directive to develop resolution language which will acknowledge that futher California Environmental Quality Act (CEQA) analysis may be required prior to approval of waste from areas outside those identified in existing CEQA analysis. Staff are developing the resolution language.

II. BACKGROUND:

The Committee considered this item at the December 7, 1995, Committee meeting (the entire staff report from that meeting is included as Attachment 1). The Committee continued consideration of the item until the January 10, 1996, Committee meeting to allow time for staff to analyze concerns raised during the December 7, 1995 meeting. The Committee directed staff to look further into the following issues associated with the proposed permit:

1) Compliance with the California Environmental Quality Act
2) Evidence the proposed permit would "prevent or substantially impair" achievement of waste diversion requirements
3) Status of the petition and request for stay of the Waste Discharge Requirements (WDRs)

III. SUMMARY:

<u>CEQA Compliance</u>

The Committee directed staff to address concerns regarding the City's expanded geographical service area and to clarify the Board's responsibilities under CEQA.

<u>Prevent or Substantially Impair</u>

The Committee directed staff to address allegations that the revised SWFP and the City's non-participation in a San Luis Obispo County (County) AB 939 waste diversion agreement would

prevent or substantially impair the County from meeting its waste diversion requirements.

Waste Discharge Requirements

The Committee directed staff to confirm and clarify the actions of the State Water Resources Control Board with regard to a petition and request for stay of the WDRs for the Landfill.

IV. ANALYSIS:

CEQA Compliance

The City of El Paso de Robles (City) prepared an Initial Study [EIS 92002], dated August 27, 1992, for the purpose of making improvements to the Paso Robles Landfill (Landfill). The improvement project is summarized as follows:

a. Install a landfill liner and a leachate collection system;
b. Change landfill operations from the current "trench and fill" method to a mass excavation method in order to install the liner and leachate collection system;
c. Change the final height and design capacity for the Landfill; and
d. Increase the amount of solid waste processed on a daily basis to reflect increases in the population served by the Landfill.

On the basis of the Initial Study, the City found that the proposed project could not have a significant effect on the environment and prepared a Negative Declaration (Neg. Dec.). The City Council approved the Neg. Dec. on January 5, 1993.

On March 19, 1991, the City established a defined, geographic service area (see Exhibit 2 of City Council Resolution No. 94-81, attached as Attachment 2). The geographic service area was in effect until May 17, 1994, when the City expanded the service area to include all areas of the County. The Neg. Dec. and other supporting documents were prepared during the time the smaller service area was in effect and, therefore, discuss waste originating from this smaller area.

The Committee received written and verbal arguments representing both sides of the issue as to whether the Neg. Dec. adequately supports the proposed permit revision, primarily with respect to the expanded service area. The Committee directed staff to clarify the responsibilities of the Board, as the enforcement agency, under the CEQA. These responsibilities are defined as follows:

"Responsible Agency" is defined in section 21069 of the CEQA as meaning "a public agency, other than the Lead Agency, which has responsibility for carrying out or approving a project".

"Lead Agency" is defined in section 21067 of the CEQA as meaning "the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment".

The Board, in considering concurrence in the issuance of new or revised Solid Waste Facilities Permits, or when acting as the Enforcement Agency (EA), often acts in the role of a Responsible Agency under the CEQA because the local agency has already assumed the role of Lead Agency and prepared the CEQA documentation. In this case, the City acted as Lead Agency and prepared the above Neg. Dec. The question has been raised as to whether assumption of EA authority, as opposed to concurring authority, changes the Board's designation as lead or responsible agency. CEQA addresses subsequent environmental review.

However, California Code of Regulations (CCR), Title 14, section 15162 (CEQA Guidelines) states:

"When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative."

If the Board determines one or more of these events has occurred, they could assume the Lead Agency role pursuant to 14 CCR 15052 provided any one of the following conditions occur:

(1) The Lead Agency did not prepare any environmental documents for the project, and the statute of limitations has expired for challenge to the action of the appropriate Lead Agency.
(2) The Lead Agency prepared environmental documents for the project, but the following conditions occur:
    (A) A subsequent EIR is required pursuant to Section 15162,
    (B) The Lead Agency has granted a final approval for the project, and
    (C) The statute of limitations for challenging the Lead Agency's action under CEQA has expired.
(3) The Lead Agency prepared inadequate environmental documents without consulting with the Responsible Agency as required by Sections 15072 or 15082, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.

Staff offer the following three (3) options for addressing the adequacy of the Neg. Dec.:

Option 1

As the enforcement agency, the Board's approval is limited by statute and regulation. Neither the statutes (Public Resources Code, Division 30) nor regulations (California Code of

Regulations, Title 14) authorizing Board actions grant the authority to restrict or otherwise delineate the sources of waste or routes to be taken by vehicles delivering waste to landfills. Therefore, the part of the project the Board is called on to approve does not include approval of sources and transportation of waste.

Under this option the Board would be acting as a Responsible Agency, finding the CEQA analysis performed by the Lead Agency adequate for approval of the solid waste facilities permit. The conditions of the Solid Waste Facilities Permit (SWFP) would be as proposed November 28, 1995, and would be silent with regard to geographical service area.

Option 2

The permit package is based on the understanding that waste will come from the service area in place at the time the CEQA analysis and supporting documents (namely, the Report of Disposal Site Information and the Periodic Site Review) were drafted.

Under this option the Board would again be acting as a Responsible Agency, finding the CEQA analysis performed by the Lead Agency adequate for approval of the solid waste facilities permit. The conditions of the SWFP would be as proposed November 28, 1995, and would be silent with regard to geographical service area. However, the Board would acknowledge that if after issuance of the permit waste is accepted from outside the service area identified in existing CEQA analysis, additional CEQA analysis may be necessary. This analysis will consider new or increased potential or direct or indirect environmental impacts associated with the operation of the Landfill.

Option 3

Under this option the Board would find that one of the events listed in 14 CCR 15162 had occurred requiring a subsequent document. The Board would then assume the Lead Agency role as provided in 14 CCR 15052(a)(2)(A). As the Lead Agency, the Board would follow 14 CCR 15111 and defer the time limits for SWFP concurrence or objection until the subsequent CEQA document is completed.

<u>Prevent or Substantially Impair</u>

County representatives contend that the proposed SWFP for the Paso Robles Landfill, allowing it to increase the amount of waste that it may receive, will "prevent or substantially impair" the unincorporated County and other jurisdictions within the County

from meeting the waste diversion mandates. Their position is based upon the following string of premises:
(1) The City has increased the Landfill's service area to include the entire County.
(2) An increase in allowable tonnage would mean that the Paso Robles Landfill could take waste that might otherwise go to the Chicago Grade Landfill.
(3) Pursuant to certain arrangements made a number of years ago, Chicago Grade Landfill and the Paso Robles Landfill agreed to collect a $3.00 per ton surcharge to help fund AB 939 activities for the County's jurisdictions. These activities are being carried out through a Memoranda of Understanding (MOU). The status of the City's obligation in this regard is a matter of dispute.
(4) The Paso Robles Landfill has not forwarded this surcharge to other jurisdictions in the County for the past three years.
(5) The County contends that if the Paso Robles Landfill is allowed to receive more waste, then it will result in less waste going to the Chicago Grade Landfill and thus result in less available funds for AB 939 activities. The County estimates that approximately 20% of the funding could be lost.

Therefore, the County concludes that this permit revision will substantially impair the ability of jurisdictions within the County to comply with the waste diversion mandates.
The Board's current policy, and its actual practice, in reviewing proposed permits has not included a review of the effect that a permit might have on program funding. Pursuant to the only expressed legislative intent available on the meaning of the phrase "prevent or substantially impair" the Board makes a determination as to whether or not there are contracts or other financial arrangements <u>which guarantee waste for disposal that needs to be diverted</u> in order for a jurisdiction to meet the waste diversion mandates. (See LEA Advisory # 28).

Contracts Guaranteeing Waste

In this case, Board staff knows of no contracts or other financial arrangements, nor has the County contended that any exist, which guarantee waste to the Paso Robles Landfill which would need to be diverted in order for jurisdictions to meet the waste diversion mandates. Wil-Mar is the waste hauler that will allegedly bring its waste to the Paso Robles Landfill instead of to the Chicago Grade Landfill if the proposed permit is approved. Wil-Mar has no contracts obligating it to take any waste to the Paso Robles Landfill. Consistent with the Board's policy and past practice, staff has thus found that there is no substantial evidence that this facility will prevent or substantially impair the achievement of the waste diversion mandates.

Funding Issues

If the Board were to decide to change its past practice in reviewing "prevent or substantially impair" issues and consider the funding issues that have been raised by the County, there are three other reasons why staff believes that this facility would not "prevent or substantially impair" the jurisdictions within the County from meeting the waste diversion mandates.

Validity of the Memoranda of Understanding

In 1991, the County and the City entered into a MOU in order to effectuate the collection of the $3.00 surcharge. This MOU is independent of a Joint Powers Authority (JPA) formed in the County for meeting the AB 939 mandates. A copy of the MOU is attached as Attachment 3.

This MOU, and a subsequent one drafted in 1994, but not signed by the City, are the subject of dispute between the parties. If the City is obligated under the MOU(s) to collect this funding for the County, then it is obligated to do so regardless of where its waste is coming from and therefore funding is not threatened by the revised permit. If the City is not obligated under the MOU(s) to collect this funding for the County, then the County can not legitimately claim it as a source of funding. In either case, the proposed permit can not affect any legal obligations that may exist between the City and the County, and therefore can not alter any legal obligations for funding AB 939 activities.

Purpose of the Surcharge

A review of the 1991 MOU and the Source Reduction and Recycling Elements (SRRE) for the jurisdictions within the County reveal that the $3.00 surcharge was only intended to provide funding for plan preparation, not plan implementation. The MOU explicitly states that the surcharge is to "fund the preparation of the source reduction and recycling elements and the Integrated Waste Management Plan." The MOU does not provide that the surcharge is to fund plan implementation. Consistent with the MOU, the County's SRRE (final version, revised June 1994) describes the MOU as a cooperative effort for "preparing the SWGS [Solid Waste Generation Studies] and SRREs." Likewise the city SRREs, part of the multi-jurisdictional SRRE prepared by the County and the jurisdictions within the County, describes the $3.00 surcharge as funding for "the Source Reduction and Recycling Element planning process." The SRREs describe a number of other sources of funding for plan implementation.

The SRREs, Household Hazardous Waste Elements, and Nondisposal Facility Elements for the jurisdictions within the County have

already been prepared and approved by the Board. The outstanding Countywide Integrated Waste Management Plan documents are the Countywide Siting Element and Summary Plan, neither of which will contain new diversion programs. The diversion planning activities which the surcharge was designed to fund have been completed. The jurisdictions within the County have already described other methods for funding the implementation of their programs. (In fact, the Committee received testimony last month that the JPA has a fund balance in excess of one million dollars that it will expend in the near future for program implementation.) Therefore, the potential loss of funding to the jurisdictions within the County should not in any way prevent or substantially impair their ability to meet the diversion mandates.

Proposed Revised Permit for the Chicago Grade Landfill

The Chicago Grade Landfill is applying for a revision of its SWFP. The proposed revised SWFP is scheduled to be heard at the January meeting of the Committee. The proposed permit would allow Chicago Grade Landfill to increase the amount of waste that it may accept from the 61 tons a day that its current permit allows (issued in 1986) to 500 tons per day. The additional solid waste will be coming to the Chicago Grade Landfill from outside of the County.

Based on the information available at the time that this item went to print, it appears that this new waste source may resolve any outstanding funding issues for the JPA. This additional waste is much more than the amount of waste that will allegedly be lost to the Paso Robles Landfill if its SWFP is revised (50 - 60 tons per day). Since the Chicago Grade Landfill is collecting the $3.00 surcharge for JPA funding, it would appear that this alternative waste source ensures that the JPA will be fully funded. Therefore, the revision to the Paso Robles Landfill SWFP will not "prevent or substantially impair" the jurisdictions within the County from funding their AB 939 activities.

<u>Waste Discharge Requirements</u>

Public Resources Code (PRC), section 44009(b) provides as follows:

> *"The Board is not required to concur in, or object to, and shall not be deemed to have concurred in, the issuance of a solid waste facilities permit for a disposal facility if ... all of the following conditions exist:*

(1) Waste discharge requirements for the disposal facility issued by the applicable regional water board are pending review in a petition before the state water board.

(2) The petition for review of the waste discharge requirements includes a request for a stay of the waste discharge requirements.

(3) The state water board has not taken action on the stay request portion of the pending petition for review of waste discharge requirements."

At the time the Committee considered this matter last month, it was known that the first two requirements of this section had been met: Chicago Grade had filed a petition of the WDRs and the petition includes a request for stay. There was some uncertainty regarding the third requirement: whether or not the State Water Resources Control Board (SWRCB) had taken action on the stay request.

Attachment 4 of this item is a letter dated January 9, 1996, from the Board's Legal Office to the SWRCB's Office of the Chief Counsel, confirming conversation regarding the status of the petition and request for stay. The letter confirms that the SWRCB has not taken action on the request for stay, and that more than 60 days have elapsed since the petition was filed, although, California Waste Code section 13320(e) requires the SWRCB to take action on a request for stay within 60 days. This creates some uncertainty with regard to the application of PRC 44009(b) for this action. PRC 44009(b) states the Board is not required to have concurred in the issuance of a SWFP if the conditions of PRC 44009(b) 1 through 3 exist. The Water Code requires the SWRCB to act within 60 days but states nothing about what happens if they do not. Therefore, the PRC 44009(b)(3) condition that the SWRCB has not acted on the request for stay may or may not exist. For this reason, the Board's Legal Office advises that the Board not use PRC 44009(b) to delay action on this item.

It is also important to point out that the January 9, 1996, letter confirms that the SWRCB's Legal staff has recommended that the petition be dismissed. The matter is pending and a decision is expected by January 19, 1996.

V. STAFF RECOMMENDATION:

Staff recommend the Board:

1. Choose Option #2 described under the CEQA Compliance subheading above, acknowledging that further CEQA analysis

may be necessary prior to approval of waste from areas outside those identified in the existing CEQA analysis, and

2. Adopt Permit Decision No. 96-34 concurring in the issuance of Solid Waste Facilities Permit No. 40-AA-0001.

VI. ATTACHMENTS:

1. December 7, 1995 Permitting and Enforcement Committee staff report.

2. City Council of the City of El Paso de Robles Resolution No. 94-81 expanding the geographic service area of the Paso Robles Landfill.

3. Agreement For Increase In Collection Of Tipping Fees For Plan Preparation, Pursuant To The Requirements Of Assembly Bill 939, July 16, 1991.

4. January 9, 1996 letter from Board's Legal Office to SWRCB's Office of Chief Counsel.

R.Q.H. 1/11/96

Prepared by: Robert Holmes Phone: 255-3856

Reviewed by: H. Thomas Unsell Phone: 255-2298

Approved by: Douglas Y. Okumura Phone: 255-2431

Legal Review: Kathryn Johnson Date/Time: 1/11/96

IN CONSIDERATION OF THE IN-HOUSE WASTE PREVENTION POLICY

ATTACHMENTS 1 - 3

HAVE BEEN DELETED FROM THE BOARD PACKET

PLEASE REFER TO THE PERMITTING & ENFORCEMENT COMMITTEE AGENDA PACKET FOR COPIES OF ATTACHMENTS

ATTACHMENT 4

STATE OF CALIFORNIA

Pete Wilson, Governor

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

January 9, 1996

Ted A. Cobb
Office of the Chief Counsel
State Water Resources Control Board
901 P Street
Sacramento, CA 95814

Re: Paso Robles Landfill Waste Discharge Requirements,
Request for Stay by Chicago Grade Landfill

Dear Mr. Cobb;

This letter is to confirm our previous conversation regarding the status of the above-captioned matter. You indicated to me that the State Water Resources Control Board (SWRCB) had not taken any action on the request for stay. California Water Code section 13320(e) requires the SWRCB to take action upon a request for stay within 60 days. More than 60 days have elapsed since the petition for review was filed by Chicago Grade. Legal staff has recommended to the Executive Director that the petition be dismissed. The matter is pending and a decision is expected within ten days.

Thank you for your assistance in this matter.

Sincerely,

Elliot W. Block

Elliot Block
Staff Counsel

.. Printed on Recycled Paper ..

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
January 24, 1996

AGENDA ITEM 39

ITEM: CONSIDERATION OF PROPOSED POLICY PROVIDING CONSISTENCY IN ADDRESSING CHANGES IN DESIGN AND OPERATION AT PERMITTED SOLID WASTE FACILITIES

I. SUMMARY

Staff is recommending a uniform process to evaluate the level of Board review of changes in design or operation at permitted facilities. The process would be distributed to LEAs via an advisory.

Similar to the process used to bring the tiered regulatory process before the Board, Staff is seeking Board endorsement only of the concept described herein. As stated above, an LEA advisory (draft as attachment 1) would be distributed to inform the LEAs of Board approval of the concept (as described in the following paragraph). After a series of workshops with LEAs and industry, we propose to position the various changes at a later date. In contrast to the tiered regulatory process, we propose to slot all the identified changes at one time. Full implementation of the new process would occur soon after.

