CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Daniel G. Pennington, Chairman
Robert C. Frazee, Vice Chairman
Wesley Chesbro, Member
Janet Gotch, Member
Steven R. Jones, Member
Paul Relis, Member

REGULAR MONTHLY BUSINESS MEETING

Thursday, April 24, 1997
9:30 a.m.

San Bernardino County Building
Board of Supervisors Council Chambers
385 N. Arrowhead Avenue
San Bernardino, CA 92415-0110

Friday, April 25, 1997
9:30 a.m.

Norman Feldheym Central Library
Bing Wong Auditorium
555 West 6th Street
San Bernardino, CA 92410

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.*
- *Any information included with this agenda is disseminated as a public service only, and is intended to reduce the volume and costs of separate mailings. This information does not necessarily reflect the opinions, views, or policies of the CIWMB.*
- *To request special accommodations for those persons with disabilities, please contact the Board's Administrative Assistant at (916) 255-2156.*

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 BE HEARD ON THURSDAY, APRIL 24, 1997, AT 9:30 A.M.:

1. PRESENTATIONS BY LOCAL OFFICIALS

2. REPORTS OF THE BOARD'S COMMITTEES

3. REPORT FROM THE EXECUTIVE DIRECTOR

4. CONSIDERATION OF CONSENT AGENDA ITEMS

ADMINISTRATION COMMITTEE

5. CONSIDERATION OF CONTRACT CONCEPTS FOR ADMINISTRATION OF PORTIONS OF THE RECYCLING MARKET DEVELOPMENT ZONE LOAN PROGRAM

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6. CONSIDERATION OF STATE LEGISLATION

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   A. AB 84 (WOODS)
   B. AB 117 (ESCUTIA)
   C. AB 362 (BOWEN)
   D. AB 705 (STROM-MARTIN)
   C E. AB 847 (WAYNE)
   F. SB 2 (THOMPSON)
   G. SB 436 (SHER)
   H. SB 698 (RAINEY)

LOCAL ASSISTANCE AND PLANNING COMMITTEE

7. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF LAKEWOOD, LOS ANGELES COUNTY

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8. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF LOS ANGELES, LOS ANGELES COUNTY

9. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF MONTEBELLO, LOS ANGELES COUNTY

10. CONSIDERATION OF STAFF RECOMMENDATION ON THE TWO-YEAR TIME EXTENSION FOR MEETING THE DIVERSION REQUIREMENTS OF THE INTEGRATED WASTE MANAGEMENT ACT OF 1989 FOR THE CITY OF GREENFIELD, MONTEREY COUNTY

11. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT FOR UNINCORPORATED (ZONE 1 AND 2) NAPA COUNTY

12. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT, AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF AMERICAN CANYON, NAPA COUNTY

13. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF SANTA CLARA, SANTA CLARA COUNTY

14. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE COUNTYWIDE SITING ELEMENT AND SUMMARY PLAN FOR THE CITY AND COUNTY OF SAN FRANCISCO

15. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE SUMMARY PLAN FOR SOLANO COUNTY

16. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT, AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF RIO VISTA, SOLANO COUNTY

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30. CONSIDERATION OF AUTHORIZATION OF REIMBURSEMENT OF ANOTHER STATE AGENCY FOR ASSISTANCE IN REVIEW OF ILLEGAL WASTE TIRE ENVIRONMENTAL SERVICES CONTRACT (IWM-C6050)

(Oral Presentation)

31. CONSIDERATION OF WHETHER TO SCHEDULE A HEARING FOR AN APPEAL FROM A DECISION OF THE SAN BERNARDINO COUNTY SOLID WASTE INDEPENDENT HEARING PANEL FILED BY PACIFIC SOUTHWEST FARMS 300

32. OPEN DISCUSSION

THE FOLLOWING WILL BE HEARD ON FRIDAY, APRIL 25, 1997, AT 9:30 A.M.:

33. CONSIDERATION OF THE OBJECTIVES, STRATEGIES AND PERFORMANCE MEASURES FOR THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S (BOARD) 1997 STRATEGIC PLAN 330

THE FOLLOWING WILL TAKE PLACE ON FRIDAY, APRIL 25, 1997, AT 11:30 A.M.:

34. FACILITY TOUR

35. 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 (s) and (q), respectively.

For further information or copies of agenda items, please contact:

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

Patti Bertram, (916) 255-2563
FAX (916) 255-2602

ON THURSDAY, APRIL 24, 1997, AT 5:30 P.M., THERE WILL BE A RECEPTION FOR INTEGRATED WASTE MANAGEMENT BOARD MEMBERS AND STAFF, SAN BERNARDINO COUNTY AND CITY OFFICIALS, REPRESENTATIVES FROM LOCAL WASTE INDUSTRY, AND SOLID WASTE ADVISORY TASK FORCE AT THE RADISSON HOTEL SAN BERNARDINO, 295 NORTH E STREET, SAN BERNARDINO.

NO OFFICIAL BUSINESS IS SCHEDULED TO TAKE PLACE AT THE RECEPTION. HOWEVER, A QUORUM OF THE BOARD MAY BE PRESENT.

ON THURSDAY, APRIL 24, 1997, AT 7:00 P.M., THERE WILL BE A DINNER FOR INTEGRATED WASTE MANAGEMENT BOARD MEMBERS AND STAFF, COUNTY OFFICIALS, AND WASTE INDUSTRY REPRESENTATIVES AT ISABELLA'S, 201 NORTH E STREET, SAN BERNARDINO.

NO OFFICIAL BUSINESS IS SCHEDULED TO TAKE PLACE AT THE DINNER. HOWEVER, A QUORUM OF THE BOARD MAY BE PRESENT.

NOTE: BOARD AND COMMITTEE AGENDAS ARE AVAILABLE ON THE INTERNET. THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S HOME PAGE IS AS FOLLOWS: HTTP://WWW.CIWMB.CA.GOV/

LOCAL PLANNING DOCUMENTS:

IN CONSIDERATION OF THE IN-HOUSE WASTE PREVENTION POLICY, BOARD AGENDA ITEMS 7 THROUGH 16 ARE NOT INCLUDED IN THIS PACKET.

TO OBTAIN COPIES OF THE ABOVE ITEMS, PLEASE REFER TO THE APRIL 16, 1997 LOCAL ASSISTANCE AND PLANNING COMMITTEE (LAPC) PACKET ITEMS 4 THROUGH 13 AND RENUMBER THOSE ITEMS TO BECOME BOARD AGENDA ITEMS 7 THROUGH 16.

IF YOU ARE NOT ON THE LAPC PACKET MAIL LIST, PLEASE CONTACT PATTI BERTRAM, (916) 255-2563, FOR COPIES OF THE LOCAL ASSISTANCE AND PLANNING COMMITTEE ITEMS.

ADDENDUM

TO THE AGENDA OF THE

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Daniel G. Pennington, Chairman
Robert C. Frazee, Vice Chairman
Wesley Chesbro, Member
Janet Gotch, Member
Steven R. Jones, Member
Paul Relis, Member

REGULAR MONTHLY BUSINESS MEETING

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THE FOLLOWING ITEM, WHICH WILL BE HEARD ON THURSDAY, APRIL 24, 1997, HAS BEEN ADDED TO THE AGENDA AS ADDENDUM ITEM #1:

Page 1A

1. CONSIDERATION OF A NEW STANDARDIZED PERMIT FOR THE GALLO VINEYARDS INC. COMPOSTING FACILITY, FRESNO COUNTY

For further information or copies of agenda items, please contact:

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

Patti Bertram, (916) 255-2563
FAX (916) 255-2602

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
April 24, 1997

ADDENDUM AGENDA ITEM 1

ITEM: CONSIDERATION OF NEW STANDARDIZED PERMIT FOR THE GALLO VINEYARDS INC. COMPOSTING FACILITY, FRESNO COUNTY

COMMITTEE ACTION:

This permit was not included in the April 15, 1997 Permitting and Enforcement Committee meeting agenda as the permit was received on April 11, 1997; however, this permit must be included in the April Board meeting agenda because the Board only has 30 days to concur in or object to the issuance of a standardized permit. The last day the Board may act is May 11, 1997.

I. BACKGROUND:

Facility Facts

Name/Location:	Gallo Vineyards, Inc. E. Olive and N. Sunnyside Avenue Fresno
Operator:	Gallo Vineyards, Inc. Mr. Mike Gursky, Manager
Owner:	E & J Gallo Winery
LEA:	County of Fresno Community Health Department Environmental Health System Mr. Gary M. Carozza, Director

II. STAFF RECOMMENDATION:

Staff are currently reviewing the proposed permit and supporting documentation to determine if the permit is acceptable for the Board's consideration of concurrence and will provide a recommendation at the April Board meeting.

III. ATTACHMENT:

1. Permit No. 10-AA-0182

Prepared by: Virginia Rosales 4/14/97 Phone: 255-4168

Reviewed by: Don Dier/Suzanne Hambleton 4/14 SKD for SZH 4/14/97 Phone: 255-2453

Approved by: Dorothy Rice Phone: 255-2431

Legal Review: Kathryn J. Tobias Date/Time: 4/15/97

1A

Attachment 1

State of California
CIWMB FORM 5000 (revised 12/96)

California Integrated Waste Management Board

STANDARDIZED COMPOSTING PERMIT

1. Facility/Permit Number (SWIS): 10-AA-0182

2. Name of Facility:	Address/Location:
Gallo Vineyards, Inc.	E. Olive and N. Sunnyside Avenues (northeast corner), Fresno, California 93727

3. Local Enforcement Agency:	Address:
County of Fresno Community Health Department Environmental Health System	1221 Fulton Mall/P.O. Box 11867 Fresno, California 93775

4. Signature of Local Enforcement Agency Approving Officer:	6. Date of Signature:
5. Please Print or Type Name and Title of Approving Officer: Gary M. Carozza, Health Services Agency Director	

7. Date Received by CIWMB: APR 1 1 1997

8. Signature of CIWMB Approving Officer:	10. Date of Signature:
9. Please Print or Type Name and Title of Approving Officer:	

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 Title 14, California Code of Regulations (CCR), Section 18105.1 and Report of Composting Site Information pursuant to CCR, Section 17863.

13. Legal Description of Facility: (description may be attached)

See Exhibit A attached.

14. Findings:

a. This permit is consistent with standards adopted by the California Integrated Waste Management Board pursuant to Public Resources Code (PRC), Section 44010.

b. An environmental determination (i.e., Notice of Determination), has been filed with the Fresno County Clerk No. E-9610000183 (SCH No. 96102085) for all facilities that are not exempt from CEQA and documents pursuant to PRC, Section 21081.6.

c. The following authorized agent County of Fresno, Public Works & Development Services, Development Services Division has made the determination that the facility is consistent with the applicable general plan, as required by PRC, Section 50000.5(a).

d. The operation of this facility is consistent with the County Solid Waste Management Plan (PRC, Section 50000).

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.

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

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 (CCR).

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 (PRC), Section 21081.6.

c. The operator shall maintain a copy of this standardized permit at the facility to be available at all times to facility, enforcement agency, or board personnel.

d. The operator shall maintain and make available for inspection by the enforcement agency and board all correspondence and reports provided to other regulatory agencies that have jurisdiction over the facility.

e. The operator shall be responsible for identifying the types of feedstocks accepted for processing.

f. The design capacity of 307,800 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 CCR.

i. Unless specifically permitted or allowed under Title 14, Division 7, Chapter 3.1 of the CCR, the facility shall not accept the following materials:

(1) Designated wastes as defined in Title 23, Chapter 15, Section 2522 of the CCR;
(2) Hot Ashes/Burning materials;
(3) Medical wastes as defined in Section 25023.2 of the Health & Safety Code;
(4) Hazardous Wastes as defined in Section 25117 of the Health & Safety Code;
(5) Liquid Wastes as defined in Title 23, Chapter 15, Section 2601 of the CCR; (unless approved by Regional Water Quality Control Board 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 PRC, Section 44151.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
April 24, 1997

AGENDA ITEM 5

ITEM: CONSIDERATION OF CONTRACT CONCEPTS FOR ADMINISTRATION OF PORTIONS OF THE RECYCLING MARKET DEVELOPMENT REVOLVING LOAN PROGRAM

I. SUMMARY

This agenda item seeks approval of contract concepts for closing, servicing and specialized creditor assistance (foreclosure activities) to process the commercial loans generated by the CIWMB loan program.

Contracting out of these services will allow Loan Program staff to increase loan origination efforts to attract more and better applicants into the program.

II. PREVIOUS COMMITTEE ACTION

On April 8, 1997 the Administration Committee recommended Board approval of the three related contract concepts for loan closing, servicing and specialized creditor assistance (foreclosure) to be funded from Fiscal Year 1996/97 or Fiscal Year 1997/98, if the contract process cannot be completed and funds properly encumbered in the 1996/97 cycle. The Committee also directed that the item be placed on the Board's consent calendar.

III. ANALYSIS

The Loan Program performs five basic loan functions: origination, processing, underwriting, closing, and servicing (including foreclosure activities). The original Recycling Market Development Zone (RMDZ) concept included loan origination as a function of the zones. The zones have required assistance in loan origination, which was not built into the original staffing model of the Loan Program. These contract concepts will shift the burden of loan closing, servicing and specialized creditor assistance (foreclosures) to outside resources, freeing staff to work with zone personnel to strengthen the loan origination function. Improved loan origination will increase the loan volume of the program and assure high quality applicants.

Since 1992, the California Integrated Waste Management Board has contracted with the Department of Community Services and Development (CSD) to provide partial loan servicing assistance to the Board's Recycling Market Development Revolving Loan Program (RLP) to maximize the use of available funds within any single fiscal year. Effective January 1, 1997, the RLP was granted continuous appropriation status. As a result, the California Integrated Waste Management Board is intending to conclude its contractual relationship with CSD during the Summer/Fall of 1997. The loan servicing concept will replace the loan servicing services currently provided by CSD and will expand those services to include full loan servicing responsibilities. The CSD agreement also contained provisions for a specialized creditor assistance fund from which Board foreclosure activities could be supplemented with legal, property management, property rehabilitation and liquidation services, as well as creating a fund from which to retire prior liens. The Specialized Creditor Assistance concept replaces this service. Approximately $757,000 is currently encumbered at CSD for these services and will be disencumbered when the new contract is executed.

In March of 1996, the Loan Program began outsourcing loan closings through its outside legal counsel. Of the seven loans that were sent through this trial process, four closed, two are in the process of closing, and one loan withdrew (applicant received a grant in place of the loan). The closing process was also greatly expedited, as closing times ranged between one and four months. The Loan Closing concept will provide these services on an ongoing basis for all loans.

IV. STAFF RECOMMENDATION

Staff recommends that Board adopt Resolution # 97-120 approving the three discretionary contract concepts for loan closing, loan servicing, and specialized creditor assistance for Fiscal Years 1996/97 as well as 1997/98, if the contract process cannot be completed and funds properly encumbered in the 1996/97 cycle.

V. FUNDING INFORMATION

Amount Requested in Item: $675,000.00

Fiscal Year: 1996-97

Fund Source:

- ☐ Used Oil Recycling Fund
- ☐ Tire Recycling Management Fund
- ☒ Recycling Market Development Revolving Loan Account
- ☐ Integrated Waste Management Account
- ☐ Other _____ (Specify)

Approved From Line Item:

- ☐ Consulting & Professional Services
- ☐ Training
- ☐ Data processing
- ☐ Other _____ (Specify)

Redirection:

If Redirection of Funds: $_____

Fund Source: _____

Line Item: _____

VI. ATTACHMENT

1. Resolution # 97- 120
2. Proposed Contract Concepts

VII. APPROVALS

Prepared by: Robert Caputi 4/15/97 Phone: 255-2442

Reviewed by: John D. Smith Phone: 255-2413

Reviewed by: Caren Trgovcich 4/11/97 Phone: 255-2320

Reviewed by: Marie LaVergne 4/15/97 Phone: 255-2269

Attachment 1

California Integrated Waste Management Board

Resolution 97-120

April 24, 1997

BE IT RESOLVED that the Board hereby approves the discretionary contract concepts included in Attachment 2 of the item with any changes identified at the Board meeting for Fiscal Years 1996 - 97 and 1997 - 98..

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 Management Board on April 24, 1997.

Dated :

Ralph E. Chandler
Executive Director

CONTRACT CONCEPTS
FISCAL YEAR 1996-97 or 1997/98

Attachment #2

Concept Number:
36-WPM-RMDZ

Requesting Party: Recycling Market Development Revolving Loan Program
Amount: $200,000
Fund: IWMA
Primary Staff Contact: Bob Caputi 255-2442

Loan Closing Description: $200,000
This contract will pay the costs associated with outsourcing the documentation and closing of the RMDZ loans. These services are currently being handled by a combination of Board staff and the outside legal counsel. The scope of work for loan closing entails: receiving information from Board staff regarding the Board approved loan; preparing loan documentation consistent with the Board loan approval; providing loan closing services and coordinating with Board staff for funding of the loan; and to provide an Opinion of Counsel to the Board that the loan closing was conducted in accordance with the Board approved terms and conditions. Separate from, but related to the loan closing is the preparation of the loan documentation consistent with any approved loan modifications. The latter work will be done on an as needed basis and will be billed at an hourly rate. The contract will be for two years.

Supports Board Mandate:
SB 1535 established the loan program with the objective to create markets for diverted materials by increasing the use of recycled materials as manufacturing feedstock.

History:
In March of 1996, the Loan Program began outsourcing loan closings through its outside legal counsel. Of the seven loans that were sent through this new process, four closed, two are in the process of closing and one loan withdrew (applicant received a grant in place of the loan). Closing time was greatly reduced with closings ranging in time from one to four months.

Benefit to the Board:
Out sourcing loan services would shift resources to increase loan origination activities in the Recycling Market Development Zones. Improved loan origination will lead to increased number of closed loans.

Budget Process:
The closing contract cost was based on closing 40 loans, at an estimated cost of $4,300/loan, with approximately $28,000 for additional hourly billings on difficult loans where renegotiation, restructuring and perfection of collateral may be required. The per loan closing costs includes a contingency for legal costs necessary to modify loans, substitution of collateral, partial and full releases of collateral, etc.

The approved contract concept is for a 24 month term, to be funded from 1996/97 funds. If because of timing constraints 1996/97 funds cannot be encumbered, then the approved contract concept will be encumbered in fiscal year 1997/98.

Division Liaison	4/11/97 Date
Branch Manager	4-10-97 Date
Deputy Director	4-11-97 Date

CONTRACT CONCEPTS
FISCAL YEAR 1996-97 or 1997/98

Concept Number:
37-WPM-RMDZ

Requesting Party: Recycling Market Development Revolving Loan Program
Amount: $225,000
Fund: IWMA
Primary Staff Contact: Bob Caputi 255-2442

Loan Servicing Description: $225,000
Establish and maintain appropriate loan servicing file(s), loan documents, payment records, tickler files, covenants, etc. for approximately 60 existing and new loans as funded. Issue payment coupons or billing statements for existing loans and new loans as funded. Receive and appropriately record payments. Provide initial contact and follow up with borrowers that fail to pay or are late in making loan payments.

Respond to correspondence, requests for information, payoff requests, beneficiary statements, etc. Respond to requests for substitution/release of collateral and modification of terms or covenants. If within guidelines provided by the Board, provide documentation for execution. Provide appropriate reports to Board. The contract will be for two years.

Supports Board Mandate:
SB 1535 established the loan program with the objective to create markets for diverted materials by increasing the use of recycled materials as manufacturing feedstock.

History:
Since 1992, the California Integrated Waste Management Board has contracted with the Department of Community Services and Development to provide partial loan servicing assistance to the Board's Recycling Market Development Revolving Loan Program (RLP). Effective January 1, 1997, the RLP was granted continuous appropriation status, and will conclude its contractual relationship with CSD at or about July 1, 1997. This concept will replace the loan servicing services provided by CSD and will expand those services to include full loan servicing responsibilities.

Benefit to the Board:
Out sourcing loan services would shift resources to increase loan origination activities in the Recycling Market Development Zones. Improved loan origination will lead to increased number of closed loans.

Budget Process:
Loan servicing is based on an average portfolio of $25,000,000, with an average loan size of $350,000, however, it is anticipated there will be extraordinary charges for special reporting, site inspections, annual income verification and other special program covenant requirements. Normal annual servicing costs of $75,000 have been increased by 50%.

The approved contract concept is for a 24 month term, to be funded from 1996/97 funds. If because of timing constraints 1996/97 funds cannot be encumbered, then the approved contract concept will be encumbered in fiscal year 1997/98.

Division Liaison	4/10/97 Date
Branch Manager	4-10-97 Date
Deputy Director	4-11-97 Date

CONTRACT CONCEPTS
FISCAL YEAR 1996-97 or 1997/98

Concept Number:
38-WPM-RMDZ

Requesting Party: Recycling Market Development Revolving Loan Program
Amount: $250,000
Fund: IWMA
Primary Staff Contact: Bob Caputi 255-2442

Specialized Creditor Assistance Description: $250,000
To protect CIWMB's interests, certain services need to be provided by outside parties such as other state agencies and private providers. Funds will be used for activities necessary to protect CIWMB's lender/creditor interests. These costs shall be broadly construed to include, but not be limited to, foreclosure expenses, auction fees, title searches, appraisals, real estate brokerage fees, attorney fees, mortgage payments, insurance payments, utility costs, repair costs, removal and storage costs for repossessed equipment and inventory and additional expenditures to purchase a senior lien in foreclosure or bankruptcy proceedings. The contract will be for two years.

Supports Board Mandate:
SB 1535 established the loan program with the objective to create markets for diverted materials by increasing the use of recycled materials as manufacturing feedstock.

History:
Since 1992, the California Integrated Waste Management Board has contracted with the Department of Community Services and Development to provide specialized creditor assistance (foreclosure assistance) to the Board's Recycling Market Development Revolving Loan Program (RLP). Effective January 1, 1997, the RLP was granted continuous appropriation status, and will conclude its contractual relationship with CSD at or about July 1, 1997. This contract concept will replace the specialized creditor services provided by CSD and will expand those services to include full foreclosure responsibilities.

Benefit to the Board:
Out sourcing loan services would shift resources to increase loan origination activities in the Recycling Market Development Zones. Improved loan origination will lead to increased number of closed loans.

Budget Process:
Specialized creditor assistance has been budgeted at $125,000 per year based on the watch loan list. Some of these cost will be recoverable in the same and subsequent fiscal periods.

The approved contract concept is for a 24 month term, to be funded from 1996/97 funds. If because of timing constraints 1996/97 funds cannot be encumbered, then the approved contract concept will be encumbered in fiscal year 1997/98.

Chris McFarland Division Liaison	4/10/97 Date
John D. Smith Branch Manager	4-10-97 Date
[illegible] Deputy Director	4-11-97 Date

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

April 24, 1997

Agenda Item 6

ITEM: Consideration of State Legislation

SUMMARY

This item presents analyses of eight bills for the Board's consideration. In addition, the Board may wish to consider any legislation presently before the California Legislature, as described in the Status Report of Priority Legislation, which is attached.

PREVIOUS COMMITTEE ACTION

At its April 21, 1997, meeting, members of the Legislative and Public Education Committee (LPEC) reviewed eight bills. At the time this agenda item was prepared, the LPEC had not yet met. The results of the April 21, 1997, LPEC meeting will be presented at the Board meeting.

STAFF RECOMMENDATION

The Legislative and Regulatory Affairs Office recommends that the Board take positions, or provide staff with direction, on the state legislation before them. Attachment 1 describes actions commonly taken by the Board on pending state or federal legislation.

ANALYSIS

Analyses have been prepared this month for the following bills:

AB 84 (Woods) Recycled Products Preferences. Would implement a pilot program for State agencies to provide price preferences for products manufactured with residues from agricultural cropping activities. AB 84 would define "products manufactured with residues from agricultural cropping activities" to include, but not be limited to, copy paper, stationery, newsprint, cardboard, fiberboard, pallets, sheeting, boards, tiles, insulation, and compost.

AB 117 (Escutia) Demolition and Construction Waste. Would prohibit the operation of a solid waste facility that engages in the recycling of demolition and construction waste, including the recycling of cement, by any person, except as authorized pursuant to a solid waste facilities permit issued by the enforcement agency. Additionally, AB 117 would require the CIWMB, by March 1, 1998, to adopt regulations to establish conditions for the permitting of a solid waste facility that engages in the recycling of demolition and construction waste.

AB 362 (Bowen) Environmental Advertising. Would require companies that advertise products as "ozone-friendly," "recycled," or "biodegradable" to meet specific standards established in the guidelines adopted by the Federal Trade Commission or face the prospect of criminal charges for misleading consumers. Additionally, companies would be prohibited from using marketing catch phrases such as "ecologically safe" or "ecologically sound" without backing up those claims with documentation.

AB 705 (Strom-Martin) State Agency Recycling Program. Would require State government agencies to develop an integrated waste management program similar to those required to be adopted by local government agencies. The bill would also include building and construction materials, outdoor furniture, and landscaping materials within the definition of recycled products for purposes of procurement requirements by the Legislature and State agencies, and contractor certification of materials for State jobs. In addition, the bill would also reenact provisions of law which required all State agencies to purchase certain recycled products if they meet quality and cost considerations.

AB 847 (Wayne) Major Appliances Recycling. Would prohibit, as part of the hazardous waste control laws, any person from crushing, for purposes of transportation or transfer to a baler or shredder, for recycling any major appliance, until all hazardous materials and hazardous waste have been removed from the appliance. Additionally, the bill would require the Department of Toxic Substances Control, or the local health officer or public officer authorized to enforce the hazardous waste control laws, to take all necessary actions to ensure compliance with the bill's requirements.

SB 2 (Thompson) Parks and Resources Improvement Bond Act. Would enact the Parks and Resources Improvement Bond Act of 1998, which would be submitted to voters at the General Election on November 3, 1998. The bill would authorize the issuance of bonds in the amount of $495,500,000 for the purpose of financing a program for the rehabilitation and enhancement of park, recreation, cultural, historical, fish and wildlife, lake riparian, reservoir, delta, river, and coastal resources. The bill would express legislative intent that every State and local government agency who is a recipient of funds from the bonds give full consideration to the use of recycled and reusable products whenever possible in carrying out the activities enumerated in the bill. SB 2 is an urgency measure.

SB 436 (Sher) Duplication and Overlap Study. Would require the CIWMB, in consultation with the Department of Conservation, to

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prepare and submit to the Legislature a report that identifies any duplication or overlap between specified programs administered and funded by the two agencies. The report would be due by July 1, 1998. SB 436 is an urgency measure.

SB 698 (Rainey) Plastic Trash Bags. SB 698 would delete requirements that plastic trash bag manufacturers ensure that those bags contain at least 20 percent postconsumer plastic by January 1996 and at least 30 percent postconsumer plastic by January 1997, but would leave in place the requirement that bags 1 mil or greater in thickness contain at least 10 percent postconsumer plastic. The bill would require the CIWMB to provide plastic bag manufacturers with a credit of 1.1 pounds for every 1 pound of postconsumer plastic purchased from a California supplier. The bill would delete requirements that wholesalers provide the CIWMB with information on their manufacturer suppliers, and it would exempt bags with adhesive, heat-affixed straps or with drawstrings from the requirement for 10 percent postconsumer plastic.

ATTACHMENTS

1. Description of actions commonly taken by the Board.

2. Bill analyses for the following bills:

   A. AB 84 (Woods)
   B. AB 117 (Escutia)
   C. AB 362 (Bowen)
   D. AB 705 (Strom-Martin)
   E. AB 847 (Wayne)
   F. SB 2 (Thompson)
   G. SB 436 (Sher)
   H. SB 698 (Rainey)

3. Status Report of Priority Bills.

APPROVALS

Prepared by: Daniel McCarroll Phone: 255-2415
Approved by: Patty Zwarts Phone: 255-2203

ATTACHMENT 1

Description of actions commonly taken by the Board.

■ Recommend a position. This means the Board is adopting a position on pending legislation. Commonly used positions are:

■ **Support.** This indicates that the CIWMB unconditionally supports the legislation.

■ **Support if amended.** This indicates that the CIWMB supports the legislation, provided it is amended. If the author of the legislation does not accept the amendments, the CIWMB will not have a position and may re-evaluate the bill to determine if another position is warranted.

■ **Oppose.** This indicates that the CIWMB unconditionally opposes the legislation -- that is, that no amendments are available to remove the CIWMB's concerns.

■ **Oppose unless amended.** This indicates that the CIWMB opposes the legislation until appropriate amendments are made to address the CIWMB's concerns. If the CIWMB amendments are taken, CIWMB will not have a position for the bill and may re-evaluate the legislation.

■ **Neutral.** This indicates that the CIWMB is neutral regarding the legislation because the bill does not impose any policy or fiscal impacts of concern to the CIWMB's policies or programs.

■ **Neutral if amended.** This indicates that the CIWMB is neutral regarding the legislation but nonetheless requests amendments (usually minor, technical changes).

■ **Defer to another agency.** This indicates that the CIWMB believes that another agency should more appropriately adopt a position on the bill.

■ Re-refer to Legislation and Public Education Committee. This means that the CIWMB wishes LPEC to re-examine the bill.

■ No position. When the CIWMB is not able to agree on a motion, with the votes of at least four members, the CIWMB has no position on the measure in accord with Public Resources Code §40410.

LEGISLATION AND PUBLIC EDUCATION COMMITTEE

BILL ANALYSIS

Board	Author	Bill Number
California Integrated Waste Management Board	Woods	AB 84
Sponsor	Related Bills	Date Amended
California Rice Industry Association & Rice Producers Association	AB 228 (Midgen)	March 10, 1997

BILL SUMMARY:

AB 84 would define "products manufactured with residues from agricultural cropping activities" to include, but not be limited to, copy paper, stationery, newsprint, cardboard, fiberboard, pallets, sheeting, boards, tiles, insulation, and compost. Additionally, AB 84 would implement a pilot program for State agencies to provide price preferences for products manufactured with residues from agricultural cropping activities.

BACKGROUND:

AB 84 is sponsored by the California Rice Industry Association and the Rice Producers Association. According to the sponsors, the intent of the bill is to promote a market for products that utilize rice straw. Enactment of this bill could aid California rice farmers in meeting air quality objectives mandated by the Agricultural Burning Program and the Rice Straw Burning Act of 1991 (Health and Safety Code § 41865, AB 1378, Connelly, Chapter 787, Statutes of 1991).

Paper Recycling Programs:

The State government operates three sets of paper recycling programs. In the first set of programs, State and local agencies collect recyclable paper from their own offices and facilities and sell this recyclable paper to paper recyclers. In the second program, State agencies offer price preferences up to five percent, for paper made from postconsumer or secondary materials. In the third program, the CIWMB certifies that newsprint sold in California contains a minimum of 40 percent of recycled paper and that as of January 1, 1996, 35 percent of the newsprint sold to be used in California must be of recycled-content.

Departments That May Be Affected		
Department of General Services, Air Resources Board		
Committee Recommendation	Committee Chair	Date
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In 1992, the CIWMB adopted a report, *The State's Role in Market Development for Recycling*. The report assessed progress made in implementing the State mandated procurement programs for specified products and presented an analysis of the significant factors influencing the State's role in procurement preferences for recycled goods and materials. Additionally, the report presented information on procurement efforts by local governments, other states, and the Federal government.

The report found that while progress was being made in procurement practices, it was proceeding slowly. It was noted that each product presents unique factors affecting the procurement process, such as price, availability, quality, and specifications (as established by DGS) that may inadvertently prevent purchase of a recycled content product. The report assessed the procurement potential of paper, compost and co-compost products, glass, oil, plastics, solvents, paints, and tires. The report recommended that a combination of increased price preferences, minimum content standards, and additional personnel resources would improve the procurement of recycled content products at the State and local government levels.

Management of Rice Straw:

The Rice Straw Burning Reduction Act, which was enacted in 1991, requires progressive reductions in the number of acres where rice straw burning is allowed. By the year 2000, 125,000 acres, or 25 percent of each grower's land, whichever is less, can be burned. The fewer acres that can be burned will increase the potential for more rice straw to be disposed in landfills near rice-growing areas.

In 1996, AB 3345 (Bustamante, Chapter 991, Statutes of 1996) was enacted to require the CIWMB, by December 31, 1997, to conduct a feasibility study on expanding the use of agricultural and forest waste in the manufacture of commercial products. According to the sponsors, the purpose of AB 3345 was to identify the economic benefits of the productive use of agricultural and forest waste in the development of commercial products composed of these recycled materials. The sponsor believed that the study would help engender stronger pro-recycling political support from areas and communities where it does not presently exist. The CIWMB is in the process of preparing this report.

Currently, only a small portion of the agricultural waste generated every year is disposed in California's landfills. Most of this waste is either burned in the field, burned in wood waste powerplants or left in the field or forest. A small amount is used in the manufacture of wood or other commercial products.

The Air Resources Board (ARB) and the Department of Food and Agriculture (DFA), in their 1995 Report to the Legislature on the rice burning phase down, indicate that over 50 alternatives to field burning were identified. Most, if not all of these alternatives, were considered to be economically infeasible on any large scale. The primary potential commercial uses include chip and fiberboard, paper products, wallboard and paneling, rice straw bales, compost, solid fuel for power generation, animal feed and bedding, and ethanol and methanol for fuels.

RELATED BILL

AB 228 (Midgen) is related to this bill. AB 228 would include as a consumer of newsprint for purposes of the California Integrated Waste Management Act of 1989 (recycled-content newsprint

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program) any State agency that uses newsprint in a print or publishing operation. AB 228 passed the Assembly Natural Resources Committee (11-1) on March 11, 1997. The bill has been referred to the Assembly Appropriations Committee; no hearing date has been scheduled.

EXISTING LAW

Federal Law (Executive Order No. 12995, issued on March 27, 1995):

1. Requires that printing and writing paper purchased by Federal agencies contain 20 percent postconsumer material by the end of 1994 and 30 percent by the end of 1998.

2. Prohibits any increased Federal spending on paper goods.

State Law:

1. Provides that it is the intent of the Legislature to encourage the procurement of recycled paper products by various State agencies (uncodified law).

2. Provides a pilot program, which sunsetted on January 1, 1997, to fund claims submitted by State agencies to provide the price preferences for recycled paper products, as defined, as well as set percentage goals for the purchase of recycled paper (Public Contract Code [PCC] Section 12162).

3. Provides that the goals for the purchase of recycled paper products and price preferences for those products will remain in effect until January 1, 2001 (PCC Section 12162).

4. Defines "recycled paper" as a paper product as a paper and woodpulp paper product containing not less than 50 percent, by fiber weight, of secondary and postconsumer material and with not less than 10 percent of the fiber weight consisting of postconsumer material (PCC Section 10507).

5. Defines "recycled paper product" as all paper and woodpulp products with not less than 50 percent, by fiber weight, of secondary and postconsumer material and with not less than 10 percent of the fiber weight consisting of postconsumer material (PCC Sections 10855, 12161 and 12301).

6. Defines "recycled-content high grade, bleached printing and writing papers" as all paper and woodpulp products with not less than 50 percent, by fiber weight, of secondary and postconsumer material and with not less than 10 percent of the fiber weight consisting of postconsumer material (Public Resources Code [PRC] Section 42202).

7. Defines "postconsumer material" as the finished material which would normally be disposed of as a solid waste, having completed its life cycle as a consumer item (PCC Sections 10507, 10855, 12161 and 12301 and PRC Section 42202).

8. Defines "secondary material" as fragments of products or finished products of a manufacturing process, which has converted a virgin resource into a commodity of real economic value, and includes postconsumer material, but does not include fibrous waste generated during the manufacturing process such a fibers recovered from wastewater or trimmings of paper machine rolls (mill broke), wood slabs, chips, sawdust or other wood residue from a manufacturing process (PCC Sections 10507, 10855, 12161 and 12301 and PRC Section 42202).

9. Increases the postconsumer material content of recycled papers mentioned above, effective January 1, 1999 (PCC Sections 10507, 10855, 12161 and 12301 and PRC Section 42202).

10. Requires no less than 20 percent of fiber weight of postconsumer materials beginning December 31, 1994, for the following types of recycled papers: high speed copier, offset paper, forms bond, computer printout paper, carbonless paper, file folders, white wove envelopes, and for other uncoated printing and writing papers, such as writing and office paper, book paper, cotton fiber paper containing 25 to 75 percent cotton fiber, and cover stock (PCC Sections 10507, 10855, 12161, 12301, and PRC Section 42202).

11. Increases to no less than 30 percent of fiber weight of postconsumer materials beginning December 31, 1998, for the types of recycled papers mentioned in #9 above (PCC Sections 10507, 10855, 12161, 12301, and PRC Section 42202).

12. Requires progressive reductions in the number of acres where rice straw burning is allowed. By the year 2000, 125,000 acres, or 25 percent of each grower's land, whichever is less, can be burned (Health and Safety Code Section 41865).

ANALYSIS

AB 84 would:

1. Define "products manufactured with residues from agricultural cropping activities" to include, but not be limited to, copy paper, stationery, newsprint, cardboard, fiberboard, pallets, sheeting, boards, tiles, insulation, and compost;

2. Require State agencies and the Legislature to give purchasing preference to products manufactured with residues from agricultural cropping activities;

3. Require the Department of General Services and the Legislature to require the persons with whom they contract to use, to the maximum extent economically feasible in the performance of the contract work, these products manufactured with residues from agricultural cropping activities;

4. Require the CIWMB to implement a pilot program to provide price preferences for products manufactured with residues from agricultural cropping activities;

5. Specify that the maximum dollar amount of preference allowable under this measure when combined with other State purchasing preference programs, such as the Economic and Employment Incentive Act and the Target Area Contract Preference Act, is $100,000 per contract;

6. Specify that the maximum preference is limited to $50,000 per contract when the preference would preclude an award to a small business offering products not made from residues of agricultural cropping activities;

7. Specify that no more than $300,000 total or $100,000 annually, shall be expended for the purposes of implementing the pilot program;

8. Provide the pilot program does not become operative unless funding is made available;

9. Require the CIWMB, in conjunction with its annual report, to report to the Legislature on the price preferences; and

10. Require the CIWMB, on or before March 31, 2000, to report to the Governor and the Legislature on the pilot program, including recommendations concerning the continuation or modification of the program.

COMMENTS

Waste Diversions and Environmental Benefits: The CIWMB is supportive of activities aimed not only at preventing residues from agricultural cropping activities from being landfilled, but also providing the basis for new enterprise development particularly in rural counties throughout California. The CIWMB has supported numerous rice straw projects including a rice straw bale soundwall and the use of this material in paper product applications. Further by finding alternative uses for residues from agricultural cropping activities, particularly rice straw, there is the added benefit that this material will not be disposed in solid waste landfills and more importantly, fewer rice fields will be burned, which will greatly decrease air pollution.

Premature Legislation. Last year AB 3345 (Bustamante, Chapter 991, Statutes of 1996) was enacted, which required the CIWMB to do a feasibility study on expanding the use of agricultural waste and forest waste in the production of commercial products. The CIWMB is required to transmit this study to the Governor and the Legislature by January 1, 2000. This bill was not excluded by AB 116 (Speier, Chapter 970, Statutes of 1996), which provided for a moratorium on reports to the Legislature and the Governor.

It would be prudent to wait until the CIWMB's report on the potential uses of agricultural and forest waste is done before seeking other solutions for the use of this secondary material. While the CIWMB is supportive of activities aimed at preventing residues from agricultural cropping activities from being landfilled in California, it is not clear that AB 84 will succeed in encouraging the use of rice straw in the manufacture of products as an alternative to disposal.

Success of Present Pilot Program: Under the Public Contracts Code, there was a pilot program, which sunsetted on January 1, 1997, that required State agencies to give purchase preference to recycled paper products, as defined, as well as set percentage goals for the purchase of recycled paper. The pilot program was included in a section that will remain in effect until January 1, 2001. This pilot preference program for recycled paper products has never been used. The purpose of the pilot program was to focus on waste types (paper and paper products), which were the largest portion of the wastestream, in order to encourage State use of recycled paper products, rather than paper products made from virgin material. No State agency submitted a claim to be reimbursed for a qualified purchase of a recycled product using the price preferences provided. The lack of use of this pilot preference program indicates that subsidies were not needed in order for State agencies to buy recycled-content paper products. There are several probable reasons for the lack of use for the purchase preferences:

- The preferences did not cover fine printing and writing papers, by far the most common purchase for State agencies.

- The State had been promoting the use of recycled-only bids and requiring recycled content products as opposed to agencies simply asking for paint, for instance, and receiving bids for both recycled and nonrecycled products. By specifying a recycled product, State agencies were being proactive and more successful at purchasing recycled-content products, however, this approach short-circuited the price preferences by eliminating the possibility that both a recycled product and a nonrecycled product were competing for the contract, and the recycled-content product was more expensive, but within the allowable price preference.

- Many recycled-content products are actually less expensive than comparable nonrecycled-content products. This favorable price comparison eliminates the need for the price preference.