In short, assuming that an operator's proposed change in design and/or operation is acceptable, approval would be attained via:

1. enforcement agency approval of amendment of the RFI. This process is also outlined diagramatically in attachment A of the attached draft advisory; or

2. a "delegated" permit revision, with approval delegated to the Deputy Director of the Permitting and Enforcement Division as with the current permit modification; or

3. a "full" revision of the SWFP which would be processed in the same manner as permit revisions and new full permits are

currently processed, i.e. through the Committee and Board meeting structure.

The details of the approval process are found in the attached advisory.

The issue of "significant change" is also addressed in the advisory. The Public Resources Code (PRC) states that permits should be revised when the operator proposes a "significant change" in the design or operation of a facility. As detailed in Part V of the agenda item, previous policy was to define "significant change" based on CEQA, which somewhat confused the issue. It should be noted that staff's proposal does not seek to define "significant change," but instead seeks to classify the known universe of changes in design and operation into one of the three categories listed previously.

Rather than using CEQA as a parameter in determining the level of action, which is the current approach, LEAs would be required to determine that CEQA compliance, if required, has occurred for any change or proposed change, significant or not. This provision is consistent with LEA Advisory 22 (*Changes in Design or Operation and CEQA Compliance*). As LEA Advisory 22 is in effect, LEAs should already be aware of their role in ensuring CEQA compliance for all changes.

Benefits This proposal offers consistency, an important component of the permitting process. Operators would know what was expected for approval of a given change, could plan accordingly, and be confident that other operators in the State are treated in a like manner. LEAs and Board staff would be spared the resources utilized in considering cases individually. In addition, depending on how the categories develop, it is quite possible that fewer actions will have to be heard by the Board, in effect streamlining the permit process and reducing processing and travel costs for operators and LEAs alike.

This advisory is primarily applicable to those facilities that are operating under full solid waste facility permits. Under the recently enacted tier system of permits, no revisions of standardized or registration permits are permitted; either no change in a permit is required or a new permit must be obtained. It is anticipated that further guidance will be provided to LEAs

and operators regarding the incorporation of changes at facilities with other than full permits.

II. PREVIOUS COMMITTEE ACTION

At the time that this item was prepared, the Permitting and Enforcement Committee had not taken an action on this item.

III. OPTIONS FOR THE BOARD

Committee (Board) members may decide to:

1. Adopt the proposed process as described in the advisory for addressing changes in design and/or operation of permitted facilities; or

2. Adopt a modified version of the process; or

3. Provide direction to staff for further development of the proposed policy.

IV. STAFF RECOMMENDATION

Staff recommend that the Board adopt the process as described in the advisory.

V. ANALYSIS

Background The PRC requires operators of solid waste facilities to apply for and obtain a solid waste facilities permit (SWFP) prior to commencing operations. Generally, a major constituent of the application package is a document generically known as the *Report of Facility Information* (RFI). RFIs provide a description of the design and operation of the facility. Contents of RFIs are outlined in Title 14 of the California Code of Regulations (14CCR). (There are several types of RFIs, each specific to a type of facility; for example, the *Report of Disposal Site Information* (RDSI) describes the design and operations of a landfill, the *Report of Station Information* (RSI) is applicable to a large volume transfer station, etc..)

Operators of permitted solid waste facilities are to notify their local enforcement agency (LEA) prior to implementing a change in operation or design. This notification should consist of the submittal of amendments to the RFI as necessary to ensure that it continues to adequately describe the facility's operations and design.

Current practice is for LEAs to consider the scope of the change(s) in operation and or design and incorporate the change via the RFI amendment or direct the operator to apply for a modification or a revision of the SWFP.

Key Issues Historically, LEAs have been advised to revise permits when changes were "significant" and to modify permits or amend the RFI if the changes were less so. This advice was derived from PRC §44004 which, until the recent passage of Assembly Bill 59 (AB 59), stated that an operator should not "make a significant change in the design or operation of any solid waste facility except in conformance with the terms and conditions in ... (its) revised solid waste facilities permit." However, PRC §44004(b) clouded the issue by stating that if "the operator wishes to *modify* the design or operation of a solid waste facility, the operator shall file an application for *revision* of the ... permit with the enforcement agency." AB 59 amended this section to remove the word "modify," adds a provision that some changes could be allowed by an enforcement agency without revisiting the permit, but still employs the phrase "significant change."

This current practice of allowing changes at a facility through permit revision versus permit modification versus only RFI amendment approval is flawed in at least two respects. First, although permit *modifications* are mentioned in statute, Title 14 (the regulations) only alludes to modifications in section 18307, which, in part, authorizes an LEA to modify a permit to bring a facility into compliance with an enactment or to otherwise "protect the public health, safety, and welfare." Section 18307 falls within the chapter of Title 14 entitled "Enforcement by Enforcement Agencies ...," not the chapter relating to permitting. Through the years, permit modifications evolved into a process of incorporating *less than significant* changes in facility design and operation, but this procedure has not

provided the certainty, uniformity and ease of application that is desired.

Second, there is no definition of "significant change." This has resulted in a lack of consistent interpretation which is detrimental to the "level playing field" concept for which Permits Branch staff strive. This "case by case" analysis causes LEAs and Board staff to devote substantial resources when a question about what action to take arises. Though the fault of no one, inconsistency from jurisdiction to jurisdiction, or even within a jurisdiction as LEA personnel change, should be minimized.

On occasion, the Board and its predecessors have settled upon definitions for "significant change". In 1983, a letter to LEAs intimated that changes were significant when it could "produce environmental damage and/or create health and safety hazards." The letter went on to list examples of possible indicators of significant change.

In 1985, the Board established the "Advisory Committee on Significant Change" (ACSC). Two years later, the Board approved the final report of this committee. The report discussed the historical background of the issue and how the issue hindered the permitting process and cited other possible indicators of significant change in addition to those listed in the 1983 letter. This report did attempt to tie significant change to the California Environmental Quality Act (CEQA) by recommending that LEAs consult with the lead agency for CEQA for assistance in determining how substantially a given change would impact the environment. It also indicated that a change would be significant when the change would result in a facility operating outside the terms and conditions of its permit.

In 1989, the Board adopted the first version of the *Permit Desk Manual* (PDM). The PDM referenced the ACSC report and reaffirmed their recommendation that changes were significant when they resulted in conflict with a permit's terms and conditions.

The 1992 revision of the PDM attempted to use CEQA as an indicator, stating that a permit should be revised when the change in design or operation qualified as a project under CEQA, while modifications would be appropriate for ministerial changes.

Unfortunately, none of these instructions have adequately provided the certainty necessary to ensure clear and consistent management of SWFPs. Interpretation of environmental effects is highly subjective. In addition, the format of solid waste facility permits has changed considerably, making consistent interpretation of terms and conditions difficult. The first SWFPs, issued in the late 1970's, lacked almost any conditions at all. In the late 1980's and early 1990's, and as formalized in the 1989 PDM, the SWFP evolved into an elaborate document, containing somewhat detailed descriptions of every aspect of a facility. Almost any change at a facility would conflict with some language in the permits of this era. The format of permits generally used since 1992 contains few certain limitations and would allow perhaps too much latitude in accepting changes. Using CEQA as an indicator is not always feasible as some projects with major impacts on the environment may only be peripherally regulated by this Board while others with little impact may be of substantial interest to the Board.

Findings The new language resulting from the passage of AB 59 includes changes to the statutes relating to solid waste facility permitting and supports the use of the proposed process. PRC §44004 had only required that an operator file an application for revision with the enforcement agency (EA) 120 days prior to commencing operation. The options available to, and responsibilities of, the EA were not specified. The AB 59 changes to PRC §44004 include language specifying that the EA, upon accepting the application, may:

1. allow the change without a revision of the permit; or

2. disallow the change because it conflicts with PRC or Title 14; or

3. require that the permit be revised; or

4. require further CEQA review.

The proposed advisory, taken together with LEA Advisory 22, provides clarification for implementation of the revised statute.

VI. ATTACHMENTS

The proposed advisory is attached.

VII. APPROVALS

Prepared By: _____ Phone: 255-3303
David Otsubo

Prepared By: _____ Phone: 255-3302
Georgianne Turner

Reviewed By: _____ Phone: 255-4175
Suzanne Hambleton

Reviewed By: _____ 1/5/96 Phone: 255-2453
Don Dier, Jr.

Reviewed By: _____ Phone: 255-2431
Douglas Okumura

Legal Review: _____ Date/Time: 1/11/96

Attachment 1

To All Local Enforcement Agencies November 1995 Draft

Purpose

Existing solid waste facilities are often dynamic systems, with changes in design or operation occurring on a regular basis. These changes should be addressed through an approval process which takes into account the nature of the change. In the past, the level of approval has been dependent on the perceived degree of change. PRC §44004 (a) provides that, "No operator of a solid waste facility shall make a ***significant change*** in the design or operation of any solid waste facility not authorized by the existing permit, unless the change is approved by the enforcement agency, ..., and the terms and conditions of the solid waste facilities permit are revised to reflect this change." In the past, the Board has attempted to provide guidance for LEAs and operators in deciding what changes are significant. (History of the process is detailed below.) *Significant changes* were addressed through permit revisions while lesser changes were handled via permit "modifications" or amendments to the Report of Facility Information (RFI).

Present policy has resulted in LEAs and Board staff spending a considerable amount of time debating whether a change(s) requires no change in a permit, a permit modification is appropriate, or whether a revision is necessary. Operators, especially those with several facilities in different LEA jurisdictions, likewise cannot predict with any certainty what will be required for any change at a given facility. In addition to providing clear direction to LEAs, this advisory enables operators to anticipate what type of regulatory action is required for a particular change at their facilities. LEAs and staff will now be spared the time currently spent on "case by case" reviews and debates.

This advisory focuses on how LEAs and the Board will process a change or changes in the design and/or operation of a solid waste facilities which occurs or is proposed. Together with LEA Advisory #22, *"Changes in Design and Operation and CEQA Compliance,"* this advisory will address how LEAs and / or the Board will process operator requests to authorize changes in design and operation.

Background

The approval of changes in design and operation at existing facilities have historically been addressed in three ways:

(1) An operator of a facility is required to amend the RFI, as necessary. Alone, this procedure has been adequate to incorporate some minor changes at a facility.

(2) Permit modifications were required for more substantial changes.

(3) Permit revisions were required for *significant change(s)* in design and operation.

The differentiation between the three has been unclear, partly because statutory and regulatory guidance is not explicit.

Amendments to RFI alone have been restricted to granting only the most minor changes in design or operation. This restriction may have risen out of 14 CCR 18211 (c) which states, "A change shall be deemed significant (i.e., requiring a permit action) ... if and only if it does not conform to terms and conditions of the permit." As the recommended permit format of the late 1980's and early 1990's was very comprehensive and contained a great detailed description of the facility, little could change at a facility without conflicting with some text of the permit.

The current permit form (as provided in the 1992 revision of the Permit Desk Manual) contains few definitive limitations and no detailed description of facilities, instead relying on supporting documents, including most notably the RFI. 14 CCR 17616, 18221, 18222 and, to a lesser extent 14 CCR 18220, require operators to amend RFIs as necessary and that these amendments "*may* become the basis for changes in the permit ... ." Regulations do not mandate that the amendments will require a change in the permit and, in fact, the comment section in 14 CCR 18208 states that, "In order to avoid the need to revise a permit for each minor change in operation, the conditions should be drafted to accommodate fluctuations without requiring a permit revision, so long as such changes do not necessitate additional measures to control their environmental effects."

Where a permit change was found necessary, permits have either been modified or revised.

PRC §44014 (a) states, "Upon compliance with Sections 44007, 44008, and 44009, and after any necessary hearing, the enforcement agency (EA) may issue, modify, or revise a SWFP, if the Board has concurred in the permit." Therefore, both permit revisions and modifications are considered in statute.

In practice, permit "modifications," with concurrence delegated to staff, have been used to permit certain changes in design or operation, as well as purely ministerial changes. However, the only Title 14 reference which actually addresses the modification of a permit may be found in 14 CCR 18307, which indicates that an EA may modify a permit when the permit was obtained through misrepresentation, or to bring the facility into compliance with an enactment, or to otherwise protect the public health, safety, and welfare. Thus, Title 14 does not provide guidance on when to modify a permit.

Until the recent passage of AB 59, PRC §44004 (b) further confused the modification versus revision issue by stating, "If the operator wishes to *modify* the design or operation of a solid

waste facility, the operator shall file an application for *revision* of the existing solid waste facilities permit with the enforcement agency."

"Revisions" were deemed necessary to reflect *significant changes* in design or operation, Board staff have made previous attempts to clarify the term *significant change* and how to determine when *significant change* has occurred. In 1983, a letter was sent to all LEAs defining *significant change* as "a change in design or operation which can produce environmental damage and / or create health and safety hazards." The letter indicated that a change that would decrease the risk would not require a permit revision/modification. ("Revision" and "modification" were used synonymously at that time.) Examples of decreased risk changes would be the installation of gas and leachate collection systems, drainage facilities, sound/sight barriers, etc.. In essence, these acted as mitigations of existing or foreseen problems.

In contrast, the Board identified the following changes as possible indicators of *significant change*:

- the closure of a facility
- a 20% increase in volume
- a change in operating hours
- a change in closure year
- any change in types of wastes received
- an increase in the service area
- a change in excavation depth or an increase in height of the landfill, or
- any increase in total permitted area or areas permitted for disposal.

In 1985, the "Advisory Committee on Significant Change" was established to develop a report on *significant change*. Two years later, the Board-approved final report discussed the background, regulatory authority, the five year review process, and the relationship between CEQA and LEAs' determination of *significant change*. The report again identified the above mentioned changes as indicators of *significant change*, but added:

- a change in salvage operations,
- a change in traffic,
- a change in facility design, and
- a change in surrounding land use.

This report directed LEAs to consult with the lead agency (for CEQA) for assistance in analyzing the potential for a given facility's changes to impact environmental quality, and offered the Board's assistance in clarifying whether or not a change was significant. In cases where the changes would not cause a facility to deviate from the terms and conditions of its

existing SWFP or where the proposed changes would have no potential to cause environmental damage, no revision would be necessary.

In the 1989 version of the *Permit Desk Manual*, the report from the "Advisory Committee on Significant Change" was referenced for guidance, and it also contained additional advice to LEAs for determining *significant change*. As with the report, the *Desk Manual* recommended a finding of *significant change* when any change at a facility resulted in it straying outside the terms and conditions of its permit. Consequently, administrative changes and any other changes which clarify the terms and conditions of the permit, including changes required by new laws and regulations or Board policy, were to be handled through permit "modifications," which did not require CEQA compliance. Examples of modifications were provided as follows:

- a change in permit anniversary date
- a change in business name
- a change in address
- a change of facility identification number; or

The 1992 version of the *Desk Manual* attempted to tie the determination of significant change (and the need for a permit revision) to **CEQA**. The *Desk Manual* advised that permit revisions were appropriate when a change in design or operation qualified as a project under CEQA. The rationale was that CEQA projects had potential to result in a **physical change in the environment**, either directly or as a result of activities associated with the changes. (A permit modification was suitable to reflect changes which had no potential whatsoever to result in environmental impacts and therefore were not a project under CEQA.)

Recently enacted AB59 changed PRC §44004 (d) to specifically indicate that some changes in design or operation can be allowed "without a revision to the permit."

Objective

This advisory identifies specific changes which trigger permit **revisions**. It also identifies changes at a facility which may be allowed *solely* via an **amendment to the Report of Facility Information** (RFI). As a part of this advisory, the current permit **modification** process will be amended in line with the process outlined below. This advisory does not address how a lead agency should conduct their review of the project or how the LEA determines CEQA compliance (see Advisory #22).

New Procedure

The procedure is outlined in the flow chart (Attachment A). As noted in the flow chart, the Board emphasizes that operators consult with their LEA at the earliest opportunity. Based on PRC §44004 (b), the operator should forward the proposed RFI amendments or application to revise a SWFP to the LEA at least 150 days prior to implementing the proposed change(s).

CEQA

CEQA compliance should be considered for *any* change in design or operation. As per current procedure, the LEA should direct the operator of a solid waste facility to consult the appropriate local agencies to determine what, if any, CEQA and other locally imposed requirements must be fulfilled prior to implementing the change in design or operation. If the LEA determines that CEQA compliance has not been met as described in LEA Advisory #22, then the procedures described in that advisory should be followed.

RFI Amendment

Attachment B lists those changes in design or operation which may be allowed solely via an amendment of the existing RFI. If the proposed change is on this list, the LEA may approve and file the amendment to the RFI without revising the permit if:

- the EA has deemed that the proposed change will not conflict with the existing solid waste facilities permit; and
- the change does not conflict with standards set forth in Title 14 of the California Code of Regulations or Division 30 of the Public Resources Code; and
- the facility is operating within state minimum standards

Any conflict with a locally generated entitlement/document (the CUP, Air Pollution Control District permits, etc.) should be resolved via local processes. If a conflict exists with a state regulatory agency's entitlement (WDRs, Fish and Game, etc.), then the LEA should notify that agency of the approval of the change.