Effectiveness of Proposed Pilot Program: According to the sponsors, the purpose of AB 84 is to promote a market for products that utilize residues from agricultural cropping activities. While sponsored by the rice industry, enactment of AB 84 would also open the door to productive uses of other crop wastes, including but not limited to orchard trimmings, corn stalks and wheat straw. The addition of this type of material as secondary material would potentially add an enormous amount of material that could be used to make qualified recycled content paper products. However, because there are currently very few facilities commercially using agricultural residue to make recycled paper products, the bill would have no immediate impact. The bill would serve as an inducement to potential investors in such a facility, and to provide alternatives for agricultural residue disposal other than burning, landspreading and landfilling.

One recently developed product using recycled-content material is newsprint that contains rice pulp. A Canadian firm has developed a process that uses rice straw to make pulp which is combined with recovered paper and wood fiber-derived pulp to make paper. The ARB, among several other State agencies and local groups with an interest in finding an economically viable alternative to open burning of rice fields supported the project. Test runs of newsprint using small percentages of rice

straw-derived pulp at Smurfit Newsprint in Pomona, California, were very positive. Seven newspapers, including the *Los Angeles Times*, *Sacramento Bee*, *San Jose Mercury News*, *Orange County Register*, *Santa Rosa Press-Democrat*, *Santa Barbara News Press* and the *Paradise Post* have or will feature a rice straw paper edition or insert in the near future. According to a December 1996 *Cal/EPA Report* article, Undersecretary Peter M. Rooney stated, "We are hopeful that making newsprint out of rice straw can be a viable alternative to burning rice fields. With the rising cost of newsprint and the environmental consequences of agricultural burning, this should be both an economic and public health success."

Enactment of AB 84 would have a direct impact on the State Agency Buy Recycled Campaign (SABRC), which mandates State agencies to purchase specified amounts of recycled-content products and report those purchases to DGS and to the CIWMB. The SABRC has identified eleven product categories from which agencies are to purchase recycled-content products. AB 84 proposes to provide a price preference for products manufactured with residues from agricultural cropping activities. Products made from residues from agricultural cropping residues are not currently included as under the SABRC categories, yet, would still have a purchase and a price preference associated to it. It is inconsistent to have a price preference for a product category not within the mandates for the SABRC.

Typically, these types of product contracts can be in the millions of dollars; however, the $50,000 cap could prohibit the preference from reflecting the full value, if the preference were upwards of the 10 percent allowed. In some cases, the $50,000 cap will still prohibit the recycled-content product from qualifying as a low bidder, and therefore, does not result in the recycled-content product being procured.

AB 84 proposes that the price preferences for products manufactured from residues from agricultural cropping activities should be available until July 1, 2001. Although markets for some products, such as compost, already exist and could benefit from such a program, it is unclear that all agricultural cropping materials would attain the same success. It is questionable whether a manufacturer could establish a permitted facility to manufacture new types of products made from rice straw and other agricultural cropping materials, manufacture a finished product, and promote the sales of the product prior to the sunset date of the preference in just three years (the duration of the proposed preference program).

Bill Sets a Precedent: By offering a purchase preference for products manufactured from residues from agricultural cropping activities, AB 84 would set a precedent that feedstock manufactured from agricultural cropping activities should be purchased over recycled-content products, such as postconsumer recycled paper or green waste compost. This would be counterproductive to the goal of the Integrated Waste Management Act, which is to reduce, recycle, and reuse solid waste generated in California to the maximum extent feasible in order for less solid waste to be disposed of in solid waste landfills. The CIWMB is actively working to recycle paper used in State agencies through Project Recycle, so that this material does not end up in solid waste landfills.

Federal Environmental Protection Agency (EPA) Content Requirements: The definitions for recycled paper product, secondary material, and postconsumer material have been the subject of much debate. There have been several revisions and proposed revisions to these definitions including a recent change in the content requirement for the paper product category to coincide with the federal EPA content requirements.

Agricultural Cropping Residues Are a Small Part of the Wastestream: The CIWMB estimates that approximately 39.8 million tons of solid waste are disposed of at solid waste facilities. Only a small portion of the agricultural waste generated every year; approximately .2 percent or 69,898 tons is disposed in California's landfills. Most agricultural waste is either burned in the field or in wood waste powerplants or left in the fields. A small amount is used in the manufacture of commercial products.

Unfunded Mandate: Although the bill does not expressly specify a funding source, the bill like impose additional costs of $33,000 for FY 1997-98 to establish and implement the price preference pilot program and $133,000 annually for three years for the pilot program, upon the CIWMB from the Integrated Waste Management Account.

This would be a new cost to the CIWMB. As a result of the successful diversion of solid waste from California's landfills, the CIWMB is experiencing declining revenues due to decreased tipping fees. For this reason, less money is available to implement CIWMB programs. Enactment of this legislation could result in less funding for other vital CIWMB programs.

SUGGESTED AMENDMENT

For consistency in statute language, a technical amendment should be made regarding price preferences.

LEGISLATIVE HISTORY

AB 84 was introduced on December 23, 1996. The bill passed the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee (12-0) on March 18, 1997. The bill was referred to the Assembly Appropriations Committee; no hearing date has been set.

Support: California Rice Industry
Rice Producers Association
Californians Against Waste

Oppose: Unknown at this time.

FISCAL AND ECONOMIC IMPACT

AB 84 would impose costs of $33,000 (.3 PY) in FY 1997-98 to establish and implement the price preference pilot program and $133,000 annually beginning FY 1998-99 and continuing for three years until FY 2001-2002 for funding the pilot program. All expenses for this enacted legislation, including cost for the preference pilot program, will be the responsibility of the CIWMB. Although the bill does not specify which fund will pay for the pilot program, the money may come from the Integrated Waste Management Account (IWMA). Due to the dwindling budget of the CIWMB, implementation of price preferences could cause decreased funding for other CIWMB programs.

Specifically, the CIWMB would incur costs for the following activities:

- Establish May 1, 1998, and continue every two years after, price preferences for products manufactured with residues from agricultural cropping activities. Every two years would be of little benefit compared to the costs incurred.

- Set up the preference pilot program six months after the bill is enacted. This would require staff to research "agricultural cropping activities" and bring an agenda item before the CIWMB to set up the pilot program.

- Publish price preferences annually in the CIWMB annual report. After the enactment of AB 116 (Speier, Chapter 970, Statutes of 1996) , which provided that State agencies could defer many written reports to the Legislature or the Governor until October 1, 1999, it is questionable whether the CIWMB would be required to do this report. The bill makes the report an explicit requirement of the annual report, but the annual report is not explicitly required under current law.

- Fund and process claims. Make a final report on the preference pilot program. Again, it is questionable after the enactment of Chapter 970 that the CIWMB would be required to make a report.

Of the residues from agricultural cropping activities, the environmental and economic benefits of rice straw paper are potentially significant. First, the rice straw could decrease the use of trees to make paper. Second, the use of the rice straw to make paper could decrease the burning of the straw and the resulting air pollution. Finally, new manufacturing business could be created to use this recycled-content material in products. However, there is also the possibility that enactment of AB 84 could harm those businesses that contract with State agencies but who would not receive price preferences for their products, whether they were manufactured from virgin or recycled-content material.

SUGGESTED AMENDMENT TO AB 84

On page 3, line 33, delete the word "purchase" and insert the word "price"

On page 5, line 13, delete the word "purchase" and insert the word "price"

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

Board	Author	Bill Number
California Integrated Waste Management Board	Escutia	AB 117
Sponsor	**Related Bills**	**Date Amended**
Author	None	April 8, 1997

BILL SUMMARY

AB 117 would prohibit the operation of a solid waste facility or operation that handles demolition and construction debris, except as authorized by the Integrated Waste Management Act or regulations adopted by the California Integrated Waste Management Board (CIWMB). The bill would require the CIWMB adopt tiered regulations by October 1, 1998, to establish conditions for the operation of these facilities. The bill would also require the CIWMB to provide guidance to local enforcement agencies on implementation of these regulations and to assist in the formation of a working group to develop a model ordinance or best management practices for solid waste facilities that handle demolition and construction debris. The bill would require solid waste facilities or operations that handle demolition and construction waste under a "various location permit" to operate within CIWMB regulations. The bill would exempt regulated surface mining operations from the prohibition and requirement. The bill would also make legislative findings and declarations that amendments to the Integrated Waste Management Act are needed to clarify the intent of existing law that solid waste facilities that handle demolition and construction debris operate in compliance with CIWMB regulations, to the extent required by those regulations.

BACKGROUND

The author has introduced AB 117 to prevent the reoccurrence of a situation existing in her district. Aggregate Recycling Systems, a business operating in the 6200 block of South Alameda Street in Huntington Park, began operations in late 1993 as a recycler of construction and demolition wastes. In January 1994, following the Northridge earthquake, quake-damaged portions of the Santa Monica Freeway were hauled to this facility. Local residents complain of air pollution (dust) from the rubble and noise from the operation of recycling equipment (crushers). In December 1996, the City of Huntington Park declared this facility to be a nuisance, and operations ceased in March 1997.

Of the 39.8 million tons of solid waste disposed in 1990, about 20 to 30% (roughly between 8 million tons and 12 million tons) was construction and demolition (C&D) waste. The

Departments That May Be Affected		
Department of Conservation, Air Resources Board, Department of Toxic Substance Control; State Water Resources Control Board		
Committee Recommendation	**Committee Chair**	**Date**
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CIWMB 1996 market development plan, *Meeting the 50 Percent Challenge: Recycling Market Development Strategies Through the Year 2000*, indicates the CIWMB's goal is, by 2000, to divert 6.2 million tons of construction and demolition materials per year from landfill disposal. To achieve this goal, the Plan indicates that the CIWMB will provide funding to the California Department of Transportation for testing the use of ground asphalt roofing shingles in asphalt and other road products and for expedited development of specifications for use of recycled -content asphalt. Additionally, according to the Plan, the CIWMB will create a wood waste advisory task force to identify barriers to the marketing of wood waste and will continue to target applications for use of ground drywall in compost production and as a soil amendment on agricultural soil and deforested land.

Approximately 500 sites in California receive C&D materials and debris for recycling or reuse. Additionally, about 90 sites receive C&D wastes for disposal at monofills. Further, most of the 289 solid waste landfills accept C&D waste for disposal.

EXISTING LAW

The Integrated Waste Management Act:

1. Establishes that responsibility for solid waste management is shared between the State and local governments (Public Resources Code §40001).

2. Prohibits operation of solid waste facilities without permits issued by local governments and concurred in by the Integrated Waste Management Board (PRC §44002 and §44009).

3. Defines "solid waste facilities" as transfer or processing stations, composting facilities, transformation facilities, and disposal facilities (PRC §40194) and exempts from that definition those processing stations whose principal function is to process wastes that have already been separated for reuse and are not intended for disposal [PRC §40200 (b) (2)].

4. Authorizes the CIWMB to adopt implementing regulations (PRC §40502). Under this authorization, the CIWMB has adopted a series of regulations to govern various types of solid waste facilities. (14 CCR § 17000 et seq.). The IWMB has not yet adopted regulations to govern solid waste facilities that manage construction and demolition wastes.

5. Requires the IWMB to develop an integrated waste management disaster plan for diversion or, where absolutely necessary, disposal of solid waste resulting from an emergency. (PRC §43035).

ANALYSIS

AB 117 would:

1. Prohibit the operation of a solid waste facility or operation that handles demolition and construction debris except as authorized by the Integrated Waste Management Act and CIWMB regulations implementing the Act;

2. Require the CIWMB to adopt tiered regulations by October 1, 1998, to establish conditions for the operation of solid waste facilities and operations that handle demolition and construction debris;

3. Require the CIWMB, in adopting regulations, to provide guidance to local enforcement agencies on conditions and restrictions on the recycling of construction and demolition wastes.

4. Require the CIWMB, in adopting regulations, to assist in the formation of a working group of local enforcement agencies through the California State Association of Counties and League of Cities. This working group, to be formed in conjunction with local construction and demolition industry and engineering contractor representatives, would provide either a model ordinance or best management practices for solid waste facilities that handle demolition and construction debris;

5. Require any solid waste facility or operation that handles demolition and construction debris under a "various location permit" to operate within CIWMB regulations; and

6. Exempt surface mining operations regulated under the Surface Mining and Reclamation Act of 1975 (Public Resources Code §2710 et seq.) from the prohibition and requirements of the bill.

COMMENTS

<u>The bill might not be necessary.</u> This bill would require the CIWMB to adopt C&D debris regulations by October 1998; through administrative action, the CIWMB has already committed to this date. The CIWMB will start work on these regulations in July 1997 by holding workshops regarding the CIWMB's authority, application of general methodology, and appropriate regulation of C&D operations and facilities.

<u>The bill might expand the CIWMB's regulatory scope.</u> This bill would require the CIWMB, in adopting regulations, to provide guidance to local enforcement agencies on conditions and restrictions on the recycling of construction and demolition wastes. This provision introduces "recycling" as a subject of CIWMB regulations. Because recycling facilities (that is, those

that do not intend to dispose of C&D wastes that have been separated for reuse) may fall outside the scope of CIWMB's regulatory authority, this provision appears to expand CIWMB's regulatory authority to cover C&D recycling facilities. The CIWMB has a listing of over 500 sites within California that receive C&D materials for recycling and reuse.

Further, the bill would require C&D debris facilities that hold an air board "various location permit" to operate within CIWMB regulations to protect nearby residents from any increased air pollution. This provision appears to require CIWMB regulations to address air pollution standards, which is a topic more appropriately addressed by air quality agencies.

The bill might affect other CIWMB activities. The CIWMB's 1996 market development plan identifies C&D materials as a priority material for market development activities. New regulations on C&D debris facilities and operations, particularly those engaged in recycling, may discourage the development of recycling facilities. Further, the CIWMB recently approved an Integrated Waste Management Disaster Plan, as required by PRC §43035. Much of the solid waste that develops after a disaster is C&D waste. The Plan fosters recycling of these wastes whenever possible, but new regulations on C&D recycling facilities may have an adverse effect on the implementation of the disaster plan.

The bill might involve the CIWMB in local land use decisions. The bill would require the CIWMB, in adopting regulations, to assist in the formation of a working group of local enforcement agencies and representatives of local construction and demolition industry and engineering contractor firms. This working group, led by CIWMB, would provide either a model ordinance or best management practices for solid waste facilities that handle demolition and construction debris. The bill is not explicit, but presumably the model ordinance, developed under CIWMB guidance, would address local land use issues.

The bill might prohibit C&D operations between January and October 1998. The bill would prohibit operation of C&D facilities or operations, except as authorized by the Integrated Waste Management Act or implementing regulations. Because the CIWMB has not yet adopted implementing regulations for facilities that handle C&D wastes, no C&D handling activities are explicitly authorized. Therefore, the bill may be read as prohibiting operation of these facilities until the CIWMB adopts implementing regulations.

Technical drafting issues. The bill uses the expressions "debris" and "waste" in different locations, without drawing a clear distinction between the two expressions. Additionally, the legislative intent sections suggest that the CIWMB's regulations will not apply to all C&D debris facilities, but the code sections do not limit the CIWMB's regulatory authority.

LEGISLATIVE HISTORY

AB 117 was introduced on January 13, 1997. As introduced, it addressed permits issued by air quality management districts. The bill was amended on March 10 and again on April 8, 1997. The bill is set for hearing in Assembly Committee on Natural Resources on April 14, 1997.

Support: none of file.

Oppose: none on file.

FISCAL AND ECONOMIC IMPACT

AB 117 would require the CIWMB to incur costs of $125,000 (2.5 PY) in FY 1997-98 (6 months); $250,000 (2.5 PY) in FY 1998-99; and $125,000 (2.5 PY) in FY 1999-2000 (6 months). These costs would be for development of guidance to local enforcement agencies on enforcement of CIWMB C&D regulations; for development of model ordinances or best management practices for C&D debris management; and to enforce the prohibition on C&D facilities and operations. These costs would be borne by the Integrated Waste Management Account.

Additionally, local governments, operating as local enforcement agencies, would incur indeterminate costs to enforce the prohibition on operating an unauthorized C&D debris facility.

As a result of the successful of diversion of solid waste from California's landfills, the Integrated Waste Management Account is experiencing declining revenues due to decreased tipping fees. For this reason, less money is available to implement CIWMB programs. Enactment of this legislation could result in less funding for other vital CIWMB programs.

LEGISLATION AND PUBLIC EDUCATION COMMITTEE

BILL ANALYSIS

Board	Author	Bill Number
California Integrated Waste Management Board	Bowen	AB 362
Sponsor	**Related Bills**	**Date Amended**
Author		As Introduced.

BILL SUMMARY:

AB 362 would require companies that advertise products as "ozone-friendly," "recycled," or "biodegradable" to meet specific standards or face the prospect of criminal charges for misleading consumers. Additionally, companies would be prohibited from using marketing catch phrases such as "ecologically safe" or "ecologically sound" without backing up those claims with documentation.

BACKGROUND:

According to the author, Assemblymember Bowen, the purpose of AB 362 is to reinstate California's Truth in Advertising law, which was enacted into law by AB 3994 (Sher, Chapter 1413, Statutes of 1990) and repealed by SB 426 (Business and Professions Code Sections 17590 and 17580.5, Leslie, Chapter 642, Statutes of 1995). AB 362 would reinstate all the original language that was deleted by SB 426, except for the invalid definition of "recyclable." Current law provides that environmental market claims be consistent with references in the *Guides for Use of Environmental Marketing Claims*, published by the Federal Trade Commission (FTC) on July 27, 1992. However, supporters contend that the FTC Guides are general in nature and do not provide any threshold data. Lack of threshold data or standards may lead to disparity between claims by manufacturers. As an example, two different companies can claim that they have recyclable products, while one maybe marginally recyclable and the other commonly recyclable. The author hopes that enactment of AB 362 would put an end to this type of deceptive advertising that misleads consumers.

However opponents believe that it is more reasonable for manufacturers to follow one environmental advertising standard, the FTC *Guides for Use of Environmental Marketing Claims,* since advertising claims are printed on the outside of containers of products that are shipped to many or all states. They contend that state-only standards have proven to be time consuming and expensive for manufacturers because they must produce one set of product labels for California and another set of product labels for other states.

Departments That May Be Affected		
Trade and Commerce Agency		
Committee Recommendation	**Committee Chair**	**Date**
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California's Truth in Environmental Advertising law (also known as the Green Marketing law) has been a subject of contention between business interests and advertisers versus environmentalists and manufacturers of recycled products for many years. SB 426 repealed the definitions contained within the existing environmental advertising law and created current law, which prohibits a person from making any untruthful, deceptive, or misleading environmental marketing claim about a product or package sold or offered for sale in California that does not meet or exceed the FTC *Guides for Use of Environmental Market Claims*. The California Integrated Waste Management Board (CIWMB) did not take a position on SB 426.

Before SB 426 was enacted into law, the Green Marketing law (Sher, AB 3994, Chapter 1413, Statutes of 1990) restricted the use of such terms as "recyclable," "ozone friendly," or "biodegradable." A group of ten industry and advertising trade associations sued the State of California over implementation of these provisions, claiming the law violated the right of free speech of advertisers. A ruling by the U.S. District Court (December 24, 1992) upheld the State law, but struck down the term "recyclable" as constitutionally vague and unenforceable.

EXISTING LAW

Federal Law (Code of Federal Regulations, Title 16, Chapter 1, Part 260, Guides for the Use of Environmental Marketing Claims):

1. Provide guidance to the public regarding environmental advertising and marketing practices, including labeling, advertising, promotional materials and all other forms of marketing, whether asserted directly or by implication, through words, symbols, emblems, logos, depictions, product brand names, and through any other means.

2. Apply to any claim about the environmental attributes of a product or package in connection with the sale, offering for sale, or marketing of such product or package for personal, family or household use, or for commercial, institutional or industrial use.

3. Explicitly provide that the claims are not enforceable regulations and do not have the force and effect of law.

4. Do not preempt regulations of other Federal agencies or of State and local bodies governing the use of environmental marketing claims.

5. Explicitly provide that compliance with Federal, state or local law concerning environmental marketing claims will not necessarily preclude FTC enforcement action under Section 5 of the FTC regulations.

6. Indicate that it is deceptive to misrepresent, directly or by implication, that a product or package is:

   - Degradable, biodegradable or photodegradable. An unqualified claim that a product or package is degradable, biodegradable or photodegradable should be substantiated by competent and reliable scientific evidence that the entire product or package will

completely break down and return to nature, i.e., decompose into elements found in nature within a reasonably short period of time after customary disposal.

- Compostable. An unqualified claim that a product or package is compostable should be substantiated by competent and reliable scientific evidence that all the materials in the product or package will break down into, or otherwise become part of, usable compost in a safe and timely manner in an appropriate composting program or facility, or in a home compost pile or device.

- Recyclable. A product or package should not be marketed as recyclable unless it can be collected, separated or otherwise recovered from the solid waste stream for use in the form of raw materials, in the manufacture or assembly of a new package or product.

- Contains recycled content. A recycled content claim may be made only for materials that have been recovered or otherwise diverted from the solid waste stream, either during the manufacturing process or after consumer use.

State Law:

1. Provides that it is unlawful for a person to make an environmental marketing claim, whether explicit or implied, that does not meet or exceed the requirements for substantiation or is not consistent with the examples contained in the FTC *Guides for Use of Environmental Marketing Claims*, or is identified as a deceptive claim by those guidelines (Business and Professions Code § 17580.5).

2. Provides that it is a defense to a suit or complaint brought under these provisions if a person's environmental marketing claims conform to the FTC standards (Business and Professions Code § 17580.5).

3. Declares legislative intent that it is the public policy of California that environmental marketing claims, whether explicit or implied, must be substantiated by competent and reliable evidence to prevent deceiving or misleading consumers about the environmental impact of products and packages (Section 1 of Chapter 642, Statutes of 1995).

4. Makes it a misdemeanor, subject to criminal and civil penalties, if this law is broken (Business and Professions Code § 17581).

ANALYSIS

AB 362 would:

1. Repeal existing State environmental advertising provisions, with the exception of criminal and civil penalty provision (#'s 1, 2 and 3 above);

2. Define "ozone friendly" or any like term that connotes that stratospheric ozone is not being depleted, to mean that any chemical or material released into the environment as a result of the

use or production of a product will not migrate to the stratosphere and cause unnatural and accelerated deterioration of ozone;

3. Define "biodegradable" to mean a material that has the proven capability to decompose in the most common environment where the material is disposed within one year through natural biological processes into nontoxic carbonaceous soil, water, or carbon dioxide;

4. Define "photodegradable" to mean a material that has the proven capability to decompose in the most common environment where the material is disposed within one year through physical processes, such as exposure to heat and light, into nontoxic carbonaceous soil, water, or carbon dioxide;

5. Define "recycled" to mean an article's contents contain at least 10 percent, by weight, postconsumer material as defined in Public Contract Code 12200 (b);

6. Define "consumer good" to mean any article that is used or bought for use primarily for personal, family, or household purposes;

7. Provide a wholesaler or retailer who does not initiate a representation by advertising or by placing the representation on a package is not held responsible for that representation;

8. Make it unlawful for any person to represent that any consumer good, as defined, that it manufactures or distributes is ozone friendly, biodegradable, photodegradable, recyclable, or recycled, unless that consumer good meets specified definitions in State law or definitions established in trade rules adopted by the FTC; and

9. Require a person who represents that a consumer good it manufactures or distributes is not harmful to, or is beneficial to the natural environment through the use of specified environmental terms, to maintain written records and documentation supporting the validity of that representation, and to provide that information upon request.

COMMENTS

Solid Waste Impacts. The environmental advertising law has a direct impact on the CIWMB and its programs for the following reasons:

- False labeling of products as recyclable could lead some nonrecyclable waste to be disposed into source-separated, recyclable bins (that is, the public will put nonrecycled waste into curbside bins by mistake). This error will lead to higher processing costs for recyclers and local government, making recycling programs more expensive.

- False labeling of products as made from recycled material could cause some consumers to purchase non-recycled products, thus shrinking the market for products genuinely made from recycled material.

Enforcement Issues. The CIWMB does not implement the environmental advertising law; this is the duty of agencies charged to enforce the truth-in-advertising laws by civil and criminal penalties. California's enforcement agencies include the offices of city, county and district attorneys and the State Attorney General. At the Federal level, the FTC has enforcement powers through Section 5 of the FTC regulations. Using these enforcement powers, the FTC has brought actions against manufacturers who have made erroneous environmental benefit claims and the manufacturers have complied with the FTC guidelines.

Difference Between the FTC Guides and AB 362. The FTC guidelines contain general standards regarding advertising that makes general environmental benefit claims, that uses terms such as recyclable, compostable, degradable, biodegradable, ozone safe or ozone friendly, or claims relating to recycled content, or source reduction (for solid waste). The FTC guidelines contain several examples that explain what types of advertising fall within this standard and what considerations are involved in meeting the standards.

The major difference between the FTC Guides and AB 362 is how the term "recycled" is defined. AB 362 requires any product labeled as "recycled" to contain at least 10 percent postconsumer material. Under the current FTC guideline for use of the term "recyclable," a product or package should not be marketed as recyclable unless it can be collected, separated or otherwise recovered from the solid waste stream for subsequent use. Consequently products, which contain only scraps from the manufacturing floor and contain none of the material collected in local residential and business recycling programs can still be labeled as "recycled." A product can be labeled as "recycled" even if the product has no postconsumer material. Consumers expect products that are labeled as "recycled" include postconsumer material that came from the paper, glass, metals and other materials that they recycle at home or work.

The FTC revised its guidelines, effective October 4, 1996, making only minor revisions. The FTC is still in the process of reviewing the "compostable' and "recyclable," guides, and anticipates making modifications to the guides within the next several months. Until that time, the original version of the "compostable" and "recyclable" guides will remain in effect.

National Standards. The FTC Guides provide one environmental advertising standard for manufacturers and individual states to follow and act, in a way, as a uniform national labeling law. Opponents to AB 362 contend that it is more reasonable to use the FTC Guides as the nationwide standard for environmental advertising, rather than each state having is own separate labeling requirements. This is mainly because advertising claims are printed on the outside of the container of products that are shipped to many or to all states. State-only standards could be time consuming and expensive for manufacturers because manufacturers would have to produce one set of product labels for California and another set of product labels for other states.

Differing California Definitions of "Recycled." Generally, California recycled-content law is the more stringent than most other states, partially because the Integrated Waste Management Act mandated that cities and counties to divert 25 percent by 1995, and 50 percent by the year 2000, of all solid waste from landfill or transformation. This waste diversion was possible through source reduction, recycling, and composting activities that were designed to help Californians reach these goals.

Currently, there are no laws or CIWMB regulations defining any of the labeling terms in contained in AB 362, other than "recycled." The CIWMB's Rigid Plastic Packaging Container Program regulations (Title 14, Division 7, Chapter 4, Article 3, Section 17943 [b] [25] of the California Code of Regulations) defines the term "recycled" as "...a product or material that has been diverted from disposal in a landfill and has been reused in the production of another product." The CIWMB's other minimum content program laws and regulations contain definitions related to what is a "recycled product" and specify what postconsumer content is necessary to quality as "recycled."

Under Project Recycle (State agency program for procurement of recycled products), "recycled product" means all materials, goods, and supplies, no less than 50 percent of the total weight of which consists of secondary and postconsumer material with not less than 10 percent of its total weight consisting of postconsumer material. Postconsumer material is a finished material that would have been disposed of as a solid waste, having completed its life cycle as a consumer item, and does not include any manufacturing wastes.

The term "recycle" or recycling" is also defined in Public Resources Code § 40180 as, "...the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream as raw material for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace....." AB 362 is inconsistent with the minimum recycled content requirements of several CIWMB programs. The CIWMB's minimum content programs define the following percentage for postconsumer content:

- Newsprint - 40 percent (Public Resources Code [PRC] § 42756);
- Plastic trash bags - 10 percent (1 mil thickness) or 30 percent (.75 mil thickness) (PRC § 42291); and
- Rigid plastic packaging containers - 25 percent (or be 10 percent source reduced, or reusable, or refillable) (PRC § 42310).

The bill defines "recycled" as having at least 10 percent, by weight, postconsumer material, as defined in Public Contract Code § 12200 (b). However, there is no indication on how this weight is to be calculated. For example, the weight of paper could be calculated by the weight of the fiber in the paper or by the weight of the total sheet of paper. To avoid this inconsistency, the bill should be amended to make it clear that the definition of "recycled" applies only to Business and Professions Code §'s 17508.5 and 17580.

Drafting Issue. Lastly, when this bill was prepared, a mistake may have been made in the citation of the added Business and Professions Code § 17508.5. Current environmental advertising law is located under Division 7, Part 3, Chapter 1, Article 1 of the Business and Professions Code and includes Sections 17580, 17580.5 and 17581. As numbered, this proposed section (Business and Profession Code § 17508.5) does not appear to belong in this part of the Business and Professions Code.

SUGGESTED AMENDMENT

The author may wish to consider the following technical amendments:

- To avoid inconsistency with current law regarding the definition of "recycled," AB 362 should be amended to make it clear that the definition of "recycled" in AB 362 applies only to the environmental advertising law, and no other existing recycled-content laws.

- Renumber Business and Professions Code § 17508.5 to 17580.5.

LEGISLATIVE HISTORY

AB 362 was introduced on February 19, 1997. AB 362 passed the Assembly Consumer Protection, Governmental Efficiency, and Economic Development Committee (7-4) on April 8, 1997. The bill has been referred to the Assembly Appropriations Committee; no hearing date has been set.

Support: Californians Against Waste
Norcal Waste Systems

Oppose: California Chamber of Commerce
Grocery Manufacturers of America
California League of Food Processors
American Plastics Council
National Food Processors Association

As a member of the State Assembly, Senator Sher made several attempts to enact a constitutionally acceptable definition of "recyclable" through AB 144 in 1991, AB 2496 in 1992, AB 1112 in 1993 and AB 227 in 1995. All of these measures failed passage in the Legislature. The CIWMB adopted a support position on AB 1112 of 1993 and AB 227 of 1995.

FISCAL AND ECONOMIC IMPACT

This bill would have minor, absorbable fiscal impact on the CIWMB and its programs. The bill does not mandate a new State program. Under current law, CIWMB is occasionally called upon to answer questions about environmental labeling, but the workload involved is insignificant. With the proposed changes in AB 362, this minimal workload would likely continue.

If AB 362 is enacted, criminal and civil penalties could be imposed against those manufacturers who may possibly be making deceptive comments about environmental attributes of their products or the packaging of their products. Additionally, since advertising claims are printed on the outside of containers of products that are shipped to many or all states, enactment of the bill could cause additional costs for manufacturers who may be forced to produce one set of product labels for California and another set of product labels for other states.

SUGGESTED AMENDMENT TO AB 362

- On the title page:

  Renumber Business and Professions Code § 17508.5 to 17580.5

- On page 2, line 1:

  Renumber Business and Professions Code § 17508.5 to 17580.5

- On page 3, line 8, after "Code." Insert:

  This definition will apply only to environmental advertising law, and no other existing recycled-content laws.

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

Board	Author	Bill Number
California Integrated Waste Management Board	Strom-Martin	AB 705
Sponsor	**Related Bills**	**Date Amended**
Californians Against Waste	AB 84 (Woods), AB 228 (Midgen)	April 2, 1997

SUMMARY

AB 705 would require state government agencies to develop an integrated waste management program similar to those required to be adopted by cities, counties and regional agencies. It would also include building and construction materials, outdoor furniture, and landscaping materials within the definition of recycled products for purposes of procurement requirements by the Legislature and state agencies, and contractor certification of materials for state jobs. In addition, it would also reenact provisions of law which required all state agencies to purchase certain recycled products if they meet quality and cost considerations.

BACKGROUND

The sponsor of this measure, Californians Against Waste (CAW), wants to ensure that state government agencies do their fair share to contribute to California's recycling and waste reduction requirements. In recent court cases, some state agencies have argued that they cannot be required to implement recycling programs as part of the efforts to comply with the Integrated Waste Management Act (Act). The most notable case involved Pelican Bay State Prison where the courts ruled that because state agencies were not specifically referenced in the Act, they cannot be required to comply with the Act or with local ordinances pertaining to recycling and waste management. The bill is intended to provide a statutory framework within which state agencies may comply with the Integrated Waste Management Act.

The sponsor also believes reinstating provisions relating to the purchase of recycled lubricants, antifreeze, solvents, and paints, and adding provisions relating to the purchase of recycled building and construction products, outdoor furniture, and landscaping materials will enhance the state's recycled product procurement program.

The CIWMB initiates and coordinates a comprehensive statewide waste reduction and recycling program for all state offices and institutions. The Project Recycle program conducts evaluations of materials discarded by state agencies; provides training materials and

Departments That May Be Affected		
All state agencies, departments, commissions and boards		
Committee Recommendation	Committee Chair	Date

instruction, as well as desktop and intermediate metal collection containers; purchases other equipment for the safe collection of recyclables; and assists with arrangements for the sale of collected materials. As of March 1997, Project Recycle works with programs at 1200 state offices and facilities. During 1996, 28,672 tons of material were collected from state facilities. The CIWMB's Buy Recycled Campaign assists procurement officers at the state's Department of General Services (DGS), other state agencies, local governments and businesses in buying recycled-content products. These include recycled-content paper and plastics, re-refined petroleum, retreaded tires, lead-acid batteries, paint and solvents, glass products, paving materials, and compost products.

Governor Wilson's April 10, 1991 Executive Order W-7-91 requires all State agencies to implement a number of specific practices to reduce waste, reuse materials, recycle, and procure products made with recycled content to help reduce the amount of solid waste going to landfills. The CIWMB and the Department of Conservation (DOC) were also directed to conduct five waste audits at state agencies to determine waste reduction opportunities. The Department of General Services (DGS) is required to develop policies and guidelines for implementing the Executive Order and conduct ongoing educational and training sessions for state agencies, postsecondary education institutions, and local government procurement offices.

In June 1991, an Executive Task Force on Waste Reduction and Recycling was formed to implement the Executive Order. In January 1992, the Task Force sent an advisory report to the Governor detailing existing problems and making recommendations to solve these problems. Some of the recommendations in this report are similar to the legislation proposed in AB 705.

RELATED BILLS

AB 84 (Woods) would implement a pilot program for state agencies to provide price preferences for products manufactured with residues from agricultural cropping activities. AB 84 would define "products manufactured with residues from agricultural cropping activities" to include, but not be limited to, copy paper, stationery, newsprint, cardboard, fiberboard, pallets, sheeting, boards, tiles, insulation, and compost. AB 84 was set to be heard by the Assembly Appropriations Committee on April 2, 1997, but the hearing was put over.

AB 228 (Midgen) would include the Office of State Printing (OSP) in the Department of General Services (DGS) and any other state agency determined by the CIWMB to conduct any printing or publishing operation within the definition of "consumer of newsprint," for purposes of the recycled-content newsprint program administered by the CIWMB. Additionally the bill would include legislative intent that all state agencies, including the OSP, are subject to the recycled-content newsprint requirements and should do everything possible to achieve and exceed those requirements. AB 228 was set to be heard by the Assembly Appropriations Committee on April 2, 1997, but the hearing was put over.

EXISTING LAW

State Law:

1. Establishes a comprehensive program, administered by the CIWMB, for the management of solid waste in California (Public Resources Code [PRC] §40000, et al.).

2. Requires cities and counties to prepare, submit to the CIWMB for review, and implement plans for the diversion of 25% of solid waste disposed by 1995 and 50% by the year 2000 (PRC §40900-41460).

3. Establishes various recycled product purchase and procurement requirements for state agencies (Public Contract Code [PCC] §12150-12320).

ANALYSIS

AB 705 would:

1. State legislative intent that the State Agency Integrated Waste Management Program will clearly identify the responsibility of state agencies to develop waste reduction and recycling programs and to comply with the diversion requirements of the Act;

2. Add building and construction materials, outdoor furniture, and landscaping materials to the list of materials, goods and supplies, or products containing recycled resources and meeting the specified recycled content requirements for purposes of procurement requirements by the Legislature and state agencies and contractor certification of materials for state jobs;

3. Reinstate, until January 1, 2001, requirements that all state agencies purchase rerefined automotive lubricants, recycled antifreeze fluid, recycled solvents, and recycled paints, as long as the cost is not more than 5 percent greater than the same nonrecycled products, and fitness and quality are equal;

4. Require each state agency, or or before April 1, 1998, to conduct a waste audit to determine the amount of solid waste that it generates and the amount that can be reduced, reused, and recycled;

5. Require each state agency, on or before June 1, 1998, to develop an integrated waste management program for reducing, reusing, and recycling solid waste;

6. Require each state agency to designate at least one waste coordinator who shall be responsible for implementing the agency's integrated waste management program;

7. Require the CIWMB to provide technical assistance to state agencies for the implementation of #3 and #4 above;

8. Require each state agency, by January 1, 1999, to divert at least 25% of its waste from landfill or transformation facilities, and by the year 2002, to increase diversion to 50%;

9. Authorize each state agency to utilize previous initiated diversions to meet the bill's diversion requirements;

10. Mandate procedures to ensure that the facilities for storage, collection, and centalized pickup of recyclable materials are available to each state agency; and

11. Define "state agency" as every state office, officer, department, division, board, commission or other agency of the state.

COMMENTS

STATE AGENCY INTEGRATED WASTE MANAGEMENT PROGRAM

Necessity of bill. A question might be raised about whether the State Agency Integrated Waste Management Program is needed on the scale proposed in this bill. The CIWMB estimates that state facilities generate less than 1% of the state's waste. At present, Project Recycle, the state's in-house waste reduction program, assists 1200 state facilities and is increasing the number of waste reduction programs by 100-150 programs per year. At this rate, in five years nearly half of all state facilities will have at least waste paper recycling programs and nearly all of the large facilities will have waste reduction programs. In addition, similar bills to AB 705 have been introduced three times since 1992. The Governor vetoed the first bill, the second bill was dropped, and the third bill failed passage in its first committee (see Legislative History section of this analysis).

Potential benefits. This proposal has the potential to benefit all parties with a vested interest in diverting waste from California landfills. Cities and counties would have assistance in meeting their diversion mandates because the state would no longer be exempt. The CIWMB would have statutory backing for other agencies to accept its waste diversion programs and assistance.

Cost. Currently, state agencies are not required to develop or implement a comprehensive integrated waste management program. Executive Order W-7-91 requires all state agencies to provide for collection and recycling of the typical containers, paper, cardboard, etc, and the CIWMB operates its Project Recycle program for state agencies which primarily focuses on recycling. AB 705 requires the CIWMB to provide technical assistance to state agencies to help them develop integrated waste management programs. The CIWMB would need to develop a model waste management program, review numerous integrated waste management programs, and train agencies in implementing these programs. It would be very expensive to small departments, as well as to the CIWMB, to review these programs. In addition, waste audits can be expensive and it could be difficult to obtain qualified personnel to conduct them. Instead of waste audits, AB 705 could be amended to require waste generation information of the facility obtained by extrapolating existing waste generation information from known facility types to similar state facilities generating similar waste.

Timelines. Under AB 705, state agencies are required to complete and submit their waste audits to the CIWMB by April 1, 1998. The state agencies are to develop, in consultation with the CIWMB, an integrated waste management program by June 1, 1998. As a practical matter, once the bill becomes effective, January 1, 1998, the CIWMB should provide, at a minimum, waste audit training to all state agencies to ensure uniformity. In addition, a considerable CIWMB staff effort would be required to assist the state agencies in developing their programs during the two-month period between April 1, 1998 and June 1, 1998. Effectively, AB 705 requires each state agency to meet the same standard that is required of local jurisdictions in only four years, whereas the locals have close to ten. This raises the question of how successful state agencies will actually be. Instead of the four year deadline, AB 705 could be amended to move the dates to a more appropriate timeline.

Cost savings. AB 705 states that any cost savings as a result of a state agency's implementation of the program shall, to the extent feasible, be redirected back into the program to fund program implementation and administration costs. However, existing law requires revenues from the sale of recyclables to go back to the Integrated Waste Management Account (IWMA) (PCC §12167). In addition, there is currently a provision that allows each state agency to seek approval from the CIWMB to retain up to $2,000, and to spend revenues in excess of $2,000 if appropriated by the Legislature (PCC §12167.1). AB 705 is unclear in that it may contradict these provisions. AB 705 could be amended to make it clear as to whether revenues would continue to come to the IWMA.

Definition of "state agency." The definition "state agency" in the bill is unclear as to whether it is applicable to all quasiautonomous agencies and the University of California, California State Universities, and community colleges, and could be amended to be more clear.

BUY RECYCLED

Material vs. application. AB 705 proposes to revise procurement by state agencies, the Legislature, and contractor certification of materials for state jobs by adding three types of products -- building and construction materials, outdoor furniture, and landscaping materials -- to the 11 product categories already identified. Although these types of recycled content products should be purchased by state agencies, it seems unnecessary to specify these products. The current 11 product categories are defined by the type of material they are made from (paper, plastic, glass, etc.). The proposed categories are defined by the application or use of the product. This could cause great confusion because many products could be categorized by material type and by application. For instance, a plastic lumber bench could be reported under the plastic category or the outdoor furniture category. This would make reporting by all state agencies and management of the State Agency Buy Recycled Campaign (SABRC) very difficult. If the proposed language stays in the bill, definitions of building and construction materials, outdoor furniture, and landscaping materials would be needed. For example, it could be made clear through an amendment whether the landscape materials category means compost, soil amendments, and additives.

Price preference. AB 705 reintroduces a code section related to state agency purchase of rerefined automotive lubricants, recycled antifreeze fluid, recycled solvents, and recycled

paints, as long as the cost is not more than 5 percent greater than the same nonrecycled products, and fitness and quality are equal. Since the CIWMB no longer has the pilot preference funds, it cannot make up the difference. The individual procuring agency would be responsible for paying the the premium.

LEGISLATIVE HISTORY

AB 705 was introduced on February 26, 1997. It passed the Assembly Consumer Protection, Governmental Efficiency, and Economic Development Committee (11-1) on April 8, 1997, and was referred to the Assembly Appropriations Committee (no date set).

Support: Californians Against Waste (sponsor)
Louisiana Pacific
Browning Ferris Industries
California Landscape Contractors
California Refuse Removal Council
E-Coat Recycled Paint (Division of Kelly-Moore Paints)
City of San Rafael
County of Santa Clara
Norcal Waste Systems, Inc.

Opposition: None received

AB 705 is similar to AB 3285 (Davis) of 1996, AB 1902 (McPherson) of 1995, and AB 3689 (Gotch) of 1992. AB 3285 failed passage in the Assembly Natural Resources Committee. Assemblyman McPherson dropped AB 1902 after it reached the Assembly Appropriations Committee. The California Integrated Waste Management Board (CIWMB) took no position on AB 3285 and AB 1902. The CIWMB supported AB 3689, but it was vetoed by the Governor. In his veto message, the Governor stated that the bill was duplicative of administrative efforts and "does not offer state government the flexibility it needs to meet our challenging, yet realistic, recycling goals."

FISCAL AND ECONOMIC IMPACT

AB 705 would impost costs of $267,500 (5.35 PY) in FY 97-98 (6 months), $535,000 (5.35 PY) in 1998-99, and $250,000 (2.5 PY) for annual ongoing costs from the Integrated Waste Management Account (IWMA).

These costs would be for technical assistance to state agencies as they develop and implement their integrated waste management program, and for developing the waste audit. In addition, they would cover the costs the CIWMB would incur to develop its own integrated waste management program, and do its own diversion calculations. Finally, they would cover the costs of revision of the State Agency Buy Recycled Campaign packet (SABRC), outreach and presentation forms, certification, and reporting forms. After the first year and one-half (1997-98 and 1998-99), costs would be expected to drop due to the completed development of each state agency's integrated waste management program and waste audit, and revisions to SABRC materials.

Although unclear, it is possible that if AB 705 is interpreted to override provisions of current law regarding revenues from the sale of recyclables coming back the the IWMA, it could cause a significant, undetermined decrease in funds to the IWMA.

As a result of the successful of diversion of solid waste from California's landfills, the CIWMB is experiencing declining revenues due to decreased tipping fees. For this reason, less money is available to implement CIWMB programs. Enactment of this legislation could result in less funding for other vital CIWMB programs.

Local agencies may lose revenues if state agencies do not participate in efforts to reduce or recycle solid waste.

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

Board	Author	Bill Number
California Integrated Waste Management Board	Wayne	AB 847
Sponsor	**Related Bills**	**Date Amended**
Appliance Recycling Centers of America		March 31, 1997

SUMMARY

AB 847 would prohibit any person from crushing for purposes of transportation or recycling, any major appliance until all hazardous materials and hazardous waste has been removed from the appliance. It would also require all hazardous materials and hazardous waste removed from major appliances to be managed in compliance with the hazardous waste control laws.

BACKGROUND

The sponsor of AB 847, Appliance Recycling Centers of America (ARCA), is a nationwide company that provides comprehensive appliance management services -- collection; the removal of all hazardous materials, including CFC/HCFC refrigerant gases, PCBs, mercury and transmission and compressor oils; and proper recycling or disposal of these materials and metals according to local, state, and federal laws and regulations.

ARCA came to California in 1993 and opened facilities in Compton and Oakland, largely due to the state's law requiring removal of hazardous materials from appliances before they are baled or shredded for metals recycling or disposal. ARCA closed their Oakland facility in October 1996 due to lack of business which they feel is attributable to the state's failure to implement or enforce this law at scrap metal recycling centers. ARCA believes that many entities responsible for managing the nearly 5 million unwanted major household appliances generated by consumers in California each year are not properly removing hazardous materials from appliances and managing them as hazardous waste, as required by current law.

ARCA has introduced AB 847 to restore "a level playing field" by placing the requirement to remove hazardous materials from appliances in the Health and Safety Code (HSC), which

Departments That May Be Affected		
Department of Toxic Substances Control, Air Resources Board		
Committee Recommendation	Committee Chair	Date
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governs the Department of Toxic Substances Control (DTSC) and local hazardous waste management agencies. Presently, that requirement exists only in the Public Resources Code (PRC), governing solid waste management. According to ARCA, it is not surprising that state and local hazardous waste agencies, as well as appliance collectors and processors, may be unaware of this requirement, since it is in a code that does not govern their hazardous waste management activities.

The Association of Home Appliance Manufacturers opposes AB 847, believing that ARCA has grossly exaggerated the disposal hazards of discarded appliances. They cite the CIWMB's Metallic Discards Management Plan (August 1993), which states that "existing laws and the current economic climate together provide generally adequate regulatory control and economic incentives that special materials contained in major appliances. . .do not create a large problem in California." They state that the certification, registration, and reporting requirements proposed by AB 847 are cumbersome and unnecessary, with no evidence of widespread violation of current requirements. Further, they state that if compliance is the goal, the focus should be on educational outreach, including a broader distribution of the *Appliance Recycling Guide* developed by the CIWMB.

EXISTING LAW

State Law:

1. Defines "major appliance" as any domestic or commercial device, including, but not limited to, a washing machine, clothes dryer, hot water heater, dehumidifier, conventional oven, microwave oven, stove, refrigerator, freezer, air-conditioner, trash compactor, and residential furnace (PRC Section 42166).

2. Defines "materials which require special handling" as sodium azide canisters in unspent air bags which are determined to be hazardous by federal and state law or regulation, encapsulated polychlorinated biphenyls (PCBs) in major appliances, and cholorofluorocarbons (CFCs) injected in air conditioning/refrigeration units or any other hazardous waste or hazardous material regulated by the Department of Toxic Substances Control (PRC Section 42167).

3. States that on or after January 1, 1994, materials which require special handling shall be removed from major appliances and vehicles in which they are contained prior to crushing for transport or transferring to a baler or shredder for recycling (PRC Section 42175).

4. On or before January 1, 1993, requires the CIWMB to develop and submit a management plan to the Legislature for the removal of materials which require special handling from major appliances and vehicles. The plan is required to specify how the removal of materials which require special handling should be financed and

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administered, as well as what, if any, state agency approvals are to be required of those persons removing these materials (PRC Section 42176).

Federal law (Clean Air Act):

1. Requires the recovery and recycling of refrigerant gases (CFCs, hydrochlorofluorocarbons (HCFCs) hydrofluorcarbon (HFCs) and non-CFC replacements) contained in refrigerated appliances such as freezers, air conditioners, heat pumps and water coolers (Clean Air Act, Section 608).

ANALYSIS

AB 847 would:

1. Define "major appliance" in the Health and Safety Code as "any domestic or commercial device, including, but not limited to, a washing machine, clothes dryer, hot water heater, dehumidifier, conventional oven, microwave oven, stove, refrigerator, freezer, air-conditioner, trash compactor, or residential furnace."

2. State in the Health and Safety Code that no person shall crush for purposes of transportation or transfer to a baler or shredder, for recycling, any major appliance until all hazardous materials and hazardous wastes have been removed from the appliance.

3. Require in the Health and Safety Code the Department of Toxic Substances Control (DTSC) or any local health officer or other public officer to conduct inspections and take enforcement action to ensure compliance with the provisions of this bill.

4. State in the Public Resources Code that materials requiring special handling shall be removed from major appliances and from vehicles prior to crushing for transport or transfer to a baler or shredder for recycling *in accordance with applicable hazardous waste laws.*

COMMENTS

Metallic discards at landfills. Very few "metallic discards" go to landfills because the scrap metal has value. The CIWMB estimates that approximately 39.8 million tons of solid waste are disposed of at solid waste facilities. Of that total, approximately .5 percent or 195,639 tons of metallic discards are disposed in California's landfills. They generally go to scrap metal dealers/recyclers if they cannot be refurbished or reused as appliances, to be sold for their scrap metal value. The average price for white goods scrap metal in California is $36 per ton. The only "enforcement" the CIWMB or its Local Enforcement Agencies (LEAs) would do regarding requirements to remove hazardous waste from appliances would be to

regulate appliances being disposed in landfills without these materials removed. According to CIWMB, there does not appear to be a problem at solid waste facilities because at landfills, contracts are generally in place to remove the hazardous materials and/or the appliances are diverted for disposal to a scrap metal dealer.

Metallic discards at metal recyclers. The problem appears to be at the metal recycler where appliances are allegedly being crushed without removal of the hazardous materials. Once this occurs, it is a violation of hazardous materials/hazardous waste management law, as well as a violation of the federal Clean Air Act (for CFCs). These are matters that the CIWMB has no jurisdiction over. Also, the CIWMB does not presently have any authority to require scrap metal recyclers to change their practices.

Authority. The CIWMB's authority over used appliances is limited to their disposal at solid waste facilities. Specifically, the prohibition on disposal states that after January 1, 1994, no solid waste facility shall accept for disposal any major appliance, vehicle, or other metallic discard which contains enough metal to be economically feasible to salvage as determined by the solid waste facility operator. The CIWMB does not regulate metal recyclers who process the white goods for scrap metal value because they are not handling solid waste. These activities would be considered "de-manufacturing," which the CIWMB decided in 1996 was to be outside of its regulatory tiers (other examples of "de-manufacturing" are couch and mattress recyclers, auto dismantlers, and circuit board recyclers).

Enforcement. The Metallic Discards Act provided no specific mechanism for enforcement of its provisions. Materials requiring special handling (hazardous waste and hazardous material) removed prior to recycling and disposal are covered under the general hazardous waste control laws administered by the DTSC. The ban on disposing used appliances to landfills is covered under laws governing solid waste facilities administered by the CIWMB. The U.S. Environmental Protection Agency (USEPA) is enforcing the provisions within Section 608 of the federal Clean Air Act regarding the processing of air-conditioning and refrigeration equipment. USEPA is performing random inspections, responding to tips, and pursuing potential cases against violators.

It is possible that a regulatory program for metal recyclers could impose costs that make it difficult to sell scrap metal. The average price for white goods scrap metal in California is $36 per ton. If the cost to regulate white goods is close to, or higher than $36 per ton, it will no longer be profitable to recycle white goods and the result could be illegal disposal.

Metallic Discards Management Plan. The Metallic Discards Act in the PRC required the submittal of a management plan to the Legislature for the removal of special materials from vehicles and major appliances. This mandate was satisfied by a plan prepared by the CIWMB and a report prepared by Science Applications International Corporation (SAIC) detailing the current activities of the metallic discards processing industry in California in August 1993. The final report of the Metallic Discards Management Plan lists several CIWMB actions taken in response to the recommendations made:

(a) LEA Advisory: The CIWMB developed and sent out a LEA Advisory letter to all LEAs and interested parties which described the regulatory mandates for metallic discards management in California with an attachment titled, "Metallic Discards Q & A," which listed answers to the most commonly asked questions.

(b) Appliance Recycling Fact Sheet: The CIWMB developed an Appliance Recycling Sheet which was sent out to interested parties regarding the subject of metallic discards management in California. It briefly explained the Metallic Discards Act mandate, the landfilling problems of metallic discards, other concerns, and how to reuse, recycle and purchase appliances.

(c) Appliance Recycling Guide: The CIWMB developed this recycling guide to assist those persons in the disposal and recycling sectors who intend to process appliances and the special materials contained within them. This guide is not intended for use by the home repair person, known as the do-it-yourselfer. The guide focuses on the: (1) identification of special materials which require removal, (2) special materials (i.e. refrigerants, polychlorinated biphenyl (PCB), oils and lubricants, and mercury) removal and extraction methods, (3) identification of health and safety hazards in removing and handling special materials, and (4) management of special materials in accordance with state and federal regulations.

Metallic Discards Management Task Force. The CIWMB also convened a Metallic Discards Management Task Force which met twice to discuss and share information regarding the recycling of metallic discards. The Task Force consisted of approximately 12 members representing the regulatory, environmental, industrial, and public sectors. The outcome of the meetings assisted the CIWMB to develop literature on the proper processing of metallic discards, identify appliances of concern, identify the need for training and certification requirements of persons processing metallic discards, address issues regarding special materials, etc.

Metallic Discards monitoring. The CIWMB also performed non-regulatory monitoring for a six month period regarding the effectiveness of the Metallic Discards Act. A survey of both Northern and Southern California appliances repair shops, processing facilities, metal scrap facilities, and local governments was performed. The results showed that since the Metallic Discards Act went into effect, a few processing facilities, metal scrap facilities, and local governments have seen an increase in appliance salvaging/recycling while others have seen no increase.

LEGISLATIVE HISTORY

AB 847 was introduced on February 27, 1997. It passed the Assembly Environmental Safety and Toxic Materials Committee (6-0) on April 1, 1997, passed the Assembly Appropriations Committee (11-5) on April 9, 1997, and has been referred to the Assembly Floor.

Support:	Appliance Recycling Centers of America, Inc. (ARCA) (sponsor) Planning and Conservation League Californians Against Waste Sierra Club
Opposition:	Association of Home Appliance Manufacturers

FISCAL AND ECONOMIC IMPACT

AB 847 would have no fiscal impact on the CIWMB.

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

Board	Author	Bill Number
California Integrated Waste Management Board	Thompson	SB 2
Sponsor	**Related Bills**	**Date Amended**
Author	AB 705; SB 15; SB 256; SB 278	April 3, 1997

BILL SUMMARY:

SB 2 would enact the Parks and Resources Improvement Bond Act of 1998 which would authorize the issuance of general obligation bonds in the amount of $495.5 million. These bonds would finance the rehabilitation and enhancement of park, recreational, cultural, historical, fish and wildlife, lake riparian, reservoir, delta, river, and coastal resources. The bond act would be submitted to the voters at the November 3, 1998 general election. This is an urgency measure.

BACKGROUND:

The Department of Parks and Recreation (DPR) estimates that there is a minimum of $500 million in deferred maintenance needs and capital outlay needs in state parks. The last bond act affecting parks and wildlife resources was passed in 1988 and the funds generated under previous bond acts are close to depletion. Park bond measures attempted in 1990 and 1994 both failed to pass.

RELATED BILLS:

AB 705 (Strom-Martin) would require state government agencies to develop an integrated waste management program similar to those required to be adopted by local government agencies. It would also include building and construction materials, outdoor furniture, and landscaping materials within the definition of recycled products for purposes of procurement requirements by the Legislature and state agencies, and contractor certification of materials for state jobs. AB 705 passed the Assembly Committee on Consumer Protection, Government Efficiency & Economic Development on April 8, (11-1), and was referred to the Committee on Natural Resources.

SB 15 (Greene) would enact the Class Size Reduction Facilities Bond Act of 1997, authorizing the issuance of $600 million in general obligation bonds to assist school districts

Departments That May Be Affected Department of Conservation, Department of Parks & Recreation, Department of Fish & Game, Department of Water Resources		
Committee Recommendation	**Committee Chair**	**Date**

in the facilities-related costs of class size reduction. SB 15 passed the Senate Appropriations Committee on April 9, 1997 (10-3).

SB 256 (Lee) would enact the Homeless and Housing Bond Act of 1997, authorizing the issuance of $200 million in general obligation bonds for the purpose of financing the construction and rehabilitation of various housing programs for the homeless. SB 256 is currently set for hearing on April 21, 1997 before the Senate Committee on Housing and Land Use.

SB 278 (Watson) would enact the Child Care Facilities Financing Act, authorizing the issuance of $50 million in general obligation bonds for the purpose of acquiring and constructing child day care facilities, fixtures, and equipment. SB 278 is set for hearing on April 23, 1997 before the Senate Committee Health and Human Services.

EXISTING LAW:

State Law:

1. Establishes the Department of Parks and Recreation, which protects and maintains the state park system and supports various cultural and historic resources. The Roberti-Z'Berg Urban Open-Space and Recreation Program Act (Roberti-Z'Berg) created an account in the General Fund to fund annual grants to cities, counties, and districts for recreational purposes or open-space purposes, on the basis of population and need. Most of the Roberti-Z'Berg funds (83%) are distributed as block grants for cities, counties, and regional park districts in urbanized or heavily urbanized areas keyed to a population formula. The balance of the funds (17%) are distributed as need based grants (Public Resources Code §§ 5628-5630).

2. Generally requires (the State Assistance for Recycling Market Act of 1989, Public Contract Code § 12150 et seq) State and local governments to purchase recycled products instead of nonrecycled products when fitness and quality are equal (Public Contract Code § 12210).

ANALYSIS:

SB 2 would:

1. Authorize the sale of $495.5 million in general obligation bonds, which would create the Parks and Resources Improvement Bond Fund, to be distributed under four different methods; a.) automatic distribution to the Department of Parks and Recreation (DPR), b.) automatic distribution to organizations and existing state programs, c.) grants, and d.) competitive grants. DPR would receive $113 million to

rehabilitate aging facilities for optimal recreational and educational activities, and improve access by purchasing adjacent lands and inholdings. DPR would also receive $12 million for projects related to resources stewardship and volunteer participation in the state parks. $183.5 million would go to organizations and state programs. $167 million would go to grants, and $20 million would go to competitive grants;

2. Require that most of the funds acquired by the sale of the bonds would be used for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and interpretation of state and local park lands and facilities; and

3. Express the intent of the Legislature to strongly encourage every state or local government agency recipient of funds to give full consideration to the use of recycled and reusable products whenever possible in carrying out the activities enumerated in the bill. (Proposed PRC § 5096.306.)

COMMENTS:

Consistent with CIWMB mission: The general purpose and provisions of the bill are consistent with the Board's overall philosophy and mission of preserving and protecting the state's natural resources.

Market Development Plan: The Board's strategies for meeting the goal of 50 percent reduction in waste by the year 2000 include an expansion of existing programs toward increased procurement of recycled-content products by the construction industry. By encouraging recipients of bond funds to use recycled and reusable products the bill would complement and enhance these programs.

Consistent with State Procurement Law: Existing law requires state and local agencies to purchase recycled products under specified conditions, (Public Contract Code [PCC] § 12150-12320); the bill would expand this policy to all bond fund recipients, including nongovernmental, non-profit organizations.

LEGISLATIVE HISTORY:

SB 2 was introduced on December 2, 1996. The bill passed the Senate Committee on Natural Resources and Wildlife on March 4, 1997 (7-0), and was referred to the Senate Committee on Appropriations, where it was placed on that Committee's suspense file on April 7, 1997.

Support: California Association of Zoos and Aquariums
California Association of Recreation and Park Districts
California Federation for Animal Legislation
California Park & Recreation Society, Inc.

California Special Districts Association
California State Park Rangers Association
East Bay Regional Park District
Fulton-El Camino Recreation & Park District
Hayward Area Recreation and Park District
Laguna Canyon Foundation
McKinleyville Community Services District
Midpeninsula Regional Open Space District
North Bakersfield Recreation & Park District
Paradise Recreation and Park District
Planning and Conservation League
San Bernardino Mountains Land Trust
San River Valley Land Conservancy
Small Wilderness Area Preservation
The Trust For Public Land
The Fund for Animals, Inc.
Valley-Wide Recreation and Park District

Oppose: None

FISCAL AND ECONOMIC IMPACT:

This bill does not impose a fiscal impact on the CIWMB since it does not directly affect any of the Board's programs.

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

Board	Author	Bill Number
California Integrated Waste Management Board	Sher	SB 436
Sponsor	**Related Bills**	**Date Amended**
Author		As Introduced

BILL SUMMARY

SB 436 would require the California Integrated Waste Management Board (CIWMB), in consultation with the Department of Conservation (DOC), to prepare and submit to the Legislature a report that identifies any duplication or overlap between specified programs administered and funded by the two agencies. The report would be due by July 1, 1998. SB 436 is an urgency measure.

BACKGROUND

Senator Sher is carrying SB 436 without a sponsor. SB 436 is similar to Sher legislation carried in 1993 and 1994, which was vetoed by the Governor (see Legislative History section of this analysis). Senator Sher's intent is to identify and deal with any overlap and duplication between the CIWMB and the DOC in the areas of public information and education, local government review and assistance, and recycled materials market development.

The CIWMB, part of the California Environmental Protection Agency (Cal\EPA), has responsibility to implement a variety of programs to divert, reduce, reuse, recycle and compost solid waste generated in the state as strategies to meet the reduction mandate of 25% by 1995 and 50% by 2000. The DOC, part of the Resources Agency, administers the California Beverage Container Recycling and Litter Reduction Act ("Bottle Bill"), which promotes the recycling of beverage containers.

In February of 1995 four Memoranda of Agreement (MOA) were signed by the CIWMB and the DOC. The MOAs covered the areas of the Public Agency Buy Recycled Program (expired January 1, 1997), Environmental Education and Curriculum Development (expired January 1, 1997), Data Collection and Distribution (expired one year after date of signature), and the Recycling Hotline (expired January 1, 1996).

Departments That May Be Affected Department of Conservation		
Committee Recommendation	Committee Chair	Date

The CIWMB and DOC worked together to coordinate efforts in the Public Agency Buy Recycled Program in order to avoid overlap, outline areas of participation, and effectively promote procurement of recycled content products by the Department of General Services, state agencies, and other public entities. Many of these efforts began in 1993-94, before the MOA was formalized. Most of the tasks have been completed, with the exception of a few that are ongoing on the part of the CIWMB.

The CIWMB and DOC worked together to coordinate activity with regard to curriculum development and youth outreach activities. It was agreed that the CIWMB would deal with curriculum development and the DOC with rallies and youth outreach activities. Staff from the two agencies continue to meet informally on a bimonthly basis to compare schedules and review materials to eliminate inappropriate duplication.

The CIWMB and DOC completed a list of tasks related to data collection and distribution, which included appointing a task force, identifying data compatibility needs, and developing procedures for joint efforts to collect and distribute data from, and to, the public, other state agencies, and the regulated community. The tasks were completed on schedule and without conflict.

The CIWMB and DOC worked collaboratively on expanding and modernizing a joint recycling hotline with Pacific Bell. The project was about to go forward when Cal/EPA decided to move ahead with an effort to work with the U.S. Environmental/Recycling Hotline, a national automated service that would not impose any costs on the CIWMB. A test of the service, scheduled to begin in May 1997, would feature information from all Cal/EPA boards and departments, and people who call it from California would get a California-based message.

EXISTING LAW

State law:

1. Creates the California Integrated Waste Management Act of 1989 (Act), administered by the CIWMB. The act establishes an integrated waste management program, including providing for recycling to reduce solid waste disposal (PRC §40000, et al.).

2. Creates the California Beverage Container Recycling and Litter Reduction Act (CBCRLRA), administered by the Department of Conservation. The CBCRLA requires every beverage container sold or offered for sale in the state to have a minimum refund value to encourage recycling and litter reduction (PRC §14500, et al.).

ANALYSIS

AB 436 would:

1. Require the CIWMB, in consultation with the DOC to prepare and submit to the Legislature a report that identifies any duplication or overlap between the following programs administered and funded by the two agencies:

    a. Public information and education programs,

    b. Local government review and assistance programs, and

    c. Recycled materials market development programs.

2. Require the report to include, but not be limited to, suggested legislation, budget actions, or administrative actions that could be taken to eliminate duplication or overlap between the two agencies and programs.

3. Require the report to be due on or before July 1, 1998.

4. Be an urgency measure.

COMMENTS

Public information and education. Duplication and overlap in the area of public information and education programs has been addressed. One of the MOAs signed by the CIWMB and the DOC in February 1995 dealt specifically with environmental education and curriculum development. It was agreed that the CIWMB would deal with curriculum development and the DOC with rallies and youth outreach activities. Staff from the two agencies continue to meet informally on a bimonthly basis to compare schedules and review materials for duplication.

A second MOA dealt with the recycling hotline. The CIWMB and DOC worked collaboratively on expanding and modernizing a joint recycling hotline with Pacific Bell. The project was about to go forward when Cal/EPA decided to move ahead with an effort to work with the U.S. Environmental/ Recycling Hotline, a national automated service that would not impose any costs on the CIWMB.

There has been no formal agreement on public information beyond the MOAs listed above, but the CIWMB is concentrating on public information concerning material types that will bring state waste reduction to 50% by the year 2000, such as composting, grasscycling, and construction and demolition waste. The DOC is focusing on plastic, glass and aluminum.

The CIWMB and DOC have worked collaboratively on several publications and events, such as the State Fair and Earth Day. Communication is ongoing.

In the area of public information and education, the report required by SB 436 may be redundant since a review of the MOAs could provide much of the same information. Updates on the status of the agreements would provide current information on collaborative efforts and would identify any continued areas of duplication and overlap.

Local assistance. Duplication and overlap between the CIWMB and the DOC in the area of local government review and assistance programs is relatively nonexistent. The CIWMB assists local governments in a number of venues including meeting the planning and diversion mandates of the Integrated Waste Management Act (Act). Assistance to local governments is provided by: preparing regulations or detailed guidelines for the preparation of local countywide integrated waste management plans; reviewing local plans for statutory, regulatory, and technical adequacy; providing direct local planning and implementation assistance; providing, reviewing, and granting used oil and household hazardous waste grants; certifying and visiting used oil collection centers; providing assistance to local public education programs; and developing CIWMB policies concerning local planning, diversion, and implementation issues. These are not areas of focus for the DOC.

Market development. Duplication and overlap in the area of recycled materials market development programs has not been formally studied. The DOC focuses on market development for plastic (PETE), glass, and aluminum as part of their effort to recycle beverage containers and has a grant program to help develop these markets. The CIWMB is required to develop a comprehensive market development program to stimulate market demand in California for postconsumer waste and secondary waste material generated in the state. Based on criteria such as relative contribution toward achieving the 50% diversion goal, special collection or environmental problems, anticipated impact on creating or enhancing markets, and time frame for implementation, the CIWMB has identified the following priority materials: compostables and mulches, construction and demolition waste, recovered paper, plastics, and tires.

Administrative issue. This bill may not be necessary. The CIWMB and the DOC have already worked together to identify areas of overlap and duplication. Administrative steps have been taken, and will continue to be, to ensure that coordination takes place.

LEGISLATIVE HISTORY

SB 436 was introduced on February 18, 1997. It has been referred to the Senate Environmental Quality Committee, with no hearing date set.

Support: None received

59 Oppose: None received

In January of 1995, the Governor announced his plans to introduce a Governor's Reorganization Plan (GRP) and possible associated legislation for the purposes of a broad governmental reorganization that would include placement of the Division of Recycling at DOC within the CIWMB in a part-time board structure. The bill, SB 1163 by Senator Leslie (R-Tahoe City), was held in the Assembly Natural Resources Committee and amended in June 1996 to deal with solid waste glass containers and plastic packaging containers, authored by Senator Hughes (D-Inglewood). SB 1163 ultimately failed passage in the Assembly Natural Resources Committee.

In 1994, three bills were introduced to reorganize the CIWMB. AB 2548 would have abolished the board member structure of the CIWMB and transfer its powers and duties to a newly created Division of Integrated Waste Management in the Resources Agency. SB 2026 (Bergeson) was the Wilson Administration's proposal to eliminate the board member structure of the CIWMB, and transfer the DOR beverage container recycling program to the CIWMB. SB 1089 (Killea) would have reduced the membership of the CIWMB from six to five, and transferred the DOR program to the CIWMB.

In 1993 and again in 1994, then-Assemblyman Sher introduced bills (AB 2038 in 1993, and AB 3392 in 1994) that would have, in part, required the CIWMB and the DOC to prepare, adopt and submit to the Governor and the Legislature a MOU that would identify areas of overlap that could be more efficiently and inexpensively administered through coordination of program responsibilities. Both bills were vetoed by the Governor on the grounds that they were "unnecessary and an infringement upon the functions of the Administrative Branch." In vetoing AB 3392 in 1994, the Governor also stated that "the DOC and the CIWMB have identified areas of overlap and duplication and initiated administrative steps to ensure that coordination takes place."

FISCAL AND ECONOMIC IMPACT

SB 436 would impose costs of $50,000 (.5 PY) to FY 1997-98 from the Integrated Waste Management Account (IWMA) to prepare the report. The CIWMB and the DOC would need to hold meetings and collect information to draft the required report identifying areas of overlap and duplication. The amount of staff time would be contingent on the requirements of the report and the degree to which both agencies could agree to its contents.

As a result of the successful of diversion of solid waste from California's landfills, the CIWMB is experiencing declining revenues due to decreased tipping fees. For this reason, less money is available to implement CIWMB programs. Enactment of this legislation could result in less funding for other vital CIWMB programs.

This measure could have a positive impact on local governments and businesses to the extent that any duplication or overlap identifed is dealt with, impacts local and business decisions, and reduces their costs.

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

Board	Author	Bill Number
California Integrated Waste Management Board	Rainey	SB 698
Sponsor	**Related Bills**	**Date Amended**
First Brands, Inc.	None	As Introduced

BILL SUMMARY

SB 698 would delete requirements that plastic trash bag manufacturers ensure that those bags contain at least 20 percent postconsumer plastic by January 1996 and at least 30 percent postconsumer plastic by January 1997, but would leave in place the requirement that bags 1 mil or greater in thickness contain at least 10 percent postconsumer plastic. The bill would require the California Integrated Waste Management Board (CIWMB) to provide plastic bag manufacturers with a credit of 1.1 pounds for every 1 pound of postconsumer plastic purchased from a California supplier. The bill would delete requirements that wholesalers provide the CIWMB with information on their manufacturer suppliers, and it would exempt bags with adhesive, heat-affixed straps or with drawstrings from the requirement for 10 percent postconsumer plastic.

BACKGROUND

SB 698 is sponsored by First Brands, Inc., a manufacturer of plastic trash bags. First Brands believes that California law requiring 20 percent and 30 percent postconsumer plastic in trash bags is inappropriately difficult to implement. First Brands asserts that these levels of postconsumer plastic cause poor quality bags that consumers are unwilling to purchase. Additionally, First Brands asserts that, to satisfy California law while maintaining market share, it must bear additional costs to manufacture and inventory a product line for California and a separate product line for the rest of the country.

EXISTING LAW

State Law:

1. Requires every manufacturer of plastic trash bags .75 mil and thicker to ensure that at least 20% and, on and after January 1, 1997, at least 30% of the material used in those plastic bags is recycled plastic postconsumer material (PRC §42291).

Departments That May Be Affected		
Trade and Commerce Agency		
Committee Recommendation	**Committee Chair**	**Date**

2. Authorizes bag manufacturers to certify to the CIWMB if sufficient quantities or quality of postconsumer plastic is not available (PRC §42291).

3. Requires bag manufacturers to annually certify to the CIWMB that they have complied with the minimum content requirements (PRC §42293).

4. Requires wholesalers of plastic trash bags sold in California to certify to the CIWMB the name and physical location of each manufacturer from whom it purchases plastic trash bags (PRC §42294).

5. Authorizes manufacturers of bags that use adhesive, heat-affixed straps to petition the CIWMB for a variance from the minimum content requirements (PRC §42298).

ANALYSIS

SB 698 would:

1. Delete requirements that plastic trash bag manufacturers ensure that those bags contain at least 20 percent postconsumer plastic by January 1996 and at least 30 percent postconsumer plastic by January 1997, but would leave in place the requirement that bags 1 mil or greater in thickness contain at least 10 percent postconsumer plastic;

2. Require the CIWMB to provide plastic bag manufacturers with a credit of 1.1 pounds for every 1 pound of postconsumer plastic purchased from a California supplier;

3. Delete requirements that wholesalers provide the CIWMB with information on manufacturer suppliers from whom they purchase trash bags, sold in California, for bags of .75 mil and greater, but leave in place requirements that wholesalers provide such information for bags of 1 mil and greater; and

4. Exempt bags with adhesive, heat-affixed straps from the requirement for 10 percent postconsumer plastic.

5. Exempt drawstring type bags from the requirement for 10 percent postconsumer plastic.

COMMENTS

<u>Manufacturer discretion over use of postconsumer plastic in trash bags.</u> Statutes do not require the use of postconsumer plastic in every regulated trash bag, and the CIWMB has interpreted the requirement to apply to each manufacturer's annual aggregate production of plastic trash bags. Therefore, manufacturers have the discretion to use postconsumer plastic in any regulated trash bag, provided the manufacturer uses the minimum amount of postconsumer plastic during each calendar year.

62 Regulation of minimum content applies to bags .75 mil or thicker that are for sale in

California. Thinner bags and bags sold outside of California are not subject to the minimum use requirement.

Manufacturer certifications. The CIWMB requires manufacturers to submit annual certifications by March 1 following the reporting year. Trash bag manufacturers certify that they have used the minimum amount of postconsumer plastic to manufacture the regulated bags sold in California. Wholesalers certify from whom they have purchased regulated trash bags and from where they were shipped into California. Exemptions from the use requirements are available to manufacturers if postconsumer plastic was not available within a reasonable time period, as defined in regulation, or if available postconsumer plastic did not CIWMB-established quality standards. In 1995, statutes exempted bags with heat-affixed straps for calendar year 1996 and created a variance process for such bags for calendar year 1997 and beyond.

Certification reports indicate:

- For the 1993 reporting period, 23 manufacturers certified having used 1,904 tons of postconsumer material (non-blended, 100% postconsumer content). Only one out of the 23 manufacturers did not meet the 10% use requirement in effect for 1993.

- For the 1994 reporting period, 41 manufacturers submitted certifications. Only one out of the 41 manufacturers did not meet the 30% use requirement in effect for 1994.

- For the 1995 reporting period, 41 manufacturers certified having used 5,350 tons of postconsumer material (non-blended, 100% postconsumer content). Of the 41 manufacturers submitting certifications, only 19 are regulated manufacturers. Of those regulated manufacturers, 15 complied with the 30% use requirement in effect for 1995, including the two largest manufacturers.

- To date, for the 1996 reporting period, 31 manufacturers reported using 6,123 tons of recycled plastic postconsumer material. Of the 31, 20 sold regulated trash bags; 17 complied with the 20% use requirement in effect for 1996.

Manufacturer exemptions. No company has claimed an exemption based on poor quality or unavailability of postconsumer plastic. One company is seeking a public hearing to request an exemption for their bags with heat-affixed straps for 1997. For the 1993 and 1994 reporting periods, one company certified that it had not met the recycled plastic postconsumer material use requirement. This number increased for the 1995 certification due to the increase from 10% to 30% in the recycled plastic postconsumer material use requirement.

LEGISLATIVE HISTORY

SB 698 was introduced February 25, 1997, and referred to the Senate Committee on Environmental Quality. The bill is set for hearing on April 21.

Support: none on file.

Opposition: none on file.

This bill is a revised reintroduction of AB 2744 (Ackerman, 1996), which would have required each plastic trash bag manufacturer to annually certify the weight of plastic trash bags .75 mil and thicker that manufacturer sold in California in the previous calendar year and to annually certify the weight of recycled plastic postconsumer material used that is equal to 30% of the total plastic trash bags .75 mil and thicker. That bill failed passage in the Senate Committee on Governmental Organization.

FISCAL AND ECONOMIC IMPACT

SB 698 would result in a one-time cost of $25,000 (1/4 PY) to the CIWMB for rewriting regulations governing manufacturer reporting of use of postconsumer plastic in trash bags. This cost would be $12,500 in FY 98-99 and $12,500 in FY 99-00; these costs would be borne by the Integrated Waste Management Account.

As a result of the successful of diversion of solid waste from California's landfills, the Integrated Waste Management Account is experiencing declining revenues due to decreased tipping fees. For this reason, less money is available to implement CIWMB programs. Enactment of this legislation could result in less funding for other vital CIWMB programs.

INTEGRATED WASTE MANAGEMENT BOARD

Legislative and Regulatory Affairs Office Status Report of Priority Bills

State Legislation 1997/98 Session

Federal Legislation 105th Congress

April 15, 1997

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-- Printed on Recycled Paper - Double Sided for Source Reduction --

Status of Priority Bills
April 15, 1997

Assembly Bills

Bill No: **AB 84 (Woods)** ***Sponsor: California Rice Industry Association & Rice Producers Association***
Subject: **State Contracts: Recycled Products Preferences**
Intro: 12/23/96
Amended: 3/10/97
Would include fibrous residues from agricultural cropping activities within the definition of "secondary materials" for minimum recycled-content standards for State agency printing and writing paper procurement..
Status: Set to be heard before the Assembly Appropriations Committee on 4/2/97; hearing put over..
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 107 (Ducheny)** ***Sponsor: Assembly Budget Committee***
Subject: **1997-98 Budget**
Intro: 1/9/97
Would make appropriations for support of State government for the 1997-98 fiscal year. Urgency Measure.
Status: Referred to the Assembly Budget Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 117 (Escutia)** ***Sponsor: Author***
Subject: **Solid Waste: Demolition and Construction**
Intro: 1/13/97
Amended: 4/8/97
Would prohibit the operation of a solid waste facility that engages in the recycling of demolition and construction waste, including the recycling of cement, by any person, except as authorized pursuant to a solid waste facilities permit issued by the enforcement agency. Additionally, AB 117 would require the CIWMB, by March 1, 1998, to adopt regulations to establish conditions for the permitting of a solid waste facility that engages in the recycling of demolition and construction waste.
Status: Passed the Assembly Natural Resources Committee (10-1) on 4/14/97; referred to Assembly Appropriations Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 170 (Papan)** ***Sponsor: Citicorp***
Subject: **Claims Against the State**
Intro: 1/28/97
Amended: 4/2/97
Would specify that interest penalty fee provisions in contracts may not be waived, altered, or limited by a State agency or the person or business contracting with the State agency. Would require that in order to avoid late payment penalties State agencies shall pay promptly submitted, undisputed invoices within 45 days and would specify procedures and exclusions relating to that requirement (this section will become operative only if SB 1132 is enacted).
Status: Passed the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee (10-0) on 4/8/97; referred to the Assembly Appropriations Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 175 (Torlakson)** ***Sponsor: Author***
Subject: **Environmental Quality**
Intro: 1/28/97
Amended: 4/14/97
Would authorize a lead agency to consider, among other things, previously completed local and regional planning documents, site availability, and jurisdictional boundaries, in determining the feasibility of a project alternatives when preparing and certifying a California Environmental Quality Act (CEQA) report.
Status: Set to be heard before the Assembly Natural Resources Committee on 4/14/97.
LPEC Position: None at this time.
CIWMB Position None at this time.

Bill No: **AB 179 (Bowen)** ***Sponsor: Author***
Subject: **Public Records**
Intro: 1/30/97
Would provide that public records that are in an electronic format shall, unless prohibited by law, be made available in that format when requested by a member of the public and that direct costs of duplicating public records shall include the costs associated with duplicating electronic records.
Status: Dropped by the author.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 206 (Hertzberg)** ***Sponsor: Author***
Subject: **Citizen Complaint Act of 1997**
Intro: 2/4/97
Amended: 3/18/97
Would require each State agency, including the California State University, to make available on its Internet web site, on or before July 1, 1998, or within 6 months of the establishment of such a site, whichever is later, a form in plain language through which residents of the State can register complaints relating to the performance of a State agency.
Status: Passed the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee on 4/8/97; referred to the Assembly Appropriations Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 228 (Midgen)** ***Sponsor: Californians Against Waste***
Subject: **Newsprint: Recycled Content: State Agencies**
Intro: 2/5/97
Amended: 3/31/97
Would include the Office of State Printing (OSP) in the Department of General Services (DGS) and any other State agency determined by the California Integrated Waste Management Board (CIWMB) to conduct any printing or publishing operation within the definition of "consumer of newsprint," for purposes of the recycled-content newsprint program administered by the CIWMB. Additionally the bill would include legislative intent that all State agencies, including the OSP, are subject to the recycled-content newsprint requirements and should do everything possible to achieve and exceed those requirements.
Status: Set to be heard before the Assembly Appropriations Committee on 4/2/97; hearing put over.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 306 (Kaloogian)** ***Sponsor: Intelligen, Inc.***
Subject: **Public Utilities: Electrical Restructuring**
Intro: 2/14/97 Would include microcogeneration as one of the described changes in usage for the uneconomic costs applied to each customer based on the amount of electricity purchased by the customer from an electrical corporation or alternate supplier of electricity, subject to changes in usage occurring in the normal course of business.
Status: Referred to Assembly Utilities and Commerce Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No. **AB 362 (Bowen)** ***Sponsor: Author***
Subject: **Environmental Advertising**
Intro: 2/19/97 Would make it unlawful for a person to represent that a consumer good, as defined, which it manufactures or distributes, is ozone friendly, biodegradable, or meets specified marketing claims, unless the article meets specified definitions established in the trade rules adopted by the Federal Trade Commission.
Status: Passed the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee (7-4) on 4/8/97; referred to the Assembly Appropriations Committee.
LPEC Position: None at this time
CIWMB Position: None at this time.