If the RFI amendment is approved, the LEA should forward its determination to the operator and the Board. Two copies of the RFI amendment should also be forwarded to the Board. Please note that as a result of regulations being developed due to AB 1220, specific instructions related to the processing and acceptance of RFI amendments may soon be in regulation and would supersede any direction given in this advisory. Consistent with the current proposed language, and similar to the initial steps of permit revision, a submittal to

amend an RFI should be checked for completeness within five days, and the final determination forwarded to the operator and Board within 30 days.

Permit Revisions

If the proposed change is not allowed solely via administrative amendment of the RFI, then a change in the SWFP is necessitated. *Any* change which is required in the SWFP (unless the change is being made as an enforcement action as described in 14CCR 18307) will be referred to as a "permit revision." In this case, the operator should submit an application package, and the LEA processes it, per current practice, statute, and regulation.

Delegated Revisions The 60 day time frame for CIWMB action remains in force. The Board has delegated, to the Deputy Director of the Permitting and Enforcement Division through the Board's Executive Officer, the authority to "concur" in the issuance of revised permits that only allow certain changes in design and operation (attachment C).

If the change is among those listed in attachment C, then it is handled in the same manner as those changes previously referred to as "permit modifications" were handled. If the permit package is determined to be complete and correct, the Deputy Director is authorized to concur in the issuance of the permit. A concurrence letter is sent to the LEA, with the permit, and the LEA may then issue it to the operator. The Board has not delegated the authority to *object* to the issuance of a proposed SWFP, and if the permit package is found to be deficient, staff would present a recommendation of objection to the Permitting and Enforcement Committee and Board per usual procedures.

"Full" or Board Revisions Changes in design or operation which are listed in attachment D will be administered as permit revisions historically have been processed. The permit package will be evaluated, a staff recommendation developed, and the proposed permit presented to the Permitting and Enforcement Committee and the Board.

Final Comments

This advisory is primarily applicable to those facilities that are operating under full solid waste facility permits. Under the recently enacted tier system of permits, no revisions of standardized or registration permits are permitted; either no change in a permit is required or a new permit must be obtained. It is anticipated that further guidance will be provided to LEAs and operators regarding the incorporation of changes at facilities with other than full permits.

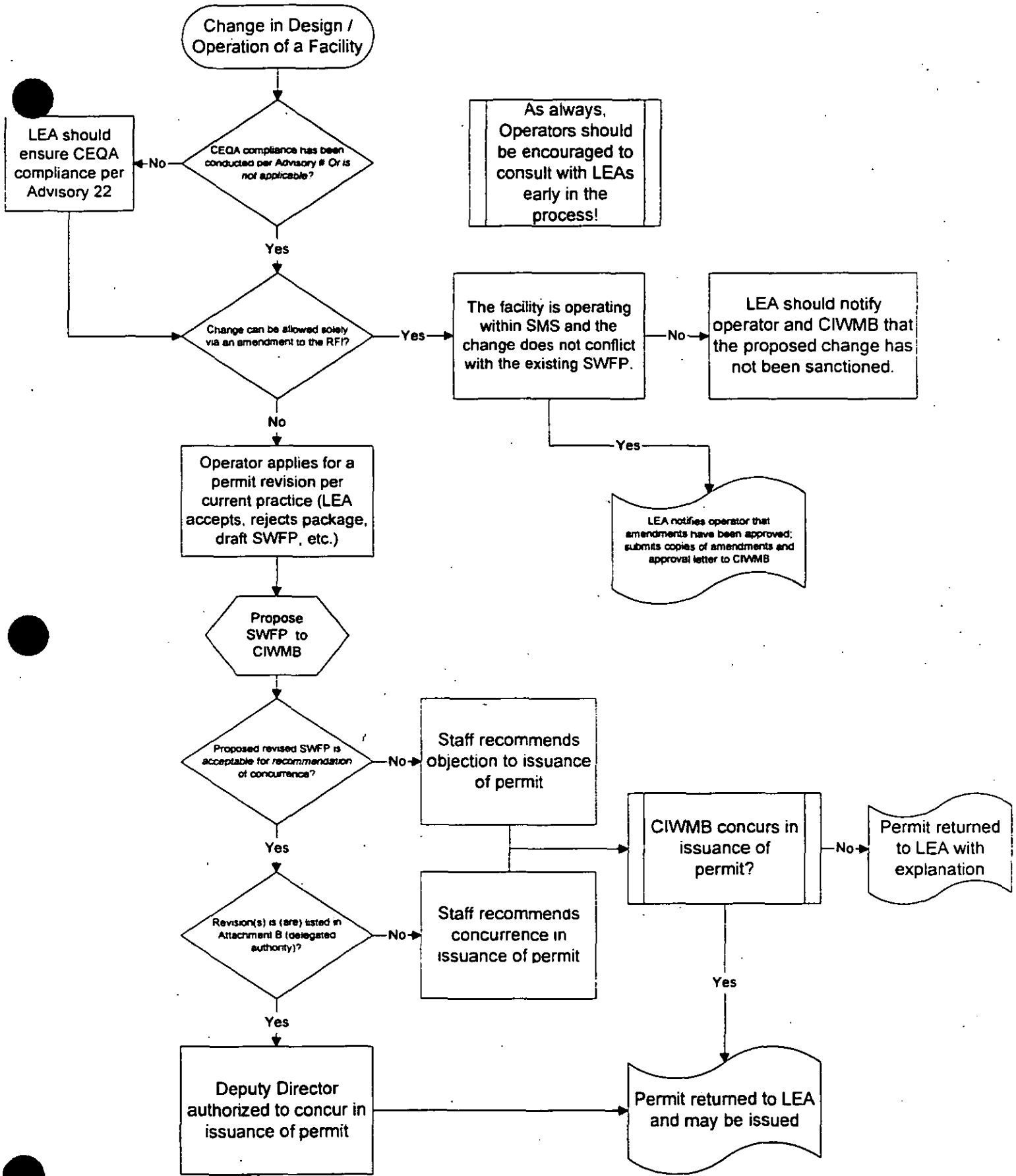
The nature of some changes will result in some approvals being upgraded (from RFI amendment to delegated permit revision, delegated revision to full permit revisions, etc.).

This is consistent with past practice where, on occasion, some permit modifications were presented to the Board. LEAs should apprise the Permits Branch of those situations as they occur. However, no downgrading of approval levels is allowed.

Although staff, with LEA assistance, have attempted to inventory every change in design or operation, it is likely that new types of changes will be identified. As they occur, LEAs should contact the Permits Branch as soon as possible. If the change is very similar to a listed change, then it is possible that the change can be approved in a like manner. However, it is also possible that an unlisted change may result in a permit revision heard before the Board, who in addition to considering the permit, would decide on to what list the change will be placed. The decision whether to process an unlisted change through RFI amendment or delegated revision, or to send it to the Board will be made by the Deputy Director of the Permitting and Enforcement Division in consultation with the Manager of the Permits Branch.

It is anticipated that these procedures will reduce the number of required permit actions, clarify what requirements must be satisfied in order to sanction changes in the design and operation of a SWF, and provide consistency in the SWF permitting process.

Attachment A



Attachment B

Changes handled through amending RFI

When the following changes occur at Solid Waste Facilities the LEA, after reviewing CEQA and following guidance prescribed in this advisory and LEA Advisory 22, the operator may amend their Report of Facility Information through the process outlined in this advisory.

Attachment C

Revision (revision delegated)

When the following changes occur at Solid Waste Facilities the LEA, after reviewing CEQA and following guidance prescribed in this advisory and LEA Advisory 22, the operator must revised the Solid Waste Facilities permit. However, these changes in facility operations have been delegated to Board staff to concur with the proposed SWFP .

Attachment D

Changes Which Require a Revision of a SWFP

When the following changes occur at Solid Waste Facilities the LEA, after reviewing CEQA and following guidance prescribed in this advisory and LEA Advisory 22, the operator must revised the Solid Waste Facilities permit. However, these changes in facility operations have been delegated to Board staff to concur with the proposed SWFP .

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
Board Meeting

January 24, 1996

AGENDA ITEM 41

ITEM: CONSIDERATION OF NEW SITES FOR THE SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM (AB 2136)

I. SUMMARY

Implementation of the AB 2136 program was approved by the Board on February 24, 1994. Approval included the AB 2136 Flow Chart and guidelines for cleanup of sites through matching grants to local governments, loans to responsible parties and local governments, grants to local enforcement agencies (LEA) for cleanup of illegal disposal sites (IDS), and direct site cleanups using Board contracts.

Since the inception of the Solid Waste Disposal and Codisposal Site Cleanup Program, the Board has approved 32 sites for cleanup. Eighteen sites have been cleaned up and the remaining 14 sites are in various stages of the program process.

This item presents the following three additional sites for consideration of approval by the Board for cleanup under the AB 2136 program. The sites presented for consideration are proposed for funding as one Board-managed cleanup and two loans, for a total of $1,567,000. The Board-managed cleanup at Sand City would be performed with fiscal year (FY) 93/94 funds previously encumbered in Board contracts, using Granite Construction Company. The two loans to San Diego County would be administered with FY 95/96 funds. Site descriptions and other important information are provided in Attachments 1 through 3:

Site Name	County	Est. Cost	Attachment
Sand City Dump Site	Monterey	$952,000	1
Gillespie Landfill	San Diego	$275,000	2
Encinitas Landfill	San Diego	$340,000	3

II. PREVIOUS COMMITTEE ACTION

At the time of the printing of this item the Permitting and Enforcement Committee had not yet met.

III. ACTION BEFORE THE BOARD

Board members may:

1. Approve all of the sites presented by staff and forward to the full Board for action; or

2. Approve some sites, disapprove others, or direct staff to provide additional information and bring the item back to future meetings of the Permitting and Enforcement Committee and the Board.

Board members also may:

o Adopt, adopt with changes, or deny adoption of the negative declaration for performing the Sand City remediation project.

IV. ANALYSIS

Staff Process

The normal staff review process for sites submitted for approval includes the following actions:

A. Research LEA and Board records, and determine site ownership and possible responsible parties.

B. Conduct a site visit with the LEA, take photographs, make a rough determination of quantities of waste and requirements for cleanup or remediation, and prepare a preliminary cost estimate.

C. Coordinate with the LEA for issuance of a Notice and Order, where appropriate.

D. Perform site ranking for health and safety and program eligibility.

Site selection is based on many criteria, including the severity of the problems and on surrounding land uses. The sites proposed in this item were selected based on investigation of many sites throughout the state. The three sites represent a threat to public health and safety or the environment. All of the sites have been ranked using the Solid Waste Ranking System for landfills.

Before the Board could consider funding the Sand City Dump cleanup, an initial study was necessary to determine the appropriate environmental document. Board Staff determined that a negative declaration was needed. A negative declaration was prepared and circulated to the State Clearinghouse (Clearinghouse Number SCH#95083060) as well as to the Association of Monterey Bay Area Governments' CEQA clearing house. The negative declaration was legally noticed in the Monterey Herald, a local newspaper, on September 15, 1995.

V. STAFF RECOMMENDATION

Staff recommend that the Board adopt the negative declaration for the Sand City Dump Remediation project and approve the Sand City Dump remediation and San Diego County's request for loans under the AB 2136 Program.

VI. ATTACHMENTS

1: Sand City Dump Site
2: Gillespie Landfill
3: Encinitas Landfill
4: Resolution to Approve Three Sites for Funding
5: Resolution for Adoption of Negative Declaration for Sand City

VII. APPROVALS

Prepared by: Glenn Young, Wes Mindermann

Reviewed by: Marge Rouch, Charlene Herbst

Reviewed by: Douglas Okamura

Reviewed by: Legal Office Kathryn J. Morris

Sand City Dump

Monterey County

Site Description: The site is a former, 15.6 acre, city-operated/privately owned, burn dump, which was used from 1929-1955. The site is situated on a sand bluff adjacent to Highway 1 next to a public beach on Monterey Bay. The site received waste primarily from the cities of Monterey, Pacific Grove, Carmel and possibly Fort Ord. The waste consisted of municipal, and commercial waste. The site receives 18 inches of annual precipitation and is not located within a FEMA defined floodplain. The fill received a two foot sand cover after it closed in 1955. The cover has an approximate 3-5% slope and is well vegetated with iceplant. Geology underlying the site is Aromas Dune Sand formations; groundwater, located at sea level elevation (100 ft below the top of the fill) is considered brackish. Land-use surrounding the site is primarily commercial/industrially zoned. The nearest enclosed structures are commercial buildings located on the opposite side of Highway 1. A small go-cart race track was constructed on top of the cover in the late 1950s and was used until the mid-1970s. The front slope of the fill has eroded and has exposed waste, which has sloughed onto the adjacent public beach and the Monterey Bay National Marine Sanctuary. The City of Sand City and the Health Department have made several attempts to obtain funding to clean-close the site, however, Federal EPA and the State Water Resources Control Board have turned down the requests for funding remediation at the site. Several site investigation/characterization reports have been performed for the site, including a recent soil/waste sampling and analysis project performed in September 1995.

Location: The site is located on the coastline of Monterey Bay adjacent to HWY 1 and Fremont Boulevard in Sand City (2 miles north of Monterey) within an area recently designated as the Monterey Bay State Seashore.

Site Priority: The site received a score of 31.8.using the Solid Waste Ranking System.

Owner: Title to the property is currently held by the Resolution Trust Corporation. The property has $15 million dollars in property liens. History of ownership of the site is as follows:

1929	-	Owned by Edith Roberts
1979	-	Property transferred to the Menlo Corporation (James Ritter)
1980	-	Monterey Bay Development Corporation (Pima Savings & Loan, secured loan)
1987	-	Monterey Bay Development Corp. files for bankruptcy protection; property reverts to Pima Savings and Loan
1994	-	Pima Savings and Loan becomes insolvent and title to the property is taken over by the Resolution Trust Corporation.
1994	-	Monterey Park District purchases first deed of trust on property from Resolution Trust Corporation.

Cost Recovery: Due to the financial situation of the property, cost recovery is uncertain. Staff recommends that a lien or a deed restriction be placed on the property for the amount of remediation in the event the property is purchased for private enterprise. Monterey Peninsula Park District (MPPD), County of Monterey, City of Pacific Grove, City of Carmel and the Joint Power Agreement (JPA) for the Marina Waste Management District, have agreed to contribute $250,000 towards the project.

Proposed Method of Cleanup: Remediation of the Sand City Dump will consist of reconfiguring the fill area to provide 50 year coastal erosion protection. The project will excavate and relocate (on-site) approximately 95,000 cubic yards of waste material to a interim cell which will be located 178 feet back from the current toe of the front slope of the fill area. Waste material deemed to be recyclable will be segregated, stockpiled and reclaimed by metal scavenging/recycling companies. The interim cell will then be covered with two feet of native soil. The new front facing the bay will be reworked with clean sand.

Preliminary Estimate for Cleanup: $952,000 plus dune restoration cost ($702,000 will be funded by the AB 2136 program and $250,000 by the JPA). A dune restoration plan is being prepared by Department of Parks and Recreation staff and MPPD has agreed to pay for the cost of dune restoration estimated at $50,000.

Enforcement Actions: The LEA, City of Sand City and the MPPD have performed the necessary enforcement actions and also determined responsible parties.

CEQA: CEQA requirements are being met through a Negative Declaration issued by the Board as lead agency.

Other Staff Comments and Recommendations: The site's on-going erosion problem on the front slope of the fill area will not be solved, unless more permanent measures to reconfigure the fill area are performed. The sloughing waste, which contains metal, glass, municipal waste and burn debris present a physical hazard to the public. Due to the site's erosion problems, easy public access and financial situation, staff recommend this project for AB 2136 funding. Board approval of this project is subject to local funding commitment for $250,000, CEQA compliance and obtaining all necessary permits.

Gillespie Landfill

San Diego County

Site Description: The site is a closed landfill operated by the County of San Diego as a burn dump from 1945 to 1953 and as a conventional municipal landfill until 1964. The property covers an area of 25 acres of which approximately 20 acres were utilized for refuse disposal operations. Although records regarding the total amount of refuse deposited at the site are not available, the total amount of waste disposed is estimated at 500,000 tons. Nearby land use consists of low-density residential to the west and south and an air field which includes an industrial park to the east and north. In 1992, monitoring indicated off site gas migration and surface emissions in excess of San Diego County Air Pollution Control District (APCD) Rule 59 limits. Subsequently, the Department of Public Works (DPW) submitted applications for Permits to Operate landfill gas collection, monitoring, and flare systems at each site in 1992 and was granted Authorities to Construct in 1993. Financial difficulties forced construction of gas control system to stop with approximately 45 percent of the system complete.

Location: 1780 Gillespie Way, El Cajon, California. One quarter mile west of the intersection of Cuyamaca Street and Mitchell Drive in El Cajon. The site is located in the southwest portion of the Gillespie Field Airport property. Access to the site is via Billy Mitchell Drive.