Bill No: **AB 375 (Firestone)** ***Sponsor: Author***
Subject: **Solid Waste: Tires**
Intro: 2/19/97 Amended: 4/8/97 Would exempt a facility that generates electricity from the combustion of whole waste tires from the requirement to obtain a major waste tire facility permit, provided the facility complies with CIWMB regulations and stores no more than a 1-month supply of tires on-site; would raise the tire fee from $.25 per tire to $.30 per tire.
Status: Set to be heard before the Assembly Natural Resources Committee on 4/7/97; hearing put over.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 376 (Baca)** ***Sponsor: Author***
Subject: **Public Contracts**
Intro: 2/19/97 Would require specified contracts that exceed a certain sum awarded by the State of California or any State agency be awarded through a publicized competitive bidding process to the lowest qualified bidder.
Status: Set to be heard before the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee on 4/22/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No. **AB 453 (Kuykendall)** ***Sponsor: Business Properties Assn.***
Subject: **Public Works: Prevailing Wages**
Intro: 2/24/97 Would make the current requirement relating to the payment of prevailing specified wages to all workers employed on public works projects applicable to public works projects greater than $100,000.
Status: Set to be heard before the Assembly Labor and Employment Committee on 4/23/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 475 (Pringle)** ***Sponsor: California Chamber of Commerce***
Subject: **Office of Permit Assistance: Reports**
Intro: 2/24/97 Would require, commencing with the first quarter of calendar year 1999, Cal/EPA, the Resources Agency and the State Board of Equalization to submit to the Office of Permit Assistance an annual report of the total dollar amount of fees or charges collected or assessed by each of those agencies and subdivisions thereof.
Status: Set to be heard before to the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee on 4/8/97; hearing put over.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 529 (Baldwin)** ***Sponsor: Author***
Subject: **State Funds**
Intro: 2/24/97 Would provide that specified Budget Act revenues shall be deposited in the General Fund and not be expended unless the Legislature authorizes the expenditure.
Status: Set to be heard before the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee on 4/22/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 592 (Kuehl)** ***Sponsor: Author***
Subject: **Environmental Protection: Pollution Cleanup**
Intro: 2/25/97 Amended: 4/9/97 Would prohibit Cal/EPA and the offices, boards and departments within the agency from allowing or authorizing any person responsible for any toxic emission or discharge into the air, water, or land to inspect, monitor, enforce, supervise, or otherwise participate in the cleanup regulatory process.
Status: Set to be heard before the Assembly Environmental Safety and Toxic Materials Committee on 4/15/92.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 705 (Strom-Martin)** ***Sponsor: Californians Against Waste***
Subject: **State and Local Recycling**
Intro: 2/26/97 Amended: 4/2/97 Would require State government agencies to develop an integrated waste management program similar to those required to be adopted by local government agencies. It would also include building and construction materials, outdoor furniture, and landscaping materials within the definition of recycled products for purposes of procurement requirements by the Legislature and State agencies, and contractor certification of materials for State jobs. In addition, it would also reenact provisions of law which required all State agencies to purchase certain recycled products if they meet quality and cost considerations.
Status: Passed the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee (11-1) on 4/8/97; referred to the Assembly Appropriations Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 733 (Washington)** ***Sponsor: California State Bar***
Subject: **Hazardous Materials: Hazardous and Solid Waste: Public Education**
Intro: 2/26/97 Would require the Director of Department of Toxic Substances Control (DTSC) to develop for grades K-8 a public education program, providing curricula on hazardous materials and hazardous and solid waste facilities, and a statewide public education campaign to meet those objectives.
Status: Set to be heard before the Assembly Environmental Safety and Toxic Materials Committee on 4/15/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 770 (Margett)** ***Sponsor: California Council for Economic and Environmental Balance***
Subject: **Recyclable Materials**
Intro: 2/26/97 Amended: 4/10/97 Would delete the requirement that recyclable materials be managed and stored in a specified manner.
Status: Set to be heard before the Assembly Environmental Safety and Toxic Materials Committee on 4/15/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 775 (Martinez)** ***Sponsor: Author***
Subject: **Public Agencies: State Funds**
Intro: 2/26/97 Would provide that no public agency, as defined, is eligible to receive State funds if the public agency knowingly violates any State law or local ordinance.
Status: Passed the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee on 4/8/97; hearing canceled at the request of the author.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 847 (Wayne)** ***Sponsor: Appliance Recycling Centers of America***
Subject: **Hazardous Materials and Waste: Major Appliances**
Intro: 2/27/97 Amended: 3/31/97 Would prohibit any person from crushing, for purposes of transportation or transfer to a baler or shredder, for recycling any major appliance, until all hazardous materials and hazardous wastes have been removed from the appliance. Additionally, it would require all hazardous materials and hazardous waste removed from major appliances to be managed in compliance with the hazardous waste control laws.
Status: Passed the Assembly Appropriations Committee (11-5) on 4/9/97; referred to the Assembly Floor for vote.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 964 (Bowen)** ***Sponsor: Author***
Subject: **Solid Waste Landfills: Alternative Daily Cover**
Intro: 2/27/98
Amended: 3/31/97
Would require any local agency using alternative daily cover to meet its source reduction goals to also have in place a green waste collection, composting, or marketing program that makes the material available to residential, commercial, and government users. Would require the CIWMB, when reviewing a source reduction and recycling element, to make an affirmative finding as to whether the local agency relies on the use of alternative daily cover to meet its source reduction goals and to include this information in its annual progress report to the Legislature.
Status: Failed passage before the Assembly Natural Resources Committee (6-7) on 4/14/97; reconsideration granted.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1055 (Villaraigosa)** ***Sponsor: Unknown***
Subject: **Recyclable Materials: Playground**
Intro: 2/27/97
Would require the CIWMB to develop a program to inventory and inspect the uses of recyclable materials on public playgrounds.
Status: Set to be heard before the Assembly Natural Resources Committee on 4/14/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1097 (Brown)** ***Sponsor: Assembly Governmental Organization Committee***
Subject: **Open Meetings**
Intro: 2/27/97
Would delete the repeal date of the law that authorizes a State body to hold an open or closed meeting by teleconference.
Status: Referred to the Assembly Governmental Organization Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1111 (Martinez)** ***Sponsor: Author.***
Subject: **Bid Announcements: Criteria and Specifications**
Intro: 2/27/97
Would required a public entity, in awarding a contract pursuant to a public bidding process, to accept the lowest responsible bid that most closely follows the criteria or specifications, or both, contained within the announcement for bids, or reject all bids and initiate a new announcement, containing new criteria or specifications, or both, and a new bidding process.
Status: Referred to the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1157 (Wayne)** ***Sponsor: Author***
Subject: **Hazardous Waste**
Intro: 2/28/97
Would require the DTSC to issue a public notice not less than 30 days immediately preceding the date of granting a hazardous waste variance.
Status: Passed the Assembly Appropriations Committee (14-5) on 4/9/97; referred to the Assembly Floor for vote.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1169 (Shelley)** ***Sponsor: Mountain Lion Foundation***
Subject: **Environmental and Resource Agencies: Posting of Electronic Mail**
Intro: 2/28/97 Would require State environmental and resource agencies to post on the Internet specified information regarding meetings, and continue to maintain paper copies of such information.
Status: Passed the Assembly Televising the Assembly Committee (5-0) on 4/7/97; referred to the Assembly Governmental Organization Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1170 (Kaloogian)** ***Sponsor: Author***
Subject: **State Regulatory Agencies Created by Statutes: Review**
Intro: 2/28/97 Would require the Bureau of State Audits to conduct a performance audit of each State regulatory agency, with specified exceptions.
Status: Set to be heard before the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee on 4/22/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1195 (Torlakson)** ***Sponsor: Author***
Subject: **Hazardous Substances: Liability**
Intro: 2/28/97 Amended: 4/9/97 Would require a statement of the reasons for allocating responsibility to each respective potentially responsible party to include specified factors pertaining to the amount of hazardous substance for which the potentially responsible party may be responsible, the degree of the toxicity of the hazardous substance, and the degree of involvement of the potential responsible party.
Status: Set to be heard before the Assembly Environmental Safety and Toxic Materials Committee on 4/15/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1235 (Leach)** ***Sponsor: Author***
Subject: **Administrative Regulations: Adverse Job Creation Impact**
Intro: 2/28/97 Amended: 4/14/97 Would require the State and Consumer Services Agency, commencing on January 1, 1999, and every four years after January 1, 2003, to establish a schedule to review regulations for duplication and consistency.
Status: Set to be heard before the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee on 4/22/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1273 (Woods)** ***Sponsor: CIWMB***
Subject: **Solid Waste Management**
Intro: 2/28/97 Would make a number of technical, definitional, and code clean-up provisions regarding solid waste management.
Status: Set to be heard before the Assembly Natural Resources Committee on 4/14/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1383 (Aroner)** ***Sponsor: Author***
Subject: **Private Activity Bonds**
Intro: 2/28/97 Amended 4/9/97
Would delete exempt facility bonds from the definition of private activity bonds and make conforming changes. Would prohibit California Pollution Control Financing Authority from providing tax-exempt bonds for solid waste facilities.
Status: Set to be heard before the Assembly Housing and Community Development Committee on 4/16/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1393 (Alquist)** ***Sponsor: State Controller's Office***
Subject: **State and Local Government: Performance Audits**
Intro: 228/97
Would require each State agency to complete a performance audit within two years of the effective date of the bill.
Status: Set to be heard before the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee on 4/22/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1409 (Baugh)** ***Sponsor: Caltrans***
Subject: **Governmental Tort Liability**
Intro: 2/28/97
Would revise the definition of dangerous condition for the purposes of governmental tort liability to apply to a condition of property that creates substantial risk of injury when that property or adjacent property is used with due care by all persons necessary for that risk of injury to occur and in a manner in which it is reasonably foreseeable that it will be used.
Status: Referred to the Assembly Judiciary Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1497 (Brown)** ***Sponsor: Author***
Subject: **State Agencies: Performance**
Intro: 2/28/97
Would extend the date of a specified plan, devised by the Department of Finance (DOF), for conducting performance reviews in conjunction with State agencies, departments offices, and commissions, to March 1, 1998.
Status: Set to be heard before the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee on 4/22/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1512 (Shelley)** ***Sponsor: Californians Against Waste***
Subject: **Beverage Containers: Recycling: Beverages**
Intro: 2/28/97
Would require the Department of Conservation (DOC) to deposit specified revenue received resulting from the inclusion of new defined beverages into the Beverage Container Refund Account.
Status: Set to be heard before the Assembly Natural Resources Committee on 4/14/97; taken off Calendar.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1513 (Cardoza)** ***Sponsor: Thermo-Eco-Teck***
Subject: **Income and Bank and Corporation Taxes: Credit: Agricultural**
Intro: 2/28/87 Amended: 4/9/97
Would provide a specified tax credit in an amount equal to $30 per ton of agricultural prunings that are delivered without charge to a biomass conversion facility.
Status: Sent to the Assembly Revenue and Taxation Committee Suspense File on 4/14/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Senate Bills

Bill No: **SB 2 (Thompson)** ***Sponsor: Author***
Subject: **Parks and Resources Improvement: Bond Act**
Intro: Amended: 4/3/97
Would enact the Parks and Resources Improvement Bond Act of 1998 which would be submitted to voters at the General Election on November 3, 1998. The bill would authorize the issuance of bonds in the amount of $495,500,000 for the purpose of financing a program for the rehabilitation and enhancement of park, recreation, cultural, historical, fish and wildlife, lake riparian, reservoir, delta, river, and coastal resources. The bill would express legislative intent that every State and local government agency who is a recipient of funds from the bonds give full consideration to the use of recycled and reusable products whenever possible in carrying out the activities enumerated in the bill.
Status: Referred to the Senate Appropriations Committee Suspense File on 4/7/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 58 (Ayala)** ***Sponsor: Author***
Subject: **State Agencies Legislation**
Intro: 12/6/96
Would require every State agency that may be significantly affected by a bill to prepare an analysis of the bill and deliver that analysis to the bill's author and each policy committee set to hear that bill no later than seven calendar days prior to the first hearing in that committee.
Status: Referred to the Senate Governmental Organization Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 74 (Kopp)** ***Sponsor: California Newspaper Publishers Association***
Subject: **Records**
Intro: 12/12/96 Amended: 2/24/97
Would provide for public inspection of public records and copying all forms. SB 74 would further require public agencies to ensure that systems used to collect and hold public records be designed to ensure ease of public access. In the event that an agency decides to withhold a record, or if the withholding is based on the "public interest "as defined, SB 74 would require the agency to state the public interest in disclosure and public interest in nondisclosure.
Status: Set to be heard before the Senate Appropriations Committee on 4/7/97; hearing put over.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 95 (Ayala)** ***Sponsor: Author***
Subject: **Open Meetings**
Intro: 12/19/96
Amended: 3/6/97
Among other things, would provide State bodies may hold open and closed meetings by teleconference until 1/1/2001; and would include provisions relating to taping meetings, meeting agendas and notices, accessibility to disabled persons, etc.
Status: Failed passage before the Senate Governmental Organization Committee (4-4) on 3/18/97; reconsideration granted for 4/15/97
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 105 (Ayala)** ***Sponsor: Author***
Subject: **Water Quality: Notification**
Intro: 12/24/96
Amended: 3/17/97
Would require the Office of Emergency Services to notify the appropriate local health officials of any hazardous substance or sewage discharged into the waters of California. Would require the local health officials to notify the public of the discharge.
Status: Passed the Senate Environmental Quality Committee (7-0) on 4/7/97; referred to the Senate Public Safety Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 130 (Thompson)** ***Sponsor: Senate Budget Committee***
Subject: **1997-98 Budget**
Intro: 1/9/97
Would make an appropriation for support of State government for the 1997-98 fiscal year. Urgency Measure.
Status: Referred to Senate Budget and Fiscal Review Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 179 (Hughes)** ***Sponsor: Glass Packaging Institute***
Subject: **Processing Fees**
Intro: 1/22/97
Amended: 3/5/97
Would make nonsubstantive technical changes in California Beverage Container Recycling and Litter Reduction Act provisions relating to imposition of processing fees.
Status: Referred to the Senate Natural Resources and Wildlife Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 209 (Kopp)** ***Sponsor: California Law Revision Commission***
Subject: **Judicial Review: Governmental Agency Actions**
Intro: 1/28/97
Amended: 4/2/97
Would repeal and add provisions relating to governing judicial review of decisions of State agencies, local agencies, public corporations, and specified nongovernmental entities (hospital boards, etc.).
Status: Set to be heard before the Senate Judiciary Committee on 4/22/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 216 (Brulte)** ***Sponsor: Author***
Subject: **Public Utilities: Electrical Restructuring**
Intro: 1/29/97 Would make technical changes in provisions relating to the restructuring of the electrical services industry.
Status: Referred to the Senate Rules Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 252 (Kelley)** ***Sponsor: Regional Council of Rural Counties***
Subject: **Public Utilities: Electrical Restructuring**
Intro: 2/4/97 Amended: 4/3/97 Would require the Energy Resources Conservation and Development Commission to submit a report to the Regional Council of Rural Counties, and to the Chairs of the Senate Energy, Utilities and Communications Committee and the Assembly Utilities and Commerce Committee, by September 1, 1998, on recommendations for legislation relating to aggregation of electrical purchases by small rural counties.
Status: Passed the Senate Energy, Utilities, and Commerce Committee (8-0) on 4/8/97; referred to the Senate Appropriations Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 261 (Kopp)** ***Sponsor: California Law Revision Commission***
Subject: **Judicial Review: Government Agency Actions**
Intro: 2/5/97 Amended: 4/2/97 Would make judicial review of specified State agency and local agency actions subject to the provisions being added by SB 209 (becomes operative only if SB 209 is enacted into law).
Status: Set to be heard before the Senate Judiciary Committee on 4/22/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 320 (Senate Housing and Land Use Committee)** ***Sponsor: Committee***
Subject: **Housing and Land Use Omnibus Act of 1997**
Intro: 2/11/97 Amended: 4/3/97 Would combine several minor statutory changes relating to housing, land use, and related topics into a single measure. Would include legislative intent regarding straw-bale guidelines.
Status: Set to be heard before the Senate Housing and Land Use Committee on 4/21/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 412 (Peace)** ***Sponsor: Author***
Subject: **State Contracts: Conflict of Interest**
Intro: 2/18/97 Would declare the provisions of the State Contract Act relating to conflict of interest by specified individuals or entities shall be expanded to encompass those that bid on or are awarded specific contracts. Urgency Measure.
Status: Set to be heard before the Senate Energy, Utilities and Communications Committee on 4/8/97; taken off Calendar.
LPEC Position: None at this time
CIWMB Position: None at this time..

Bill No: **SB 423 (Hurtt)** ***Sponsor: Author***
Subject: **Environmental Audit Reports: Privilege: Voluntary**
Intro: 2/18/97 Would enact the Environmental Audit Privilege and Voluntary Noncompliance Disclosure Act of 1997.
Status: Set to be heard before the Senate Environmental Quality Committee on 4/21/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 424 (Hurtt)** ***Sponsor: Author***
Subject: **Environmental Quality**
Intro: 2/18/97 Would require an environmental impact report only on projects that are likely to have a significant effect on the environment.
Status: Set to be heard before the Senate Environmental Quality Committee on 4/21/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No. **SB 436 (Sher)** ***Sponsor: Author***
Subject: **Solid Waste: Beverage Containers**
Intro: 2/18/97 Would require the CIWMB, in consultation with the Department of Conservation (DOC), to submit to the Legislature a report identifying any duplication or overlap between CIWMB and DOC programs pertaining to public information and education, local government review and assistance, and recycled materials market development. Urgency Measure.
Status: Referred to the Senate Environmental Quality Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 448 (Sher)** ***Sponsor: City of Palo Alto***
Subject: **Public Records**
Intro: 2/19/97 Amended: 4/10/97 Would provide that the Public Records Act shall not be construed to require the disclosure of specified information concerning municipal utility customers except for specified purposes.
Status: Passed the Senate Judiciary Committee (9-0) on 4/8/97; referred to the Senate Floor for vote.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 451 (Watson)** ***Sponsor: California State Bar***
Subject: **Land Use: General Plans: Environmental Equity**
Intro: 2/19/97 Amended: 3/31/97 Would require the land use element designate the distribution, location, and extent of land use, as well as to include policies for the equitable distribution of facilities for the transfer, storage, and disposal of solid, hazardous, and liquid wastes that avoid disproportionate impacts against low-income communities as well as racial and ethnic minorities
Status: Set to be heard before Senate Appropriations Committee on 4/21/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 458 (Peace)** ***Sponsor: Author***
Subject: **Disclosure of Personal Information**
Intro: 2/19/97 Would prohibit a State agency, including the California State University, from sending any correspondence to an individual that contains personal information about the individual unless the personal information is contained within sealed correspondence.
Status: Set to be heard before the Senate Governmental Organization Committee on 4/15/97.
LPEC Position: None at this time
CIWMB Position: None at this time.

Bill No: **SB 479 (Alpert)** ***Sponsor: Professional Engineers.***
Subject: **Public Contracts**
Intro: 2/20/97 Would require the State Controller , with respect to contracts for engineering, architectural, landscape architectural, surveying, environmental, or engineering geology services, to prepare and verify an analysis of the cost of performing the work using State civil service employees and the cost of the contract to be awarded by the State or any State agency.
Status: Set to be heard before the Senate Governmental Organization Committee on 4/15/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 492 (Rosenthal)** ***Sponsor: Author***
Subject: **State Agencies and Boards: Internet**
Intro: 2/20/97 Amended: 4/7/97 Would require each State agency and regulatory board to provide public information on the Internet related to suspensions and revocations of licenses issued by a State agency or regulatory board.
Status: Set to be heard before the Senate Governmental Organization Committee on 4/15/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 504 (Johnston)** ***Sponsor: Author***
Subject: **Administrative Law: Written Communication**
Intro: 2/20/97 Would require that any person submitting a written communication to a State agency in a quasi-judicial proceeding that is directly paid for by anyone other than the person submitting the written communication, clearly indicate any person who is paid for at least $5,000 or 5 percent of the cost of producing the written communication, whichever is higher.
Status: Set to be heard before the Senate Judiciary Committee on 4/22/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 598 (Sher)** ***Sponsor: Author***
Subject: **Environmental Protection**
Intro: 2/24/97 Would make legislative findings and declarations that protection of the environment is promoted thorough voluntary environmental compliance audits, that reasonable incentives should be provided to facilities with environmental responsibilities to encourage self-conducted environmental audits, and that environmental protection is promoted through good-faith cooperation between regulatory agencies and regulated communities.
Status: Referred to the Senate Rules Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 647 (Brulte)** ***Sponsor: California Manufacturers Association***
Subject: **Environmental Requirements**
Intro: 2/25/96 Would prohibit the assessment of any civil or administrative sanctions against any person who fully discloses a minor violation of an environmental requirement to the regulatory agency having jurisdiction over the matter.
Status: Set to be heard before the Senate Environmental Quality Committee on 4/21/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 660 (Sher)** ***Sponsor: Author***
Subject: **Hazardous Waste Management Fees**
Intro: 2/25/96 Amended: 4/2/97 Would enact the Environmental Cleanup and Reform Act of 1997 and make legislative findings and declarations concerning the State's hazardous waste management program and existing fee and funding mechanisms. Among other things, the bill would delete the registration fee for hazardous waste transporters and for hazardous waste facilities applications and would revise the fee imposed for variance applications and permit modifications.
Status: Passed the Senate Environmental Quality Committee (6-0) on 4/7/97; referred to the Senate Floor for vote.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No; **SB 675 (Costa)** ***Sponsor: Browning and Ferris Industries***
Subject: **Air Pollution: Odors**
Intro: 2/25/97 Would extend the exemption of odors emanating directly from a facility or operations that produce, manufacture, or handle compost from the prohibition of discharging of any air contaminant or other material that causes injury, detriment, nuisance, or annoyance to, or that endangers, a considerable number of persons or the public. Urgency Measure.
Status: Referred to the Senate Environmental Quality Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 681 (O'Connell)** ***Sponsor: Author***
Subject: **Beverage Containers: Processing Fees: Handling Fees**
Intro: 2/25/96 Would, as of January 1, 2004, repeal the requirements for the DOC to establish a commingled rate, and would extend the existing procedures for calculating processing fees until January 1, 2004.
Status: Referred to the Senate Natural Resources and Wildlife Committee
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 698 (Rainey)** ***Sponsor: First Brands***
Subject: **Plastic Trash Bags**
Intro: 2/25/96 Amended: 4/14/97 Would require every manufacturer of plastic trash bags to ensure that at least 20% and on and after January 1, 1997, at least 30%, of the materials used in those plastic bags is recycled plastic postconsumer material.
Status: Set to be heard before the Senate Environmental Safety Committee on 4/21/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 715 (Sher)** ***Sponsor: Author***
Subject: **Environmental Quality: State Guidelines**
Intro: 2/25/96 Would require that criteria included in guidelines prepared by the Office of Planning and Research for implementation of the California Environmental Quality Act (CEQA) be submitted to State agencies for review and comment.
Status: Set to be heard before the Senate Environmental Quality Committee on 4/21/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 716 (Alpert)** ***Sponsor: Author***
Subject: **Pacific Beach Mobile Recycling Program**
Intro: 2/25/97 Would extend indefinitely the duration of the Pacific Beach Pilot Recycling Program, and would delete the requirements that a report on the program be submitted to the Legislature.
Status: Set to be heard before the Senate Natural Resources and Wildlife Committee on 4/15/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 774 (Johannessen)** ***Sponsor: Author***
Subject: **Restoration of Land: Disasters: CEQA Exemption**
Intro: 2/26/97 Would provide that land and any appurtenant structures, as defined, in need of repairs due to any natural or manmade disaster or an emergency are exempt from CEQA.
Status: Referred to the Senate Environmental Quality Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 878 (Karnette)** ***Sponsor: City of Lakewood***
Subject: **Solid Waste; Diversion Requirements: Waste to Energy**
Intro: 2/26/97 Would authorize a city, county, or regional agency to submit to the CIWMB a revised source reduction and recycling element which includes diversion waste credit through waste to energy to be applied toward specified diversion requirements.
Status: Set to be heard before the Senate Environmental 4/21/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 906 (Lee)** ***Sponsor: Black Lawyers of the State Bar***
Subject: **Hazardous Waste Management Plans**
Intro: 2/27/97 Amended: 4/3/97 Among other things, would require the county plan to include an analysis of the expected rates of hazardous waste production until 1999, and would additionally require the county plan to include specified information regarding the demographics of the community within a 10-mile radius of each hazardous waste stream and facility, and the consideration of specified environmental equity goals..
Status: Referred to the Senate Environmental Quality Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 988 (Sher)** ***Sponsor: Author***
Subject: **Solid Waste Management**
Intro: 2/27/97 Would repeal the Used Oil Recycling Act and the Used Oil Collection Demonstration Grant Program Act of 1990 administered by the CIWMB and would enact certain provisions of the Used Oil Recycling Act as part of the California Oil Recycling Enhancement Act.
Status: Set to be heard before the Senate Environmental Quality Committee on 4/21/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1000 (Rosenthal)** ***Sponsor: Author***
Subject: **Future California Act of 1998**
Intro: 2/27/97 Would, among other things, establish the Future California Act of 1998, a venue to examine the State's future in its many dimensions, including demography, industry, environment, policy, international relations and development.
Status: Double-referred to the Senate Rules Committee and the Senate Governmental Organization Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1018 (Leslie)** ***Sponsor: California Cattlemen's Association***
Subject: **Private Property: Illegal Dumping**
Intro: 2/27/97 Would provide that in any case involving illegal dumping or littering of waste material on private property located adjacent to a public road, without the consent of the private property owner, the private property owner shall neither be liable or have the duty to provide for such cleanup.
Status: Referred to the Senate Judiciary Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1034 (Maddy)** ***Sponsor: Bioclean Industries***
Subject: **Waste: Trauma Scene**
Intro: 2/27/97 Amended: 4/2/97 Would enact the Trauma Scene Waste Management Act and would, among other things, prohibit any person from conducting a commercial operation that constitutes trauma scene waste management unless the person is registered with the Department of Health Services as a trauma scene waste management practitioner.
Status: Set to be heard before the Senate Environmental Quality Committee on 4/21/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1047 (Sher)** ***Sponsor: Author***
Subject: **Environmental Protection: Regulatory Implementation**
Intro: 2/27/97 Would enact the California Environmental Protection Agency Regulatory Implementation Act of 1997 without substantive provisions. Urgency Measure.
Status: Referred to the Senate Rules Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1066 (Sher)** ***Sponsors: City of San Jose, League of California Cities and Californians Against Waste***
Subject: **Solid Waste: Market Development**
Intro: 2/27/97 Would specifically include source reduction in specified legislative findings and declarations relating to the achievement of market development goals set forth by the California Integrated Waste Management Act of 1989 (IWMA).
Status: Referred to the Senate Environmental Quality Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1081 (Calderon)** ***Sponsor: Author***
Subject: **Hazardous Materials: Mediation-Arbitration**
Intro: 2/28/97 Would establish the Environmental Responsibility Acceptance Act, providing for the mediation of potential liability claims for damage to real property by hazardous materials.
Status: Referred to the Senate Judiciary Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1093 (Rainey)** ***Sponsor: Governance Consensus Project***
Subject: **State Budget: Performance Measures**
Intro: 2/28/97 Would declare that the State budget shall focus on the results of government services at the State and local levels, that State and local government officials are required to respect existing program evaluation requirements and program performance measures, and the outcome measures are to be realistic and commensurate with the revenue levels for each program. Urgency Measure.
Status: Referred to the Senate Budget and Fiscal Review Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1113 (Solis)** ***Sponsor: Author***
Subject: **Environmental Quality: Ethnic Populations**
Intro: 2/28/97 Would prohibit a lead agency from certifying an environmental impact report prepared under the direction of CEQA, unless it includes an analysis of the impacts of the project on nearby ethnic populations.
Status: Set to be heard before the Senate Environmental Quality Committee on 4/21/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1114 (Solis)** ***Sponsor: Unknown***
Subject: **Land Use: Development Permits**
Intro: 2/28/97 Amended: 4/2/97 Would require the Office of Permit Assistance (OPA), in the Trade and Commerce Agency (TCA), to provide information to State and local agencies, as well as to applicants for development projects, to assist them in meeting the requirements of the California Environmental Quality Act (CEQA).
Status: Passed the Senate Environmental Quality Committee (5-2) on 4/7/97; referred to the Senate Appropriations Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1117 (Hayden)** ***Sponsor: Author***
Subject: **Judicial Review: Public Utilities**
Intro: 2/28/97 Would express the intent of the Legislature that judicial review of decisions by State agencies, including the Public Utilities Commission, relating to CEQA, conform to the provisions of that act.
Status: Referred to the Senate Rules Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1132 (Polanco)** ***Sponsor: Department of General Services***
Subject: **Public Acquisitions**
Intro: 2/28/97 Amended: 4/8/97 Would repeal the law that provides for a comprehensive scheme for State procurement of materials, supplies, equipment, and services and establish in its place the California Acquisition Reform Act of 1997. Urgency Measure.
Status: Set to be heard before the Senate Governmental Organization Committee on 4/15/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1157 (Maddy)** ***Sponsor: Department of Conservation***
Subject: **Beverage Containers: Nonprofit Dropoff Programs**
Intro: 2/28/97 Would define the terms "nonprofit dropoff program" and "dropoff and collection program" for the purposes of the California Beverage Container Recycling and Litter Reduction Act.
Status: Set to be heard before the Senate Natural Resources and Wildlife on 4/22/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1175 (Sher)** ***Sponsor: Author***
Subject: **Oil Recycling**
Intro: 2/28/97 Amended: 4/3/97 Would revise the terms "bulk oil" and "industrial oil" for purposes of the Oil Recycling Enhancement Act. Additionally, the bill would require that a person or entity who purchases oil that is intended to be sold for use, transferred for use, or used, in an exempt manner, to give the seller and exemption certificate, as prescribed by the CIWMB, that contains a written declaration made under penalty of perjury, that the subject oil is so intended for use in an exempt manner.
Status: Referred to the Senate Rules Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1179 (Polanco)** ***Sponsor: Browning and Ferris Industries***
Subject: **Solid Waste Handlers: Indemnity Agreements**
Intro: 2/28/97 Amended: 4/14/97 Would require that any term, condition, or requirement in any franchise, contract, agreement, license, or permit granted or issued by any city, county, or district for municipal solid waste collection or recycling that requires the solid waste handler, in substance, to indemnify the city, county, or district for fines or penalties imposed by the CIWMB, is subject to specified restrictions or enforceability.
Status: Set to be heard before the Senate Environmental Quality Committee on 4/21/97.
LPEC Position: None at this time
CIWMB Position: None at this time.

Bill No: **SB 1196 (Leslie)** ***Sponsor: Alpine County***
Subject: **Solid Waste Management: Local Planning: Report**
Intro: 2/28/97 Amended: 4/14/97
Would make technical and clarifying changes to specified provisions of the California Integrated Waste Management Act of 1989 which establish a state integrated waste management program.
Status: Referred to the Senate Rules Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1216 (Costa)** ***Sponsor: California Biomass Energy Alliance***
Subject: **Personal Income and Bank And Corporation Taxes: Credits: Biomass Energy**
Intro: 2/28/97
Would authorize a credit against personal income and bank and corporation taxes for each taxable and income year beginning on or after January 1, 1997, and before January 1, 2003, in an amount equal to 1 1/2 cents for each kilowatt hour of energy produced by a biomass energy production facility in California during the taxable and income year.
Status: Set to be heard before the Senate Revenue and Taxation Committee on 4/16/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1273 (Hurtt)** ***Sponsor: Author***
Subject: **State Agencies: Electronic Mail**
Intro: 2/28/97
Would provide that any requirement that a State agency send material, information or other specified correspondence through the United States mail shall be deemed to include the authority for the State agency to send those materials by electronic mail upon the request of the recipient.
Status: Referred to the Senate Governmental Organization Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1304 (O'Connell)** ***Sponsor: State Controller's Office***
Subject: **State Budget: Zero-Based Budgeting**
Intro: 2/28/97
Would establish a task force during the 1998-1999 and 1999-2000 fiscal years to develop a program of training and education to facilitate zero-based budgeting for the 2000-2001 fiscal year.
Status: Referred t the Senate Budget and Fiscal Review Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1305 (Sher)** ***Sponsor: Author***
Subject: **Public Utilities: Electricity**
Intro: 2/28/97
Would require the Power Exchange to require electricity suppliers to submit specified information on energy fuel types and emissions.
Status: Referred to the Senate Energy, Utilities and Communications Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1330 (Lockyer)** ***Sponsor: Cattlemen's Association***
Subject: **Solid Waste: Diversion Requirements**
Intro: 2/28/97 Would authorize one or more single or multi-year time extensions from the pre-existing diversion requirements established by the CIWMB.
Amended: 4/7/97
Status: Set to be heard before the Senate Environmental Quality Committee on 4/21/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1341 (Costa)** ***Sponsor: Author.***
Subject: **Solid Waste: Local Enforcement Agencies: Appeals**
Intro: 2/28/97 Would establish an enforcement program administer by local enforcement agencies certified by the CIWMB.
Status: Referred to the Senate Environmental Quality Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SCA 13 (O'Connell)** ***Sponsor: State Controller's Office***
Subject: **State Budget: Zero-Based Budgeting**
Intro: 3/17/97 Would amend the California Constitution to require each State agency, department, or other entity, in submitting a zero-based budget request, to submit that request as formulated by directing each of the agency's budgetary units to identify each of the unit's activities, specify the legal authority for conducting that activity, and itemize the budgetary requirements for conducting that activity.
Status: Double-referred to the Senate Budget Fiscal Review Committee and the Senate Constitutional Amendments Committee.
LPEC Position: None at this time
CIWMB Position: None at this time.

Bill No: **SCR 15 (Peace)** ***Sponsor: Author***
Subject: **Public Utilities: Electrical Restructuring: Public Utilities**
Intro: 2/5/97 Would create the Joint Oversight Committee on Electricity and Reform to oversee the implementation of AB 1890, SB 960, and SB 1322.
Amended: 2/20/97
Status: Passed the Senate Floor (35-0) on 2/27/97; referred to Assembly Desk.
LPEC Position: None at this time.
CIWMB Position: None at this time.

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SB 2 (Thompson)	Parks and Resources Improvement: Bond Act
SB 58 (Ayala)	State Agencies Legislation
SB 95 (Ayala)	Open Meetings
SB 209 (Kopp)	Judicial Review: Governmental Agency Actions
SB 261 (Kopp)	Judicial Review: Governmental Agency Actions
SB 412 (Peace)	State Contracts: Conflict of Interest
SB 458 (Peace)	State Agencies: Correspondence Disclosure of Personal Information
SB 479 (Alpert)	Public Contracts
SB 504 (Johnston)	Administrative Law: Written Communication
SB 1000 (Rosenthal)	Future California Act of 1998
SB 1114 (Solis)	Land Use: Development Permits
SB 1273 (Hurtt)	State Agencies: Electronic Mail

Plastic

SB 698 (Rainey)	Plastic Trash Bags

Planning

SB 451 (Watson)	Land Use: General Plans Environmental Equity
SB 906 (Lee)	Hazardous Waste Management Plans
SB 1113 (Solis)	Environmental Quality: Ethnic Populations
SB 1196 (Leslie)	Solid Waste Management: Local Planning: Report

Public Records

AB 179 (Bowen)	Public Records
SB 74 (Kopp)	Records
SB 448 (Sher)	Public Records
SB 492 (Rosenthal)	State Agencies and Regulatory Boards: Internet

Recyclable Materials

AB 770 (Margett)	Recyclable Materials

Regulations

AB 1235 (Leach)	Administrative Regulations: Adverse Job Creation Impact
SB 1047 (Sher)	Environmental Protection: Regulatory Implementation

Special Wastes

AB 117 (Escutia)	Solid Waste: Demolition and Construction
AB 847 (Wayne)	Hazardous Materials and Waste: Major Appliances
AB 1055 (Villaraigosa)	Recyclable Materials: Playground
SB 320 (Senate Housing & Land Use Committee)	Housing and Land Use Omnibus Act of 1997
SB 1034 (Maddy)	Waste: Trauma Scene

Used Oil

SB 988 (Sher)	Solid Waste Management
SB 1175 (Sher) Sponsor:	Oil Recycling

Water

SB 105 (Ayala)	Water Quality: Notification

Federal Legislation

HR 277 (Schumer, D-NY)
Environmental Crimes and Enforcement Act of 1997
Would increase penalties and strengthen enforcement of environmental crimes.
Status: Introduced January 7, 1997; joint referral to House Committees on Judiciary, Commerce, Agriculture, Transportation and Infrastructure, and Resources.

HR 316 (Solomon, R-NY)
Hazardous Waste Recycling Tax Credit Act of 1997
Would amend the Internal Revenue Code of 1986 to provide a refundable income tax credit for the recycling of hazardous waste.
Status: Introduced January 7, 1997; referred to House Committee on Ways and Means.

HR 360 (Towns, D-NY)
Waste Export and Import Prohibition Act
Would amend the Solid Waste Disposal Act to prohibit the international export and import of certain solid waste.
Status: Introduced on January 7, 1997; referred to the House Committee on Commerce.

HR 688 (Schaefer, Dan, R-CO)
Leaking Underground Storage Tank Trust Fund Amendments Act of 1997
Would amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the leaking underground storage tank trust fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such act.
Status: Introduced on February 11, 1997; joint referral to House Committee on Commerce and House Committee on Ways and Means; cleared for full committee by Finance and Hazardous Materials Subcommittee (by voice vote) on 3/20/97.

HR 712 (Delauro, D-CT)
National Infrastructure Development Act of 1997
Would facilitate efficient investments and financing of infrastructure projects, including solid waste facilities, and new job creation through the establishment of a National Infrastructure Development Corporation.
Status: Introduced on February 12, 1997; joint referral to House Committee on Transportation and Infrastructure; House Committee on Banking and Financial Services, and House Committee on Ways and Means.

HR 843 (Ford, D-TN)
Location of Hazardous Waste Near Certain Properties, Prohibition
Would prohibit the location of solid and hazardous waste facilities near residential, day care, church, and school properties.
Status: Introduced on February 26, 1997; referred to House Committee on Commerce.

HR 873 (Greenwood, R-PA)
Land Recycling Act of 1997
Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to limit Federal authority for response action for release subject to State voluntary response program, to provide protection for prospective purchasers of land, and for innocent landowners.
Status: Introduced on February 27, 1997; joint referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 942 (Franks, Bob, R-NJ)
Interstate Transportation of Municipal Solid Waste Act of 1997; Municipal Solid Waste Flow Control Act of 1997
Would amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste.
Status: Introduced on March 5, 1997; referred to the House Committee on Commerce.

HR 943 (Franks, Bob, R-NJ)
Municipal Solid Waste Flow Control Act of 1997
Would amend the Solid Waste Disposal Act to provide authority for States to control the movement of municipal solid waste to waste management facilities within the boundaries of the State or within the boundaries of political subdivisions of the State.
Status: Introduced on March 5, 1997; referred to the House Committee on Commerce.

HR 996 (Weller, R-IL)
Internal Revenue Code of 1986, Amendment
Would amend the Internal Revenue Code of 1986 to permit the issuance of tax-exempt bonds to finance environmental remediation of contaminated sites.
Status: Introduced on March 6, 1997; referred to the House Committee on Ways and Means.

HR 997 (Weller, R-IL)
Internal Revenue Code of 1986, Amendment
Would amend the Internal Revenue Code of 1986 to allow expensing and rapid amortization of certain environmental remediation expenditures.
Status: Introduced on March 6, 1997; referred to the House Committee on Ways and Means.

HR 1041 (Kennedy, Patrick, D-RI)
Solid Waste Disposal Act, Amendment (Tires)
Would amend the Solid Waste Disposal Act to provide grants to States to stabilize and remove large tire piles that are near drink water sources and sensitive populations.
Status: Introduced on March 12, 1997; referred to the House Committee on Commerce.

HR 1120 (Dingell, D-MI)
Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Amendment
Would assist local governments in assessing and remediating brownfield sites, to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to encourage State voluntary response programs for remediating such sites, and for other purposes.
Status: Introduced on March 19, 1997; joint referral to House Committee on Commerce and House Committee on Transportation and Infrastructure.

HR 1158 (Frelinghuysen, R-NJ)
Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Amendment
Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to restrict the liability under that act of local educational agencies for the amount and toxicity of solid waste generated those agencies.
Status: Introduced on March 20, 1997; joint referral to House Committee on Commerce and House Committee on Transportation and Infrastructure.