Owner: County of San Diego
Department of Public Works
5555 Overland Drive
San Diego, California 92123

Mr. Tom Garibay, Director
(619) 974-2212

Proposed Method of Cleanup: Completion of the gas collection system and landfill gas flare station and controls.

Loan: $275,000 (Fiscal Year 95/96 funds) The interest rate is based on the Surplus Money Investment Fund with a 20 year repayment schedule. Cost recovery will be through loan repayment as indicated in Attachment 2A.

Enforcement Actions: A Notice of Violation has been issued by the APCD for landfill gas emissions at this site. Gillespie Landfill is currently under a variance from Rule 59 granted by the APCD which expired on July 14, 1995. Another temporary variance was granted on December 7, 1995, which expires in one year with a six month review.

Other Staff Comments and Recommendations: Staff recommend this project for a loan under AB 2136. Failure to complete the installation of the landfill gas control system will result in threats to the public health and safety and the environment and ongoing violations of APCD Rule 59 and possibly APCD Rule 51 (Nuisance).

Attachment(s):
2A. Loan Repayment Schedule

Encinitas Landfill

San Diego County

Site Description: The site is a closed landfill operated by the County of San Diego as a burn dump from 1944 to 1966 and as a conventional municipal landfill from 1967 to 1977. The property covers an area of 37.85 acres of which approximately 30 acres were utilized for refuse disposal operations. Although records regarding the total amount of refuse deposited at the site are not available, the total amount of waste disposed is estimated at 581,450 tons. In 1992, monitoring indicated off site gas migration and surface emissions in excess of San Diego Air Pollution Control District (APCD) Rule 59 limits. Subsequently, the Department of Public Works (DPW) submitted an application for Permit to Operate landfill gas collection, monitoring, and flare systems at the site in 1992 and was granted an Authority to Construct in 1993. Financial difficulties forced construction of gas control system to stop with approximately 45 percent of the system complete.

Location: Approximately 2.5 miles east of the City of Encinitas and one quarter mile west of the intersection of Encinitas Boulevard and Manchester Boulevard.

Owner: County of San Diego
Department of Public Works
5555 Overland Drive
San Diego, California 92123

Mr. Tom Garibay, Director
(619) 974-2212

Proposed Method of Cleanup: Completion of the gas collection system and landfill gas flare station and controls.

Loan: $340,000 (Fiscal Year 95/96 funds) The interest rate is based on the Surplus Money Investment Fund with a 20 year repayment schedule. Cost recovery will be through loan repayment as indicated in Attachment 3A.

Enforcement Actions: The Encinitas Landfill is currently under a variance from Rule 59 granted by the APCD which expired on July 14, 1995. Another temporary variance was granted on December 7, 1995, which expires in one year with a six month review.

Other Staff Comments and Recommendations: Staff recommend this project for a loan under AB 2136. Failure to complete the installation of the landfill gas control system will result in threats to the public health and safety and the environment and ongoing violations of APCD Rule 59 and possibly APCD Rule 51 (Nuisance).

Attachment(s):
3A. Loan Repayment Schedule

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

LOCAL GOVERNMENT LOAN AGREEMENT

EXHIBIT "A"

LOAN REPAYMENT SCHEDULE

BORROWER'S NAME:	San Diego County Board of Supervisors
COUNTY:	San Diego
PROJECT:	Gillespie Landfill/Encinitas Landfill Gas Collection Systems
IWM REFERENCE NUMBER:	2136-95-XXX-37
DATE OF LOAN AGREEMENT:	February XX, 1996
TOTAL AMOUNT OF LOAN:	$615,000.00
INTEREST RATE:	5.871%
REPAYMENT PERIOD (YEARS):	20

** ANNUAL REPAYMENT TO BOARD **

YEAR	PRINCIPAL	INTEREST	TOTAL	UNPAID PRINCIPAL
1	$30,750.00	$36,106.65	$66,856.65	$584,250.00
2	$30,750.00	$34,301.32	$65,051.32	$553,500.00
3	$30,750.00	$32,495.99	$63,245.99	$522,750.00
4	$30,750.00	$30,690.65	$61,440.65	$492,000.00
5	$30,750.00	$28,885.32	$59,635.32	$461,250.00
6	$30,750.00	$27,079.99	$57,829.99	$430,500.00
7	$30,750.00	$25,274.66	$56,024.66	$399,750.00
8	$30,750.00	$23,469.32	$54,219.32	$369,000.00
9	$30,750.00	$21,663.99	$52,413.99	$338,250.00
10	$30,750.00	$19,858.66	$50,608.66	$307,500.00
11	$30,750.00	$18,053.33	$48,803.33	$276,750.00
12	$30,750.00	$16,247.99	$46,997.99	$246,000.00
13	$30,750.00	$14,442.66	$45,192.66	$215,250.00
14	$30,750.00	$12,637.33	$43,387.33	$184,500.00
15	$30,750.00	$10,832.00	$41,582.00	$153,750.00
16	$30,750.00	$9,026.66	$39,776.66	$123,000.00
17	$30,750.00	$7,221.33	$37,971.33	$92,250.00
18	$30,750.00	$5,416.00	$36,166.00	$61,500.00
19	$30,750.00	$3,610.67	$34,360.67	$30,750.00
20	$30,750.00	$1,805.33	$32,555.33	$0.00
TOTALS	$615,000.00	$379,119.83	$994,119.83	

Attachment 4

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION 96-32

FOR APPROVAL OF CLEANUP OF SITES UNDER THE SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM - AB 2136

WHEREAS, Public Resources Code (PRC) Sections 48020 et seq. authorizes the Board to implement the Solid Waste Disposal and Codisposal Site Cleanup Program to remediate environmental problems caused by solid waste and to cleanup up illegal disposal sites to protect public health and safety and the environment; and

WHEREAS, the Board has approved guidelines and policies for this program to cleanup sites.

NOW THEREFORE, BE IT RESOLVED that the Board approves the Sand City Dump Remediation project and the San Diego Loans for Gillespie Landfill and Encinitas Landfill for immediate funding for remediation under the Solid Waste Disposal and Codisposal Site Cleanup Program. The Board directs staff to implement remediation measures and to encumber the funding for the cleanup of these sites.

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 January 24, 1996.

Dated:

Ralph E. Chandler
Executive Director

Attachment 5

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION 96-33

FOR ADOPTION OF A NEGATIVE DECLARATION FOR THE REMEDIATION OF THE SAND CITY DUMP

WHEREAS, the California Integrated Waste Management Board, acting as Lead Agency, developed an initial study for the Sand City Landfill and Dune Restoration Project; and

WHEREAS, based on the results of the initial study it has been found that project activities would not result in any potential significant impacts; and

WHEREAS, the Board developed, noticed and circulated a Negative Declaration, State Clearinghouse Number 95083060; and

WHEREAS, no mitigation measures have been adopted as a condition of approval; and

WHEREAS, all comments received have been considered.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board adopts Negative Declaration Number 95083060.

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 January 24, 1996.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
January 24, 1996

AGENDA ITEM 42

ITEM: CONSIDERATION OF DEVELOPING INTERIM GUIDELINES, PROCEDURES AND REGULATIONS FOR ASSESSING ADMINISTRATIVE CIVIL PENALTIES PUSUANT TO AB 59

I. SUMMARY

Assembly Bill 59, Sher (Statutes 1995, Chapter 952) was approved by the Governor and became law on October 16, 1995. This bill authorizes the Local Enforcement Agencies (LEA) or the California Integrated Waste Management Board (CIWMB), when acting as the EA, to assess Administrative Civil Penalties (ACP) for violations at solid waste facilities. The statute provides a maximum fine amount; however, no ranges or penalty guidelines are given.

II. PREVIOUS COMMITTEE/BOARD ACTION

AB 59 (Sher) was heard, and a support position was adopted by the Legislation and Public Education Committee and by the Board in February 1995. Thereafter, in August 1995, the bill was amended three times and was again supported by the Board. Many of the provisions in AB 59 were previously proposed in AB 1829 (Sher) in 1993/94.

III. OPTIONS FOR THE BOARD

Board members may decide to:

1. Approve the attached outline of concepts for developing ACP "Interim Guidelines" (LEA Advisory) as the precursor to regulations.

2. Not approve the attached outline of concepts for ACP "Interim Guidelines" and go directly to developing regulations, which may take approximately 18 months or more.

3. Direct staff to revise the attached outline of concepts for interim guidelines on the ACP process.

IV. STAFF RECOMMENDATION

Staff recommend the Board approve the concept presented in this agenda item and allow the development of an LEA Advisory on Administrative Civil Penalties and any necessary regulations. The advisory will be presented to the Board for approval at a later date.

V. ANALYSIS

Staff examined the following documents to complete a comparative analysis of similar enforcement procedures in California Environmental Protection Agencies(Cal/EPA):

- Enforcement Guidelines, December 1994, California Department of Pesticide Regulation, Enforcement Branch.
- Notice and Orders issued by Local Enforcement Agencies
- Notice of Proposed Action (Penalty assessment) issued by County Agricultural Commissioners
- Resources Conservation Recovery Act (RCRA) Civil Penalty Guidelines

The interim guidelines concept incorporates applicable aspects of each of the above documents to ensure consistency and is similar to the RCRA Civil Penalty Guidelines and Agricultural Civil Penalty guidelines.

Background

The passage of AB 59 now gives Local Enforcement Agencies or the CIWMB the authority to levy Administrative Civil Penalties against Solid Waste Facilities for not being in compliance with permitting requirements, permit terms and conditions or with state minimum standards related to permitting, handling, or disposal of solid waste.

Prior to AB 59, LEAs or the Board could seek penalties for permit or state minimum standard violations through civil litigation. AB 59 retains those civil penalty provisions but now also allows for flexibility by authorizing administrative civil penalties and relieves the burden of a lengthy and costly litigative process, which historically has rarely been used.

Public Resources Code section 45011 allows the enforcement agency (EA) to issue an order that establishes a time schedule within which a facility shall be brought into compliance. For failure to comply with the time schedule, the order may now include imposition of an administrative civil penalty of up to $5,000 per violation, per day and a maximum of $15,000 per violation, per year. Prior to issuing an order that imposes an administrative civil penalty, the EA would be required to:

a. Notify the operator that the facility is in violation of solid waste laws and regulations and provide a reasonable opportunity to bring the facility into compliance.

b. Upon the request of the operator, meet with the operator to clarify regulatory requirements and to determine what actions the operator may voluntarily take to bring the facility into compliance by the earliest feasible date.

Additionally, prior to imposing any ACP against an operator of a solid waste facility, the EA shall:

c. Notify the local governing body of its intent to impose a penalty. Upon receipt of the notification, the governing body may direct the hearing panel to hold a duly noticed public hearing to provide an opportunity for the alleged violation(s) and the amount of any proposed civil penalty to be reviewed by the hearing panel pursuant to PRC section 44308.

d. If requested by the person subject to the enforcement action, hold a duly noticed public hearing by the hearing panel pursuant to PRC sections 44307, 44308, and 44310 to review an appeal or alleged failure of an EA to act as required by law or regulation.

e. Consider alternatives to the imposition of an administrative civil penalty that would bring the facility into compliance.

f. 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.

The statute also prohibits an EA from imposing a civil penalty for the first three "minor" violations of the same requirement or standard established under law or regulation for solid waste facilities. By definition, "minor" violations do not pose any threat to the public health, safety or to the environment and do not pertain to the design or operation of a solid waste facility, but only to a strictly procedural aspect of the Solid Waste Facilities Permit.

Key Issues

- Current statute only provides a maximum amount of $5,000 per day per violation with no guidance on penalty amounts for varying degrees of violations.
- Current statute defines minor violations but does not define any higher categories of violations.

Procedures, categories, and a penalty assessment scale would be developed under the interim guidelines. This would provide statewide consistency while still allowing an individual EA flexibility and discretion. Without interim penalty guidelines, the LEAs would have to improvise, potentially resulting in inconsistent implementation of ACPs until regulations are developed and adopted, which may take a minimum of 18 months.

Board staff is therefore recommending development of detailed procedures and guidelines for implementation of the ACP process. These procedures and guidelines will then be used as a basis for the development of ACP regulations.

Fiscal Impacts

The provisions of AB 59 may have a fiscal impact on the CIWMB and LEAs due to the time and effort involved in carrying out the "due process" procedures required by AB 59 when imposing administrative civil penalties against solid waste facilities in violation of solid waste laws and regulations. However, this effort will most likely be more streamlined and less costly than civil litigation and should also bring violators into compliance in a more timely manner.

The provisions of AB 59 could have an adverse economic impact on those solid waste facilities which fail to comply with solid waste laws and regulations, as they would be subject to the imposition of an administrative civil penalty.

VI. ATTACHMENTS

I. ACP Interim Guideline Highlights (concepts) for developing an LEA Advisory

II. Administrative Civil Penalty Flow-Chart

III. Timeline for development of ACP regulations

VII. APPROVALS

Prepared By:	Ricardo Martinez RM 1/10/96	Phone:	255-3888
Reviewed By:	Sue Happersberger SH 1/10/96	Phone:	255-3893
Reviewed By:	Doug Okumura	Phone:	255-2431
Legal Review:	Kathryn J. Johnson	Date/Time:	1/11/96

ATTACHMENT I

AB 59 INTERIM GUIDELINE HIGHLIGHTS

Permitting and Enforcement Division
Enforcement Branch
California Integrated Waste Management Board

In an effort to provide uniformity and consistency in implementing AB 59 Administrative Civil Penalties (ACP), the Permitting and Enforcement Division is seeking Board approval in developing "interim guidelines" to aid LEAs in assessing penalties against solid waste facilities. If approved by the Board, an LEA advisory will follow. The advisory is intended to serve as a foundation for developing future regulations on the ACP process with active LEA involvement.

Statutory Authority

Authority and the procedures to assess administrative civil penalties are found under Public Resources Code (PRC) sections 45010, 45011, 45012, 45013, and 45016. The following is a concept of a final ACP product. The actual procedures on reaching the end product will be developed jointly by the Permitting and Enforcement Division staff, LEAs and industry representatives.

AB 59 Highlights

- Under AB 59, LEAs have the authority to administratively impose civil penalties up to $5,000 per violation per day and up to $15,000 per violation per calendar year.
- An LEA may not impose an administrative civil penalty for the first three minor violations of the same requirement or standard.
- Only "minor" violations are defined in AB 59.

Concepts

Since AB 59 only defines "minor" violations, and only gives maximum fine amounts, the Permitting and Enforcement Division staff developed the categories of violations and penalty guideline concepts listed below. Under the interim guidelines, administrative civil penalties would have three different penalty ranges: **minor**, **moderate** and **major**.

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I. The penalty ranges would be as follows:

- **Minor:** $50 to $1000
- **Moderate:** $250 to $3000

Major: $500 to $5000

II. Definitions of the different categories of violations would be as follows:

Minor: These are violations that do not pose any potential or actual hazard or detrimental effect to public health, safety or to the environment. This category also includes minor violations which do not pertain to the actual design or operation of a solid waste facility or are procedural in nature.

Moderate: These are violations that pose a potential hazard or reasonable possibility of creating a public health, safety or environmental hazard or detrimental effect.

Major: These are violations that have created an actual public health, safety or environmental hazard or detrimental effect.

III.

The matrix below provides an array of ranges for assessing Administrative Civil Penalties. The top scale refers to the extent of "deviation" from a statutory or regulatory requirement. Deviation could be defined as the degree to which the requirement has not been complied. For example, a violator could be in violation with an entire requirement or only a portion of that requirement. In addition, the violation may be either acute or chronic, and the violator may be willing or unwilling to comply. In other words, there will always be a range of potential noncompliance with the subject requirement. The side scale of the matrix refers to the category of violations as defined above and as assessed by the enforcing agency. Under the matrix, the Deviation range varies from a Minor/Minor to Major/Major with penalties ranging from a minimum of $50 to a maximum of $5000 per violation per day. The three categories allow for deviation from compliance, which in turn allow the LEA greater flexibility to calculate an "appropriate" penalty.

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CIVIL PENALTY TABLE
BASED ON USEPA RCRA GUIDELINES

VIOLATION ↕ / DEVIATION →	Minor	Moderate	Major
Minor	$50-250	$250-500	$500-1000
Moderate	$250-500	$500-1000	$1000-3000
Major	$500-1000	$1000-3000	$3000-5000

The imposition, and assessment of penalties would be left to the LEA's discretion. The matrix would serve only as a guide and does not pigeon-hole any particular state minimum standard into a specific violation category.

IV. In addition to the criteria outlined in PRC section 45016, other items that an LEA may want to consider when calculating a penalty are as follows :

1) Evidence that the violation(s) was willful or negligent.
2) The good or bad faith exhibited by the party or the extent to which the party has cooperated with the EA in remediating the violation(s).
3) The extent that the party has mitigated or attempted to mitigate any damage or injury caused by a violation(s).

V. Attachment II (flow chart) identifies the necessary steps to follow when pursuing an Administrative Civil Penalty.

VI. PROCEDURES OUTLINE:

The outline below gives basic highlights of some steps that should be taken when considering the ACP process. These steps are taken form the AB 59 statute and will be clarified with detailed procedures at a later date.

Prior to issuing an order that imposes an administrative civil penalty the EA would be required to:

a. Notify the operator that the facility is in violation of solid waste laws and regulations and provide a reasonable opportunity to bring the facility into compliance.

b. Upon the request of the operator, meet with the operator to clarify regulatory requirements and to determine what actions that operator may voluntarily take to bring the facility into compliance by the earliest feasible date.

Additionally, prior to imposing any ACP against an operator of a solid waste facility, the EA shall:

a. Notify the governing body of its intent to impose a penalty. Upon receipt of the notification, the governing body may direct the hearing panel to hold a duly noticed public hearing to provide an opportunity for the alleged violation or violations and the amount of any proposed civil penalty to be reviewed by the hearing panel pursuant to section 44308.

b. If requested, hold a duly noticed public hearing to provide an opportunity for the alleged violation(s) and the amount of any administrative civil penalty to be reviewed by the local governing body.

c. Consider alternatives to the imposition of an administrative civil penalty that would bring the facility into compliance.

The EA shall also take into consideration the following:

a. 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.

b. Whether the violation(s) or condition(s) giving rise to the violation is being corrected in a timely fashion or that reasonable progress toward correction is being made.

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c. Whether the violation(s) or condition(s) 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 poses, or has posed, a serious risk to public health and safety or the environment.

d. Whether the violation(s) or condition(s) giving rise to the violation was intentional.

e. Whether the violation(s) or condition(s) giving rise to the violation was voluntarily and promptly reported to appropriate authorities prior to the commencement of an investigation by the EA.

f. Whether the violation(s) or condition(s) giving rise to the violation was due to circumstances beyond the reasonable control of the violator or was otherwise unavoidable under the circumstances.

g. Whether the violator has established one or more of the following programs that will either help correct current violations or help prevent violations 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;

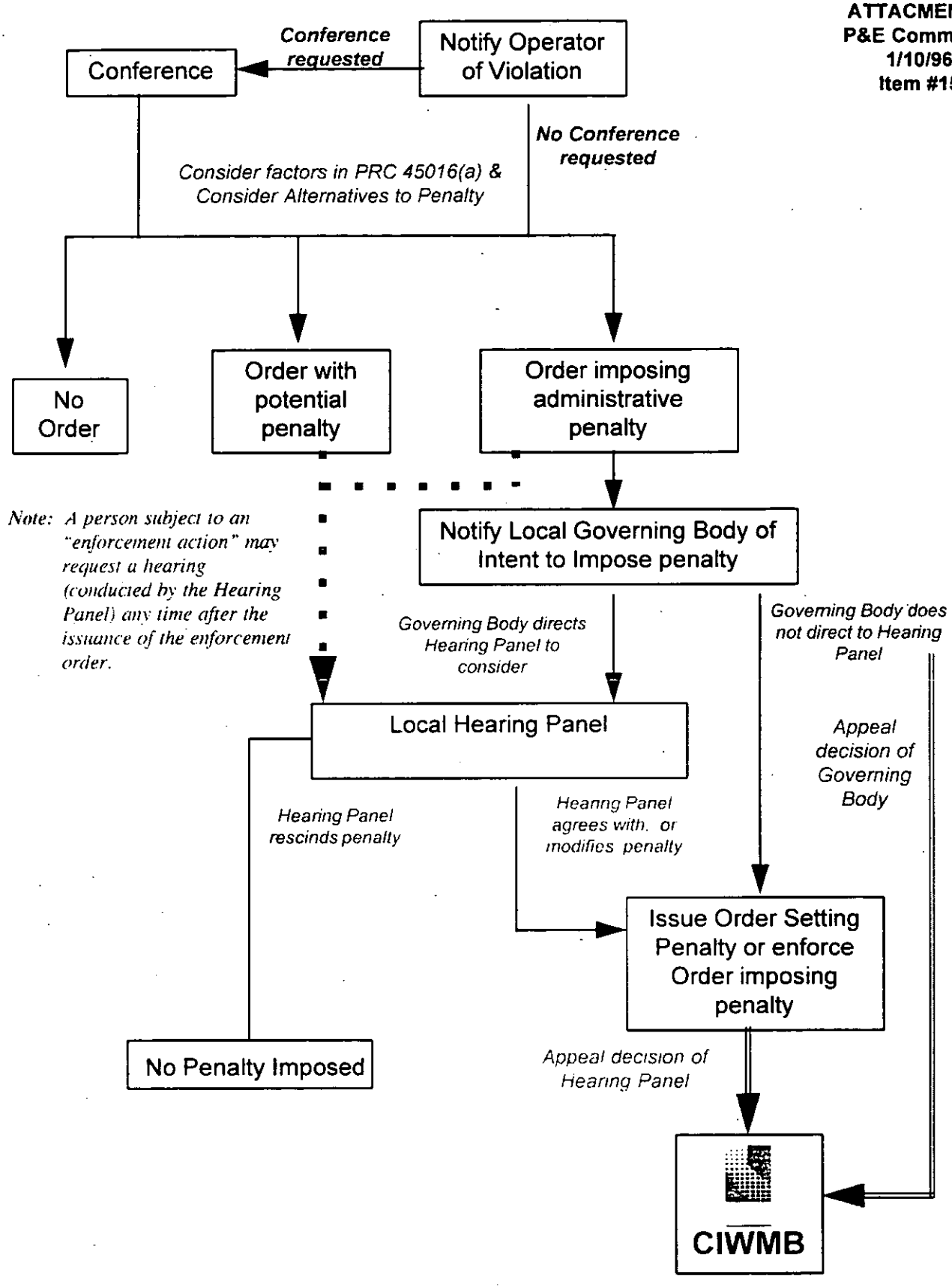
3. Regular internal audits to monitor the effectiveness of the comprehensive compliance programs;

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.

Administrative Penalty Process Flow Chart

ATTACMENT II
P&E Committee
1/10/96
Item #15



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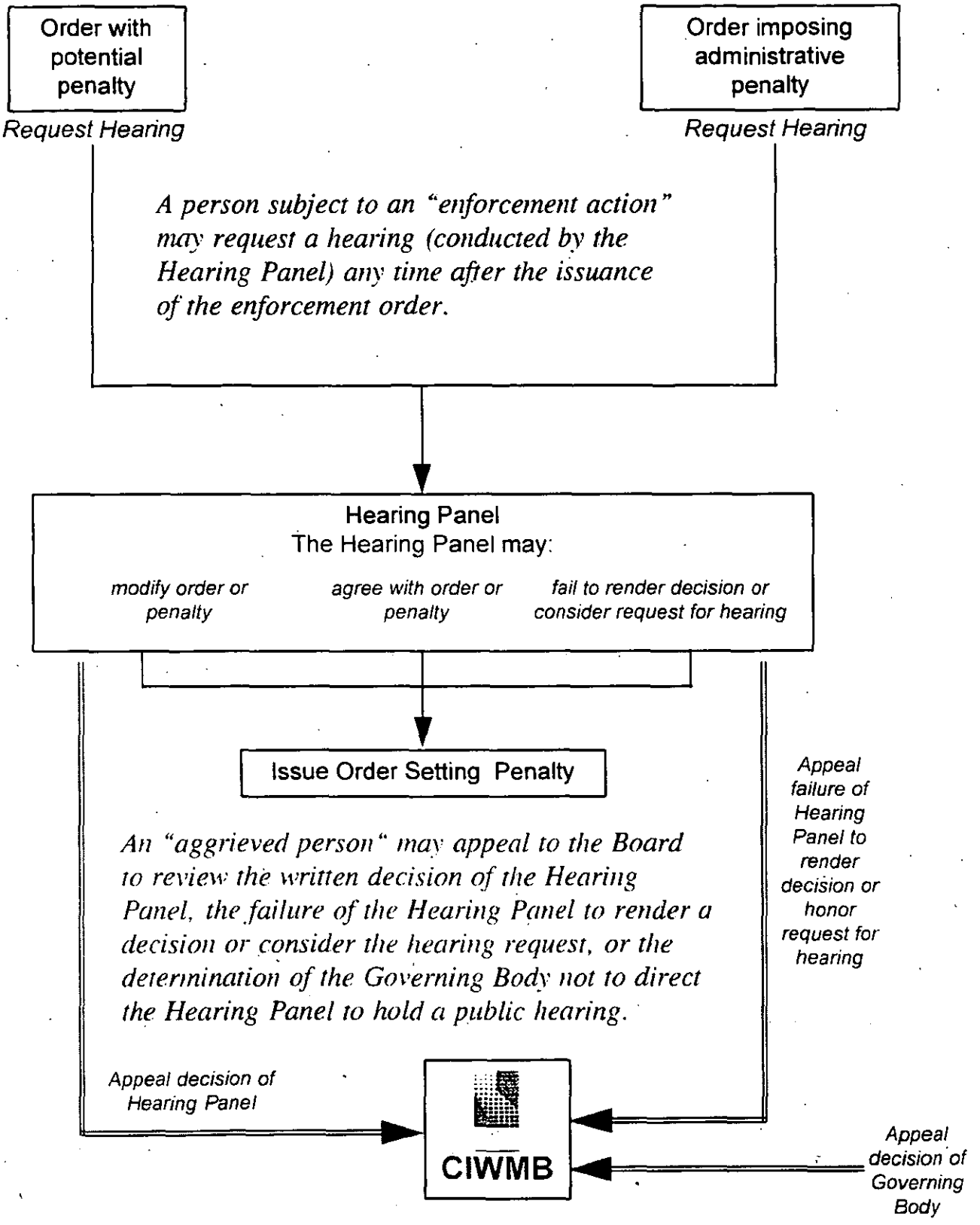
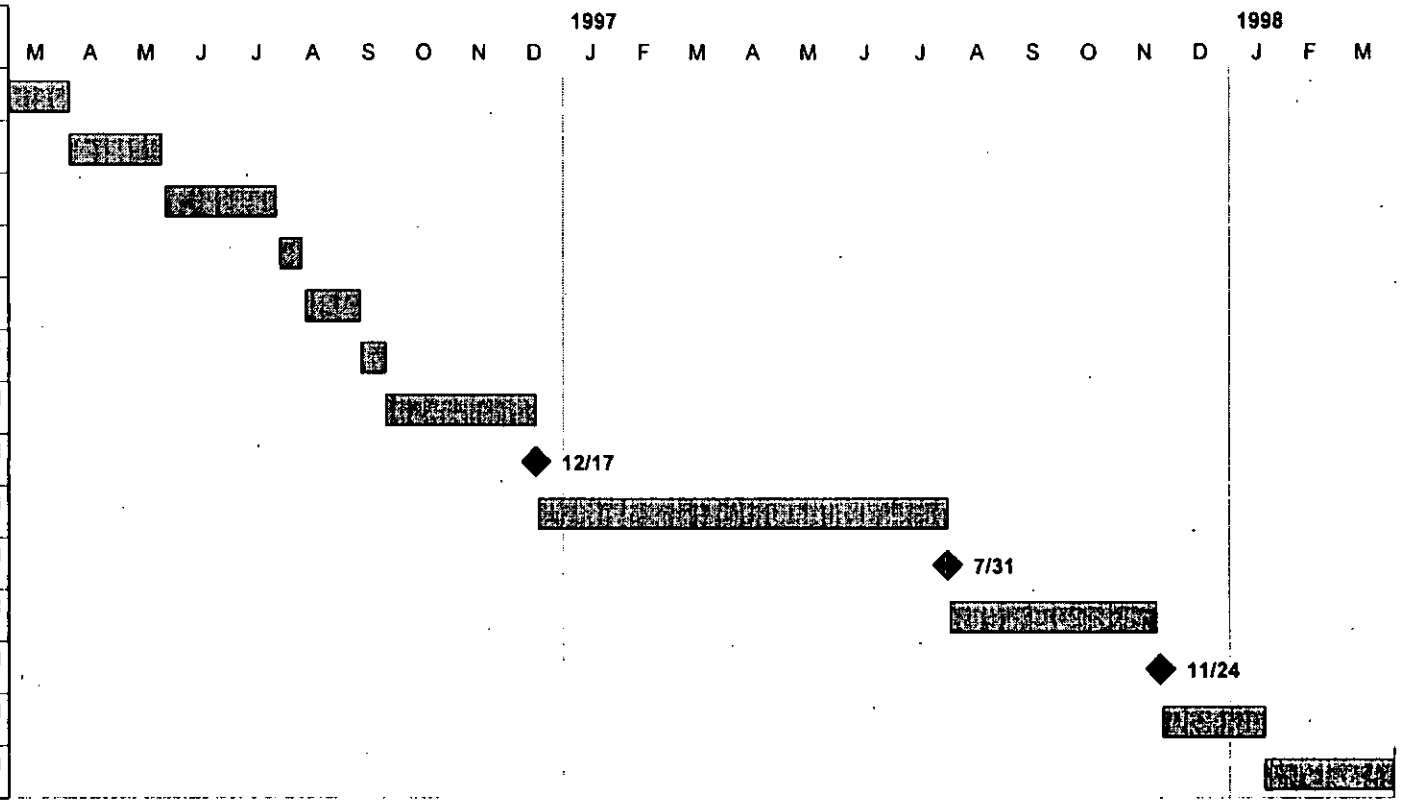
Administrative Penalty Hearing Process



An aggrieved party may file a petition for a writ of mandate for review with the superior court

ADMINISTRATIVE CIVIL PENALTY REGULATION DEVELOPMENT TIMELINE - ATTACHMENT III

ID	Task Name	Duration
1	Gather Background Information	24d
2	Get Organized and Prepare Drafts	37d
3	Scoping Session and Work Groups	45d
4	Peer and Senior Review	10d
5	Internal Board Review	22d
6	Peer and Senior Review	10d
7	1st Informal Public review	59d
8	2nd Informal Public Review	1d
9	1st 45-Day Formal Public Review	161d
10	2nd 45-Day Formal Public Review	1d
11	1st 15-Day Formal Public Review	81d
12	2nd 15-Day Formal Public Review	1d
13	Committee & Board Consideration	40d
14	Conclusion of Regulation Process	72d



Project:
Date: 1/10/96

Task
Progress
Milestone
Summary
Rolled Up Task
Rolled Up Milestone
Rolled Up Progress

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

January 24, 1996

AGENDA ITEM 43

ITEM: CONSIDERATION OF REVISION OF THE SCHEDULE FOR REGULATION DEVELOPMENT FOR PLACEMENT OF OPERATIONS AND FACILITIES INTO THE REGULATORY TIERS

I. SUMMARY

This agenda item presents proposed updates to the schedule for placement of solid waste facilities and operations into the regulatory tier structure.

II. BACKGROUND

On November 16, 1994, the California Integrated Waste Management Board (Board) adopted regulations implementing regulatory tiers. On March 1, 1995, the Office of Administrative Law (OAL) gave final approval to the regulation package that established the regulatory tier structure. That regulation package did not place any solid waste facilities or operations into regulatory tiers. Rather, placement of facilities and operations into the tiered structure, and the development of the associated State Minimum Standards, were left to subsequent rulemaking efforts.

On February 14, 1995 the Board adopted the Composting Operations Regulatory Requirements. These regulations were the first to slot specific solid waste facilities and operations into the regulatory tier structure. Final approval of the composting regulations was given by OAL on June 30, 1995. While it took only four and a half months to take the composting regulations from Board adoption to final OAL approval, preliminary staff work on the regulations began in August of 1993, almost two years before the effective date of the regulations.

One of the factors that protracted the development of the composting regulations was the concurrent development of the regulatory tier structure from April of 1994 to March 1, 1995. While the composting regulations were the first to slot facilities into specific tiers, that slotting was done before the General Methodology was fully developed.

On March 29, 1995, the Board approved the General Methodology for the placement of solid waste facilities and operations into the regulatory tier structure. The methodology uses environmental indicators to evaluate the potential impacts that an operation may pose to public health, safety, and the environment. Classes of operations/facilities are established Based on critical factors, such as the nature of the material handled, the handling methods used, the quantity of material, and locational considerations. For each type of operation/facility identified, environmental indicators are evaluated to determine if any of the regulatory thresholds have been reached, and whether the CIWMB is the appropriate regulatory agency.

Mitigation measures are then identified that address the potential impacts. The level of CIWMB review and oversight needed to achieve those mitigation measures is determined and matched to the appropriate regulatory tier. Finally, State Minimum Standards are developed that define the classes or types of operations/facilities along with the mitigation activities necessary to ensure safe operation of those operations/facilities.

Contaminated Soil was the first waste type to be slotted into the regulatory tier structure using the General Methodology. The schedule for placement of Contaminated Soil and several other operation/facility types is provided as Attachment 1 to this item. That schedule indicates that the slotting of Contaminated Soil facilities and operations would begin in March of 1995, with a final regulation package submitted to the Office of Administrative Law (OAL) by mid-October of 1995. Staff's initial estimate of six to seven months to complete the regulation package was optimistic. The 15-day comment period estimated to be started on August 25, 1995, was actually initiated on November 16, 1995, approximately 3 months behind the original timeline.