HR 1199 (Souder, R-IN)
Protection from Irresponsibly Sited Hazardous Waste Facilities, Provision
Would protect residents and localities from irresponsibly sited hazardous waste facilities.
Status: Introduced on March 20, 1997; Referred to House Committee on Commerce.

HR 1206 (Visclosky, D-IN
Program of Voluntary Environmental Cleanups by States, Requirement
Would require the Administrator of the Environmental Protection Agency to establish a program under which States may be certified to carry out voluntary environmental cleanup programs for low and medium priority sites to protect human health and the environment and promote economic development.
Status: Introduced on March 20, 1997; joint referral to House Committee on Commerce and House Committee on Transportation and Infrastructure.

S 8 (Smith, Robert C., R-NH)
Superfund Cleanup Acceleration Act of 1997
Would reauthorize and amend the Comprehensive Environmental Response Liability, and Compensation Act of 1980. The bill would streamline cleanups, delegate authority to states and exempt all generators and transporters at co-disposal landfills, or those that mainly receive municipal solid waste and sewage sludge, for conduct prior to January 1, 1997.
Status: Introduced on January 21, 1997; public hearing held by the Senate Committee on Environment and Public Works on March 4 and 5, 1997.

S 18 (Lautenberg, D-NJ)
Brownfields and Environmental Cleanup Act of 1997
Would assist the States and local governments in assessing and remediating brownfield sites and encouraging environmental cleanup programs. The bill would authorize $10 million in grants for states and local governments to inventory and assess brownfield sites. Additionally, it would authorize $15 million in grants for states to establish and capitalize low interest loan programs to clean up the sites and would limit the potential liability of innocent buyers of brownfields.
Status: Introduced on January 21, 1997; referred to the Senate Committee on Environment and Public Works.

S 104 (Murkowski, R-AK)
Nuclear Waste
Among other things, would establish Yucca Mountain as the site for an interim storage facility and would require EPA to issue standards to protect the public from radioactive leaks from a permanent nuclear waste repository.
Status: Introduced on January 21, 1997; public hearing held in Senate Committee on Energy and Natural Resources on February 5, 1997; reported out of the Senate Committee on Energy and Natural Resources on March 14, 1997; unanimous consent agreement for consideration of the measure on the Senate Floor on April 9, 1997.

S 215 (Jeffords, R-VT)
National Beverage Container Reuse and Recycling Act of 1997
Would amend the Solid Waste Disposal Act to require a refund value for certain beverage containers to provide resources for State pollution prevention and recycling programs.
Status: Introduced on January 28, 1997; referred to the Senate Committee on Commerce, Science, and Transportation.

S 237 (Bumpers, D-AR)
Electric Consumers Protection Act of 1997
Would provide for retail competition by December 15, 2000, among electric energy suppliers for the benefit and protection of consumers. Would define "renewable energy" as electricity generated from solar, wind, waste, except municipal waste, biomass, hydroelectric or geothermal resources.
Status: Introduced on January 30, 1997; referred to the Senate Committee on Energy and Natural Resources.

S 297 (Bryan (D-NV)
Nuclear Waste Independent Review Act
Would establish a Presidential commission on nuclear waste.
Status: Introduced on February 11, 1997; referred to the Senate Committee on Energy and Natural Resources.

S 384 (Conrad, D-ND)
Solid Waste Disposal Act, Amendment
Would amend the Solid Waste Disposal Act to allow States to regulate the disposal of municipal solid waste generated outside the State.
Status: Introduced on February 28, 1997; referred to the Senate Committee on Environment and Public Works.

S 443 (Baucus, D-MT)
State and Local Government Interstate Waste Control Act of 1997
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.
Status: Introduced on March 14, 1997; referred to the Senate Committee on Environment and Public Works.

S 444 (Chafee, R-RI)
Internal Revenue Code of 1986, Amendment (Tires)
Would amend the Internal Revenue Code to impose a tax on the manufacture and importation of tires. Would create the Waste Tire Recycling, Abatement, and Disposal Trust Fund to be made available for recycling, abatement and cleanup of waste tire piles.
Status: Introduced on March 14, 1997; referred to the Senate Committee on Finance.

S 445 (Chafee, R-RI)
Waste Tire Recycling, Abatement, and Disposal Act of 1997
Would amend the Solid Waste Disposal Act to encourage recycling of waste tires and to ablate tire dumps and tire stockpiles.
Status: Introduced on March 14, 1997; referred to the Senate Committee on Environment and Public Works.

S 448 (Robb, D-VA)
Solid Waste Disposal Act, Amendment
Would amend the Solid Waste Disposal Act t authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste.
Status: Introduced on March 17, 1997; referred to the Senate Committee on Environment and Public Works.

S 463 (Coats, R-IN)
Solid Waste Disposal Act, Amendment
Would amend the Solid Waste Disposal Act to permit a Governor to limit the disposal of out-of-State solid waste in the Governor's State.
Status: Introduced n March 18, 1997; referred to the Senate Committee on Environment and Public Works.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
April 24, 1997

AGENDA ITEM 17

ITEM: CONSIDERATION OF AWARD OF THE 1996 CALMAX MATCH OF THE YEAR AND PROGRAM UPDATE

I. SUMMARY

This item is before the Board to gain approval of the award of the 1996 CALMAX "Match of the Year" to Saticoy Recycling and to update the Board on the current status and future vision for the CALMAX program.

The "Match of the Catalog", featured in each issue of CALMAX, highlights an exchange made through CALMAX that might inspire readers to more fully utilize CALMAX. Each year, one of the "Match of the Catalog" stories is chosen as the "Match of the Year" by an ad hoc panel of Board Advisors and Committee Analysts.

Additionally, the CALMAX program is currently undergoing changes to reduce program costs and streamline its operation. Staff appreciate the opportunity to update the Board on the status of the program.

II. PREVIOUS BOARD OR COMMITTEE ACTION

Each year the Board considers the selection of the "Match of the Year" recipients.

III. OPTIONS FOR THE BOARD

Board Members may decide to:

1. Award the 1996 CALMAX "Match of Year" to the proposed recipient, Saticoy Recycling, based on the established criteria and evaluation by the award panel.

2. Direct staff to modify the established evaluation criteria, reconvene the award panel, re-evaluate the candidate exchanges, and return to the Board with the results.

IV. COMMITTEE RECOMMENDATION

At the time this item went to print, the Local Planning and Assistance Committee had not yet made a recommendation on this item.

V. ANALYSIS

Background

The California Materials Exchange (CALMAX) provides a practical program for businesses, industries, institutions, and nonprofit organizations to reuse and recycle materials that have been traditionally discarded through a bimonthly catalog and World Wide Web Site.

The "Match of the Catalog", featured in each issue of CALMAX, highlights an exchange made through CALMAX intended to inspire readers to more fully utilize CALMAX. Each year, one of the "Match of the Catalog" stories is chosen as the "Match of the Year" by an ad hoc award panel of Board Advisors and Committee Analysts.

Criteria and Process

Selection of the "Match of the Year" is based on criteria developed each year that balances the amount of material diverted, the relative savings to the businesses involved, priorities of the CALMAX program, and the noteworthiness of the exchange.

After a briefing, each award panel member reviewed the "Match of the Catalog" stories from 1996, and then evaluated the exchange on a provided scoresheet (see attachment). The panel's individual scoresheets were then compiled to determine the proposed recipient of the 1996 "Match of the Year" award.

Candidates

A panel of six Board Advisors and Committee Analysts reviewed the following "Match of the Catalog" winners from 1996:

1. Rick Hicks, Property Controller/Recycling Coordinator of the California Department of Pesticide Regulation (CDPR), developed an in-house materials exchange called CDPRMAX. Rick compiles a list of surplus property at CDPR and e-mails the inventory throughout the Department to see if anyone can use the material. Rick also uses CALMAX to manage unsalvageable material. Through an ad in CALMAX, he was able to exchange several obsolete computers, answering machines, calculators, typewriters, fax machines and copiers with Troy Peebler of AAAA Computer Recycling in Sacramento.

2. Tonia Metz, of Service Disabled Veterans/America Consulting & Commodities Inc. (SDV/ACCI) in Hayward, was trying to find a home for 5,000 square feet of excess office equipment. She advertised the equipment in 15 small neighborhood newspapers in the Bay Area and also placed an ad in CALMAX. She claims that she received "three calls from the CALMAX ad for every one call from the other sources." Through CALMAX, SDV/ACCI was able to sell or donate over 17 tons of office equipment and furniture to local libraries, nonprofit organizations, and small businesses in Oakland, Fremont, and Union City.

3. Phil Martell, City Administrator for the City of Williams, faced the daunting task of trying to get rid of over 40,000 law books that were costing the school district over $3,000 per year to store. By placing an ad in CALMAX, Phil met Craig Hollyfield, of All Sierra Recycling in Auburn, who scrapped most of the books to recover the white ledger paper. In addition, Craig negotiated a consignment agreement with Frank Biebl of the Sacramento Surplus Book Room. Frank's staff sorted through the books and recovered nearly 7,000 leather-bound books that were reused for decorating purposes by interior design firms and law offices.

4. Lou Hernandez, formally of Los Angeles, found most of the materials he needed to construct a new house in Ensenada, Mexico from the CALMAX catalog. With the help of CALMAX, he also started an import/export business called Broken Barrier Brokers. These exchanges fit in well with

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the CAL-MEX component of CALMAX, which encourages transactions of discards within the San Diego/Tijuana border area. Through his ongoing transactions, Lou Hernandez has saved over $7,600 and diverted over 21,000 pounds of materials from the landfill at the time of the story.

5. Vic Capata of the Press-Enterprise, a daily newspaper in Riverside with a circulation of close to 170,000, was looking for ways to reduce the amount of materials they were throwing away. Through some innovative thinking, hard work, and advertising in CALMAX, he discovered two companies that would pay 10 cents per pound for the excess shrink wrap and polypropylene core plugs generated at the newspaper. At the time of the story, the Press-Enterprise has saved substantially on disposal costs, diverted over 9,000 pounds of plastic from the landfill, and earned nearly $1,000 from materials formerly thrown away. At the same time, two companies received low cost feed stock for their plastic reprocessing operations.

6. Rita Gonazales started her own brokering businesses (Saticoy Recycling) over three years ago and has been a regular user and supporter of CALMAX. She began recycling cardboard, later added wood, and eventually, with the help of CALMAX, expanded her inventory to include many other types of materials. Rita has also taken advantage of a local materials exchange (VC MAX in Ventura County) and now uses CALMAX on the internet to check listings weekly. In the last two years, Rita estimates that she has received more than 550 tons of material and has saved over $33,000 through dozens of CALMAX exchanges.

"Match of the Year" Selection

This year, the panel of Board Advisors and Committee Analysts selected Saticoy Recycling of Ventura County to be the 1996 CALMAX "Match of the Year" recipient.

CALMAX Program Update

More businesses continue to find markets for their discards through CALMAX. In 1996, over 1100 successful exchanges through CALMAX were identified, involving over 103,000 tons. This compares to over 600 exchanges and 83,000 tons in 1995. In addition, CALMAX staff handled in excess of 3,500 phone calls in 1996.

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The CALMAX program is currently undergoing numerous changes in order to reduce costs and streamline the program. The following outlines some of the major changes/issues facing the program:

1. CALMAX Internet Site

   CALMAX has been operating on the World Wide Web since June 1996, thereby reducing mailing costs and saving paper. Listings are accessible 24 hours per day, information is more current than the printed catalog, and customers can post listings electronically. Customers have logged over 6,000 "searches" on the CALMAX Internet database since a counter was installed on November 1, 1996. As more subscribers gain access to the Internet, staff foresee a further reduction in mailing costs as more customers utilize CALMAX on the World Wide Web.

2. MiniMAXs

   CALMAX staff hosted a "Local Materials Exchange Roundtable." in Sacramento on September 12, 1996. The purpose of this workshop was to help staff understand the needs and concerns of the California reuse community to better shape the future direction of the program. Three areas were identified as potential ways to promote and strengthen reuse programs in California: improving the connections between materials exchange programs (MEP's) and material exchange facilities (MEF's); promoting electronic linkages between MEP's and MEF's; and facilitating an association, or network, of MEF and MEP operators.

   Participants concluded that the emergence of the Internet will provide more options for material exchanges to operate. With Internet access growing rapidly each year, local MEP's can provide on-line service only or produce a printed catalog in combination with on-line service. To reduce costs, local jurisdictions and other organizations can utilize the CALMAX Internet site to exchange materials in their area. This strategy will allow local programs to concentrate on working with local businesses without having to expend funds on a local materials exchange program. Consequently, CALMAX can operate as a "minimax" for many areas, as recycling coordinators and MEP operators can search for local materials and post new listings via CALMAX on the World Wide Web.

3. Catalog Changes

Staff have implemented several cost-cutting measures to the printed catalog in the last six months. Font size was decreased, thereby creating three columns of listings per page instead of two which reduced the number of pages in the catalog from 72 to 64. The catalog cover was changed from a multi-color printing to a simpler one color on colored stock format, saving over $500 per issue. A new printing company was selected, thereby saving over $1,000 per issue. Beginning July 1997, CALMAX will be published quarterly or seasonally instead of bimonthly which will reduce costs by as much as $6,000-$8,000 per year. Since listings on the Web are more current and timely, staff will continue to encourage customers to utilize CALMAX on the Internet instead of receiving the printed catalog.

4. Database Management

To reduce future program costs, the new CALMAX contractor (Phase Three Environmental Management) is training staff to perform most day-to-day activities in-house. Staff are entering mailing list and listing information in the database and are learning catalog layout techniques. In the future, and subject to dedicated funding, CALMAX staff will be able to manage all aspects of the catalog in-house except for printing and mailing. In addition, IMB staff are developing a new database for CALMAX. The existing database program, a dBASE III application which runs in a DOS environment, will be replaced, allowing staff to enter data more quickly and efficiently.

5. CAL-MEX

The CAL-MEX component of CALMAX is the Board's in-kind contribution to the Border Waste-Wise Program. This program is sponsored by the United States Environmental Protection Agency and the Cities of San Diego and Tijuana and is designed to address waste issues within the border region between the two cities. Currently, CALMAX supports the partnership by mailing selected CALMAX listings in Spanish to businesses and other organizations in the border region. While CALMAX will continue to promote the exchange of discard materials within the border region in the near term, staff will evaluate whether the additional effort required to support this initiative warrants future participation.

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6. Lister Maintenance

To reduce mailing costs, staff will no longer send letters to customers when their listings expire. Instead, listers will select the expiration date of their listings (three months, six months, or one year) on the listing form or on the Internet site, and staff will either terminate or renew the listings based on their selections. The CALMAX database will automatically generate a call list for staff to contact listers and to obtain successful exchange data.

7. Successful Exchange Data Collection

Over the years, it has been extremely difficult and time consuming for staff to accurately quantify the amount of money businesses saved from successful exchanges through CALMAX. Given the diversity of materials exchanged and the variety of locations involved, estimating avoided disposal costs and procurement savings is an arduous task, and the resulting "dollars saved" number is a "soft" approximation at best.

Current estimates which place the quantity of CALMAX-related exchanges at over 400,000 tons, with an estimated "savings" to business of approximately $4 million, averages to about $10 per ton of "savings." This number has been derived from a combination of past surveys of CALMAX users answering the question "How much did your CALMAX exchange save you?" and average disposal tipping fee avoidance when direct savings could not be determined.

When compared to the present state tipping fee average of $31 per ton, it is clear that the "value" of CALMAX is conservatively estimated. However, the level of resources necessary to more accurately determine the true savings to California business as a whole is prohibitive at this time. Consequently, staff intend to focus its efforts on obtaining the number of successful exchanges and the quantity of material diverted through CALMAX, leaving estimations of value and cost savings to be determined as and if needed.

8. Offsetting Costs

Staff continues to examine the possibility of accepting advertising in CALMAX to reduce the annual catalog printing budget. Staff attended the "Advertising in State Publications" workshop sponsored by the Department of General Service's Office of State Printing (OSP) to obtain

more information on this subject. Additionally, catalog formatting adjustments could make available space for the promotion (a.k.a. advertising) of other Board programs, such as RMDZ, used oil, tires, or household hazardous waste, with the possibilities of these programs sharing in the costs of catalog production. Staff will be developing proposals for instituting cost-offsetting measures, such as advertising, in the coming months.

VII. ATTACHMENTS

1. CALMAX "Match of the Catalog" article
2. CALMAX "Match of the Year" Scoresheet
3. Resolution 97-144 Commending Saticoy Recycling

VIII. APPROVALS

Prepared by: Ken Decio Phone: 255-2625

Reviewed by: Jeff Hunts Phone: 255-2492

Reviewed by: William R. Orr Phone: 255-2490

Reviewed by: Caren Trgovich Phone: 255-2320

Legal review/Approval: N/A Date/Time: _____

MATCH OF THE CATALOG

"SMALL TOWN RECYCLER MAKES IT BIG WITH CALMAX"

By Kevin Taylor CALMAX Coordinator

When Rita Gonzales started her own brokering business (Saticoy Recycling) three years ago, she knew she would have to do some serious research on ways to find an ample supply of materials she could use and sell. Because her business is in the small town of Saticoy in Ventura County, finding profitable quantities of usable materials can be a challenge. After contacting several governmental agencies for leads, she heard of a program called CALMAX; Since then she has been a regular user and supporter of CALMAX.

Saticoy Recycling started out by recycling cardboard, later adding wood, and eventually, with the help of CALMAX expanded their inventory to include many different types of materials. In fact, in the last two years, Rita estimates she has received more than 550 tons of material and saved over $33,000 through dozens of CALMAX exchanges. The most popular items Rita has acquired through CALMAX are dimensional lumber, plastic, and laser toner. Most of the lumber finds its way down to Mexico, but the large pieces are remanufactured into moulding. Surprisingly, much of the plastic is used by another company in the production of fire logs. The laser toner cartidges are not only located through CALMAX, but are then sold to another firm which also advertises in CALMAX. Rita has even found unique materials through CALMAX that she has used herself, the most unusual being glass blocks for decorative use in her home.

Rita also makes use of VC MAX, a local materials exchange program operated by Ventura County. VC MAX and CALMAX share their listings to help make each program more effective on both a local and state level. Speaking of more effective...Rita is also a big believer in the internet and routinely checks the CALMAX web site (http://www.ciwmb.ca.gov/mrt/calmax/calmax.htm), which offers more current information than the bimonthly catalog (and saves the State money). Additionally, she keeps an eye on other material exchange programs outside of California for materials that may be available. She learned of these other programs through the CALMAX program, which lists many other reuse and resource programs.

Tips on using CALMAX and other exchanges? Rita says, "Most people don't look at both the available *and* wanted listings when they're getting rid of or looking for things. You need to research the catalog and look at everything. Additionally she says, "Through CALMAX, you can find all kinds of unusual things, but even more important, through this program, you can network with all kinds of people and help stimulate business."

We'd like to salute Rita Gonzales of Saticoy Recycling on using CALMAX to its fullest to help make her business a success. At CALMAX, we are proud to know we can help foster waste prevention, while helping businesses flourish and grow. We not only thank all of you who use CALMAX, but especially those who take the time to tell us about your success stories.

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1996 CALMAX "Match of the Year" Scoresheet

Match participants: _____

Material type(s) involved: _____

To assist in determining the 1996 Match of the Year, the CALMAX program offers the evaluation panel the following criteria for scoring candidate matches. Please consider each according to the following scale:

1. Does not meet at all
2. Meets somewhat
3. Meets criterion in average way
4. More than meets criterion
5. Exceeds criterion in an exemplary way

Does this Match:

_____ Save landfill space? Number of tons _____
Cubic yards _____

_____ Save money? Disposal savings _____
Procurement savings _____

_____ Is this an ongoing exchange?

_____ Does it involve one of the CALMAX targeted material categories? (C&D, electronics, organics)

_____ Does it involve CALMAX's target audience? (business, industry, institutions)

_____ Does it adhere to the waste management hierarchy of "reduce, reuse, then recycle"?

_____ Has the Match found creative ways to make "business sense"?

_____ Does this Match have strong public relations value for CIWMB?

_____ Does this Match have intangible value? (e.g. Helps those in society less fortunate? Strong human interest? Sends "right message" about waste prevention, reuse, and recycling?)

Total: _____Points

Notes:

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION 97-144

FOR CONSIDERATION OF AWARD OF THE 1996 CALMAX MATCH OF THE YEAR COMMENDING SATICOY RECYCLING

WHEREAS, proper waste management is essential for the state's continued economic stability, environmental health, and public safety; and

WHEREAS, California's integrated waste management laws require aggressive and innovative programs to achieve the state's waste reduction goals; and

WHEREAS, the business community generates over fifty percent of municipal solid waste in California; and

WHEREAS, voluntary business participation in waste prevention, recycling, and composting programs is essential to achieve the state's waste reduction goals; and

WHEREAS, Saticoy Recycling has utilized local and state materials exchange programs to foster the reuse of formerly discarded materials; and

WHEREAS, Saticoy Recycling has demonstrated their commitment to effective waste management by receiving over 550 tons of materials and saving over $33,000 through the use of the California Materials Exchange (CALMAX);

NOW, THEREFORE, BE IT RESOLVED, that the California Integrated Waste Management Board does hereby commend Saticoy Recycling for their dedication to effective waste management and bestow upon them the 1996 CALMAX Match of the Year Award.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board on April 24, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
April 24, 1997

AGENDA ITEM 18

ITEM: CONSIDERATION OF STAFF RECOMMENDATIONS REGARDING ENFORCEMENT OPTIONS FOR JURISDICTIONS THAT HAVE FAILED TO FILE ADEQUATE SOURCE REDUCTION AND RECYCLING ELEMENTS AND/OR NONDISPOSAL FACILITY ELEMENTS, INCLUDING: COMPLIANCE SCHEDULES, PUBLIC HEARING PROCEDURES, AND CRITERIA FOR PENALTIES

I. SUMMARY:

The Integrated Waste Management Act of 1989 (IWMA) originally required each jurisdiction to prepare and submit a Final Draft Source Reduction and Recycling Element (SRRE) to the county by 1991. Numerous legislative changes delayed the due dates for the SRREs to be submitted to the Board until 1994. Legislation passed in 1992 also required the submittal of a Nondisposal Facility Element (NDFE) along with the SRREs.

All local jurisdictions, with the exception of newly incorporated cities, should have submitted their final SRREs and NDFEs to the Board by the end of 1994. Those jurisdictions that have failed to submit a final element to date are considered to be delinquent with their submittals.

Staff have compiled a list of all jurisdictions who have failed to submit an adequate SRRE and/or NDFE (attached to the February, 1997 Local Assistance and Planning Committee agenda item). Additionally, to continue the step-wise approach for appropriately handling delinquent jurisdictions, this item requests Board action on the compliance schedules, proposed hearing procedures, and penalty criteria.

II. PREVIOUS BOARD ACTION:

At its March 27, 1996 meeting, the Board heard the staff report on the range of Board options regarding those jurisdictions which have not filed the final SRREs and/or NDFEs. The Board unanimously adopted a step-wise approach to enforcement.

On February 26, 1997, the Board heard a status report on jurisdictions which had not submitted final SRREs and/or NDFEs and in Resolution 97-85 directed staff to prepare an agenda item

outlining the reasons by jurisdictions for noncompliance, recommend types of action that could be used as guidance for the appropriate level of administrative action, and include staff's recommendations. In addition, the Board directed staff to send a letter to all of the delinquent jurisdictions ordering a compliance schedule to be submitted to the Board for discussion at its April Meeting.

At the time the Board agenda was being prepared, the Local Assistance and Planning Committee had not yet met. The results of the Committee's April 16, 1997 meeting will be presented at the Board meeting.

III. OPTIONS FOR THE BOARD:
The Board may decide to adopt one or more of the following options:

1) The Board may approve staff recommendations for:
   a) Compliance Schedules
   b) Hearing Procedures
   c) Penalty Criteria

2) The Board may approve staff recommendations with specified changes to one or more of the following:
   a) Compliance Schedules
   b) Hearing Procedures
   c) Penalty Criteria

3) The Board may direct staff to gather more information or do additional analysis and return to a future Committee meeting with revised recommendations.

IV. STAFF RECOMMENDATION:
Staff recommends that the Board adopt Option #1 above, for the reasons outlined below.

Staff also recommends the Local Assistance and Planning Committee receive regular monthly updates on the status of delinquent jurisdictions.

Continuing this step-wise approach demonstrates the Board's commitment in supporting compliance with the IWMA. This approach allows for the Board to identify and provide needed technical assistance, provide adequate time to prepare documents after technical assistance is received, establishes an administrative

record, continued cooperative partnerships between the Board and jurisdictions, and takes action upon delinquent jurisdictions that does not support compliance with the IWMA.

V. ANALYSIS:

Background

The IWMA, as amended, requires each California jurisdiction to prepare and submit a final SRRE and NDFE by April 30, 1994 (for counties with less than 8 years of remaining capacity), August 31, 1994 (for counties with between 8 years and 15 years of remaining capacity), and December 31, 1994 (for counties with 15 or more years of remaining capacity).

There are currently 531 jurisdictions in California which are required to submit a SRRE and NDFE to the Board as a result of the IWMA. Five cities are newly incorporated and therefore had later submittal dates. Of the elements to be submitted by those 531 local jurisdictions, the Board has received approximately **498 SRREs** and **491 NDFEs** for processing.

The Board has statutory requirements under Public Resources Code (PRC) sections 41813 to enforce the provisions of the IWMA if a local jurisdiction fails to submit an adequate element or plan. Administrative civil penalties of up to $10,000 per day may be imposed on local jurisdictions until the element or plan is submitted to the Board and is deemed adequate.

Staff has analyzed the jurisdictions which have failed to submit SRREs and NDFEs and to determine whether the jurisdictions were in a particular geographic region, or had low or high population. Staff found no obvious patterns for non-submittal. Jurisdictions which have not submitted documents are in both urban and rural areas throughout the state.

In March, 1996, the Board adopted options which were set forth as a stepwise compliance program. The following are activities that have been accomplished thus far:

Board Enforcement Process Notification Letters - On March 1, 1996, and again on March 7, 1997, letters was sent to non-complying jurisdictions notifying them of the Board's intent to take enforcement action and the enforcement process which the Board has chosen. The letters asked the jurisdiction to provide

a compliance schedule and identify any need for technical assistance.

Agenda Item with Compliance Schedules - Staff of the Office of Local Assistance have attempted to contact and work with each non-complying jurisdiction, and tried to develop a reasonable compliance schedule for the submittal of the individual elements.

Another letter, dated March 7, 1997, requested the local jurisdictions file compliance schedules with the Board showing completion of the missing information within 120 days. If additional time was necessary to submit the delinquent document(s) then the jurisdictions were to provide detailed explanations.

Monitoring Progress - Staff have provided information for monthly status reports that are routinely presented at Local Assistance and Planning Committee meetings by the Deputy Director in her oral report.

A) PROPOSED ACTION ON COMPLIANCE SCHEDULES

The delinquent jurisdictions have a variety of reasons for non-submittal. For purpose of considering the compliance schedules we have divided the jurisdictions into several categories listed below:

1) Complete Elements Package Not Submitted But Have Compliance Schedules that meet the 120 Day Submittal Deadline.

   a) The Final SRRE and/or NDFE have been submitted but the information provided by the jurisdiction is incomplete due to documentation issues, procedural problems, and/or substantive issues.

   b) The Final SRRE and/or NDFE have not been submitted.

   c) The Final SRRE and/or NDFE were submitted but the documents were disapproved and the jurisdiction has not provided additional information to bring the disapproved document into compliance nor resubmitted the revised element within the statutory deadline.

   d) The Final SRRE and/or NDFE was submitted but the documents were withdrawn and the jurisdiction has not provided

additional information to resubmit the documents for Board action.

Recommended Board Action

i) Staff work with the jurisdiction to complete its compliance schedule and receive monthly updates on the status of the compliance schedule.

ii) If the jurisdiction fails to meet the approved timelines and/or monthly updates, Board Staff will send a notice to the delinquent jurisdiction informing them that they have been scheduled for a public hearing for the next available Board Meeting (see hearing procedures below).

2) Complete Elements Package Not Submitted But Compliance Schedules Exceeds 120 Days or Compliance Schedules Not Submitted.

a) The Final SRRE and/or NDFE have not been submitted and the compliance schedule indicates that it will take longer than 120 days to complete.

b) The Final SRRE and/or NDFE have not been submitted and no attempts or progress has been made on the jurisdictions part to comply with the requirements.

c) Any of the combinations of SRRE and/or NDFE submittals listed in (1)(a-e) and the jurisdiction failed to provide a compliance schedule as required in the March 7, 1997 letter.

Recommended Board Action

i) If Board accepts longer than 120 days, staff will work with the delinquent jurisdiction to complete its compliance schedule and receive monthly updates on the status of the compliance schedule.

ii) Staff is recommending that the Board accepts the compliance schedules which requested longer than 120 days. Based upon a review of the explanations provided by these jurisdictions staff believes that the additional time requested is reasonable.

iii) If no compliance schedule was submitted or if the Board does not accept a proposed compliance schedule, 110

Board staff will send a notice to the jurisdiction informing them that they will be placed on the agenda for the next available Board Meeting. Board staff will develop a compliance schedule so that the Board may take appropriate enforcement action from the options listed below.

3) Documents Have Been Submitted.

a) All jurisdictions who have submitted the required information for their SRRE and/or NDFE since the March 7, 1997, letter was sent out.

Recommended Board Action

i) Staff continue to work with the jurisdiction and review the document(s). Staff will bring an agenda item for the element(s) before the Board for action.

ii) If the jurisdiction for any reason withdraws the document or the document is incomplete, staff will work with the jurisdiction to create a compliance schedule and bring it before the Board for approval.

iii) If the jurisdiction fails to meet the agreed upon compliance schedule and/or monthly updates, Board Staff will send a notice to the jurisdiction informing them that they have been scheduled for a public hearing for the next available Board Meeting (see hearing procedures below).

B) HEARING PROCEDURES

Public Resources Code Section 41813 provides, in part, that:

a) After conducting a public hearing pursuant to Section 41812, the board may impose administrative civil penalties of not more than ten thousand dollars ($10,000) per day on any city or county, or, pursuant to Section 40974, on any city or county as a member of a regional agency, which fails to submit an adequate element or plan in accordance with the requirements of this Chapter.

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Level of Formality

As noted above, PRC section 41813 provides that prior to imposing any administrative penalties for failure to file one of the elements of the CIWMP, the Board must hold a public hearing. Below is a proposed set of procedures to be used for conducting that hearing. In drafting this proposal, staff reviewed several options which ranged from holding these hearings in the same manner as standard agenda items are heard, to holding hearings before an Administrative Law Judge from the Office of Administrative Hearings. For the purposes of brevity, each of those options is not discussed in detail in this item. (These proposed procedures are only being proposed for public hearings held pursuant to PRC 41813(a), public hearing procedures for public hearings held pursuant to PRC 41850 - for implementation - will be addressed in a future agenda item).

The proposed procedures were chosen based on the need to balance several factors: providing due process; establishing an appropriate administrative record; minimizing resources necessary to implement; minimizing new procedures and rules necessary to implement. Based on these factors, the proposed procedures are somewhat more structured than is typical for standard Board agenda items in order to meet the first two objectives. Specific procedures have been recommended to ensure that jurisdictions have adequate notice and opportunity to participate. Formal swearing in of witnesses and submission of documents have been recommended to ensure that the administrative record is complete. Staff has not recommended the use of Administrative Law Judges or the formal procedures used in Administrative Procedures Act (APA) hearings in order to meet the last two factors. Use of an Administrative Law Judge would require contracting with the Office of Administrative Hearings since the Board must pay for these services. In addition, APA procedures are more formal and costly. The procedures set forth below are similar to those used by other state agencies which issue penalties after a public hearing before their Boards.

Board Hearing Only

At the February Board meeting, Board members indicated that they did not wish to hold these public hearings as regional hearings. They are to be held in conjunction with the regularly scheduled Board hearings. In addition, staff is recommending that the hearings take place directly before the Board, as a whole, rather than before the Committee first. This will minimize staff resources and travel funds for both the Board and local jurisdictions.

Notice of Hearing

Jurisdictions that will be subject to a hearing must receive notice of the hearing. This notice should include the date and time of the hearing, a basic description of its subject matter, and information on how the jurisdiction may participate.

1) Service Upon Recipients - Staff is proposing to serve the notice upon the Mayor or the Chairman of the Board of Supervisors for the subject jurisdiction. This will ensure that the jurisdiction has notice of the hearing at its highest level of responsibility. It will also maintain continuity in the enforcement process since the request for compliance schedules, discussed above, was sent to these same officials. Service will be through certified mail which will provide proof of service, unless there is a need to serve this notice in person. Service will be at least 30 days prior to the hearing.

2) Contents - Staff is proposing that the notice contain several components:

   a) Hearing Information - The first page of the notice will contain the basic information about the hearing: date, time, and place of the hearing; information about the right of the jurisdiction to appear at the hearing and submit information into the record.

   b) Substantive Information - Attached to the first page will be a copy of the relevant statute, Public Resources Code section 41813. This statute forms the framework within which the hearing is being held.

   c) Hearing Procedures - Also attached will be a one page summary of the procedure to be followed at the hearing.

   d) Description of Non-compliance - Finally, attached to the Notice will be a one-page "Description of Non-Compliance." This will provide a short brief summary of the issues to be considered at the hearing. It will also include a staff recommendation.

Structure of Hearing

As noted above, staff is proposing that these hearings be brought directly before the Board. Staff is recommending that they appear as part of the regular monthly Board agenda, but that they be placed

either at the beginning or the end of the agenda (this could include scheduling them as part of "second day" activities) in order to differentiate these from other Board agenda items. The proposed procedures discussed below provide a structure for the hearing that will ensure that the Board has all necessary information to make a decision, and an appropriate administrative record to support its decision.

1) Call to Order and Announce Purpose of Hearing - This initial statement by the Chairman would differentiate this item from the rest of the Board's agenda and signify the start of the hearing. Board staff could then come forward along with any representatives of the subject jurisdiction.

2) Swearing In of Witnesses (Oath) - Any potential witnesses, both from the subject jurisdiction and Board staff, would be sworn in by the Court reporter as a group, in advance, in order to streamline the hearing. Requiring an oath provides a level of formality to the hearing and adds to the veracity of the administrative record.

3) Board Staff Presentation Regarding Non-Compliance and Recommendations

   a) Board Legal Counsel Description of Legal Framework for Hearing - The Board's legal counsel will begin the hearing with a very brief summary of the legal framework for the hearing. This would include references to the relevant statutes and regulations, a review of the hearing procedures, and a statement of the issues to be decided by the Board.

   b) Staff Presentation - Staff of the Diversion Planning and Local Assistance Division will then present factual information regarding the jurisdiction's non-compliance. (This will include submission into the administrative record of any relevant documents.) The basic types of information will include information and documents regarding:
      - Element Due Date
      - Status of Submittals, if any
      - Compliance Schedule
      - Description of compliance activities
      - Analysis of Criteria and Penalty Recommendation

After this presentation is completed, Board members may ask staff questions that they may have.

4) Presentation by Jurisdiction - The jurisdiction will then have an opportunity to respond to the staff presentation with any information that it wishes the Board to consider, any documents that it wishes to submit into the administrative record, and any recommendations that it wishes to be considered. After this presentation is completed Board members may ask the jurisdiction's representatives questions that they may have.

5) Board Deliberations in Closed session - Once the presentations are complete, the Board will convene in closed session to deliberate prior to announcing its decision. Closed session is authorized by Government Code section 11126(c)(3).

6) Announcement of Board Decision - Once the Board has completed its deliberations, it will reconvene in open session to announce its decision.

7) Issuance of Order - Subsequent to the announcement of the Board's decision, an order will be drafted for signature and issuance by the Board's Executive Director and sent to the jurisdiction within 30 days.

C) CRITERIA FOR PENALTIES

Previous Board Consideration of Enforcement Policy Parts I & II
Previously, the Board considered and adopted its Planning Enforcement Policy Parts I & II. Part I dealt with plan adequacy. It did not contain any recommendations regarding penalties and indicated these would be addressed in Part II. Part II does contain some recommendations regarding penalty ranges which the Board did adopt. However, these ranges are very general and are not linked to any particular set of facts. They are useful in providing a general framework for penalties but additional detail is necessary in order to implement them.

Proposed Penalty Approach
Staff is proposing that the approach to determining penalties focus initially on particular criteria applied to each jurisdiction rather than attempting to place a dollar amount on particular inadequacies in the abstract. The circumstances of any particular jurisdiction's

non-compliance are potentially complex and do not easily lend themselves to the setting of penalties in advance.

Instead, staff is proposing that its analysis be directed toward analyzing and providing factual information on a variety of relevant criteria which would form the basis of a penalty recommendation. Staff would then make a recommendation based on the criteria analyzed. The criteria are discussed below. In adopting these criteria, the Board would be providing direction to staff on the issues that it wants analyzed in order to enable it to decide on a penalty to be imposed, if any.

Proposed Criteria - Statutory

PRC 41813 identifies the following factors to be considered in the public hearing:

The Board may impose an administrative civil penalty of up to $10,000 per day upon a jurisdiction if it fails to submit an adequate element or plan. The Board shall not impose any penalty against a city or county if the city or county is:

1) In substantial compliance with the Act (substantial compliance includes a determination on good faith effort to implement all reasonable and feasible measures to comply); and,

2) If those aspects of an element which are not in compliance do not directly or substantially affect achievement of the diversion requirements of Section 41780.

Proposed Criteria - Staff Analysis

The following criteria are designed to provide the Board with information in order to make a penalty determination for particular jurisdictions. Statute provides one set of criteria for whether or not to impose a penalty. Statute does not provide any criteria for determining the amount of that penalty. The following criteria are designed to be relevant for deciding whether or not to impose a penalty, and, if one is to be imposed, the amount of the penalty:

1) Lateness of the element - This criteria will not differ significantly for most of the elements that are being discussed in this agenda item. However, in the future, if newly incorporated cities also fail to file, this may be a relevant factor. Likewise, this may be relevant for

jurisdictions that are late with the resubmission of elements that received a Notice of Deficiency.

2) Which element was not filed - Failure to file a SRRE would be considered more significant than failure to file an NDFE since the former contains the diversion plan that needs to be implemented, while the later is simply of a description of the facilities that will be used to implement the SRRE.

3) Effect of failure to file - Failure to file may or may not have affected the implementation of diversion programs. It may have also prevented effective measurement of progress by the jurisdictions, its residents, and the Board.

4) Nature of documents that were submitted - As noted above, some jurisdictions have filed nothing, others have filed preliminary documents, some have filed final documents which are incomplete, while others have either withdrawn their final elements, or have received a Notice of Deficiency. In addition, for incomplete, withdrawn or deficient documents, the reasons vary from significant ones, such as failure to comply with CEQA, to less significant ones, such as, failure to provide a copy of hearing notices or resolutions.

5) Reasons for failure to file - In addition to any information that a jurisdiction might want to submit at a hearing, the Board has information from some jurisdictions about the reasons for their non-compliance. These reasons range from economic restrictions, of various kinds, to special circumstances, such as natural disasters.

6) Reasons for failure to meet compliance schedule - For those jurisdictions that have submitted compliance schedules and have still failed to file an element, there may be a variety of reasons which might be relevant for Board consideration.

7) Effect of inadequacy on achievement of the diversion requirements - This criteria would be relevant for determining whether or not the jurisdiction was in substantial compliance with the Act's requirements.

8) Economic situation of the jurisdiction and effect of penalty on implementation - This criteria might be relevant when determining good faith effort. It might also be relevant for determining the amount of the penalty. A $5,000 a day fine for a small jurisdiction would be more significant than the same fine for a large one.

9) Other information - This would be a "catch-all" criteria which would allow staff flexibility to provide information on any other relevant factor that is known.

VI. ATTACHMENTS:

In consideration of the Board's in-house waste prevention policy, the attachments for this agenda item were not reproduced and are contained as part of the April 16, 1997 Local Assistance and Planning Committee agenda packet.

VII. APPROVALS:

Prepared by: Trevor M. Anderson Phone: 255-2309

Prepared by: Elliot Block Elliot W. Block Phone: 255-2821

Reviewed by: Lloyd Dillon Phone: 255-2303

Reviewed by: Lorraine Van Kekerix LVK Phone: 255-2670

Reviewed by: Judith J. Friedman Phone: 255-2302

Legal Review: ETS Date/time: 4/11/97 11:00am.

ATTACHMENT

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION No. 97-146

ACCEPTANCE OF SUBMITTED COMPLIANCE SCHEDULES FOR JURISDICTIONS THAT HAVE FAILED TO FILE ADEQUATE SOURCE REDUCTION AND RECYCLING ELEMENTS AND/OR NONDISPOSAL FACILITIES ELEMENTS

WHEREAS, to facilitate getting the Source Reduction and Recycling Elements and Nondisposal Facility Elements filed in a timely manner, the California Integrated Waste Management Board, hereafter referred to as "the Board", approved enforcement procedures which includes a stepwise approach to be used as guidance for the Board on the appropriate level of administrative action or penalty (consistent with the outline in the County Integrated Waste Management Plan Enforcement Policy); and,

WHEREAS, the Board has determined that continuing this stepwise approach would demonstrate the Board's commitment to enforcing compliance with the IWMA; and,

WHEREAS, This approach allowed the Board to identify and provide needed technical assistance, provide local entities adequate time to prepare documents after technical assistance is received, and allowed continued cooperative partnerships between the Board and jurisdictions, while at the same time it allowed the Board to establish an administrative record should enforcement action be ultimately necessary; and,

WHEREAS, Staff will continue its practice of working closely with any local jurisdiction which submits its documents to the Board for consideration to assist them in coming into compliance; and,

WHEREAS, The Board has statutory responsibility under PRC section 41813 to enforce the provisions of the IWMA if a local jurisdiction fails to submit an adequate element or plan, which may be imposed on local jurisdictions until the element or plan is submitted to the Board and is deemed adequate; and

WHEREAS, 49 jurisdictions still have outstanding SRREs and/or NDFEs, and pursuant to the Board's request, those jurisdictions have submitted compliance schedules detailing how their plan for submitting their outstanding elements; and,

WHEREAS, PRC section 41813 requires a public hearing prior to the imposition of a penalty for failure to file an adequate planning element; and,

NOW, THEREFORE, BE IT RESOLVED that the Board hereby determines that it will not, at the present time, schedule a public hearing to consider penalties for these 49 jurisdictions, based upon the submitted compliance schedules contained in Attachment 6b., and summarized in Attachments 2 and 3, of Agenda Item number .

BE IT FURTHER RESOLVED that should any jurisdiction fail to complete its submitted compliance schedule, Board staff is directed to serve a Notice of Hearing on that jurisdiction and schedule a public hearing in accordance with PRC section 41813 to be held at the time of the next available Board meeting.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on April 24, 1997.

Dated:

Ralph E. Chandler
Executive Director

ATTACHMENT

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION No. 97-147

ADOPTION OF PUBLIC HEARING PROCEDURES AND CRITERIA FOR PENALTIES FOR JURISDICTIONS THAT HAVE FAILED TO FILE ADEQUATE SOURCE REDUCTION AND RECYCLING ELEMENTS AND/OR NONDISPOSAL FACILITIES ELEMENTS

WHEREAS, To facilitate getting the Source Reduction and Recycling Elements and Nondisposal Facility Elements filed in a timely manner, the California Integrated Waste Management Board, hereafter referred to as "the Board", approved enforcement procedures which includes a stepwise approach to be used as guidance for the Board on the appropriate level of administrative action or penalty (consistent with the outline in the County Integrated Waste Management Plan Enforcement Policy); and,

WHEREAS, The Board has determined that continuing this stepwise approach would demonstrate the Board's commitment to enforcing compliance with the IWMA; and,

WHEREAS, This approach allowed the Board to identify and provide needed technical assistance, provide local entities adequate time to prepare documents after technical assistance is received, and allowed continued cooperative partnerships between the Board and jurisdictions, while at the same time it allowed the Board to establish an administrative record should enforcement action be ultimately necessary; and,

WHEREAS, Staff will continue its practice of working closely with any local jurisdiction which submits its documents to the Board for consideration to assist them in coming into compliance; and,

WHEREAS, The Board has statutory responsibility under PRC section 41813 to enforce the provisions of the IWMA if a local jurisdiction fails to submit an adequate element or plan, which may be imposed on local jurisdictions until the element or plan is submitted to the Board and is deemed adequate; and

WHEREAS, 49 jurisdictions still have outstanding SRREs and/or NDFEs (although, those jurisdictions have also submitted compliance schedules detailing how their plan for submitting their outstanding elements); and,

WHEREAS, PRC section 41813 requires a public hearing prior to the imposition of a penalty for failure to file an adequate planning element; and,

WHEREAS, it is necessary for the Board to establish public hearing procedures and criteria for penalties in case the submitted compliance schedules are not successfully completed and it becomes necessary to hold a public hearing in accordance with Public Resources Code section 41813 for one or more jurisdictions.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the "Hearing Procedures" and "Criteria for Penalties - Staff Analysis" in the attached outlines and as further described in Agenda Item # .

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 April 24, 1997.

Dated:

Ralph E. Chandler
Executive Director

HEARING PROCEDURES

I. LEVEL OF FORMALITY

A. Modified version of standard Board agenda items.

1. New notice documents
2. Modified structure for hearing

B. Forms provided in Attachment #7

II. BOARD HEARING ONLY

A. Board hearing without prior committee consideration

B. Scheduled at the beginning or end of regular monthly Board meeting

III. NOTICE OF HEARING

A. Service of Notice

1. Served on Mayor or Chair of the Board of Supervisors
2. Served by Certified Mail
3. At least 30 days prior to hearing

B. Contents of Notice (Attachment #7)

1. Cover Sheet with date. time, place and related information
2. Copy of PRC 41813
3. Summary of Hearing Procedure
4. Description of Non-compliance

IV. STRUCTURE OF HEARING (Attachment #7)

CRITERIA FOR PENALTIES - STAFF ANALYSIS

1) LATENESS OF THE ELEMENT

2) WHICH ELEMENT WAS NOT FILED

3) EFFECT OF FAILURE TO FILE

4) NATURE OF DOCUMENTS THAT WERE SUBMITTED

5) REASONS FOR FAILURE TO FILE

6) REASONS FOR FAILURE TO MEET COMPLIANCE SCHEDULE

7) EFFECT OF INADEQUACY ON ACHIEVEMENT OF THE DIVERSION REQUIREMENTS

8) ECONOMIC SITUATION OF THE JURISDICTION AND EFFECT OF PENALTY

9) OTHER RELEVANT INFORMATION

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
April 24, 1997

AGENDA ITEM 19

ITEM: CONSIDERATION OF SELECTION OF THE RPPC ALL-CONTAINER RECYCLING RATE METHODOLOGY

I. SUMMARY

In 1991, Senate Bill 235 (Public Resources Code §42310) required the Board, beginning January 1, 1993, to calculate an annual aggregate recycling rate for all rigid plastic packaging containers (RPPCs) sold in California. According to PRC §42310, every rigid plastic packaging container sold in the state must meet one of five criteria. One criterion is the aggregate or "all-container" recycling rate. Under this criterion, all containers will be considered in compliance if this all container recycling rate is 25% or greater.

The Board contracted with Cascadia Consulting Group Inc. to evaluate and recommend cost-effective methods for determining the RPPC all-container recycling rate for 1996. The contractor will also assist in the calculation of the 1996 rate.

To assist with the effort, the Board also convened a group of interested parties, consisting of representatives from affected product manufacturers, the American Plastics Council (APC), environmental and waste management organizations, and plastics recyclers and reclaimers. The interested parties worked with Cascadia and Board staff in the development and evaluation of methods for calculating the 1996 all-container recycling rate. The interested parties reviewed eight methods for consideration (five for the numerator [i.e., the amount of RPPCs recycled] and three for the denominator [i.e., the amount of RPPC waste generated]). They suggested criteria which Cascadia used to conduct an in-depth evaluation of each of the eight methods.

At a meeting held in Sacramento on March 20, 1997, the interested parties discussed and ranked the eight methods. They recommended any one of three methods, listed below, could be used to determine the numerator. They recommended that only a waste composition study be used to determine the denominator, even though it is not possible to conduct a waste composition study of 1996 waste disposal in 1997, since the sorting of RPPCs would need have taken place as the waste was being disposed. In addition, if the sorting were done in 1997, the numbers may not be representative of 1996 data.

The three methods for determining the numerator are listed below in rank order. The methods ranked number two were scored equally by the interested parties.

(1) A Board partnership with APC's national recycling rate survey of reclaimers, end-users, and exporters;

(2) A staff survey of California processors;

(3) A staff national recycling rate survey of reclaimers, end-users, and exporters.

Cascadia agreed with the interested parties that a partnership with R.W. Beck's national survey would be the best method for determining the numerator. Cascadia's scoring also equally ranked a *Staff Survey of California Processors* and a *Staff Survey of Reclaimers*.

For calculating the denominator, the interested parties recommended a waste composition study. They believe that a waste composition study would offer the greatest benefits in understanding California's overall waste stream, in addition to providing accurate RPPC disposal data. However, the interested parties failed to discuss the fact that it would not be possible to conduct a study of 1996 waste disposal in 1997. Their discussion seemed to focus on future studies.

Cascadia agreed that a waste composition study would be the best method for determining the denominator. However, Cascadia also ranked *Extrapolating 1996 RPPC Generation* as a close second, primarily because of its substantially lower cost. *Extrapolating 1996 RPPC Generation* uses the ratio of the 1995 RPPC waste composition study to 1995 national resin sales totals and applies this ratio to national resin sales statistics for 1996 and future years.

Staff recommends calculating the numerator using a *Staff Survey of California Processors*, or by *Adjusting 1995 Recycling Data*, depending on the availability of funds for a contractor or help from another state agency.

Staff recommends calculating the denominator by extrapolating 1996 RPPC generation data. It is not possible to do a waste composition study in 1997 to obtain 1996 disposal data. Also, pro-rating national resin sales data would be prohibitively expensive.

II. PREVIOUS BOARD ACTION

The Board adopted the 1995 RPPC all-container recycling rate at its January 1997 meeting.

III. PREVIOUS COMMITTEE ACTION

The Local Assistance & Planning Committee considered the methods for calculating the 1996 all-container RPPC recycling rate at its April 16 meeting. At the time this agenda item was prepared, the Committee had not yet met.

IV. OPTIONS FOR THE BOARD

1. **Adopt the staff recommendation:**

   Survey California processors or adjust 1995 recycling data to determine the numerator.

   Extrapolate 1996 RPPC generation data to determine the denominator.

2. **Adopt the recommendations of interested parties:**

   Partner with APC's national survey, survey California processors, or conduct a national survey of reclaimers, end-users and exporters to determine the numerator.

   Conduct a waste composition study to determine the denominator.

3. **Adopt another combination of methods for determining the numerator and denominator.**

V. STAFF RECOMMENDATION

Staff recommends the Board consider two methods to calculate the numerator. The first method, a *Staff Survey of California Processors*, is recommended **if staff <u>can</u> use the services of a contractor or another state agency to collect the data.** A second option, *Adjust 1995 Recycling Data*, is recommended **if the services of a contractor or another state agency <u>cannot</u> be obtained.**

Staff recommends the denominator be calculated by extrapolating 1996 RPPC generation data.

VI. ANALYSIS

The Board contracted with Cascadia Consulting Group Inc. to assist the Board in developing a cost-effective method for calculating the all-container recycling rate for 1996 and future years. The Board also convened a group of interested parties to review and comment on the methods under consideration.

As a first step, the interested parties met on January 8, 1997. They brainstormed criteria that could be used by Cascadia to

evaluate potential methods. Six criteria were developed, ranked, and weighted in order of importance. The six criteria are presented below in order of importance as ranked by the interested parties. The definition of each criterion is presented on page 3 in Attachment 2. The number to the right of each criterion is a weighing factor. The results of the criteria ranking and weighing exercise are presented in Attachment 1.

- Accurate (5)
- Defensible (4)
- Precise (low error rate) (3)
- Affordable (cost effective) (1)
- Repeatable (1)
- Ability to validate (1)

The interested parties ranked accuracy, defensibility, and precision much higher than cost, repeatability and ability to validate. It is clear that interested parties wanted Cascadia to develop and evaluate methods that would provide a highly reliable recycling rate. They were not as concerned with cost or the ability of staff to repeat the study in the future.

At the January 8th meeting, Cascadia presented eighteen potential methods for calculating the numerator and denominator. Several methods were deemed by the interested parties to be unfeasible or unlikely to result in accurate data. Based on a ranking by the interested parties, the list of potential methods to be evaluated was limited to eight (five for the numerator and three for the denominator). These eight approaches are listed below.

Numerator Approaches

Reclaimer Survey

1. A CIWMB staff survey of reclaimers, end-users, and exporters;

2. A partnership with R.W. Beck's national survey of reclaimers, end-users, and exporters;

3. A CIWMB staff survey of respondents to the 1995 reclaimer survey;

Processor and Adjustment Approach

4. A survey of California processors; and

5. Adjust 1995 recycling data.

Denominator Approaches

1. Conduct a waste composition study;

2. Pro-rate national resin sales data to California and adjust for manufacturing and process losses; and

3. Extrapolate 1996 RPPC generation using the results of the 1995 study.

Cascadia conducted an evaluation of the above eight methods. Their report provides a detailed description of each method. This description is followed by a presentation of the advantages and disadvantages of each method, an identification of necessary data, an assessment of CIWMB staff's ability to complete the work, and an evaluation of the method using the six criteria developed, ranked and weighted by the interested parties. Cascadia's evaluation of the eight methods are presented in Attachment 2.

NUMERATOR

Interested Parties' Recommendation

Using Cascadia's evaluation, the interested parties met with staff and Cascadia to discuss the report and rank the eight methods to be used in calculating the all-container recycling rate (five for the numerator, three for the denominator). A summary of the meeting and results were sent to the interested parties for their review. A summary of the meeting is presented in Attachment 3.

The following table lists the five methods for determining the numerator, its Interested Parties score, a staff estimate of cost, and an estimate of the staff time, in hours, required to calculate the 1997 recycling rate using each method. Attachment 4 presents the raw scores for each numerator method by criteria.

Ranking of Numerator Methods by Interested Parties			
Method	IP Score	Staff Cost Estimate	Staff Hours
Partner with APC National Survey of Reclaimers	63	$30,000	N/A
Staff Survey of Reclaimers	52.5	$14,500	400
Staff Survey of CA Processors	52.5	$14,500	400
Survey Respondents to 1995 Reclaimer Survey	33.5	$3,600	100
Adjust 1995 Recycling Data	21.4	$3,600	100

The interested parties recommended using any one of the top three ranked methods to calculate the numerator. These three methods are ranked in order.

(1) A Board partnership with APC's national recycling rate survey of reclaimers, end-users, and exporters;

(2) A staff survey of California processors;

(2) A staff national recycling rate survey of reclaimers, end-users, and exporters.

The interested parties expressed concerns about the Board's ability to maintain the confidentiality of survey data. However, their scoring assumed confidentially could be guaranteed. If the interested parties had assumed the Board could not maintain confidentiality, these three methods would have been scored much lower. In addition, some of the interested parties indicated that it might be very difficult for Board staff to get nationwide reclaimers and exporters, or California processors, to respond to a State-sponsored survey.

California processors are currently downsizing, may not be as interested in recycling issues, and may not have the time or commitment to respond to another Board survey. One of the interested parties indicated that a consultant might be able to elicit a higher response rate from California processors than if Board staff conducted the survey. Also, some of the interested parties felt national reclaimers would <u>not</u> respond to a Board survey, even if confidentiality were guaranteed. Reclaimers are hesitant to release vital information to a governmental agency.

Also, in some instances, plastic bales are traded between processors. This masks the origin of the material. R.W. Beck, which conducts the annual national plastic survey for APC, has been able to develop a relationship with national reclaimers over the last several years. This relationship has led to increased participation and survey response. To develop this relationship, Beck includes the Association of Postconsumer Plastic Recyclers in the data review, and strictly guarantees the confidentially of the information. Lastly, a Board reclaimer survey would need to include a survey of plastics exporters. Historically, the response rate of exporters has been poor. This would leave holes in the results of a reclaimer study.

Even with the caveats noted above, the interested parties agreed that the Board should adopt one of the three methods for calculating the numerator. They indicated that any one of the three methods would be superior to a partial sampling of reclaimers and exporters (i.e., a Survey of 1995 Respondents) or an estimate based on information from the 1995 recycling survey (i.e., an adjustment of 1995 recycling data).

Lastly, the interested parties stated that the all-container recycling rate should not be calculated, if the Board does not adopt one of the three methods for determining the numerator.

Cascadia Recommendation

Cascadia slightly altered the evaluation criteria before ranking the various methods. Cascadia gave less weight to the quality of data by eliminating the criterion *Precision* (with a weight of 3). Cascadia increased the weight of the cost criterion, *Affordability,* from 1 to 3. The result of Cascadia's ranking are presented in the following table. Attachment 5 presents Cascadia's raw scores for each numerator method by criteria.

Cascadia Ranking of Numerator Methods			
Method	Cascadia Score	Staff Cost Estimate	Staff Hours
Partner with APC National Survey of Reclaimers	50	$30,000	N/A
Staff Survey of Reclaimers	45.5	$14,500	400
Staff Survey of CA Processors	45.5	$14,500	400
Survey Respondents to 1995 Reclaimer Survey	27	$3,600	100
Adjust 1995 Recycling Data	42	$3,600	100

Cascadia's ranking paralleled the results of the ranking by interested parties for the top three methods. The three methods are ranked in order.

(1) A Board partnership with APC's national recycling rate survey of reclaimers, end-users, and exporters;

(2) A staff survey of California processors;

(3) A staff national recycling rate survey of reclaimers, end-users, and exporters.

For these three methods, Cascadia's scores are slightly lower than those of the interested parties. Also, Cascadia gave *Adjust 1995 Recycling Data* a score of 42. This is only 3.5 points lower than the two second ranked methods. Cascadia's scoring indicates that, in the short term, and with some refinements, adjusting 1995 recycling data would provide fairly accurate results.

Staff Recommendation

After carefully considering the recommendations of Cascadia and interested parties, staff believes the numerator could be cost-effectively calculated using either one of two methods. Staff reached this conclusion by comparing the potential quality of data with the difficulty or cost of obtaining it.

Staff Survey of California Processors

Staff recommends the first method, a *Staff Survey of California Processors*, **if staff can use the services of a contractor or**

another state agency to collect the data. Staff believe this work would not be a cost-effective use of staff time and should not be conducted in-house. This is because the amount of regulated RPPCs in the waste stream is less than 0.5 percent, and the amount of staff time required to collect and analyze the data is estimated to be between 400 and 500 hours. In addition, if staff reductions occur, as the Board's budget continues to decline, fewer staff will be available to work on all of the Board's programs.

Staff believe that an annual survey of California processors would provide an acceptable estimate of RPPCs recycled in California. The three principal issues identified by the interested parties and Cascadia concerning a processor survey are staff's ability to:

- Guarantee confidentially of the survey data;
- Identify and eliminate double counting; and
- Generate an adequate survey response rate from processors.

These issues remain the greatest challenges facing staff. As staff has not previously conducted a processor survey, staff cannot adequately respond to these issues. However, the use of an outside contractor, or other state agency, may help avoid or reduce the impact of these issues.

Adjust 1995 Recycling Data

Staff recommends the second method, *Adjust 1995 Recycling Data*, **if it is not possible to use the services of a contractor or another state agency.** Staff believes that *Adjusting 1995 Recycling Data* is also an acceptable method. This method is by far the most affordable and the easiest to repeat. In the short term, adjusting 1995 recycling data should provide fairly accurate results, with further refinements in estimating buy-back and drop-off amounts. Cascadia has indicated that this method is likely to produce more accurate recycling data than a processor survey with a low response rate.

DENOMINATOR

Interested Parties' Recommendation

Using the evaluation report by Cascadia, the interested parties met to discuss the report and rank the three possible denominator methods.

The following table presents the summary of their ranking and a staff estimate of cost and staff time (hours) required to complete each method.

IP Ranking of Denominator Methods			
Method	IP Score	Staff Cost Estimate	Staff Hours
Conduct Waste Comp. Survey	44	$250,000	N/A
Extrapolate 1996 RPPC Generation	29	$3,600	100
Pro-Rate National Resin Sales Data	17	>$200,000	2,100

The analysis includes information used by the interested parties to rank methods. Attachment 4 presents their raw scores for each denominator method by criteria.

The interested parties recommended a waste composition study to calculate the denominator. They indicated that they were aware of the high cost to conduct such a study and that the high cost would not be justified if only RPPCs were included in the study. They suggested expanding the study to include all wastes types in the wastestream. They believe the additional cost to do this would be marginal. The study would be of far greater benefit to the Board in understanding California's overall waste stream while providing an accurate picture of RPPC waste disposal.

The interested parties ranked *Extrapolate 1996 RPPC Generation* second. The method involves two steps. First the total RPPC generation from the 1995 study would be compared to the 1995 national resin sales data. Second, the ratio obtained from this comparison would then be applied to 1996 resin sales data to obtain an estimate of 1996 California RPPCs generated. National resin sales would be obtained from annual published reports from the Society of Plastic Industries (SPI).

Some members said that if they recommended this method they would be agreeing with the results of the 1995 waste composition study. They felt that this method would be less accurate than a waste composition study. Another concern was that Board staff would have no control over how the base data provided by the SPI is constructed, nor what data is placed into each SPI category. Lastly, this method is dependent upon the consistency of SPI's categories over time. The consistency of categories becomes more important than how well the category represents RPPC resin production.

The interested parties ranked *Pro-Rate National Resin Sales Data* third. While less certain about the data, models, and surveys required to implement this method, they indicated that a pro-rated national resin sales study may be more expensive to conduct than a waste composition study. A resin sales data study might require many data elements and modeling techniques, such as surveys of container and product manufacturers on RPPC production, use, and type of resin (i.e., virgin vs. postconsumer).

Cascadia Recommendation

As noted above, Cascadia altered the evaluation criteria slightly before ranking the denominator methods. As presented above, Cascadia gave less weight to the quality of data criterion by eliminating the criterion, *Precision*. Cascadia increased the weight of the cost criterion, *Affordability,* from 1 to 3. The result of Cascadia's ranking are presented in the following table. Attachment 5 presents Cascadia's raw scores for each denominator method by criterion.

Cascadia Ranking of Denominator Methods

Method	Cascadia Score	Staff Cost Estimate	Staff Hours
Conduct Waste Comp. Survey	37	$250,000	N/A
Extrapolate 1996 RPPC Generation	32	$3,600	100
Pro-Rate National Resin Sales Data	15	>$200,000	2,100

Cascadia's ranking paralleled the results of the interested parties ranking for the three methods. The three methods are ranked in order.

(1) Conduct Waste Composition Survey;

(2) Extrapolate 1996 RPPC generation;

(2) Pro-rate national resin sales data.

For these three methods, Cascadia's scores are slightly lower than the IP. Cascadia results also indicate that the methodology, *Extrapolate 1996 RPPC Generation*, with a score of 32, was scored 5

points lower than the first ranked *Conduct Waste Composition Survey*. Cascadia scoring indicates that *Extrapolate 1996 RPPC Generation* is a close second best solution, primarily because of the substantially lower cost associated with this method. Cascadia also indicated that this method would be slightly less accurate that waste composition analysis.

Staff Recommendation

After carefully considering the recommendations of Cascadia and interested parties, staff believes the denominator could be cost-effectively calculated by the *Extrapolate 1996 RPPC Generation* method. This recommendation is primarily based on the relatively high cost of conducting the other two methods. Staff believes, given the Board's current resource constraints, that extrapolating future RPPC resins sales to California is, in the short term, the most cost-effective method. Staff estimates that the extrapolation method could be used for four (4) to five (5) years before the 1995 baseline data would become obsolete and need to be updated with a more current RPPC waste composition study.

VII. ATTACHMENTS

1. Results Criteria Ranking and Weighing Exercise
2. Cascadia's RPPC Recycling Rate Methodology Evaluation
3. Summary of RPPC Recycling Rate Meeting of Interested Parties -March 20, 1997-
4. Interested Parties Ranking of Methods for Determining Numerator and Denominator
5. Cascadia's Ranking of Methods for Determining Numerator and Denominator
6. Cost Estimate to Determine Numerator and Denominator

VIII. APPROVALS

Prepared By: John Nuffer Phone: 255-2461

Reviewed By: Carole Brow Phone: 255-2426

Reviewed By: Caren Trgovcich Phone: 255-2320

Legal Review: Date/Time: 4/14/97 1:30pm

Attachment 1

CIWMB 1996 RPPC Recycling Rate Calculation Methods Evaluation

Results of January 8, 1997 Meeting Exercises

CRITERIA RANKING EXERCISE

As discussed at the meeting, the criteria were to be weighted on a 1-5 scale. To obtain the final weighting factor, the total score was divided by the conversion factor. The conversion factor was calculated by dividing the highest total score by 5, the highest possible weighting factor.

Results of Group Criteria Ranking

CRITERIA	TOTAL SCORE	CONVERSION FACTOR	WEIGHTING FACTOR
Accuracy	18	3.6	5
Defensible	13	3.6	4
Error Rate	10	3.6	3
Cost	4	3.6	1
Repeatable	2	3.6	1
Ability to Validate	1	3.6	1

NUMERATOR EVALUATION EXERCISE

The overall score for each potential method was calculated by first compiling the worksheets that Cascadia received from interested parties by January 22, 1997. (The group agreed to a deadline of January 13, 1997; no other worksheets have been received since January 22.) All of the advantages and disadvantages of each method were first listed in the appropriate column. An advantage score and a disadvantage score were then derived by multiplying the number of times a criteria showed up in the column times the weighting factor for that criteria. Finally, the disadvantage score was subtracted from the advantage score to obtain the overall score. So, using an example from below for the survey collectors method, the advantage score was calculated by multiplying the weighting criteria for "defensible" (4) times the number of times defensible was listed (1) to obtain a score of 4. The disadvantage score was calculated by multiplying the weighting criteria for "accuracy" (5) times the number of times accuracy was listed (3) and adding that to the weighting criteria for "cost" (2) times the number of times was listed (2) to obtain a score of 17. Seventeen was then subtracted from 4 to obtain a final score of -13. Or, [(4*1)-((5*3)+(2*2))=-13].

Results of Group Numerator Evaluation Exercise

Method	Advantages	Score	Disadvantages	Score	Overall Score (advantage - disadvantage)
2. Survey collectors	defensible	4	accuracy (3), cost (2)	17	-13
3. Survey processors	defensible, accuracy, cost	10	accuracy (3), repeatable, cost (2)	18	-8
4. Survey reclaimers/end-users	accuracy (5), defensible (2), cost (3)	36	ability t validate (2), repeatable, cost	4	32
5. Extrapolate based on national recycling data	cost (2)	2	accuracy (2), defensible, error rate	17	-15
7. Adjust 1995 recycling data	cost (5), accuracy, repeatable	11	ability to validate (2), defensible (2), accuracy (2)	20	-9
10. Piggy back on national survey	cost	1	accuracy	5	-4

Numerator methods to be fully evaluated by Cascadia:

4. **Survey reclaimers/end-users (option 10 can be explored here)**
3. **Survey processors**
7. **Adjust 1995 recycling data**

DENOMINATOR EVALUATION EXERCISE

The same process described for the numerator evaluation process was used to rank the denominator methods. However, the interested parties only agreed to further evaluation three methods at the meeting, so each of the three methods will be analyzed in detail.

Results of Group Denominator Evaluation Exercise

Method	Advantages	Score	Disadvantages	Score	Overall Score (advantage - disadvantage)
D. Pro-rate national resin production data and adjust for mfg. Loss	cost (2), repeatable, accuracy	8	error rate, defensible, cost (2), accuracy (2), repeatable (2), ability to validate (2)	23	-15
E. Conduct waste composition study	accuracy (2), error rate (2)	16	cost (4), accuracy (2), defensible	18	-2
G. Adjust results of 1995 study and apply to 1996 disposal data	cost (3), repeatable (2), accuracy (2), defensible (2)	23	defensible (4), accuracy (2)	26	-3

Denominator methods to be fully evaluated by Cascadia:
D. Pro-rate national resin production data and adjust for manufacturing losses
E. Conduct waste composition study
G. Adjust results of 1995 study and apply to 1996 disposal data

These results are a compilation of input from interested parties and do not reflect Cascadia's position on the most feasible and accurate methods for calculating the 1996 RPPC recycling rate.

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Attachment 2

RPPC Recycling Rate Methodology Evaluation

Prepared for the
California Integrated Waste Management Board

February 28, 1997
DRAFT FOR STAFF REVIEW

Cascadia Consulting Group

Cascadia Consulting Group
811 First Avenue, Suite 480
Seattle, WA 98104
Phone 206/343-9759
Fax 206/343-9819
E-mail cascadiacg@aol.com

DRAFT FOR DISCUSSION PURPOSES ONLY

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RPPC Recycling Rate Methodology Evaluation

An Evaluation of Six Methods Recommended by the Interested Parties and CIWMB Staff

Introduction

This report describes six methodologies that can be used as part of California's rigid plastic packaging container (RPPC) recycling rate calculation. Three of the methodologies can be used to determine the total quantity of RPPCs recycled in California, or the numerator. The other three methodologies apply to the denominator, or the total quantity of RPPCs generated in the state of California.

Senate Bill 235 requires the Board to adopt a method to estimate an aggregate recycling rate for all rigid plastic packaging containers sold in California. In addition, the statute requires the CIWMB to annually publish the rate calculated using the methodology. If the recycling rate for all RPPCs exceeds 25%, product manufacturers can use the recycling rate as an option to comply with the requirements of the California RPPC programs.

This report identifies potential options that the CIWMB can use to estimate the aggregate recycling rate and is intended to help the CIWMB determine which approach should be used to calculate the rate for 1996 and beyond.

It is generally accepted that the recycling rate calculation can be expressed as:

$$\text{RPPC Recycling Rate} = \frac{\text{Quantity of RPPCs Recycled}}{\text{Quantity of RPPCs Generated}}$$

It is also assumed that the quantity generated is equal to the quantity disposed plus quantity recycled. Some portion of the RPPC stream is also reused, and therefore does not show up in the disposed or recycled figures. This quantity is difficult to measure and assumed to be inconsequential as the balance

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between new RPPCs being reused and old RPPCs being discarded after reuse are thought to cancel each other out.

The following assumptions guided the evaluation of the potential methodologies:

- CIWMB can complete the RPPC recycling rate calculation without consultants.
- Staff has a fixed budget for calculating the rate. This budget is currently set at $10,000 per year.
- The CIWMB Board accepted the 1995 rate calculation methodology and ensuing results as good baseline data.
- The merits and demerits of all methods can be argued. The key is to find the methodology that most accurately and cost effectively calculates the rate.

In addition, the following criteria, which are fully defined in the next section, were developed by the interested parties to rank each potential methodology:

Methodology Evaluation Criteria

accurate
defensible
precise (low error rate)
affordable (cost effective)
repeatable
ability to validate

Nine preliminary options for each the numerator and denominator were first presented to interested parties at a meeting in Sacramento on January 8, 1997. Several methodologies were deemed by the group to be unfeasible or unlikely to result in accurate data. Based on the interested parties' ranking of the preliminary options, the list of options to be evaluated was limited to six (three for the numerator and three for the denominator). These six approaches are listed below and described in detail in this report.

Numerator Approaches

Surveying reclaimers, end-users, and exporters of California RPPCs

Surveying processors that handle California RPPCs

Adjusting the 1995 recycling data to 1996

Denominator Approaches

Conducting a waste composition study

Pro-rating national resin sales data to California and adjusting for manufacturing/process losses

Extrapolating 1996 RPPC generation using the results of the 1995 study

In the body of the report, each of the methodologies is explained, followed by an identification of the data necessary to complete the methodology, an assessment of CIWMB staff's ability to complete the work in house, and an evaluation of the methodology against each of the criteria developed by the interested parties.

Criteria Definition

The interested parties brainstormed a wide variety of criteria that would be used in the evaluation of the various methodologies and agreed on the six described below.

1. **Accuracy.** How well does the methodology measure what is intended to be measured? For the numerator, the question becomes, "How well does the methodology measure the true quantity of RPPCs recycled in California?" For the denominator, the question becomes, "How well does the methodology measure the true quantity of RPPCs generation in California?"

2. **Defensibility.** Will the methodology produce results that can be defended by CIWMB staff as being appropriate to all stakeholders?

3. **Precision.** How well did the methodology estimate the mean? For example, in calculating the RPPC recycling rate, two methods may produce results of 25%. One method has a confidence interval of 24% - 26%, while another method has a confidence interval of 20% - 30%. The method with the smaller confidence interval is more precise.

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4. **Affordability.** How much will it cost, or how many staff hours are required, to complete the methodology? In some cases, the exact costs are not known, but can be expressed relative to the cost of other methodologies.

5. **Repeatability.** Can CIWMB staff repeat the methodology in future years? The ability for a methodology to meet this criteria can depend on such factors as data availability and straightforwardness.

6. **Ability to validate.** Can individual pieces of data necessary to complete the methodology be validated? Generally, more confidence can be placed on those methodologies in which individual data points can be verified. Another measure of ability to validate is how well the result compares with benchmarks.

The interested parties considered "accuracy," "defensibility," and "precision" to be the criteria that carry the most weight in evaluating the methodologies.

Methodologies to Calculate the RPPC Numerator

Three approaches to calculating the numerator were evaluated. These approaches include:

1. *Surveying reclaimers, end-users, and exporters of California RPPCs*
2. *Surveying processors that handle California RPPCs*
3. *Adjusting the 1995 recycling data to 1996*

This section of the report describes each of the three methodologies separately. For each methodology, the approach is described including possible variations of the methodology and a brief discussion of the advantages and disadvantages of each variation. This is followed by:

- A discussion of ***data needs***. What data are needed to complete the methodology and how accessible are these data?
- An assessment of the ***feasibility of CIWMB staff to complete the methodology*** in-house.
- And, an evaluation of the methodology using the ***evaluation criteria*** developed by the interested parties.

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Approach #1: Surveying RPPC Reclaimers, End-Users, and Exporters

This methodology involves surveying reclaimers, end-users, and exporters that handle post-consumer plastics that originate in California and determining the quantity of California RPPCs this group handles. This group includes plastics reclaimers, defined as those entities who wash, flake, or grind post-consumer plastics; end-users who manufacture a product using recovered plastics that have not gone through the reclamation process; and exporters of RPPCs.

Surveying reclaimers, end-users, and exporters is generally thought to be easier to accomplish than surveying at other points in the recycling chain. This group represents that last point in the recycling chain, and therefore double counting is not an issue. For example, exporters generally do not sell their material to other exporters. Also, it is generally assumed that the number of entities operating at this level is considerably smaller than at the collection or processing point. (Although in reality, the number of exporters handling California materials can exceed 1,000 in any given year.)

As with any survey, however, the data are only as good as those reported by the survey respondents. Given the complexity of the RPPC definition and the flow of recovered plastics through the national reclamation market, the survey instrument must be clear and the survey administrator must have a good understanding of the post-consumer plastics industry. This knowledge is an important factor in the data quality control process. An experienced survey administrator with industry experience will have a high probability of spotting incomplete or incorrect responses. For example, numerous reclaimers, end-users, and exporters consolidate materials from several states and it is difficult for them to track precisely which material came from which state. An experienced survey administrator would have an understanding of these flows and would follow-up with respondents whose figures looked inconsistent with their knowledge of these flows.

The general steps required to complete this methodology are the same as those used for the 1995 survey. In 1995, the American Plastics Council contracted with R.W. Beck to complete this survey, which involved the following steps:

- compiling a contact list of reclaimers, end-users, and exporters nationwide that could potentially handle California plastics;
- developing a survey instrument that is straightforward and clearly asks about California RPPC recovery and recycling activities;

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- conducting a nationwide mail survey of reclaimers, end-users, and exporters;
- following up with survey respondents who reported handling RPPCs from California to clarify survey responses. Also, follow-up is required with those entities who are known to handle California RPPCs but who have not completed the survey;
- analyzing the survey results and eliminating any double-counting from survey totals (in theory, there should be no double counting at this level) and adjusting total recovery to account for processing losses; and
- calculating the total amount of California RPPCs recycled by this group.

The two most difficult aspects of this survey include the compilation of a comprehensive contact list (especially for exporters) and the follow-up telephone calls. Maintaining a comprehensive contact list requires remaining current on industry trends, particularly as markets fluctuate. The follow-up telephone calls can be time consuming and require multiple phone calls to the same entity. An extreme example of the importance of both of these issues involves entities that handle large volumes. Missing these entities, either through failure to identify them as a potential survey respondent or by not obtaining responses from them, will result in undercounting recovered RPPCs and drastically alter the accuracy of the survey.

There are three ways that this survey could be completed. Each are described briefly below. These three approaches include:

1. CIWMB staff conducts the entire survey in-house.
2. CIWMB contracts with the American Plastic Council's (APC) national recycling rate consultant to obtain California-specific data on RPPC recycling from all reclaimers, end-users, and exporters of plastics at the same time that national data are being collected.
3. CIWMB staff samples a portion of those reclaimers, end-users, and exporters that responded to the 1995 survey and adjusts the 1995 survey results by the percentage change reported by those sampled.

Variation 1: CIWMB Survey of Reclaimers, End-Users, and Exporters
The CIWMB staff would conduct the reclaimer, end-user, exporter survey in-house using the methodology that was used for the 1995 reclaimer/end-user/exporter survey. In 1995, this survey was one of three surveys conducted to calculate the California RPPC recycling rate numerator.

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To complete this survey, CIWMB staff would need to develop a contact list and survey instrument, and construct a database or spreadsheet for data entry and analysis. As a starting point, CIWMB staff could obtain copies of the contact list and survey instrument developed by R.W. Beck for the 1995 survey. These would need to be modified by CIWMB staff. The contact list would require annual updates for 1996 and each year thereafter to ensure that new reclaimers, end-users, and exporters are surveyed. CIWMB staff would need to modify the survey instrument to properly identify the CIWMB as the surveying entity and fully disclose confidentiality, or lack thereof, clauses. CIWMB staff would also need to establish a relationship with these entities to facilitate data collection activities. The survey would be conducted nationwide, as numerous national entities handle California materials.

Advantages of CIWMB Surveying Reclaimers, End-Users, and Exporters

- *CIWMB staff would have access to primary data and would conduct the analysis itself, thereby increasing its ability to explain the results.* If this work is done by a contractor, CIWMB staff must rely on the contractor's credibility and word without being able to verify the work.

- *CIWMB staff will gain a large amount of first-hand knowledge of the reclamation and end-use markets through the survey.* By tracking the industry and establishing relationships with the reclaimers, end-users, and exporters, staff will gain knowledge about plastic recycling issues that goes beyond the survey itself. This could have important secondary benefits for state market and economic development programs.

Disadvantages of CIWMB Surveying Reclaimers, End-Users, and Exporters

- *It is uncertain whether staff can guarantee confidentiality of individual survey responses.* Obtaining business information from individual respondents is often predicated on confidentiality agreements to ensure that proprietary data are not be made public. Some agencies, such as the Clean Washington Center, have been able to protect company-specific data.

- *Reclaimers, end-users, and exporters may not share information with CIWMB staff.* Since the CIWMB will be perceived as the "regulator," obtaining voluntary survey responses may be problematic.

- *Staff will have to devote considerable time to maintaining a comprehensive contact list.* Maintaining such a list requires an understanding of the players in the industry and how materials move to markets under varying market conditions. There are undoubtedly

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reclaimers, end-users, and particularly exporters that will continue to go unrecognized.

Variation 2: Partner with National Survey to Obtain California Data
The American Plastics Council (APC) conducts an annual survey of reclaimers, end-users, and exporters to estimate the national recycling rate for a variety of plastic types (such as bottles and containers). APC contracts with a firm, most recently R.W. Beck, to complete this survey. CIWMB could ask APC to supplement its survey to obtain California-specific information on RPPC recovery and recycling. CIWMB would necessarily have to pay the difference in cost associated with the additional data collection activities.

Advantages of Partnering with National Survey

- *APC hires an experienced and qualified consultant.* This experience and qualification translates into credibility. Also, the consultant probably would achieve a higher response rate than CIWMB staff due to established relationships.

- *This methodology would be less disruptive and confusing to reclaimers/end-user/exporters.* They would only have to complete one survey instead of multiple surveys, and they would only be getting follow-up phone calls from one entity. However, the California definition of RPPCs may be confusing since it is different from the categories that are reported on the national survey.

- *This approach worked in past.* This is essentially the approach that was used in 1995, and the results of the reclaimer, end-user, and exporter survey were consistent (although lower than) with the other two survey results.

Disadvantages of Partnering with National Survey

- *Certain stakeholders may perceive this approach to be a conflict of interest.* APC's sponsorship of the national survey may discredit the survey results of the California-specific survey, as some groups may perceive APC to be unfairly representing the regulated community.

- *CIWMB staff cannot independently verify the results of the survey.* CIWMB staff must take the consultant's word for the accuracy or thoroughness of the survey without access to any of the data due to confidentiality concerns.

- *The schedule for the national study and the California study may be different.* The results of the national survey would take precedence over

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the California results. There may be little that CIWMB can do to control the schedule other than by paying a premium price for the service.

Variation 3: Sample Subset of Reclaimers, End-Users, and Exporters
This approach involves taking a sample of those reclaimers, end-users, and exporters surveyed in 1995, surveying them to determine the quantity of RPPCs they recovered and recycled in 1996, and adjusting the results of the 1995 reclaimer/end-user/exporter survey at the same rate of changes as reported by this sample. For example, if the sample group reported an overall increase of 10% in the quantity handled, then the 1995 results would be increased by 10% to determine the 1996 recycling quantity. On the other hand, if the sample group reported a decrease of 10% in the quantity handled, then the 1995 results would be decreased by 10% to determine the 1996 recycling quantity.