The schedule proposed in January of 1995 for the slotting of Material Recovery Facilities (MRFs), Transfer Stations, and Recycling Operations handling mixed solid waste, has proven to be too optimistic as well. There have been several factors that have contributed to delays in the process.

First, the issue of "Who's In and Who's Out" of the Board's regulatory authority became a major stumbling block. Many operators of recycling operations contended that the Board had no authority to regulate them as solid waste handlers, and should not be considering them for placement into the tiered structure. To date, the vast majority of the work done by staff on MRFs, Transfer Stations, and Recycling facilities has been related to the legal authority issues. Second, in August of 1995, the Board approved a two month delay to allow staff to make site visits to over 50 recycling operations to determine the typical amount of residual waste produced. During that time staff verified the claims of recyclers in the solid waste industry that residual levels as low as 2% are attainable by some types of facilities. Staff also verified the claims of recyclers from outside the waste industry that many recycling operations, receiving source separated recyclables, generate residual percentages well over 5%, with a large number of recyclers in the 8-12% range. Finally, confusion within the potentially regulated community regarding the Board's intent to regulate manufacturing operations has led to delays. Staff have spent considerable time conferring with manufacturers, concerned that their processes might somehow be considered a solid waste handling operations subject to the regulatory tiers.

Attachments 2 and 3 to this agenda item are proposed updates to the schedules for the development of the regulations delineating Board authority and the regulations which slot MRFs, transfer stations, and recycling operations handling mixed solid waste, into the regulatory tier structure. Staff have attempted to be more realistic regarding the time required to conduct workshops, obtain public input, respond to comments, and comply with the rulemaking process.

III. PREVIOUS COMMITTEE AND CIWMB ACTION

At the time this agenda item went to print, the Permitting and Enforcement Committee had not yet considered this item. This item was scheduled to be heard at the Permitting and Enforcement Committee meeting on January 10, 1996.

IV. OPTIONS FOR THE BOARD

Board members may decide to:

1. Approve the attached schedule;

2. Modify the attached schedule;

3. Request additional information in order to further evaluate a schedule for placement of facilities and operations into the regulatory tiers; or

4. Take no action and refer this item back to the Permitting and Enforcement Committee.

V. STAFF RECOMMENDATION

Staff recommend that the Board approve the attached schedules.

VI. ANALYSIS

During the development of the schedules contained in Attachments 2 and 3, primary consideration was given to establishing a 5-6 month period, prior to the effective date of the regulations, during which potentially regulated operations would have the time to make informed business decisions regarding the advantages and disadvantages of being regulated as solid waste handlers.

If the proposed revisions to the schedules are approved by the Board, and staff are able to remain within the timelines, there would a period starting in January of 1997 and ending in July of 1997, during which operators, concerned with the prospect of not being able to maintain their residual percentage below 10%, would know in which tier they would be regulated. Staff have been advised repeatedly that it is essential for businesses to be able to weigh the costs of remaining outside the Board's regulatory authority against the costs of obtaining the required notifications or permits prescribed by the regulatory tier structure. The proposed schedules would provide potentially regulated operators with the opportunity to make the necessary business decisions before the limit of 10% on residual waste becomes effective and enforceable.

Attachment 4 to this item contains a list of all of the waste types that will eventually be considered for slotting within the regulatory tier structure. The process will be similar to that used for Contaminated Soil, MRFs, Transfer Stations, and Recyclers handling solid waste. The authority of the CIWMB to regulate each waste type will be evaluated, and operations that are determined to be within the Board's jurisdiction will be slotted into the regulatory tiers using the General Methodology. Facilities and operations will be slotted using the formal rulemaking process provided by the Office of Administrative Law, as well as an informal process consisting of workshops and meetings with interested parties.

General timeframes are provided in Attachment 4 for Ash and Sewage Sludge. While no timeframes are provided for the formal rulemaking process, staff estimate that four to six months will be required to obtain final approval from the Office of Administrative Law. The other waste types listed in Attachment 4 will follow the same process as Ash and Sewage Sludge.

VII. ATTACHMENTS

1. Schedule for Placement of Operations/Facilities into Regulatory Tiers and Development of Minimum Standards (Prepared by Caren Trgovcich, Jan 95)
2. Schedule for the Development of Regulations that Establish the Authority of the CIWMB over Recyclers that Handle Solid Waste
3. Schedule for Placement of Operations/Facilities into Regulatory Tiers and Development of Minimum Standards (MRFs, Transfer Stations, and Recyclers handling mixed solid waste)
4. Schedule for Placement of Operations/Facilities into Regulatory Tiers and Development of Minimum Standards (All other facility/operation types)

VIII. APPROVALS

Prepared by: Michael Kuhn MK Phone: 255-3824

Reviewed by: Doug Okumura Phone: 255-2431

Legal Review: EB 1/16/96 8:45 a.m.

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SCHEDULE FOR PLACEMENT OF OPERATIONS/FACILITIES INTO REGULATORY TIERS AND DEVELOPMENT OF MINIMUM STANDARDS

Operation/Facility	Task	Starting Date*
All Operations/ Facilities	Development of General Methodology for placement of operations/facilities into regulatory tiers. CIWMB staff working with General Methodology Advisory Committee.	January 1995 to end of February 1995
Contaminated Soil	CIWMB staff working with Methodology Advisory Panel draw from general methodology and initially slot operations/facilities and develop draft minimum standards for internal CIWMB review.	March 1995
	Distribute draft minimum standards for public comment.	Mid April 1995
	CIWMB/Panel conduct public workshops for informal public review of initial slotting and draft minimum standards. Also work with LEAs.	Late April 1995
	P & E Committee updated on progress for slotting/development of minimum standards. Monthly updates would be ongoing as needed.	April 19, 1995
	CIWMB/Panel revise draft minimum standard regulations based on comments.	Late May 1995
	Initial slotting and draft minimum standards taken before P & E Committee for consideration to begin formal process.	May 17, 1995
	Public Notice Issued - begin formal OAL process. (Assuming P & E Committee approval of first draft.) Include 10-day lag for OAL to publish.	June 9, 1995
	Formal public hearing held after 45-day comment period.	July 25, 1995
	Consideration by P & E Committee of final proposed minimum standard regulations.	August 16, 1995
	Begin 15-day public comment period.	August 25, 1995
	Consideration by P & E Committee and CIWMB of final proposed regulations.	September 20 and 27, 1995
	Submitted for OAL approval.	Mid October 1995
Transfer Stations/MRFs	Follow process for contaminated soil.	May 1995 to December 1995
Recycling Facilities	Follow process for contaminated soil.	May 1995 to December 1995
Ash Sewage Sludge	Follow process for contaminated soil.	November 1995 to May 1996
Construction/ Demolition Debris	Follow process for contaminated soil.	June 1996 to February 1997
Landfills (including monofills)	Follow process for contaminated soil.	June 1996 to February 1997

*Dates approximate and subject to change.

SCHEDULE FOR THE DEVELOPEMENT OF REGULATIONS THAT ESTABLISH THE AUTHORITY OF THE CIWMB OVER RECYCLERS THAT HANDLE SOLID WASTE

Operation/Facility	Task	Timeframe*
Recyclers Handling Mixed Solid Waste		
	CIWMB Staff draft Authority regulations and Initial Statement of Reasons (ISOR) for Recyclers that Handle Mixed Solid Waste	Jan. - Feb. 1996
	CIWMB Staff consult with Legal staff and the Regulations Unit on the development of the proposed regulations	Jan. 1996
	Workshops for Informal Review of draft Authority regulations	Mar. 1996
	Update Permitting and Enforcement Committee on Progress	Apr. 17, 1996
	Revision of Authority Regulations based on public comments and CIWMB direction	Apr. 1996
	Authority Regulations to P&E Committee to begin formal process	May 8,1996
	Public Notice Issued - begin formal Office of Administrative Law (OAL) process (Assuming P&E Committee Approval of Latest Draft) Include a 10-day lag for OAL to publish	May 1996
	Formal Public Hearing held after 45-day comment period.	Late June 1996
	Consideration by P&E Committee of final proposed regs.	July 10, 1996
	Begin 15-day public comment period (if needed)	July 1996
	Consideration by P&E Committee and CIWMB of final proposed regulations	Aug. 7, 1996 Aug. 28, 1996
	Regulations submitted to OAL for approval	Aug. 1996

*Dates are approximate and subject to change

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SCHEDULE FOR PLACEMENT OF OPERATIONS/FACILITIES INTO REGULATORY TIERS AND DEVELOPMENT OF MINIMUM STANDARDS

Operation/Facility	Task	Timeframe*
MRFs, Transfer Stations, and Recyclers Handling Mixed Solid Waste		
	Informal workshops with CIWMB staff regarding application of the general methodology and the appropriate slotting of MRFs, Transfer Stations, and Recyclers that handle solid waste	Dec. 1995 - Jan. 1996
	Survey of Local Enforcement Agency Representatives regarding application of the general methodology and the appropriate slotting of MRFs, Transfer Stations, and Recyclers that handle solid waste	Jan. 1996 (Roundtables)
	CIWMB Staff use the General Methodology and LEA suggestions to initially slot operations and facilities into the regulatory tier structure	Jan. 1996
	Formal Workshops with LEAs, the Regulated Community, and Interested Parties to discuss the provisional slotting proposed by CIWMB staff	Late Jan. 1996-Mid Mar. 1996
	Update Permitting and Enforcement Committee on Progress with slotting of facilities/operations and obtain further direction from the Committee	Mar./Apr. 1996
	Staff draft regulations that slot MRFs, Transfer Stations, and Recyclers that handle solid waste into the tiered structure	Mar.-Apr. 1996
	Informal review of the draft slotting regulations	May 1996
	Formal Workshops with LEAs, the Regulated Community, and Interested Parties to discuss needed updates to the State Minimum Standards for the above mentioned facilities/operations.	May-June 1996
	Staff draft regulations that update the State Minimum Standards for the regulation of MRFs, Transfer Stations, and Recyclers that handle solid waste	July-Aug. 1996
	Informal public review and comment on the draft update of the State Minimum Standards	Aug-Sept. 1996
	Update Permitting and Enforcement Committee on Progress with the draft State Minimum Standards and obtain further direction from the Committee	Sept.11, 1996
	Revision of Slotting Regulations and State Minimum Standards based on public comments and CIWMB direction	Oct. 1996
	Slotting Regulations and State Minimum Standards to P&E Committee to begin formal process	Oct. 9, 1996 or Nov. 6, 1996
	Public Notice Issued - begin formal Office of Administrative Law (OAL) process (Assuming P&E Committee Approval of Latest Draft) Include a 10-day lag for OAL to publish	Mid Oct. 1996 or Mid Nov. 1996
	Formal Public Hearing held after 45-day comment period.	Dec.96/Jan.97
	Consideration by P&E Committee of final proposed regs.	Dec. 11, 1996
	Begin 15-day public comment period (if needed)	Jan. 1997
	Consideration by P&E Committee and CIWMB of final proposed regulations	Jan. 1997
	Regulations submitted to OAL for approval	Late Jan. 1997

*Dates are approximate and subject to change.

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SCHEDULE FOR PLACEMENT OF OPERATIONS/ FACILITIES INTO REGULATORY TIERS AND DEVELOPMENT OF MINIMUM STANDARDS

Operation/Facility	Task	Timeframe*
Ash	Site Visits and Preliminary Discussions with Industry	Nov-Dec. 1995
	CIWMB Staff Discussions regarding the authority of the CIWMB to regulate Ash	Jan. 1996
	Meetings with Industry to discuss Authority Issues	Feb. 1996
	Draft Proposal to Interested Parties regarding Authority of the CIWMB to regulate Ash	Apr. 1996
	Preliminary Discussions on the slotting of Ash Facilities (within CIWMB Authority)	Apr. 1996
	Informal Review Period (Workshops, Revisions based on comments received from public)	May 1996
	Begin Formal Rulemaking Process (Follow Same Process as Contaminated Soil)	
Sewage Sludge (Biosolids)	Site Visits and Preliminary Discussions with Industry	Feb. 1996
	Executive Staff Level Discussions regarding the authority of the CIWMB to regulate Sludge	Mar. 1996
	Meetings with Industry to discuss Authority Issues	Apr. 1996
	Draft Proposal to Interested Parties regarding Authority of the CIWMB to regulate Sludge	May 1996
	Preliminary Discussions on the slotting of Sludge Facilities (within CIWMB Authority)	May 1996
	Informal Review Period (Workshops, Revisions based on comments received from public)	June 1996
	Begin Formal Rulemaking Process (Follow Same Process as Contaminated Soil)	
Construction/Demolition Debris		Aug. 1996
Landfills (including monofills)		Aug. 1996
Liquids (car wash grits, manufacturing effluent, other non-haz liquids)		To Be Determined **
Other Sludges (grease trap pumpings, non-haz tank bottoms)		To Be Determined **
Muds (geothermal, dredgings, drilling mud sumps)		To Be Determined **
Woody Waste (green waste-not composted; woody waste-not composted)		To Be Determined **

*Dates are approximate and subject to change. **Based on available staff resources.

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

BOARD MEETING
JANUARY 24, 1996

AGENDA ITEM 45

ITEM: CONSIDERATION OF THREE 1995-96 TIRE PROGRAM CONTRACT IMPLEMENTATION PROPOSALS: ENERGY RECOVERY IN CEMENT KILN APPLICATIONS; WORKSHOPS ON RUBBERIZED ASPHALT CONCRETE USE; AND CRUMB RUBBER OUTREACH

I. SUMMARY

The Waste Prevention and Market Development Division is responsible for developing and implementing the following FY 1995-96 Tire Program contracts: energy recovery in cement kiln applications; workshops on rubberized asphalt concrete (RAC) use; and crumb rubber outreach. Contract concepts have been developed and staff seeks approval to develop the Scopes of Work and execute the agreements.

II. PREVIOUS COMMITTEE ACTION

The Policy, Research, and Technical Assistance Committee approved the staff recommendation and forwarded the item to the Board for Adoption.

III. PREVIOUS BOARD ACTION

On December 13, 1995, the Board adopted California Tire Recycling Management Fund allocations for FY 1995-96 program activities.

IV. OPTIONS FOR THE BOARD

Board members may decide to:

1. Adopt proposed contract concepts and direct staff to develop Scopes of Work and enter into contract agreements; or

2. Provide direction to staff for revising the contract concepts, and direct staff to develop Scopes of Work and enter into contract agreements.

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V. STAFF RECOMMENDATION

Adopt proposed contract concepts and direct staff to develop Scopes of Work and enter into contract agreements.

VI. ANALYSIS

Background

The management of waste tires has been identified as problematic throughout California due to health and safety concerns about large unpermitted stockpiles, illegal disposal, decreasing landfill capacity, the large quantities of tires generated, the absence of sufficient markets for the waste tires generated annually, and the difficulties and costs in handling, transporting, and recycling waste tires.

Assembly Bill 1843 of 1989 placed chapters 16 and 17 in the Public Resources Code (§42800 et. seq.) requiring the Board to establish a permit program for the storage and disposal of waste tires and to implement the California Tire Recycling Act (Act). The Act initiated a Tire Recycling Program to promote and develop markets for waste tire products as alternatives to landfill disposal and stockpiling of waste whole tires.

On December 13, 1995, the Board adopted funding allocations for FY 1995-96 program activities. Staff was directed to develop and implement the program, including the development of contract concepts for energy recovery in cement kiln applications, and workshops on rubberized asphalt concrete (RAC) use and crumb rubber outreach. Staff was further directed to present these contract concepts to the Policy, Research, and Technical Assistance Committee for approval.

ENERGY RECOVERY IN CEMENT KILN APPLICATIONS - $50,000

Analyses of Emissions from Facilities Using Tires as Fuel

Cement Kilns

Using tires as a fuel supplement in kilns appears to be the best use currently available for waste tires. This method consumes the whole tire (fabric, steel and rubber) and displaces non-renewable coal. The steel reduces the need for iron ore to be added during the manufacturing process and the residual ash becomes part of the cement product.

Typically, no change in air pollution control systems is necessary to combust tires. Because kilns typically combust coal as a primary fuel, facilities already have efficient pollution control systems in place. Combusting tires as a fuel supplement has actually reduced emissions of Nitrogen Oxides (NOx) at many kilns.

Public misperception has been a barrier to the increased use of tires as a fuel supplement in kilns. For example, RMC Lonestar in Davenport, California, withdrew its application for a permit to use tires as a fuel supplement after rumors were spread through the community claiming that tires are toxic waste.

Energy Production

The Modesto Energy Project has been combusting whole waste tires for energy production in Westley, California, since 1987. This facility combusts the tires in a stoker-grate boiler while controlling nitrogen oxides, sulfur dioxide, and particulate emissions with Thermal DeNOx, a limestone slurry spray scrubber, and a baghouse, respectively.

Stockton Cogeneration and other coal-burning cogeneration plants have expressed interest in investigating tires as a fuel supplement.

Biomass Facilities

Only limited testing with Tire Derived Fuel (TDF) at biomass facilities has been conducted in California, and the testing has not always been well documented. Data from a recent emissions test at one facility are available, but require analysis.

Many biomass facilities have historically had only minimal air pollution controls for sulfur oxides (SOx) and particulates. Multiclones (sets of cyclonic air separators arranged in series) were often the only equipment installed for the purpose of controlling particulate matter emissions. Many newer, modern facilities now have high-efficiency baghouses or Electrostatic Precipitators (ESP) to control particulate emissions, and several have both NOx and SOx emissions control systems.

Currently, no tires are consumed as a fuel supplement for facilities that burn biomass as a primary fuel. However, there are biomass plants with the appropriate combustion technology and emission control technology to use tires as a fuel supplement. Potential designation of the residual ash

as a hazardous waste is a concern because much of it is land-applied. Also, wire from the TDF has created problems in fuel handling and combustion systems.

Due to the diverse use of tires as a fuel supplement in California, and because emissions from facilities combusting tires is a concern, a contract for analyzing emissions data and disseminating the results is necessary.

Information exists and is available from various sources, but needs to be compiled, analyzed, and summarized so that it can be understood. The results obtained from this study would provide essential documentation for use in educating local governments, regulatory agencies, and the public. The study would also provide important information for helping to maintain existing markets and encourage new markets for tires as a fuel. Future updates to the *Tires as a fuel supplement: Feasibility Study*, could also be based on the study's results.

Once information is compiled and summarized, it can be distributed to interested parties, potentially at workshops.

Benefits of this contract include:

- Compilation of existing emissions information into one document;
- Promotion and distribution of facts regarding tires as fuel;
- Increased awareness by local governments, regulatory agencies, and the public; and
- Increased markets for waste tires.

WORKSHOPS ON RUBBERIZED ASPHALT CONCRETE USE AND CRUMB RUBBER OUTREACH - $40,000

Workshops on Rubberized Asphalt Concrete Use

CalTrans' use of RAC dates back to the late 1970's when it was used as an experimental application to reduce road abrasion due to tire-chain wear in the mountains. In 1983, a project was conducted by CalTrans that demonstrated RAC could be used at a reduced thickness compared to Asphalt Concrete and that reflective cracking retardation was improved with RAC. In the late 1980's CalTrans increased its usage of RAC and started work toward the removal of the "experimental" designation for RAC. In 1992, a Standard Special Provision was issued by CalTrans for Asphalt Rubber Hot Mix - Gap-Graded (AR or asphalt rubber differs from RAC

in that the tire rubber substitutes for aggregate rather than combining with the asphalt binder.)

Our work to date with CalTrans has consisted of three interagency agreements. Two of the agreements, with CalTrans' Division of New Technology, Materials & Research (CalTrans HQ lab) involve the purchase of equipment and/or services.

In addition to the above-mentioned benefits, RAC gives a quieter ride, reduces freeze-thaw problems, and needs less maintenance. The main disadvantages of RAC are that it costs more (25-100%) per ton than conventional asphalt concrete (AC) and it requires more precise handling and placement than AC. However, the current lifecycle costs for RAC may be comparable or lower than AC. The handling and placement concerns are being addressed through specification changes. Two minor concerns with RAC are: recyclability and air emissions during placement.

The main barriers to the increase usage of RAC are lack of construction specifications, data on lifecycle costs, and lack of RAC technology transfer to local government agencies. The testing that CalTrans has performed and will perform in the future should lead to the issuance of additional specifications for RAC. Due to the "conservative nature" of CalTrans, they have not, up to this point, shared much of their knowledge about RAC with local governments. Although CalTrans has yet to issue specifications for RAC, many local governments have used, and continue to use RAC in their jurisdictions.

Although Caltrans is hesitant to promote the use of RAC to local governments, the Board could provide workshops as a forum for information sharing. Workshops would be tailored to attract public works officials, specification writers, and procurement officers, and encourage the exchange of information and success stories on the use of RAC locally.

Benefits of these workshops include:

- Increased use of RAC by local governments;
- Increased number of RAC projects in place to demonstrate its use and success;
- Increased demand for crumb rubber and increased diversion of waste tires; and
- Procurement officers and public works officials will learn how to specify RAC in RFPs for paving applications.

Proposed topics for the RAC workshops include:

- History of RAC use by Caltrans and local governments;
- Economic and technical advantages of using RAC;
- Other pavements and seals using tire rubber;
- Success applications and results; and
- Writing an RFP/bid specifying RAC.

Crumb Rubber Outreach

Although markets for crumb rubber feedstock and recycled-content products are slowly developing, the Board could assist this effort by conducting workshops. Providing a forum for information exchange and technology transfer would assist the tire recycling industry, specifically crumb rubber producers and consumers.

Workshops would be conducted to demonstrate use of crumb rubber in products and specifically target local government procurement officers. It is envisioned that crumb rubber producers and product manufacturers would demonstrate and promote their products. The workshops would also provide a forum for assembling industry representatives for a common voice, and assist them in organizing an association for better representation.

Benefits of these workshops include:

- Cooperation within the tire recycling industry to promote common interests and achieve common goals;
- Increased communication and technology transfer;
- Increased use of recycled-content products and diversion of waste tires; and
- Increased markets for products.

Proposed topics for the Crumb Rubber Outreach Workshops include:

- Existing market barriers to products containing crumb rubber;
- Benefits of purchasing recycled-content products;
- Product demonstrations;
- Current/potential markets for products;
- Discussion of common misperceptions; and
- Discussion of benefits of forming an industry association.

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Contracting Methods

Contracts could be awarded via several alternatives:

- Request for Proposal (RFP);
- Invitation for Bid (IFB); or
- Interagency Agreement (IAA).

Staff recommends contracting for the workshops using an RFP (see Attachment 2, Alternative Contracting Methods and Timelines). This method would allow experienced respondents to propose alternative ways of organizing the proposed workshops, perhaps combining them.

Staff also recommends the energy recovery in cement kiln applications contract be awarded via an RFP.

Fiscal Impact

Energy Recovery in Cement Kiln Applications - $50,000

Workshops on Rubberized Asphalt Concrete Use and Crumb Rubber Outreach - $40,000

It is envisioned that two workshops (Northern and Southern) could be developed and conducted for both rubberized asphalt concrete use and crumb rubber outreach. Staff is exploring other options of leveraging existing funds, including industry co-sponsorships and the use of local government facilities.

VII. FUNDING INFORMATION

Contract Amount: $ 90,000

Fund Source:

- ☐ Used Oil Recycling Fund
- X Tire Recycling Management Fund
- ☐ Recycling Market Development Revolving Loan Account
- ☐ Integrated Waste Management Account
- ☐ Other _____ (Specify)

Approved From Line Item:

- X Consulting & Professional Services
- ☐ Training
- ☐ Data processing
- ☐ Other _____ (Specify)

Coding:

_____ (Index) _____ (PCA) _____ (Object)

Redirection:

If Redirection of Funds: $_____

From: _____ (Index) _____ (PCA) _____ (Object)

VIII. ATTACHMENTS

1. Resolution 96-29
2. Alternative Contracting Methods and Estimated Timelines

IX. APPROVALS

Prepared by: Thomas Dietsch/Michael Contreras TD 1/9/96 MC 1/9/96 Phone 2578/2587

Reviewed by: Nguyen Van Hanh 1/9/96 Phone 2437

Reviewed by: Martha Gildart 1/10/96 Phone 2619

Reviewed by: Garth Adams 1/12/96 Phone 4063

Reviewed by: Daniel Gorfain 1/10/96 Phone 2320

Reviewed by: Doug Okumura Phone 2431

Reviewed by: Marie LaVergne 1/16/96 Phone 2269

Legal Review/Approval: Date/Time 1/16/96 2207

California Integrated Waste Management Board
Resolution 96-29
January 24, 1996

Adoption of the
California Tire Recycling Management Fund
Contract Concepts FY 1995-96

WHEREAS, the Tire Recycling Act (Public Resources Code [PRC] § 42800 et. seq.) requires the reduction of the landfill disposal and stockpiling of used whole tires by 25 percent within four years of full implementation of a statewide tire recycling program and to recycle and reclaim used tires and used tire components to the greatest extent possible in order to recover valuable natural resources; and

WHEREAS, PRC § 42871(a) requires the California Integrated Waste Management Board (hereinafter referred to as the "Board") to initiate a tire recycling program which promotes and develops alternatives to the landfill disposal and stockpiling of used whole tires; and

WHEREAS, the tire recycling program includes the awarding of contracts for the promotion of waste tire recycling and market development; and

WHEREAS, the Policy, Research, and Technical Assistance Committee, on January 9, 1996, considered this issue.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the following contract concepts: Energy recovery in cement kiln applications; and Workshops on rubberized asphalt concrete (RAC) use and crumb rubber outreach; and

BE IT FURTHER RESOLVED that the Board directs staff to develop Scopes of Work and enter into contract agreements; and

BE IT FURTHER RESOLVED that because the contracts will be for $50,000 or less, the agreements will be executed by the Executive Director.

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 January 24, 1996.

Dated:

Ralph E. Chandler
Executive Director

ALTERNATIVE CONTRACTING METHODS AND ESTIMATED TIMELINES

ALTERNATIVE/ACTIVITY	Dec-95	Jan-96	Feb-96	Mar-96	Apr-96	May-96	Jun-96
RFP							
Committee approval of contract concept		9					
Board approval of contract concept		24					
Scope of work completion			5				
Scope of work to advisors			7				
Advisors informal approval			21				
RFP developed				6			
RFP advertised				13			
RFP mailed to bidders				13<	<30		
Receipt of proposals						1	
Review of proposals						15	
Contract approval process/execution						15<	
IFB							
Committee approval of contract concept		9					
Board approval of contract concept		24					
Scope of work completion			5				
Scope of work to advisors			7				
Advisors informal approval			21				
IFB developed				13			
IFB advertised				20			
IFB mailed to bidders				20<	≥3		
Receipt of bids/opening					5		
Contract approval process/execution					5<		
IAA							
Committee approval of contract concept		9					
Board approval of contract concept		24					
Scope of work completion			5				
Scope of work to advisors			7				
Advisors informal approval			21				
Pre-proposal developed				6			
Pre-proposal mailed to potentials				13			
Review of interested contractors				13<	≥3		
Selection of contractor					5		
Contract approval process/execution					5<		

Attachment 2

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
January 24, 1996

AGENDA ITEM 46

ITEM: CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A STANDARDIZED SOLID WASTE FACILITIES PERMIT FOR SAN JOAQUIN COMPOSTING, INC., KERN COUNTY

I. COMMITTEE ACTION:

This item was not heard at the Permitting and Enforcement Committee because the proposed permit was received on January 8, 1996, past the due date for Committee agenda items. Pursuant to 18105.5(c), the Board has 30 days to concur with or object to the issuance of a proposed Standardized Permit.

II. BACKGROUND:

Facility Facts

Name:	San Joaquin Composting Inc. Facility No. 15-AA-0287
Location:	12421 Holloway Road, Lost Hills
Facility Type:	Composting Facility (Active)
Permitted Area:	126 acres
Proposed Area:	162.76 acres
Setting:	Rural, zoned "A" (Exclusive Agriculture)
Permitted Capacity:	262,000 tons per year

Proposed Capacity:	786,000 tons per year (1,310,000 cubic yards maximum on site at any one time)
Operational Status:	Active, permitted in November of 1990, with a Full Solid Waste Facility Permit, currently operating under a Notice and Order issued July 3, 1995
Operator:	San Joaquin Composting, Inc. Mr. J. Scott Deatherage
Owner:	H.M. Holloway, Inc. Mr. Arnold Johansen
LEA:	Kern County Environmental Health Services Department Mr. Steve McCalley, Director

Proposed Project

The LEA has determined that a permit revision is necessary to accurately reflect current and planned operational and design changes that exceed those described in the solid waste facility permit issued November 12, 1990. The revised composting regulations place this type of facility into the Standardized Permit Tier. Consequently, the LEA directed the operator to apply for a Standardized Permit.

Concurrence with this proposed Standardized Permit will allow San Joaquin Composting, Inc. to expand their existing composting operations to include the following changes:

- Increase in the facility's annual throughput from 262,000 to 786,000 tons per year
- Lateral expansion of the site boundary from 126 to 162.76 acres
- The addition of aerated composting operations

- Expansion of the truck washing area, and permitting the future on-site compost bagging facility
- Update permit language and incorporate the most recent RCSI

III. SUMMARY:

Site History The San Joaquin Composting Facility issued a Solid Waste Facility Permit on November 12, 1990. The facility was permitted to accept a maximum of 727 tons per day and a maximum of 262,000 tons per year of waste/composting material. On July 3, 1995, the LEA issued a Notice and Order (N&O) to the operator for exceeding the maximum permitted tonnage. The N&O allowed continued operations of the facility and directed the operator to apply for a Standardized Permit.

Project Description

The composting facility can be accessed at 12421 Holloway Road, ten miles northwest of the community of Lost Hills. Field personnel meet incoming trucks upon arrival and direct the drivers to the proper location for unloading. Each load is visually inspected during unloading. These visual inspections serve to verify load contents and maintain accurate site records. After unloading, the truck drivers are directed to the "truck wash" facility before exiting.

Aerated static pile composting processes are planned for future operations. Aerated static pile composting and windrow composting operations are similar as they both break down materials via aerobic decomposition. Each process consists of mixing biosolids with bulking agents, aerating the pile to achieve the desired temperatures and decrease moisture content and curing the finished compost. The aerated static pile composting differs from windrow composting only by the method of aeration. The aerated static pile does not require periodic mixing/turning because air is mechanically drawn through the piles by a series of tubes and fans. The feedstocks used, the mixing ratios, and products produced are essentially the same in both operating methods.

The incoming materials are piled using front end loaders to form a windrow. When aerated static pile composting is used, the material is either mixed with a stationary mixer or mixed in a windrow and piled using a front end loader.

The facility produces agricultural soil amendments by thermophilic windrow composting of digested municipal sewage sludge, undigested secondary treated sewage sludge, and agricultural by-products (green wastes, sawdust, orchard trimmings, cotton gin waste, almond and pistachio hulls), and manures.

Resource Recovery Operations Other than composting, no materials recovery operations such as scavenging or salvaging will be permitted at the site.

Environmental Controls The RCSI submitted for this site has adequately described and prescribed environmental control measures that will adequately minimize the effects of litter, odors, dust, rodents, and insects.

IV. ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to the California Code of Regulations, Title 14, Section 18105.5(c), the Board has 30 calendar days to concur with or object to the issuance of a proposed Standardized Permit. Since the proposed permit for this facility was received on January 8, 1996 the last day the Board may act is February 7, 1996.

At the time this item was prepared, staff had not received all the information necessary to complete their review. Therefore, staff's recommendation will be presented at the January 24, 1996, Board Meeting.

Staff's determination regarding a recommendation is based on a review of the entire permit application package. To summarize, the review includes verification of the following requirements:

1. Conformance with County Plan

The proposed project was submitted to the Kern County Integrated Waste Management Local Task Force (LTF) during their July 14, 1995, meeting. The LTF deemed the proposed project to be consistent with the goals and policies established by the LTF and the provisions of the Kern County Nondisposal Facility Element. In addition, Resolution #95-197 was approved by the County of Kern Board of Supervisors amending the CoSWMP to allow the expansion of an organic waste composting facility in an "A" District (Exclusive Agriculture). Based on the above information, Board staff have determined that the facility meets the requirements of PRC 50000 (Attachment 4).

2. Consistency with General Plan

The Proposed Standardized Permit states that the project is consistent with the Kern County General Plan. Furthermore, the County of Kern Board of Supervisors approved the proposed use of this facility and made a finding that this project is consistent with the goals and policies of the General Plan. The Board of Supervisors also determined that the proposed use of the facility meets the minimum requirements of Local Zoning Ordinances and all other applicable laws, ordinances, and regulations. Based on the submitted information, Board staff have determined that the facility meets the requirements of PRC 50000.5 (Attachment 4).

3. Consistency with Waste Diversion Requirements

The LEA has submitted a letter (per Advisory No. 28) attesting to their agency's inquires as to whether there is evidence in the record that the San Joaquin Composting, Inc., Composting Facility may prevent or substantially impair a jurisdiction's ability to meet diversion requirements (Attachment 5). The letter states that there

are "no contracts or financial arrangements requiring specified waste types or quantities to be disposed of at the facility, thereby preventing a jurisdiction from meeting the mandated diversion requirement."

4. California Environmental Quality Act (CEQA)

State law requires the preparation, findings of significance, and a determination of completeness of an environmental document and adoption of a mitigation reporting or monitoring program (MRMP), when applicable.

The Kern County Planning Department (County), acting as lead agency for the purposes of CEQA, has prepared and filed a Mitigated Negative Declaration (MND) with the State Clearing House (SCH) # 95032007, for the proposed project. As required by CEQA, the MND identified the proposed project's potential significant environmental impacts and provided mitigation measures that would reduce those impacts to less than significant levels. Board staff reviewed the MND and provided comments to the County on March 31, 1995. The project was approved and a Notice of Determination was filed with the County Clerk on May 16, 1995.

After reviewing the MND, Board staff have determined that the MND is acceptable for the Board's use in evaluating the proposed project.