In 1995, 48 reclaimers, end-users, and exporters reported handling RPPCs from California. The small size of the initial population lowers the probability that the sampling (which would be of an even small number) will result in precise results. On the national level, R.W. Beck reports that year-to-year trends of individual reporters do not parallel aggregated trends. The individual trends are influenced by such factors as investment decisions and equipment (e.g. a reclaimer with a line that can switch from PET to HDPE is better able to react to market conditions). Therefore, if this approach is used, a sample size of 15-20 may not accurately describe the overall trend.

To implement this methodology, CIWMB staff would have to coordinate with R.W. Beck. Individual company data from the 1995 survey cannot be released by R.W. Beck due to confidentiality agreements made with the survey respondents. However, CIWMB staff could take a random sample of the 1995 respondents, ask R.W. Beck for the aggregate reported in 1995 by these respondents, and compare the aggregated 1996 data to the 1995 data to determine the percentage change.

<u>Advantages of Sampling Reclaimers/End-Users/Exporters</u>

- *The small sample size makes the survey and follow-up calls manageable by CIWMB staff.* Having to obtain information from 15-20 entities as opposed to surveying over 200 (including those who did not handle RPPCs in 1995) makes this approach more feasible for staff to conduct. Staff would have to work closely with R.W. Beck to obtain aggregated 1995 data.

- *Non-reporting reclaimers, end-users, and exporters will not necessarily undermine the survey sample results.* The sample will be taken from

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reclaimers, end-users, and exporters who reported in 1995. Staff will not have to follow up with non-respondents, greatly reducing the amount of effort required to complete this survey.

- *This approach builds on the CIWMB Board's acceptance of the 1995 rate and methodology.*

Disadvantages of Sampling Reclaimers/End-Users/Exporters

- *This approach may suffer from sampling bias or errors in original data.* The respondents sampled may not be representative of the entire population. And, if the 1995 data were not accurate, the inaccuracy will never be corrected. There is the possibility that such an error could compound over time.

- *CIWMB staff will need to coordinate with R.W. Beck or obtain two years worth of data from respondents.* Confidentiality issues may impede CIWMB staff's ability to effectively do both.

- *This method may not account for changes in market structure.* The number of reclaimers, end users, and exporters may change, which would not be captured in a sample. For example, in future years, even if reclaimers active in 1995 reclaim the same amount of plastics, the number of firms could potentially have increased by 10%, increasing the total volume of plastics recycling. Alternatively, surveyed firms might report a 20% increase in plastics recycling, but this could be due to fewer reclaimers being active instead of an increase in total volume.

Data Needs

Comprehensive list of reclaimers, end-users, and exporters who handle serving California. The contact list for APC's National Post-Consumer Plastics Recycling Rate Study, maintained by R.W. Beck, contains detailed national information on reclaimers and end-users. CIWMB may be able to obtain this data through APC. Export data can be purchased from the Port Import Export Research Service ("PIERS"). (This data tracks individual exports and includes information on the exporting entity and materials being exported.) Information from these lists can be merged and expanded as CIWMB staff locates new potential survey respondents.

Reclaimer, end-user, and exporter recovery and recycling volumes. The availability and accuracy of the final data is dependent on the willingness of survey recipients to respond and the accuracy with which they respond. CIWMB has little to no control over this source of error.

Feasibility of CIWMB Staff to Complete Work

Reclaimers, end-users, and exporters of post-consumer plastics are often reluctant to report quantity information. This reluctance is based in part on the competitive nature of the business vis-à-vis virgin resins, the time necessary to report the information, and fears that confidential business information will made available to competitors. These entities are often more willing to share this information if they have an established relationship with the survey administrator and can trust that the company-specific data will remain confidential.

Whether a survey is conducted by CIWMB staff, or by a consultant, some entities will refuse to participate. With time, CIWMB staff may be able to build personal relationships with potential survey respondents, but the issue of ensuring confidentiality may never be fully satisfied. The exact extent to which reclaimers, end-users, and exporters are less likely to provide data to the CIWMB than to a consultant is unknown.

Variation #3 above, the option of surveying a sample of the respondents from last year's survey, is the most feasible for CIWMB staff to complete primarily because the sample size is more manageable and would not impede staff's ability to complete other CIWMB work simultaneously. However, staff may still encounter problems associated with the ability to ensure data confidentiality.

Evaluation Criteria

- **Accuracy.** The accuracy of this method is completely dependent on the verity of data reported by the responding reclaimers, end-users, and exporters. Also, the accuracy is dependent on how successful the surveyor was at obtaining responses from <u>all</u> players, since this survey is essentially a census survey. A number of exporters refused to respond to the 1995 survey, and it is unclear what impact this had on the final result. Aside from non-respondents who really do handle California RPPCs, there is no evidence that respondents intentionally report inaccurately, so there is no reason to suspect that a respondent's estimates are systematically high or low.

  Variation #2 is the most accurate of the three variations described, largely due to the experience of the national contractor. Variation #3 is the least accurate, in large part due to the small size of the population.

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- **Defensibility.** The CIWMB Board approved the 1995 recycling rate range and methodology that was used to calculate the rate. The result of the reclaimer/end-user/exporter survey was averaged with the results of two other recycling surveys to calculate the numerator. (The reclaimer/end-user/exporter survey yielded the lowest recycling total.) This methodology is accepted nationally, and the main contention with this approach is the ability to obtain responses from exporters. A complete survey would be more defensible than surveying a sample of last year's respondents, particularly if the rate were not met.

  Variation #2 is the most defensible, because it is essentially a repeat of last year's study. The defensibility of variations #1 and #3 are roughly equal.

- **Precision.** The assumption with this type of survey is that respondents are providing honest answers and that the total quantity calculated from the responses is precise. The true margin of error for a census survey (variations #1 and #2), however, cannot be measured. Annual fluctuations in the total volume reported may be due to reporting error rather than actual variation in total recycling volumes.

  If extrapolations are made for non-respondents, as was done in 1995, a precision level can be placed around that estimate. In 1995, the margin of error associated with non-respondent exporter extrapolation was relatively large. However, the precision level applies only to the extrapolated quantities, which represented less than 8% of the recycled tonnage.

  The precision of variation #3 can be measured, but due to the small sample size we can predict that this would be the least precise option.

- **Affordability.** R.W. Beck was paid $28,665 to complete the 1995 reclaimer/end-user/exporter survey and to prepare additional analysis that was requested by the Recycling Rate Advisory Committee (RRAC). R.W. Beck devoted approximately 300 hours to completing the survey. This cost does not include time spent by Cascadia assisting R.W. Beck with obtaining data from exporters. One would expect that it would take CIWMB staff longer to complete the survey, particularly the first year. Variation #3 is the most affordable, and it is estimated that CIWMB staff could complete this sample in 80 hours.

- **Repeatability.** Either a survey or a sample can be repeated yearly with similar levels of accuracy. Variation #2 is dependent on another entity's work program, and this could potentially impact CIWMB's ability to partner with the national survey in future years. Similarly, variation #1 may be impacted by other CIWMB priorities.

- **Ability to validate.** Results form this method could be cross-checked with other available data sources. However, responses from individual respondents cannot be confirmed. To the extent possible, the follow-up calls could be used to verify responses which seem out of line or which are inconsistent with expected responses. Variation #1 is the most easily validated of the three variations listed, simply because CIWMB staff would have access to all primary data necessary to complete this approach.

Approach #2: Surveying RPPC Processors

This methodology involves surveying processors (primarily MRFs) who handle RPPCs in California. It is generally assumed that materials collected in California are also processed in California, except if directly exported. Processors are defined as being those entities who sort and/or bale plastics; processors usually sell their materials to reclaimers or to end-users.

The general steps required to complete this methodology are the same as those used for the 1995 MRF/Processor survey. In 1995, the American Plastics Council contracted with Cascadia Consulting Group to complete this survey, which involved the following steps:

- compiling a contact list of processors in California that handle plastics;
- developing a survey instrument that is straightforward and clearly asks about RPPC recovery activities as well as to whom material was sold to, in order to eliminate double counting;
- sending surveys to processors;
- following up with survey respondents who reported handling RPPCs to clarify survey responses. Also, follow-up is required with those entities who are known to process RPPCs but who have not completed the survey;
- analyzing the survey results and eliminating any double-counting from survey totals, and adjusting total recovery to account for processing losses; and
- calculating the total amount of California RPPCs recycled by this group.

In 1995, a total of 249 processors were identified that potentially handled RPPCs. Of these, 103 processors reported RPPC data and several processors refused to participate or incorrectly completed the survey. The sheer volume of participants and the fact that double counting must be tracked and eliminated makes this survey potentially more difficult than the reclaimer,

end-user, and exporter survey. However, it is generally easier, particularly for agency staff, to establish relationships with in-state processors than with out-of-state reclaimers. It is difficult to gauge this trade-off.

Many of the same issues (RPPC definition, consolidation of materials) that exist with the reclaimer, end-user, and exporter survey apply to the processor survey as well. In particular, the results of the survey are only as good as the data reported by the processors. There is a risk of processors refusing to respond. Last year, four of the state's largest processors refused to participate in the survey primarily because the survey was too time consuming.

For this evaluation, we assume that CIWMB staff would conduct the survey in-house, although this work could be contracted out.

Advantages of Processor Survey

- *Processors are more likely to cooperate with CIWMB information requests than are reclaimers, end-users, and exporters.* This is primarily because the processors are located in state and must comply with California laws and permit requirements. CIWMB staff could also obtain the assistance of local program coordinators to obtain this information.

- *There is less probability of error due to consolidation of materials from other states.* The processors surveyed are all located in state and handle materials from municipal, private, and commercial programs. Therefore, it is less likely that materials would be reported incorrectly.

- *The contact list is easier to maintain.* The state already has a relatively complete list of processors that operate within California due to permitting requirements. Maintaining such a list would require little extra effort on the part of CIWMB staff.

Disadvantages of Processor Survey

- *It is uncertain whether staff can guarantee confidentiality of individual survey responses.* Obtaining business information individual respondents is often predicated on confidentiality agreements to ensure that proprietary data will not be made public. Some agencies, such as the Clean Washington Center, have been able to protect company-specific data.

- *Tracking and eliminating double-counting can be problematic.* In some instances bales are split, transferred to another processor, split again, and so forth. Tracking these transfers accurately requires careful clarification from the delivering processor as well as the receiving processor. And the analytic tool (database or spreadsheet) must be designed with these considerations in mind.

- *Processors who handle mixed bales of plastics often have difficulties identifying the contents and final destination of those bales.* This decreases the accuracy and defensibility of the processor survey.

Data Needs

Comprehensive list of processors in California. In 1995, databases from DOC, CIWMB, APC, and R.W. Beck were merged to obtain a complete listing of potential processors. For the most part, the DOC and CIWMB databases were complete.

Processor recovery volumes. The availability and accuracy of the final data is dependent on the willingness of survey recipients to respond and the accuracy with which they respond. CIWMB has little to no control over this source of error.

Yield loss factor. Due to the definition of recycling in California, it is necessary to further adjust the data reported by the processors to reflect the fact that not all materials recovered end up being recycled. In 1995, the yield loss factors obtained from the reclaimer/end-user/exporter survey were applied to the processors.

Feasibility of CIWMB Staff to Complete Work

CIWMB staff are capable of conducting a survey of all processors to obtain RPPC recycling data, but the time commitment necessary to thoroughly complete the survey and follow up calls with processors may be prohibitive. Other factors affecting the ability of CIWMB staff to complete the processor survey include providing respondents with confidentiality assurances and unwillingness of processors to report information. CIWMB possibly could require processors to report this information as part of their ability to obtain operating permits.

For roughly the same level of effort, CIWMB staff would obtain a higher response rate from processors than from reclaimers, end-users, and exporters if the survey was conducted in-house. While there may be more processors to survey, CIWMB staff already has an established relationships with some processors and would have an easier time establishing relationships with other in-state processors than with national reclaimers.

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Evaluation Criteria

- **Accuracy.** The accuracy of a processor survey depends on how truthfully the respondents answer the survey. As with the reclaimer/end-user/exporter survey, there is no indication that processors intentionally mis-report. However, there were several large non-respondents in last year's survey. Also, some quantity may not have been counted due to the inability of processors to identify the portion of bales that contained RPPCs.

- **Defensibility.** The CIWMB Board accepted the 1995 recycling rate range and methodology used to calculate the rate. The processor survey was the most thorough of the surveys, and, after adjustments for non-respondents, yielded the highest quantity of RPPCs recycled. If this were the only survey conducted, some interested parties might request that CIWMB conduct additional research about yield loss factors and the content of mixed bales before accepting this methodology.

- **Precision.** Again, since this is a census survey, no margin of error can be measured. However, the assumption is that respondents report accurately. As with the reclaimer survey, the precision of estimates of quantities recycled by non-respondents can be measured. The margin of error was minimized last year by making stratified extrapolations (one estimated quantity for large non-respondents; another estimated quantity for other non-respondents). The error rate associated with last year's processor extrapolations is lower than the exporter extrapolation due to the larger number of processor respondents and the use of a stratified extrapolation.

- **Affordability.** The exact costs of the processor survey are unknown, since Cascadia was responsible for 3 separate surveys: the processor survey, the collector survey, and the municipal survey data analysis. Additionally, Cascadia provided assistance to R.W. Beck for the reclaimer/end-user/exporter survey. In all, 680 hours were spent on all four components. It is estimated that 300 hours were spent completing the processor survey.

- **Repeatability.** The survey could be completed annually and would likely be easier to complete as staff became experienced in conducting the survey.

- **Ability to validate.** Results from this method could be cross-checked with other available data sources. However, responses from individual respondents cannot be confirmed. To the extent possible, the follow-up calls could be used to verify responses which seem out of line or which are inconsistent with expected responses.

Approach #3: Adjusting 1995 RPPC Recycling Data

The CIWMB Board adopted a range of 23.3% to 25.9% and resolved that the 1995 methodology be used as a basis for determining the recycling rate in future years. In 1995, Cascadia determined that 156.43 million pounds, or 78,215 tons, of RPPCs were recycled by averaging the results of three separate surveys which measured recycling levels at different points (collection, processing, and reclamation). The survey results were all in a range of 152.6 million pounds to 164.0 million pounds. Two different benchmarks estimated 1995 RPPC recycling at 156.6 million pounds and 158.3 million pounds.

An appropriate adjustment factor should capture changes in plastics recycling activities from year to year, such as collection infrastructure and market conditions. The methodology described below attempts to capture these factors by combining three components of California's plastics recycling activities:

1. Adjusting PET data using annual California CRV redemption *totals (1996 PET Sub-Total in formula below)*;
2. Adjusting private recycler data[1] to reflect annual changes in collection infrastructure totals (*1996 Private Sub-Total in formula below*); and
3. Adjusting municipal curbside data to reflect annual changes in curbside plastic collection trends totals (*1996 Muni Sub-Total in formula below*).

CIWMB staff would complete the following formula to determine the quantity of RPPCs recycled in 1996. Individual components of the formula are detailed below:

1996 RPPCs Recycled = 1996 PET Sub-Total + 1996 Private Sub-Total + 1996 Muni Sub-Total

Adjust PET Data Using Annual CRV Redemption Totals

Total PET recycled would be adjusted by applying the rate of change from 1995 to 1996 for CRV redemption totals (as reported by DOC) to the total quantity of PET RPPCs recycled in 1995 (35,585 tons after adjustments for yield loss). The formula for making this calculation is:

[1] Private recyclers were defined in 1995 to be non-municipal collection programs such as drop-off and buy-back programs. This group is represented by a mix of private businesses and non-profit organizations.

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$$\text{1996 PET Sub-Total} = \frac{\text{1996 CRV Total}}{\text{1995 CRV Total}} \times \text{35,585 tons (1995 PET Sub-Total)}$$

Adjust Private Recycler Data
The second portion of this adjustment reflects changes in the collection infrastructure. Based on the results of the 1995 study, non-municipal programs handled 31.16% of non-PET RPPCs recycled, or 13,285 tons after adjustments for yield loss.

DOC maintains collection program data which is updated frequently as part of administering the CRV program. At this step of the adjustment, it would be necessary to obtain data on the total number programs handling RPPCs for the following program types: collection programs (CP's), redemption centers (RC's), and redemption centers at supermarket sites (RCSS's). (In 1995, DOC provided Cascadia with this data.) The total number of sites handling RPPCs for each of these program types would be multiplied by the average per site tonnage, minus PET tonnage obtained in the 1995 survey. The average per site tonnage would also have to be adjusted to incorporate yield losses.

1996 Private Sub-Total = (Number of CP sites × average non-PET lbs per CP site) + (Number of RC sites × average non-PET lbs per RC site) + (Number of RCSS sites × average non-PET lbs per RCSS site)

Adjust Municipal Plastics Collection Data
The quantity of RPPC recycling originating from municipal programs would be adjusted through a similar process as the PET adjustment. In 1995, it was estimated that municipal programs recycled a total of 29,345 tons RPPCs (adjusted for yield loss). This quantity would be multiplied by the percent change in municipal plastics collection activity as determined by a survey of municipal programs.

To determine the rate of change in plastics recycling levels of municipal programs, CIWMB staff would survey municipal collection programs that collect plastics. This survey would be much simpler and shorter than the 1995 survey, asking simply for the quantity of plastics collected in 1995 and the quantity of plastics collected in 1996. If desired, the CIWMB could also request additional program and resin specific information.

The aggregated survey data would then be plugged into the following formula to obtain the portion of RPPCs recycled by municipal programs.

$$\text{1996 Muni Sub-Total} = \frac{\text{1996 Muni Plastics Collected}}{\text{1995 Muni Plastics Collected}} \times \text{29,345 tons (1995 Muni RPPC's Recycled)}$$

Advantages of Adjusting 1995 Recycling Data

- *This approach is straightforward and involves little primary data collection.* Essentially, staff would be making a series of calculations after updated DOC and municipal data were made available. Therefore, the time necessary to complete this approach is manageable by staff and is quite affordable when compared with the other approaches.

- *This approach uses a blend of adjustment factors that reflect changes in the RPPC recycling infrastructure and market conditions.* The adjustment factors rely on California-specific data points instead of national or regional trends.

- *The approach is consistent with CIWMB Board's resolution that the 1995 recycling rate methodology be used as a basis for determining adjustment factors.* This approach is consistent with the 1995 methodology and uses the results from specific portions of the study for making future estimates.

Disadvantages of Adjusting 1995 Recycling Data

- *This approach may not accurately reflect changes in the recycling infrastructure.* For example, a decrease in the number of private recyclers may not necessarily mean that fewer RPPCs are being collected but that several collection programs have been consolidated.

- *This approach results in an aggregated estimate of recycling from which resin splits need to be estimated.* This is adequate for determining the aggregate RPPC recycling rate, but may not be appropriate for determining individual product manufacturer's compliance.

Data Needs

1995 Recycling Data. CIWMB staff can obtain the necessary data to complete this method from Cascadia.

DOC Collection Program Data. In 1995, the number of CP's, RC's, RCSS's and RV totals was provided to Cascadia by DOC staff member Michael Harris.

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Municipal Curbside Collection Data. 1995 and 1996 plastics recycling quantity data will have to be obtained from a representative sample of municipal programs.

Feasibility of CIWMB Staff to Complete Work

It is highly feasible for CIWMB staff to complete this method in-house. CIWMB staff would need to coordinate with DOC staff to ensure timely transfer of necessary data and to obtain data from curbside programs. Once the data are obtained, CIWMB staff would then complete a straightforward formula. Little primary data collection effort or contract administration would be necessary.

Evaluation Criteria

- **Accuracy.** The accuracy of this approach cannot be determined. In 1995, the PET results obtained independently by Cascadia tracked well with the DOC totals (79.2 million pounds versus 79.7 million pounds). This approach is more accurate in the short term than the long term, since there is a possibility that errors compound from year to year.

- **Defensibility.** This approach is defensible from the position that the CIWMB Board approved the 1995 baseline data and the approach is easy to explain. Also, if CIWMB makes a concerted effort to obtain curbside program data, the defensibility of this approach may be enhanced.

- **Precision.** The precision of this method cannot be measured. However, because it involves extrapolation, it is obviously less precise than other methods which are based on primary data collection.

- **Affordability.** This option is the most affordable of the methods. Since this approach involves little primary data collection, CIWMB staff could calculate the new recycling data quickly, once DOC data are made available and verified.

- **Repeatability.** This calculation could be done every year, is easily documented, and therefore does not require much institutional memory to be recorded by staff.

- **Ability to validate.** Results from this method could be cross-checked with other available data sources. Individual program specific data can also be verified as described above.

Comparison of Numerator Methodologies

Table 1 compares how well each of the methodologies meet the evaluation criteria and the feasibility of CIWMB staff to complete the work in-house. This comparison is based on qualitative factors and ranks each methodology against each other. For example, it is more feasible for CIWMB staff to adjust the 1995 recycling data than it is for CIWMB staff to complete a reclaimer survey in-house. Table 1A, on the next page, provides additional detail of this comparison.

Table 1. Quick Comparison of Numerator Methodologies

Evaluation Criteria	Survey Reclaimers #1	#2	#3	Survey Processors	Adjust 1995 Recycling Data	Approach that Best Meets Criteria
Accuracy	2	3	1	2	2	Survey Reclaimers (#2)
Defensibility	3	2	2	3	2	Survey Processors
Precision	3	3	2	3	2	Survey Processors
Affordability	2	2	3	2	3	Adjust 1995 Data
Repeatability	3	2	3	3	3	Adjust 1995 Data
Ability to Validate	3	2	2	3	2	Survey Processors
Feasibility of CIWMB Staff to Complete	1	1	3	2	3	Adjust 1995 Data

key: 3 = fully meets criteria; 2 = does not fully meet criteria; 1 = fails to meet criteria

Methodologies to Calculate the RPPC Denominator

As with the description of the alternative methods for calculating the numerator, three approaches to calculating the denominator were evaluated. These approaches include:

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1. *Conducting a waste composition study*
2. *Pro-rating national resin sales data to California and adjusting for manufacturing/process losses*
3. *Extrapolating 1996 RPPC generation using the results of the 1995 study*

This section of the report describes each of the three methodologies separately. For each methodology, the approach is described, including possible variations of the methodology and a brief discussion of the advantages and disadvantages of each variation. This is followed by:

- A discussion of ***data needs***. What data are needed to complete the methodology and how accessible are these data?
- An assessment of the ***feasibility of CIWMB staff to complete the methodology*** in-house.

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Table 1A. Comparison of Numerator Methodologies

Evaluation Criteria	CIWMB Staff Survey Reclaimers	Partner with National Survey	Survey Sample of 1995 Respondents	Survey Processors	Adjust 1995 Recycling Data
Accuracy	Depends on response rate. Will be hard for CIWMB staff to obtain cooperation if confidentiality cannot be guaranteed and due to lack of experience conducting surveys.	Depends on response rate National contractor more likely to obtain cooperation due to experience and confidentiality agreement.	Selected sample may not be representative of industry trends.	Depends on response rate. CIWMB staff likely to achieve higher response rate from processors than from reclaimers.	Adjustment factor may not properly take into account industry dynamics.
Defensibility	Staff will have access to primary data and will be able to articulate its procedures.	Staff will have to take contractors' word for accuracy and thoroughness of survey.	Stakeholders that do not agree with results may find a way to critique this approach after the fact.	Staff will have access to primary data and will be able to articulate its procedures.	Stakeholders that do not agree with results may find a way to critique this approach after the fact. Relatively easy to explain.
Precision	Not measurable; assumed that respondents are truthful in responses.	Not measurable; assumed that respondents are truthful in responses.	Measurable for the sample group but not for projection as a whole. More margin of error than complete survey.	Not measurable; assumed that respondents are truthful in responses.	Least precise method, although 1995 results for PET tracked well with DOC figures.
Affordability	Requires dedicated staff time over 3-month period; approximately 300 hours plus mail and phone expenses.	Requires contract with APC or national contractor plus staff management of contract (could be close to 100 hours).	Requires considerably less time, although exact amount unknown.	Requires dedicated staff time over 3-month period; approximately 300 hours plus mail and phone expenses.	Requires considerably less time, although exact amount unknown.
Repeatability	Staff could repeat every year.	May be difficult to contract every year with government cut backs.	Staff could repeat every year.	Staff could repeat every year.	Staff could repeat every year.
Ability to Validate	Staff would have access to primary data, so could verify individual data points.	Staff would not have access to primary data so could not verify individual data points.	Staff must rely on R.W. Beck's cooperation to obtain 1995 aggregates for sampled respondents, but cannot independently verify these without asking respondents directly.	Staff would have access to primary data, so could verify individual data points.	Staff would verify individual program specifics on a yearly basis.
Feasibility of CIWMB Staff to Complete	Most likely would not achieve good response rate until staff became experienced and established relationships with reclaimers. Confidentiality issues also decreases feasibility.	Staff would have to manage a contract, which in itself can be time consuming.	Much more manageable piece of work for staff to complete in-house.	Staff would be in a better position of obtaining responses from processors than from reclaimers but would still need to establish a relationship with survey recipients.	Manageable and straightforward.

- And, an evaluation of the methodology using the ***evaluation criteria*** developed by the interested parties.

Approach #1: Conduct Waste Composition Study

This approach involves conducting a waste composition study to determine the percentage of RPPCs being disposed in California. The CIWMB's approved waste characterization methodology would be used as the protocol for designing the sampling plan and guiding field work. The percentage of RPPCs would then be applied to total waste disposal (including incineration and exports) to determine the total quantity of RPPCs disposed.

To calculate the denominator, or quantity of RPPCs generated, the total quantity of RPPCs disposed would be added to the total RPPCs recycled. The total quantity of RPPCs recycled would be obtained through one of the methodologies described in the numerator section. This approach was used to calculate the 1995 RPPC recycling rate.

Advantages of Conducting a Waste Composition Study

- *This approach directly measures the quantity of RPPCs being disposed in California.* The impetus of the minimum rate law was to divert RPPCs from disposal facilities into recycling markets, and the waste composition approach is the only approach that seeks to measure directly what is being disposed.

- *There is a methodology approved by CIWMB to guide the design and execution of waste sampling.* This methodology sets forth parameters that attempt to ensure that the results of sampling are statistically valid and can be used to determine statewide totals.

- *Measuring RPPCs could be combined with broader waste composition analysis*, providing the state with additional information about its waste stream. In 1995, the waste composition study only sorted for RPPCs. In future years, the state could conduct a more comprehensive waste composition study at little additional cost, but with a large return on investment in terms of additional data regarding the types of materials being disposed in California.

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Disadvantages of the Waste Composition Approach

- *This approach is time-consuming and therefore costly.* A precise statewide waste composition study requires sampling at multiple sites across the state throughout the year. The cost for a precise and valid study could exceed $200,000. Also, CIWMB staff is not trained to perform waste composition studies, so this work would most likely be contracted.

- *To measure 1996 RPPC disposal, it would have been necessary to conduct sampling throughout 1996.* Conducting a waste composition study in 1997 to measure 1996 disposal does not accurately measure 1996 disposal patterns.

- *Total disposal figures are compiled by the Board of Equalization(BOE) and the accuracy of the figures cannot be verified easily.* The accuracy of the final figures hinges both on the sampling process itself and the accuracy of the disposal figures. It is assumed that the disposal figures are relatively accurate since they are based on disposal facility revenues. Also, it is necessary to ensure that export and incineration data are included in the BOE figure.

Data Needs

Total MSW Disposed in California. The data are provided by BOE. This figure needs to be adjusted for exports and incineration.

Total RPPCs Recycled. The denominator is a measure of total RPPCs generated. To complete the recycling rate calculation using the waste composition approach, it is also necessary to add the quantity of RPPCs recycled to the quantity of RPPCs disposed.

Landfill and Population Data. Designing a sampling plan that delivers accurate and precise results requires an understanding of the state's landfill and population distribution.

Field Data. Over the course of the sampling period, adequate samples must be taken and the data recorded.

Feasibility of Staff to Complete Work

It would not be feasible for CIWMB staff to complete this work without the assistance of a qualified consultant, simply because existing staff is not trained

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to conduct waste composition studies and the amount of field and analytic work required would prevent staff from completing other work assignments.

Criteria Evaluation

- **Accuracy.** The accuracy of this approach depends in large part on the design of the sampling plan. A truly representative sample is essential. Using the State's approved waste characterization protocol will ensure accurate field procedures and aggregation of data.

- **Defensibility.** This approach should be defensible since it is the only methodology that directly measures what is being disposed and it follows a protocol that has been approved by the Board. Industry also approves of this approach. Because this approach is complex, it is difficult to explain and can be misinterpreted.

  Several interested parties took exception to this approach in 1995, arguing that the sampling was not representative and that not all RPPCs were sampled.

- **Precision.** The precision of this method can be measured, and is related to the number of samples taken. (More samples generally increase precision levels.) In 1995, there was 90% confidence that the actual percentage of RPPCs in California's waste stream was within plus or minus 0.05% of the calculated estimate.

- **Affordability.** A statewide waste composition study can be completed for $200,000 to $250,000. Again, this cost would not be significantly different if the waste composition were conducted for a comprehensive spectrum of materials. The majority of costs stem from mobilizing field crew, as opposed to the number of categories sorted.

  In 1995, the total number of hours worked to complete the waste composition study included: 40 hours for designing the sampling plan; 1,890 hours of field work (gatekeeping and sorting); and 250 hours of data analysis.

- **Repeatability.** A waste composition study could be repeated every year, but it is doubtful that the State would want to finance such a project on an annual basis. It is more plausible that such a study would be conducted every three to five years.

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- **Ability to validate.** Results form this method could be cross-checked with other available data sources. Total MSW disposed is difficult to verify without conducting an audit of BOE records or landfills.

Approach #2: Pro-Rate National Resin Sales Data to California

This approach would determine the quantity of RPPCs generated in the State of California by adjusting SPI national resin sales data to determine California RPPC generation. This estimate would also make adjustments to account for the fact that there are losses between the resin production stage and final RPPC sales in California.

CIWMB staff was directed by the Board to evaluate the validity of using national resin sales data as a benchmark for RPPC generation, against which the 1995 study data could be compared. Staff concluded that the data to complete this work accurately were not readily available to CIWMB staff. Six issues and potential sources of error were identified. These include:

1. The definition of RPPCs is inconsistent with resin sales categories.
2. Resin sold is not necessarily used to manufacture RPPCs, and when it is, not all RPPCs make it to market due to a variety of factors.
3. The market penetration of various products sold in RPPCs differs from state to state.
4. Some RPPCs are reused by consumers and not discarded in the same year as they are purchased.
5. The national resin sales data do not necessarily include post-consumer resin used in container manufacturing.
6. The national sales data do not include imports of products contained in RPPCs.

<u>Advantages of Adjusting National Resin Sales Data</u>

- *National resin sales data are collected consistently by SPI.* The data collection methodology employed by SPI's contractor for obtaining resin sales data is based on auditing principles.

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Disadvantages of Pro-Rating National Resin Sales Data

- *Extensive CIWMB staff involvement would be necessary to implement this approach thoroughly.* In addition to extensive data collection, staff would need to perform complicated statistical analyses and modeling exercises.
- *This approach relies on national data on raw material sales to infer California-specific information on product, and associated packaging, sales.* The data necessary to make the appropriate adjustments are not readily available. In some cases, such as measuring reuse, the measurement may be near impossible to obtain.
- *CIWMB staff is already on record as stating that this approach is not appropriate.* The defensibility of this approach is marginal given this fact.

Data Needs

National Resin Sales Data. National resin sales data are available from SPI, but these data include some exports and Canadian production figures.

RPPC/Non-RPPC Split. In order to use the national resin sales data, it would be necessary to determine the split between resin sold for use in RPPCs versus other applications.

Reuse/Storage Data. Obtaining information on the level of reuse and storage of RPPCs would be impossible. However, this factor could be ignored if it were assumed that the replacement factor of old reused RPPCs being discarded and new RPPCs being reused are equal.

California Prorating Factor. Prorating national resin sales data on a per capita and per non-durable sales basis are the two most common methods used to estimate California's share of national resin sales. However, this method does not take into account market penetration issues.

Manufacturing/Distribution Resin Loss Factor. Obtaining manufacturing and distribution loss data would involve a survey of over 2,000 container manufacturers and product distributors. Most important, however, is that these losses are usually the results of mistakes as opposed to normal business practices. And, one cannot predict when mistakes will occur.

Postconsumer Resin Used in RPPC Production. To be accurate, the amount of postconsumer resin used in producing RPPCs sold in California needs to be determined. Again, determining the portion of RPPCs sold in California would require extensive data collection and analysis.

Imported RPPCs. Products imported in RPPCs would have to be identified and the weight of those containers determined.

Feasibility of Staff to Complete Work

CIWMB staff has already concluded that it would not be feasible for them to complete this work for benchmarking purposes within appropriate level of error. If this approach was not acceptable for benchmarking purposes, it is highly unlikely that it would be considered appropriate for determining compliance.

Criteria Evaluation

- **Accuracy.** As noted above, there are six major areas of concern that call into question the accuracy of this approach. The national resin sales data are based on voluntary reporting on the part of resin producers and no effort is made to estimate resin sales of non-respondents.

- **Defensibility.** This approach would most likely not be defensible given that CIWMB staff is already on record stating that this approach is not even good enough for benchmarking purposes.

- **Precision.** The precision of this method cannot be measured. The potential for significant error is introduced at each point where adjustments must be made.

- **Affordability.** This approach, if thoroughly completed, would require significant dedicated staff time. It would most likely not be as expensive as a waste composition study.

- **Repeatability.** This methodology is repeatable, but the time requirements associated with completing this methodology would necessitate that a staff person be dedicated to this task. The repeatability of this approach also hinges on the consistency of the national resin sales data collection process.

- **Ability to validate.** Results form this method could be cross-checked with other available data sources.

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Approach #3: Extrapolate 1996 RPPC Generation Using 1995 Data

There are several ways that the results of the 1995 study could be used to extrapolate 1996 results, including:

- applying the 1995 RPPC percent to the total 1996 disposal (including incineration and exports). This approach is not appropriate, because it does not take into account that changes that may have influenced the percentage of RPPCs in the waste stream.

- adjusting generation based on the percentage change in some macro-economic measure such as taxable sales or non-durable retail sales. This approach is not appropriate, because these measures are more indicative of macro-level economic activity rather than RPPC recycling activities.

The most feasible approach that we identified involves two steps. First, the total RPPC generation from the 1995 study would be compared to the 1995 national resin sales data. Second, the ratio obtained from this comparison would then be applied to 1996 resin sales data to obtain an estimate of 1996 California RPPCs generated.[2] The figures would be calculated as follows:

$$\text{Step 1: Ratio} = \frac{\text{1995 California RPPC Generation}}{\text{1995 National Resin Sales}}$$

$$\text{Step 2: 1996 California RPPC Generation} = \text{Ratio} \times \text{1996 National Resin Sales}$$

The national resin sales data as reported in Modern Plastics would be used to calculate this ratio. The sales data would be comprised of a grouping of resin applications roughly approximating the RPPC definition. This grouping, once defined, would remain constant from year to year. Table 2, on the following page, provides 1995 data for one such grouping of resin applications.

The calculated ratio of California RPPC generation to national resin sales for this grouping of resin applications would be 8.53%. To calculate 1996 California RPPC generation, the 1996 national resin sales for the same grouping of applications would be multiplied by 8.53%. This ratio would have to be calculated again if a different grouping of resin applications was chosen to be more representative of the RPPC definition, or if a different data set was chosen. For example, year-end SPI data could be used. However, SPI data are not reported according to resin application. Choosing the appropriate grouping may be more difficult using SPI data than Modern Plastics data.

[2] This method is different from Approach #2: Pro-Rate National Sales Data. Unlike Approach #2, this approach relies on the results of the 1995 study to determine what the relationship between national sales data and California generation is. In Approach #2, California RPPC generation is deduced from national data, without collecting any California specific data.

Advantages of Extrapolating 1996 RPPC Generation Using 1995 Data

- *This approach is straightforward and can easily be repeated by CIWMB staff.* Staff also would not need to make separate estimates of RPPC disposal.

- *The option of using the ratio of 1995 California RPPC Generation to a grouping of 1995 national resin sales takes into account changes in product applications.* For example, if use of PET in soda bottles increases, this will be reflected by an increase in the national sales data, and therefore will also be reflected as an increase in the California estimate.

Table 2. 1995 National Resin Sales Data for Various Resin Applications Approximating the Definition of RPPC s

Limited Resins and Applications (Approximates Definition of RPPCs)	1995 National Sales (m lbs)	1995 CA RPPC Generation
PET Bottles	2,309	
HDPE Blow Molding Bottles and Injection Molding Pails and Tubs and Containers	3,296	
PVC Bottles	171	
L/LDPE Blow Molding	84	
PP Blow Molding and Injection Molding Rigid Packaging	1,252	
PS Molding Rigid Packaging and Blow Molded Items; and Extrusion Dairy Containers and Egg Cartons and	353	
TOTAL (m lbs)	7,464	637
TOTAL (tons)	3,732,000	318,300
Percentage of 1995 National Sales	100%	8.53%

source: Modern Plastics, January 1997

Disadvantages of Extrapolating 1996 RPPC Generation Using 1995 Data

- *This approach does not rely on primary data collected in California and therefore may be more difficult to defend than methods involving primary data collection.* The relationship between California generation and national sales data may not be constant from year to year.

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- *Modern Plastics data are published before yearly totals are available from SPI.* Generally, the trends reported by Modern Plastics are accurate, but they may not be accurate enough for determining compliance.

Data Needs

Total RPPC Generation from 1995 Study. In 1995, California RPPC generation was measured to be 318,300 tons.

National Resin Sales Data. SPI national resin sales data or, for purposes of simplicity, Modern Plastics data could be used. 1995 Modern Plastics data are included above.

Feasibility of Staff to Complete Work

The straightforwardness of this approach makes it easy for CIWMB staff to complete this work in-house. No complex modeling or data collection is necessary.

Criteria Evaluation

- **Accuracy.** Since this approach involves extrapolation, it is necessarily not going to be as accurate as methods involving primary data collection.
- **Defensibility.** The approach may be difficult to defend, since it relies on data that CIWMB staff has no control over. However, the approach is straightforward and can be explained.
- **Precision.** The precision of this method cannot be measured.
- **Affordability.** This approach is quite affordable and would require minimum staff effort.
- **Repeatability.** This methodology is repeatable and would be easy to document for future calculations.
- **Ability to validate.** Results from this method could be cross-checked with other available data sources. Independent data points could not be validated without significant effort on the part of staff.

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Comparison of Denominator Methodologies

Table 3 below compares how well each of the methodologies meet the evaluation criteria and the feasibility of CIWMB staff to complete the work in-house. This comparison is based on qualitative factors and ranks each methodology against each other. For example, it is more feasible for CIWMB staff to adjust the 1995 generation data than it is for CIWMB staff to complete a waste composition study in-house. Table 3A provides additional detail of this comparison.

Table 3. Quick Comparison of Denominator Methodologies

Evaluation Criteria	Waste Composition Study	Adjust National Data	Extrapolate 1996 RPPC Generation	Approach that Best Meets Criteria
Accuracy	3	1	2	Waste Composition
Defensibility	3	1	2	Waste Composition
Precision	3	1	2	Waste Composition
Affordability	1	2	3	Extrapolate 1996 Data
Repeatability	1	1	3	Extrapolate 1996 Data
Ability to Validate	3	1	2	Waste Composition
Feasibility of CIWMB Staff to Complete	1	2	3	Extrapolate 1996 Data

key: 3 = fully meets criteria; 2 = does not fully meet criteria; 1 = fails to meet criteria

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Table 3A. Comparison of Denominator Methodologies

Evaluation Criteria	Conduct Waste Composition Study	Adjust National Resin Sales Data	Extrapolate 1996 RPPC Generation
Accuracy	If sampling plan is well designed, accuracy is high.	Accuracy depends on ability to adjust national data to compensate for manufacturing losses and to reflect differences in the California sales of RPPC packaging.	Reflects changes in packaging mix at national level, but does not necessarily account for changes in California.
Defensibility	Results of the 1995 study were debated but the methodology was ultimately accepted by the CIWMB.	Staff is on record as stating that this approach could not be used to benchmark the 1995 RPPC recycling rate.	Is straightforward and can be explained. Relies on 1995 data, which have been approved.
Precision	Margin of error was very low in 1995 study; however, almost 900 samples were sorted.	Cannot be measured.	Cannot be measured.
Affordability	Costs would likely exceed $200,000.	Will require extensive staff effort to collect and analyze adjustment data.	Most affordable of options, would require little staff time.
Repeatability	Politically difficult to justify on an annual basis.	Data needed to make adjustments may be difficult to collect annually.	Staff could repeat every year and approach is easy to document.
Ability to Validate	Staff would have access to primary data, so could verify individual data points.	Difficult if not impossible to validate.	Relies on national data, which is collected using accounting-based principals.
Feasibility of CIWMB Staff to Complete	Staff is not trained to conduct waste composition studies and this effort would require an excessive number of hours.	Staff could complete in-house.	Easy for staff to complete in-house.