5. Consistency with State Minimum Standards

At the time this item was prepared, staff of the Board's Enforcement Branch had not conducted a pre-permit inspection of the site and the operator had not submitted requested amendments to the RCSI. A status report regarding the facility's compliance with State Minimum Standards will be provided at the Board Meeting.

V. STAFF RECOMMENDATION:

Staff had not completed the review of this permit application package at the time this item went to print. Staff's

recommendation will be presented at the January 24, 1996, Board Meeting.

VI. ATTACHMENTS:

1. Location Map
2. Site Plan
3. Proposed Standardized Permit No. 15-AA-0287
4. AB 2296 Findings (Office of Local Assistance)
5. LEA Prevent or Substantially Impair Letter

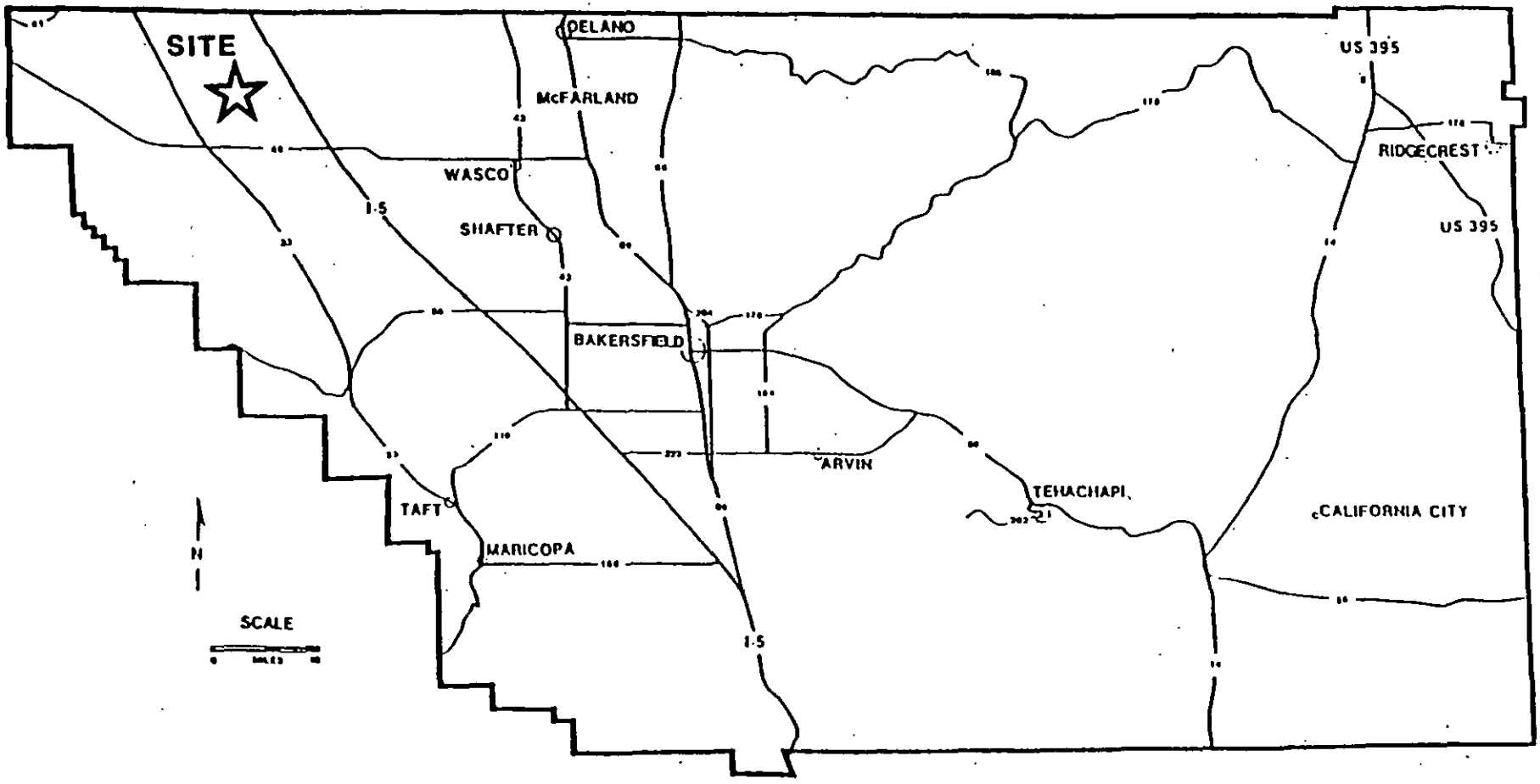
VII. APPROVALS:

Prepared by: Terry Smith T.S. 1-11-96 Phone: 255-4174

Approved by: for Suzanne Hambleton/Don Dier Jr. Cody Begg Phone: 255-4165

Approved by: Douglas Okumura Phone: 255-2431

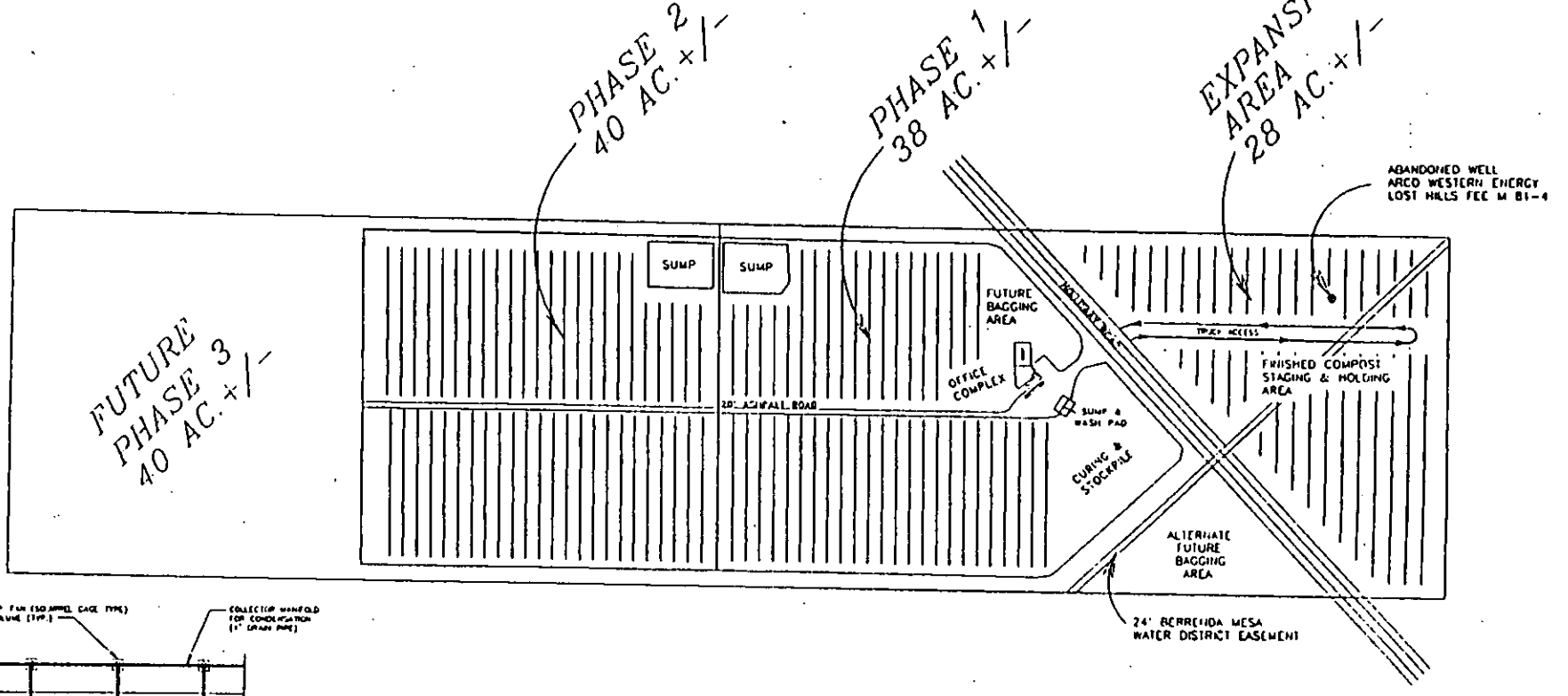
Legal Review: Kathryn J. Obrien Date/Time: 1/11/96

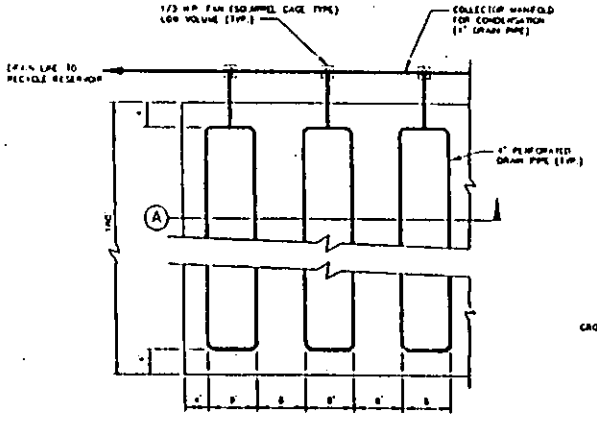


Attachment 1

Attachment 2

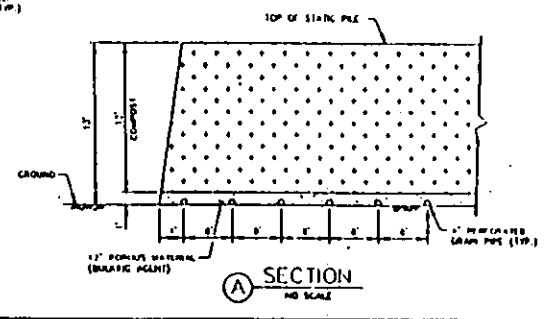
MASTER PLAN





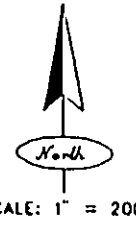
TYPICAL STATIC PILE PLAN VIEW

SCALE: 1" = 40'



A SECTION

NO SCALE



SCALE: 1" = 200'

NOTES:

1) BOTH "WINDROW" AND "STATIC PILE" METHODS WILL BE USED TO PRODUCE COMPOSTED MATERIAL. THE PERCENTAGE OF EACH METHOD UTILIZED WILL VARY FROM ONE PERIOD OF THE YEAR TO THE NEXT. HOWEVER, ALL AREAS DESIGNATED FOR COMPOSTING OPERATIONS MAY AT ONE TIME OR ANOTHER BE USED FOR EITHER METHOD OF COMPOSTING

2) A MOBILE SCREEN IS USED FOR THE PHASE 3 (SCREENING) PORTION OF THE OPERATIONS AFTER THE PHASE 2 PROCESS (CURING) IS COMPLETED. THE "SCREENING" IS DONE IMMEDIATELY ADJACENT TO THE WINDROW OR PILE THAT HAS COMPLETED CURING. THEREFORE, SCREENING MAY BE DONE ANYWHERE WITHIN THE COMPOSTING / CURING AREAS

3) STORAGE AREAS WOULD EITHER BE THE CURING / STORAGE AREA OR THE FINISHED COMPOST / HOLDING AREA (EAST OF HOLLOWAY ROAD)

ZEIDERS CONSULTING 1655 GREELEY ROAD, BAKERSFIELD, CA. (805) 589-8366 93312	SAN JOAQUIN COMPOSTING INC. LOST HILLS FACILITY - MASTER PLAN	SAN JOAQUIN COMPOSTING INC. P.O. BOX 1505 SHAFTER CA 93263 (805) 764-6723	JOB NUMBER DESIGN D.Z. DRAWN BY D.Z. CHECKED BY

Attachment 3

State of California CIWMB FORM 5000 (revised 2/95)	California Integrated Waste Management Board

STANDARDIZED COMPOSTING PERMIT

1. Facility/Permit Number (SWIS): 15-AA-0287	
2. Name of Facility: San Joaquin Composting, Inc.	Address/Location: 12421 Holloway Road Lost Hills, CA 93249
3. Local Enforcement Agency: Kern County Environmental Health Services Department	Address: 2700 "M" Street, Suite 300 Bakersfield, CA 93301
4. Signature of Local Enforcement Agency Approving Officer: 5. Please Print or Type Name and Title of Approving Officer: Steve McCalley, Director	6. Date of Signature:
7. Date Received by CIWMB: JAN 8 1996	
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.

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STANDARDIZED COMPOSTING PERMIT - continued

13. Legal Description of Facility: (description may be attached)

All that portion of Section 4, T26S, R20E, MDM, in the County of Kern, State of California, more particularly described as follows:

The north 162.76 acres of said Section 4.

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 (#95032007) for all facilities that are not exempt from CEQA and documents pursuant to Public Resources Code Section 21081.6.
c. The following authorized agent, Kern County Planning and Development Services Department, 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

STANDARDIZED COMPOSTING PERMIT - continued

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 the 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 1,310,000 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 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, Sections 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

California Environmental Protection Agency

MEMORANDUM

To: Terry Smith
Permits Branch
Permitting and Enforcement Division

Date: January 10, 1996

From: ~~SIGNED AND SENT~~
Amber Robinson-Burmester
~~Office of~~ Local Assistance
Diversion, Planning, and Local Assistance Division
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: CONFORMANCE FINDING FOR THE SAN JOAQUIN COMPOSTING INC. FACILITY, NUMBER 15-AA-0287

The proposed project involves a standardized permit for the San Joaquin Composting Inc., Facility. The facility is located at 12421 Holloway Road, ten miles northwest of the community of Lost Hills. The 162 acre facility produces soil amendments by thermophylic windrow composting of wastes and bulking agents, conditioned to optimize aerobic decomposition, toxin stabilization, and efficient handling.

The proposed project includes: increasing the amount of material processed from 262,000 tons per year to 786,000 tons per year; allowing the stockpiling of finished composted material on the east side of Holloway Road; permitting future on-site bagging operations; updating the permit language, and including the most recent Report of Facility Information.

Public Resources Code 50000: Conformance with the CoSWMP

The San Joaquin Composting Inc. Facility is an existing composting facility and is not identified in the 1988, Kern County Solid Waste Management Plan (CoSWMP). However, the proposed project was submitted to the Kern County Integrated Waste Management Local Task Force (LTF) during their July 14, 1995, meeting. The LTF deemed the proposed project to be

consistent with the goals and policies established by the LTF and the provisions of the Kern County Nondisposal Facility Element. In addition, Conditional Use Permit (CUP) No. 5, Resolution #95-197 was approved by the County of Kern Board of Supervisors amending the CoSWMP to allow the expansion of an organic waste composting facility in an "A" District (Exclusive Agriculture). This information was verified by Bakari Sanyu, Operations Engineer with the Kern County Waste Management Department. Based on the above information, Board staff concludes that the facility meets the requirements of PRC 50000.

PRC 50000.5: Consistency with the General Plan

According to the Proposed Standardized Permit, number 15-AA-0287, for the San Joaquin Composting Inc., Facility dated January 8, 1996, the Kern County Planning and Development Services Department has made the determination that the project is consistent with, and designated in, the County Solid Waste Plan. In addition, the County of Kern Board of Supervisors approved the proposed use of this facility and made a finding in CUP No.5, Resolution #95-197, that this project is consistent with the goals and policies of the Kern County General Plan. The Board of Supervisors also determined that the proposed use meets the minimum requirements of the Zoning Ordinance applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern. This information was verified by Bakari Sanyu, Operations Engineer with the Kern County Waste Management Department. Based on the above information, Board staff have determined that the facility meets the requirements of PRC 50000.5.

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 facility is in conformance with the County's Solid Waste Management Plan (COSWMP) (PRC 50000).

2. The facility is consistent with the Kern County General Plan (PRC 50000.5).

If you have questions, please call Amber Robinson-Burmester at (916) 255-2641.

Attachment 5

STEVE McCALLEY, R.E.H.S.
DIRECTOR

2700 "M" Street, Suite 300
Bakersfield, CA 93301
(805)861-3636
(805)861-3429 FAX

KERN COUNTY

Environmental Health Services Department

January 10, 1996

Terry Smith
Permits Branch
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826

SUBJECT: San Joaquin Composting, Inc., SWIS # 15-AA-0287
Prevent or Substantially Impair Diversion Requirements Description

Dear Mr. Smith:

As required by Section 44009, Public Resources Code, our Department, as Local Enforcement Agency for the California Integrated Waste Management Board, has sought information as to whether there is evidence that San Joaquin Composting, Inc., may prevent or substantially impair a jurisdiction's ability to meet the diversion requirements of PRC Section 41780 during the "gap" period. This information was gathered by asking the operator if any contracts or financial arrangements exist that could usurp wastes for disposal that are needed by a jurisdiction for diversion mandates. The operator, San Joaquin Composting, Inc., has replied that there are no financial or contract arrangements requiring specified wastes types or quantities to be disposed of at San Joaquin Composting, Inc., thereby preventing a jurisdiction from meeting the mandated diversion requirement.

If you have any questions, please contact Diana Wilson at (805) 862-8734.

Sincerely,

Steve McCalley, Director

By: William O'Rullian, R.E.H.S.
Environmental Health Specialist IV
Solid Waste Program

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