Attachment 3

SUMMARY of MINUTES
RPPC RECYCLING RATE MEETING OF INTERESTED PARTIES
March 20, 1997
10:00 a.m. - 2:00 p.m.
Sacramento, Ca.

Introductions (attendants)

In-Person Participants

Mark Murray	CAW
Ron Perkins	APC
George Larson	GHLA/APC
William O'Graday	Talco
John Shedd	Talco
Luke Schmidt	NAPCOR
Don Kneass	NAPCOR
Charles Scott	Cascadia Consulting/ CIWMB
Suzie Haberlin	Cascadia Consulting/ CIWMB
Michael Harris	DOR
Caren Trgovcich	CIWMB
John Nuffer	CIWMB
S. Storelli	CIWMB
Traci Perry	CIWMB

Teleconference Participants

Patty Moore	PRCC

Opening Comments

Staff met on March 20th with Cascadia Consulting and interested parties to rank six possible methods (three for the numerator, three for the denominator) in order for the Board to develop a more cost-efficient methodology for calculating the 1996 all container RPPC recycling rate. Specifically, interested parties were asked to review the Cascadia draft RPPC recycling rate methodology evaluation, and rank the six possible methods.

After the introductions, the agenda was reviewed. The agenda addressed the following topics:

1) Review of Results of Criteria Ranking Exercise

2) Review and Discussion of Methods and Recommended Approval with Interested Parties

3) Discussion of Next Steps

Review of Results of Criteria Ranking Exercise

At the January 8th meeting, interested parties performed a brainstorming exercise to come up with a list of methodology evaluation criteria. The meeting members then ranked the evaluation criteria. Cascadia used the ranking to weight the six criteria. The six evaluation criteria and weights are:

- Accurate (5)
- Defensible (4)
- Precise (low error rate) (3)
- Affordable (cost effective) (1)
- Repeatable (1)
- Ability to validate (1)

Accuracy. How well does the methodology measure what is intended to be measured? For the numerator, the question becomes, "How well does the methodology measure the true quantity of RPPCs recycled in California?" For the denominator, the question becomes, "How well does the methodology measure the true quantity of RPPC generation in California?"

Defensible. Will the methodology produce results that can be defended by CIWMB staff as being appropriate to all stakeholders?

Precision. How well did the methodology estimate the mean? For example, in calculating the RPPC recycling rate, two methods may produce results of 25%. One method has a confidence interval of 24% - 26%, while another method has a confidence interval of 20% - 30%. The method with the smaller confidence interval is more precise.

Affordable. How much will it cost, or how many staff hours are required, to complete the methodology? In some cases, the exact costs are not known, but can be expressed relative to the cost of other methodologies.

Repeatable. Can CIWMB staff repeat the methodology in future years? The ability for a methodology to meet this criteria can depend on such factors as data availability and straightforwardness.

Ability to validate. Can individual pieces of data necessary to complete the methodology be validated? Generally, more confidence can be placed on those

methodologies in which individual data points can be verified. Another measure of ability to validate is how well the result compares with benchmarks.

The interested parties considered "accuracy," "defensibility," and "precision" to be the criteria that carry the most weight in evaluating the methodologies.

Individually, group members, using the evaluation criteria performed a "homework" assignment to pare down list of possible methodologies. Specifically, this exercise consisted of members evaluating possible RPPC recycling rate methodologies. Cascadia used the results of group evaluation "homework" assignment to rank the possible methods. The consultant would provide an in-depth evaluation of six possible methods (3 for the numerator and 3 for the denominator).

Using the six evaluation criteria, the consultant developed a draft report (Attachment 2 faxed to interested parties on March 14, 1997.) evaluating six possible methodologies (three for the numerator, three for the denominator). In the draft, each method is explained, followed by an identification of the data necessary to complete the method, an assessment of CIWMB staff's ability to complete the work in house, and an evaluation of the method against each criteria developed by interested parties.

Review and Discussion of Methods and Recommended Approval with Interested Parties

Interested parties reviewed and discussed each method and asked Cascadia for clarification on the methods presented. After review and discussion interested parties ranked each of the six methods for each of the six evaluation criteria. The results of this ranking are presented in the attached two tables.

Numerator Issues

Interested Parties (IP) had concerns that the Board may not be able to hold confidential surveys received from respondents. IP scoring assumed confidentially could be guaranteed. (If confidentiality can not be guaranteed, these three methods would have received much lower scores.) Some IP members also indicated that it may be very difficult for Board staff to get either, nationwide reclaimers and exporters, or California processors to respond to a State of California sponsored survey concerning volumes of plastics recycled.

California processors are currently downsizing, are not as interested in recycling issues, and may not have the time or commitment to respond to the Board. An IP member indicated that a consultant to the Board may be able to elicit a higher response rate from California processors than if Board staff conducted the survey. (Due to the issue of confidentially and trust.) Also, some IP felt national reclaimers most likely would <u>not</u> respond to a Board survey, even if confidentially was guaranteed, as reclaimers are very hesitant to release information that is vital to their business and because a governmental agency is conducting the study. Also, in some instances, plastic bales are traded between processors masking the origin of the material. R.W. Beck, who conducts the annual national plastic survey for APC, has been able to develop a

relationship with national reclaimers over the last several years. This relationship has led to increased participation and survey response. To develop this relationship, Beck includes the Association of PostConsumer Plastic Recyclers in the data review and strictly guarantees the confidentially of the information. Lastly, a Board reclaimer survey would need to include a survey of plastic exporters. Historically, the response rate of exporters to surveys can be characterized as poor, leaving holes in the results of a reclaimer study.

Even with the caveats noted above, IP indicated that the Board should adopt one of the top scoring three methods to calculate the numerator. The IP indicated that any one of the three methods would be superior to a partial sampling of reclaimers and exporters (i.e., Survey 1995 Respondents), or an estimate based on information from the 1995 recycling survey (i.e., Adjust 1995 Recycling Data).

Lastly, IP indicated that if the Board does not adopt one of the three methods to calculate the numerator, the recycling rate should not be computed.

Denominator Issues

The IP recommended that the Board conduct a waste composition study every three or five years to calculate the denominator. IP indicated that they were aware of the cost to conduct a waste sort and that the high cost would not be justified if only RPPC's were included in the study. IP indicated that the waste composition study should be expanded to include all California waste generation.

The addition cost to expand the study would be marginal but would have a far greater benefit to the Board in understanding California's overall waste stream and provide an accurate RPPC waste disposal analysis.

Discussion of Next Steps

Board staff explained how the results of this exercise would be included in an agenda item that will be considered by the Local Assistance and Planning Committee on April 16. Staff discussed how the recommendation of interested parties and the recommendation of Cascadia will be evaluated by staff and a staff recommendation will be made to the Committee. The agenda item will reflect the concerns and recommendation of interested parties and the consultant.

Attachment 3

Numerator Methods Ranking

Interested Parties

CRITERIA AND RELATIVE WEIGHT

NUMERATOR METHODS	Accuracy (5)	Ability to Defend (4)	Precision (3)	Affordability (1)	Ability to Repeat (1)	Ability to Validate (1)	Total Score
Reclaimer Survey							
CIWMB Staff Survey	3.5	3.5	3.5	2.5	4.5	3.5	**52.5**
Partner with National Survey	5	5	5	1	1	1	**63**
Survey 1995 Respondents	2	2	2	4	3	3.5	**34.5**
Survey Processors	3.5	3.5	3.5	2.5	4.5	3.5	**52.5**
Adjust 1995 Recycling Data	1	1	1	5	2	3.5	**22.5**

Denominator Methods Ranking

Interested Parties

CRITERIA AND RELATIVE WEIGHT

DENOMINATOR METHODS	Accuracy (5)	Ability to Defend (4)	Precision (3)	Affordability (1)	Ability to Repeat (1)	Ability to Validate (1)	Total Score
Conduct Waste Comp Survey	3	3	3	2	3	3	**44**
Pro-Rate National Resin Sales	1	1	1.5	1	1.5	1	**17**
Extrapolate 1996 RPPC Generation	2	2	1.5	3	1.5	2	**29**

Attachment 4

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Numerator Methods Ranking

Interested Parties

CRITERIA AND RELATIVE WEIGHT

NUMERATOR METHODS	Accuracy (5)	Ability to Defend (4)	Precision (3)	Affordability (1)	Ability to Repeat (1)	Ability to Validate (1)	Total Score
Reclaimer Survey							
CIWMB Staff Survey	3.5	3.5	3.5	2.5	4.5	3.5	**52.5**
Partner with National Survey	5	5	5	1	1	1	**63**
Survey 1995 Respondents	2	2	2	4	3	3.5	**34.5**
Survey Processors	3.5	3.5	3.5	2.5	4.5	3.5	**52.5**
Adjust 1995 Recycling Data	1	1	1	5	2	3.5	**22.5**

Denominator Methods Ranking

Interested Parties

CRITERIA AND RELATIVE WEIGHT

DENOMINATOR METHODS	Accuracy (5)	Ability to Defend (4)	Precision (3)	Affordability (1)	Ability to Repeat (1)	Ability to Validate (1)	Total Score
Conduct Waste Comp Survey	3	3	3	2	3	3	**44**
Pro-Rate National Resin Sales	1	1	1.5	1	1.5	1	**17**
Extrapolate 1996 RPPC Generation	2	2	1.5	3	1.5	2	**29**

Attachment 5

Numerator Methods Ranking
Cascadia Consulting Group

NUMERATOR METHODS	Accuracy (5)	Ability to Defend (4)	Precision (0)	Affordability (3)	Ability to Repeat (1)	Ability to Validate (1)	Total Score
	CRITERIA AND RELATIVE WEIGHT						
Reclaimer Survey							
CIWMB Staff Survey	3.5	3.5	-	2.5	2.5	4	**45.5**
Partner with National Survey	5	5	-	1	1	1	**50**
Survey 1995 Respondents	1	1	-	4	4	2	**27**
Survey Processors	3.5	3.5	-	2.5	2.5	4	**45.5**
Adjust 1995 Recycling Data	2	2	-	5	5	4	**42**

Denominator Methods Ranking
Cascadia Consulting Group

DENOMINATOR METHODS	Accuracy (5)	Ability to Defend (4)	Precision (0)	Affordability (3)	Ability to Repeat (1)	Ability to Validate (1)	Total Score
	CRITERIA AND RELATIVE WEIGHT						
Conduct Waste Comp Survey	3	3	-	2	1	3	**37**
Pro-Rate National Resin Sales	1	1	-	1	2	1	**15**
Extrapolate 1996 RPPC Generation	2	2	-	3	3	2	**32**

ATTACHMENT 6

COST ESTIMATE TO DETERMINE NUMERATOR AND DENOMINATOR

This attachment presents the basis for estimating each alternative numerator and denominator.

In most cases, the estimates are based on the actual dollar costs or staff hours incurred by the Cascadia Consulting Group while it was conducting the 1995 all-container recycling rate study. When Cascadia did not provide Board staff with actual costs or staff time, Board staff estimated the cost based upon their experience and discussions with interested parties. Staff time is calculated at a rate of $36 per hour. Cascadia's estimates are described in their draft report *RPPC Recycling Rate Methodology Evaluation* (Attachment 2 of the Agenda Packet).

NUMERATOR APPROACHES

Partner with R.W.Beck's National Survey of Reclaimers, End-users, and Exporters

Cost estimate = $30,000

R.W. Beck was paid $28,665 to complete the 1995 reclaimer/end user/exporter survey for Cascadia. Staff rounded this number to $30,000, assuming an increase for inflation.

Staff Survey of Reclaimers, End-users, and Exporters

Cost estimate = $14,500

R.W. Beck devoted approximately 300 hours to complete the 1995 survey, not including the time Cascadia spent assisting R.W. Beck obtain data from exporters. Staff increased Beck's time spent by 33% (to 400 hours) to reflect staff's inexperience with a reclaimer/end-user/exporter survey, and that data would need to be collected from exporters. Staff believes that an estimate of 400 hours may be a conservative estimate for conducting the first or even the second year survey.

Staff Survey of California Processors

Cost estimate = $14,500

Cascadia estimates it devoted 300 hours to complete the processor survey. Staff increased this estimate by 33% (to 400 hours) to reflect their inexperience with this type of survey. Staff believes that an estimate of 400 hours ($14,500) my be a conservative estimate for conducting the first or second year surveys.

Staff Survey of a Sample of the Respondents to the 1995 Reclaimer Survey

Cost estimate = $3,600

Cascadia estimated that staff could complete this sample in 80 hours. Staff increased this estimate by 25% (to 100 hours) to reflect staff inexperience with surveys. Staff believes that the estimate of 100 hours ($3,600) could be an under estimate of the actual time and cost estimate.

Adjustment of 1995 Recycling Data

Cost estimate = $3,600

Staff estimates this method would take 100 hours to adjust the 1995 base year recovery data from CP, RC, and RCSS sites.

DENOMINATOR APPROACHES

Conduct a Waste Composition Study

Cost estimate = $250,000

Cascadia estimates that between $200,000 to $250,000 would be required to conduct a statewide RPPC waste composition study. Staff used the higher value to reflect the position of interested parties that a waste composition study be conducted for a comprehensive spectrum of materials.

Pro-rate National Resin Sales Data to California and Adjust for Manufacturing and Process Losses

Cost estimate = $200,000

Cascadia indicated that the Board would need to dedicate significant staff time to complete this method. They also indicated that it would likely not be as expensive as a waste composition study. Interested parties, however, indicated that it would probably be more expensive to accurately pro-rate national resin data to California than to conduct a waste composition study. Staff assumed a consultant would perform the study(s) and used the lower bound cost estimate of the waste composition study. If staff performed the work, one staff-year (2,100 hours) would be required at a minimum.

Extrapolate 1996 RPPC Generation Using Results of the 1995 Study

Cost estimate = $3,600

Staff estimates it would take 100 hours to meet with interested parties to select the categories of national resin sales data. The estimate also reflects other data collection, refinement and adjustments.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
April 24, 1997

AGENDA ITEM 21

ITEM: CONSIDERATION OF PERSONAL GUARANTEES FOR THE RECYCLING MARKET DEVELOPMENT REVOLVING LOAN PROGRAM

I. SUMMARY

As directed by the Market Development Committee at its meeting on February 6, 1997, this agenda item presents a comprehensive review of the practice of other public and private lenders of taking personal guaranties and compares those practices with the Recycling Market Development Revolving Loan Program's (Program) current practice.

II. PREVIOUS COMMITTEE ACTION

The Market Development Committee at its February 6, 1997, meeting directed staff to review the program's practice of taking guaranties to provide additional credit support for program loans. The Committee's action followed a program workshop held on February 5, 1997, during which a variety of subjects were discussed, including guaranties. The Committee directed staff to consult with Loan Committee Members and other public and private lenders to ascertain the guaranty practice of other lenders and return to the Market Development Committee with a comparison with the program's practice.

At the time that this agenda item was prepared, the Market Development Committee had not yet met to consider this item.

III. OPTIONS FOR THE BOARD

The Board may:

1. Accept the Committee's recommendation.

2. Modify the Committee's recommendation.

3. Take no action and provide the committee with further direction.

IV. STAFF RECOMMENDATION

Staff recommends that the Board adopt the following guaranty guidelines for the Loan Program:

- A guaranty will be required from any person, or business, owning 20% or more of the applicant business. Key management person(s) may be required to personally guaranty the loan regardless of their percentage of ownership, when it is determined the manager(s) has a significant control over the business, and the personal guaranty is necessary because of the absence of other guaranties and/or credit issues.

- The ownership of the company will be examined to determine if parties are affiliated. If the combined ownership of affiliated parties is 20% or more, a guaranty may be required from the affiliated owners. This practice is discretionary and will typically only be utilized to address the lack of other guaranties and/or project credit issues.

- A secured guaranty may be required when the applicant business cannot provide sufficient business assets to adequately collateralize the loan.

V. ANALYSIS

A motion passed on February 6th by the Committee included the direction to staff for the development of a loan guaranty discussion paper which would provide a basic understanding of the need for loan guaranties, and in particular, how the Loan Program's personal guaranty practices compared to private industry and other government programs.

Under the RMDZ Loan Program personal guaranties are usually required from all owners with a 10% or more ownership interest in the business. Exceptions are: non-profit organizations, sole proprietors, and large publicly traded companies. By definition, non-profit organizations do not have ownership interests from which personal guaranties could be taken. Likewise, publicly traded companies do not have the concentration of ownership that can be linked to a direct control of the business or its ability to repay the debt. By definition of law, all of a sole proprietor's assets are available to a lender in the liquidation

of the debt amount, thus making a personal guaranty redundant. Personal guaranties may be required of other related parties or companies where underwriting analysis indicates the guaranty is necessary to insure repayment of the loan.

Attachment 1, Personal Guaranty Discussion Paper provides the discussion requested by the Committee. The discussion paper summarizes the personal guaranty lending practices followed in private industry and the following government loan programs: U.S. Small Business Administration, California Trade and Commerce Agency, U.S. Economic Development Agency, Los Angeles Community Development Bank, and the South Alameda Revolving Loan Fund.

Research revealed that the Loan Program's personal guaranty procedures differ from other government lenders principally in two areas: 1) The loan program requires a personal guaranty where the ownership interest was 10% or greater, while most other government loan programs require an ownership interest of 20% or greater. 2) The loan program does not inquire into the role of the key managers, while most other governmental lenders emphasized personal guaranties from key managers. The recommendations contained in this agenda item would bring the RMDZ loan program's personal guaranty procedures into closer conformity with other government lenders by increasing the ownership interest requirement to 20% or greater and allowing personal guaranties to be taken from key managers, where appropriate.

A draft of the personal guaranty discussion paper was faxed to the Loan Committee members for their review and comment. The Loan Committee was given the option of commenting on the discussion paper or requesting a special Loan Committee meeting to discuss and take formal action on the issue. The committee did not feel that a special meeting was warranted; however, several members did provide input to the paper/recommendations. Attachment 1, Personal Guaranty Discussion Paper, and this agenda item both reflect the Loan Committee's recommendations. In addition to clarifying/editorial changes, the Loan Committee also proposed changes to the key manager and affiliated parties recommendations, and these changes added flexibility to the proposed personal guaranty procedures.

VI. ATTACHMENTS

1. Personal Guaranty Discussion Paper

VII. APPROVALS

Prepared by: for Robert Caputi 4/10/97 Phone: 255-2442

Reviewed by: John D. Smith Phone: 255-2413

Reviewed by: Caren Trgovcich 4/10/97 Phone: 255-2320

Legal Review: Date/Time: 4/14/97 11:45 AM

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PERSONAL GUARANTY DISCUSSION PAPER

The following is an explanation and analysis of personal guaranties. The analysis focuses on general lending practice and specifically, standard practice in private lending, government supported commercial lending, and the Recycling Market Development Revolving Loan Program.

DESCRIPTION OF A PERSONAL GUARANTY

In commercial lending, a personal guaranty occurs when a person or entity guaranties repayment of the debt of another person or entity. A guaranty is an agreement between the lender and the guarantor under which the guarantor promises to repay the loan independent of the repayment obligation of the business. An unsecured guaranty is a promise from the guarantor to repay the loan without pledging or collateralizing the guaranty with any specific assets of the guarantor. A secured guaranty is an agreement between the lender and the guarantor to repay the loan and to collateralize the guaranty with specified personal assets. The specific assets identified in the secured guaranty are in addition to collateral offered by the business for the loan.

WHO GUARANTIES COMMERCIAL LOANS?

Personal guaranties are required of majority owners and the Chief Executive Officer (CEO), especially in privately held companies, because they are responsible for the day-to-day operation and financial management of the business. Staff surveyed private and public lenders and verified that standard industry practice requires guaranties from those individuals or entities that control over 10% to 20% of a partnership (not including limited partners) or corporations. Guaranty policy varies when dealing with affiliated businesses. A guaranty is not required from a sole proprietor when the loan is made directly to the proprietor because the proprietor is personally responsible for repayment of the loan if the business defaults.

Occasionally, a personal guaranty can come from a third party who has no ownership or operating responsibility, but wishes to support the loan. An example of such a guaranty is a mother and father guarantying a loan for their son or daughter. This type of guaranty requires some consideration or benefit be reciprocated to the guarantor from the business entity (a fee for supplying the guaranty).

WHY ARE LOAN GUARANTIES TAKEN?

Why does a lender obtain personal guaranties by the partners or shareholders, and CEOs of closely held businesses:

1. **Commitment of the owner(s)** The personal guaranty is an incentive for the loan guarantor to focus their efforts on the general success of the business endeavor. The guarantor will be more likely to closely monitor the management of the business to avoid losing personal assets in the case of foreclosure. Although a guaranty may have a tangible collateral benefit, it is often more important as a measure of the commitment of a company's owners to the success of the company and/or "project."

2. **Protects the business assets (collateral).** The guarantor has a vested interest in protecting the assets of a business and maintaining asset value. If the assets are damaged, allowed to deteriorate because of poor maintenance or cannibalized, less proceeds will be derived from liquidation. If there is no guaranty in place, the owners or operators could liquidate or cannibalize the assets and depart. It is then up to the creditors to try to recover what they can from what remains of the business. With a guaranty in place, the guarantor must satisfy the debt that the collateral cannot cover.

3. **Guarantors will usually take an active part in the liquidation** of the company's assets if foreclosure or default does occur. The guarantor's active participation in the sale of pledged assets will yield higher liquidation values with less out-of-pocket administrative costs to the lender. This participation in the liquidation process benefits the lender and will reduce the guarantor's costs to satisfy any remaining debt after the business assets are liquidated.

4. **Guaranties are also taken as an alternative source of collateral for the loan**, when business assets are not sufficient to secure the debt. When providing alternate sources of collateral, guaranties are often secured with specific assets.

SHOULD GUARANTIES BE SECURED?

As stated earlier in this paper, guaranties can either be secured by pledging specific assets (real estate, owner's personal residence, certificate of deposits, etc.) or unsecured. The specific assets identified in the secured guaranty add to the collateral offered by the business for the loan.

The decision to require specific assets be pledged to secure the guaranty is subject to the entire credit analysis and strength of the collateral being offered. Each loan applicant is unique and there are a multitude of variables in the decision process. The best way to discuss the issue is to provide a partial list of the factors analyzed as part of the underwriting process:

Business factors

* Evidence of commitment from owners or CEO. How committed are they to the success of the project? What resources have been committed? How difficult will it be for them to "walk away" if things get difficult?

* Expertise and past experience of the management team. How well will management be able to deal with adversity? If problems occur will management be able to work their way out, or will they fold the company?

* Existing cash flow sufficient to repay debt. Has the company historically generated enough cash to make proposed loan payments (and meet other obligations)? What are the trends for profitability and cash flow?

* Value of business collateral being offered to secure the loan. How much is likely to be recovered through liquidation of the assets? What is the ratio of value of the collateral to the amount of the loan (collateral coverage ratio)?

* What is the nature of the business collateral being offered to secure the loan? Real estate, in general, retains its value better than equipment or current assets (accounts receivable and inventory). Real estate also is not likely to disappear or become obsolete.

* Will a secured guaranty hamper the business owners' efforts to pay off the loan without foreclosure? Securing the guaranty with personal assets may limit the business owners' ability to repay the loan through selling or borrowing against those pledged assets (thus restricted) under the guaranty.

Guarantor factors

* Value of personal assets being offered to secure the loan. How much is likely to be recovered through liquidation of the assets? What is the ratio of the value of the collateral to the amount of the loan (collateral coverage ratio)?

* What is the nature of the personal assets being offered to secure the loan? Real estate, in general, retains its value, but is more costly to liquidate. A certificate of deposit has a stated value, is easy to liquidate, and requires an assignment of interest by the owner. The value of publicly traded stocks can vary over time, and perfecting a security interest in them is difficult. Assets held in a partnership are also difficult to perfect a security interest in, especially if the collateral consists of a fractional interest.

* Availability of back-up financing or additional equity injection. Can the guarantor sell or mortgage unsecured assets to inject capital into the business if needed.

There is no simple answer to the question of whether or not to secure a guaranty. One should remember that the guaranty is viewed as a tertiary (third level) form of repayment in loan underwriting analysis. If the applicant business demonstrates a strong and predictable repayment ability(first level), coupled with good business collateral coverage (second level), then the reliance upon the guaranty is softened, as is the need to secure the guaranty.

The decision to take a guaranty or a secured guaranty is one that balances protecting the lender's interest (Loan Program), at the same time it allows the borrower enough financial freedom to succeed in their venture.

LOAN PROGRAM'S PRACTICE REGARDING LOAN GUARANTIES

Under the RMDZ Loan Program personal guaranties are usually required from all owners with a 10% or more ownership interest in the business. Exceptions are: non-profit organizations, sole proprietors, and large publicly traded companies. By definition, non-profit organizations do not have ownership interests from which personal guaranties could be taken. Likewise, publicly traded companies do not have the concentration of ownership that can be linked to a direct control of the business or its ability to repay the debt. By definition of law, all of a sole proprietor's assets are available to a lender in the liquidation of the debt amount, thus making a personal guaranty redundant. Personal guaranties may be required of other related parties or companies where underwriting analysis indicates the guaranty is necessary to insure repayment of the loan.

WHAT DO COMMERCIAL LENDERS FOLLOW AS GUIDELINES?

Senior Vice Presidents were contacted from the following commercial private lenders regarding the personal guaranties requirements of their organizations: Bank of America, Bank of America Community Development Bank, Bank of Commerce, The Money Store, Mitsui Manufacturers Bank, American River Bank, and Sanwa Bank of California.

A survey of these institutions revealed the following results: guaranties are normally required to support commercial loan requests where there is a 10%-20% concentration in ownership of the company. The response from the managers we interviewed was that a guaranty is required from any individual or organization which control 10% or more the company's operation due to the fact that their action can have major impact on the overall profitability of the company. Concentration in ownership also gives the majority stock holder(s) an abnormal control of the company's assets which can directly effect the liquidity of the company.

WHAT DO OTHER GOVERNMENT PROGRAMS FOLLOW AS GUIDELINES?

1. **U.S. Small Business Administration (SBA)**--SBA requires the personal guaranty of any person owning 20% or more of the applicant business, irrespective of the form of ownership. SBA may also require the chief executive officer of the applicant business to guaranty the loan, irrespective of the ownership interest in the business. The latter guaranty may be required since this person has direct responsibility for the day-to-day operations of the business, and thus has a direct impact on the business' ability to repay the loan.

   Generally, SBA does not require a guaranty where ownership is less than 5%. When ownership ranges from 5% to 19%, the requirement for a personal guaranty is at the discretion of the approving official. The guaranty is usually only taken in the absence of other guaranties or to address a credit weakness in the applicant business.

   Additionally, SBA may require guaranties from affiliated companies or their owners when the combined ownership is 20% or more. However, the guaranty of an affiliate is discretionary and is usually taken because of a credit weakness in the loan proposal. Often related parties, such as family members, may individually own less than 20% of the applicant business, but the combined ownership of the related parties is greater than 20%. In this instance, SBA would most likely require personal guaranties from the related parties.

2. **California Trade and Commerce Agency (Commerce)**--Commerce has several direct loan programs (RUST, SSED, OGDRLF) and oversees several loan guaranty programs through the Office of Small Business. In general, a personal guaranty is required from any person owning 20% or more of the applicant business. Commerce does not necessarily require the key management person to personally guaranty a loan when the manager does not own 20% or more of the applicant business.

   Similar to SBA, Commerce will examine the ownership of the company to determine if the parties are affiliated. Under certain circumstances, Commerce may require affiliated owners to individually guaranty a loan when the combined ownership is equal to or exceeds 20% of the applicant business.

3. **U.S. Economic Development Agency (EDA)**--EDA currently funds approximately $30 million in revolving loan funds throughout California. While EDA does not dictate the underwriting criteria, EDA does require loan fund administrators to submit an operational plan for review and approval. The operational plan does contain general underwriting criteria. EDA's general loan guaranty advice to fund administrators is to require a personal guaranty of 20% or more owners of the applicant business.

4. **Los Angeles Community Development Bank (LACDB)**--The LACDB administers Empowerment Zone/Enterprise Community funds and Section 108 funds from the U.S. Housing and Urban Development (HUD). LACDB has received a total of $430 million in funds from HUD, has loan out approximately $3.5 million, and has another $16 million committed.

   It is LACDB's policy to require a personal guaranty from anyone who owns 20% or more of the applicant business. The LACDB also reserves the right to require an active manager to personally guaranty the loan, regardless of ownership when the LACDB determines this active manager has a significant control over the business operations.

5. **South Alameda Revolving Loan Fund (SARLF)**--The SARLF administers Community Development Block Grant funds from the HUD along with funds received directly from the County. The SARLF requires a personal guaranty from individuals who own 20% or more of the applicant business. The SARLF also requires the key manager(s) to personally guaranty the loan if the individual(s) have significant control over the business.

LOAN PROGRAM'S PORTFOLIO LOAN GUARANTIES BREAKDOWN

As of February 28, 1997 there were 35 loans left (17 loans were previously sold) in the Loan Program loan portfolio. Of those loans, 27 loans were secured with personal guaranties or a combination of personal/business guaranties, 2 loans were secured with a business guaranty and 6 loans had no guaranties (because of being either a sole proprietorship or a not-for-profit organization). Eleven of the 27 loans contained secured personal guaranties.

STAFF'S RECOMMENDATION

Staff recommends that the loan program adopt the following guaranty guidelines:

- A guaranty will be required from any person, or business, owning 20% or more of the applicant business. Key management person(s) may be required to personally guaranty the loan regardless of their percentage of ownership, when it is determined the manager(s) has a significant control over the business, and the personal guaranty is necessary because of the absence of other guaranties and/or credit issues.

- The ownership of the company will be examined to determine if parties are affiliated. If the combined ownership of affiliated parties is 20% or more, a guaranty may be required from the affiliated owners. This practice is discretionary and will typically only be utilized to address the lack of other guaranties and/or project credit issues.

- A secured guaranty may be required when the applicant business cannot provide sufficient business assets to adequately collateralize the loan.

The above recommendation differs from existing policy in that the current percentage of ownership requiring a guaranty is 10% or greater, and staff did not inquire into the role of the key manager.

The above recommendation would also bring the RMDZ loan program into closer conformity with other government lenders.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
April 24,1997

AGENDA ITEM 22

ITEM: CONSIDERATION OF THE REALLOCATION OF UNUSED FY 1996/97 TIRE PROGRAM FUNDS

I. SUMMARY

The California Integrated Waste Management Board (Board) receives an annual appropriation from the California Tire Recycling Management Fund (Tire Fund) to administer the Tire Recycling Act and related legislation. Individual programs are affiliated with either permitting and enforcement or market development activities.

The Board held a workshop on September 5, 1996 to solicit comments regarding tire program priorities and funding allocations. Staff presented a white paper discussing these issues on October 22, 1996. The Board adopted the following funding allocations on November 20, 1996:

- Pilot Local Enforcement Agency (LEA) Grant Program, $200,000
- California Highway Patrol Interagency Agreement (IAA), $100,000
- Department of Motor Vehicles IAA, $15,000
- State Cleanup Contract, $750,000-$1,500,000
- Local Government Cleanup Matching Grants, $250,000
- State Fire Marshall IAA, $100,000
- Playground Cover Matching Grant Program, $250,000
- Rubberized Asphalt Matching Grant Program, $200,000
- Statewide Center for Rubberized Asphalt Concrete, $500,000
- Cogeneration Facilities Emissions Testing Contract, $200,000
- Cement Kiln Promotion, $50,000

- RMDZ Loans, $230,000
- Financial Services Contract, $50,000-$75,000

Discretionary funds available for the FY 1996-97 Tire Fund allocation were $3,395,000. A total of $2,895,000 was allocated leaving a balance in reserve of $500,000. Of the total allocation, $1,415,000 was allocated to Permitting and Enforcement and cleanup programs, and $1,480,000 to Market Development. There are unspent funds in Market Development contract for cement kiln promotional ($50,000). In addition there are unused funds in Permitting and Enforcement grant programs and IAAs ($300,000). Funds remaining for reallocation are listed below:

Unallocated

Prudent Reserve, $560,000[1]

Unused

Cement Kiln Promotion, ($50,000)

Permitting and Enforcement grant programs and IAAs ($300,000)

II. PREVIOUS BOARD ACTION

The Board has adopted Tire Program funding allocations each year since FY 1992-93. The Board adopted a funding allocation for FY 1996-97 on November 20, 1996, the details of which are discussed in Section V (FY 1996-97 Tire Fund Allocation).

III. COMMITTEE ACTION

The Policy, Research, and Technical Assistance Committee considered this item on April 8, 1997.

[1] Due to a budget refinement, $560,000 now remains in the prudent reserve, up from an original level of $500,000.

IV. OPTIONS FOR THE BOARD

Board members may decide to:

1. Adopt the Committee's recommended reallocation of unused portions of the FY 1996-97 Tire Program funds to specific activities, and direct staff with regard to funds remaining in the Prudent reserve ($560,000) and Local Government RAC 50/50 Matching Grants ($200,000); or
2. Adopt a revised funding allocation for remaining FY 1996/97 funds; or
3. Allow unused funds to revert to the California Tire Recycling Management Fund.

V. COMMITTEE RECOMMENDATION

The Committee forwarded the proposed FY 1996-97 Tire Fund allocation, listed in Table 1, to the Board for consideration and adoption. The Committee directed staff to set aside for special consideration by the full Board, the remaining funds in the Prudent Reserve($560,000) and the Local Government RAC 50/50 Matching Grants ($200,000).

Table 1

FY 1996/97 Tire Fund Allocation

Playground Mats	93,000
RMDZ Loan	120,000
Emission Analysis Augmentation (Dames & Moore)	12,000
Printing Materials for Tire Hauler Program	50,000
Augment Civil Engineering Projects	~~75,000~~
	$350,000

VI. ANALYSIS

Background

California is faced with the challenge of responsibly managing approximately 30 million reusable and waste tires generated

annually, as well as an estimated 30 million stockpiled tires. Annual generation is expected to increase as the state's population increases.

Assembly Bill 1843 (Stats. 1989, c. 974) established the California Tire Recycling Management Act (Act) to oversee the management of waste tires. The Act initiated a tire recycling program to promote and develop markets for waste tires as alternatives to landfill disposal and stockpiling. The Act allows the Board to award grants and loans to businesses and public entities. The Act also addresses ongoing storage of tires in stockpiles and cleanup of illegal piles. The Board is charged with responsibility for tire pile stabilization and remediation where public health and safety and the environment may be at risk.

Tire Program implementation began in 1990 and is supported by a $0.25/tire fee paid by consumers at the time of retail purchase. Because the statutory fee collection provisions sunset June 30, 1999, the program is funded only for two remaining fiscal years (FY 1997-98 and FY 1998-99). While the fee collection provisions sunset, all of the program mandates continue.

Additionally, in 1993, SB 744 (Stats. 1993, c. 511) enacted the Waste Tire Hauler Registration Program to ensure that waste tires are legally transported to authorized sites. The Waste Tire Hauler Registration Program went into effect on January 1, 1995.

Revenue for the tire fund is currently generated by a fee of $0.25 that is paid by consumers at the time of retail purchase. Monies remitted to the fund are appropriated to the Board annually in the budget act. All of the programs described above are supported by the Tire Fund.

FY 1996-97 Tire Fund Allocation

On September 5, 1996, the Policy, Research, and Technical Assistance Committee conducted a workshop to obtain input from a wide range of interested parties on their recommendations for tire program priorities and funding allocations. The Committee received testimony from representatives of the tire recycling industry, local governments, environmental organizations, and recognized national organizations involved in waste tire management.

The Policy, Research, and Technical Assistance Committee met on September 10, 1996, and discussed issues and questions raised during the September 5, 1996 workshop. On October 22, 1996, the Policy, Research, and Technical Assistance Committee met and discussed the workshop and provided staff with direction for developing background information and options for consideration of program priorities and funding allocations.

The Board met on October 23, and asked that staff bring the following three items back to the November 5, 1996, Policy Research, and Technical Assistance Committee: consideration of legislative options; consideration of policy options for reimbursement of property owners for cleanup efforts; and consideration of the program funding allocation.

On November 5, 1996, the Policy, Research, and Technical Assistance Committee considered the three items. The item on legislative options was referred to the Legislation and Public Affairs Committee; the item on policy options for reimbursement of property owners for cleanup efforts was postponed until a future meeting; and a recommendation for the FY 1996-97 Tire Fund allocation was forwarded to the Board for adoption. On November 20, 1996, the Board adopted the funding allocation as listed in Table 2, which also provides a brief description of the status of each allocation.

Table 2
FY 1996/97 Funding Allocation

Program	Funds Allocated	Status	Remaining Funds
Permitting & Enforcement			
Pilot LEA Grant Program	$200,000	NOFA mailed out in February.	$90,000
Highway Patrol IAA	$100,000	Meeting held. Interagency Agreement expected at the end of the month.	$0
Dept. of Motor Vehicles IAA	$15,000	Discussions held.	$0
State Cleanup Contract(s) (30% Cap on End Use)	$750,000-1,500,000	Scope of Work to advisors on February 5, 1997. RFQ drafted, publication on March 14, 1997.	$0
Local Govt. Cleanup Matching Grants (50/50 Match)*	$250,000	NOFA mailed on February 25, 1997. Applications accepted through March 21.	$210,000
Fire Marshall Interagency Agreement	$100,000	Meeting held. Interagency Agreement expected by end of the month.	$0
Subtotal (P&E)	*$1,415,000*		*$300,000*

Market Development			
Statewide Center for RAC	$500,000	Scope of work has been forwarded to advisors for review March 7, 1997.	$0
Financial Services	$50,000-75,000	Master services contract to provide these services was secured in Oct.96	$0
Testing Coal/Cogeneration	$200,000	1st phase testing completed March 14 using a portion of the funds allocated.	$0
Cement Kiln Information Dissemination	$50,000	No action at this time: awaiting outcome of FY 95/96 analysis contract to determine next steps.	$50,000
Local Govt./Schools Playground Mats Matching Grants (50/50 Match)*	$250,000	NOFA mailed 2/14/97. Applications are being mailed.	$0
Local Govt. RAC Matching Grants (50/50 Match)*	$200,000	NOFA forwarded to Advisors on January 6.	unknown
Funding for Tire Loans under RMDZ Program	$230,000	Market Development Committee & Board will be considering a tire loan in excess of this dollar amount during March 1997.	$0
Subtotal (WP&MD)	***$1,480,000***		***$50,000***
Total Discretionary Available	**$3,395,000**	*	
Total Funding Allocated	**$2,895,000**		
Balance (reserve)	**$560,000**		**$350,000**

* Includes $500,000 for local assistance

Since the November 20, 1996, Board adoption of the FY 1996/97 Tire Fund allocation, several changes have occurred. First, the Department of Finance approved the Board's Section 27 which reallocated $750,000 from FY 1995/96 to the FY 1996/97 Stabilization and Remediation contract. Second, a recent budget refinement has increased the reserve total to $560,000.

FY 1996-97 Program Status

The following section provides a brief description and the status of the FY 1996-97 programs the Board directed staff to implement on November 20, 1996.

PERMITTING AND ENFORCEMENT

Pilot LEA Grant Program

$100,000 will be used by two selected LEAs ($50,000 each) to implement a surveillance, inspection and compliance program for waste tire facilities, including tire dealers, and auto dismantlers. This program will allow LEAs to perform preliminary enforcement actions to assist IWMB enforcement staff in tire enforcement related activities.

An additional $100,000 will be given to at least three LEAs (up to $30,000 each) to conduct surveillance activities at tire dealers and auto dismantlers. The purpose of this program is to help determine the extent of tire related problems at tire dealers and auto dismantlers which Board tire enforcement staff have not been able to adequately address due to the high number of target sites and staffing constraints. The NOFA was mailed out on February 13, 1997.

California Highway Patrol IAA

This Interagency Agreement will assist the California Highway Patrol (CHP) implement its enforcement activities as authorized representatives of the Board. Components the CHP plans to incorporate include training of Commercial Vehicle Officers, preparing a brochure outlining the waste tire hauler registration, and inclusion of this infraction in a CHP database. The scope of work for the IAA is being developed and will be finalized April 1997.

Department of Motor Vehicles IAA

An Interagency Agreement with Department of Motor Vehicles (DMV) will help facilitate obtaining information on unregistered haulers and unregistered vehicles. A segment

of waste tire haulers are either not aware of the waste tire hauler registration requirements or are not expecting to be found out. Additionally, a minor segment of vehicles submitted for registration do not have current DMV vehicle registrations. Staff has been obtaining license plate numbers of vehicles hauling waste tires that are not registered. Those license plate numbers are then submitted to DMV. With this information, staff can contact the registered owner and apprise him/her of the need to become registered or be subject to civil penalties. To date, staff has approximately 600 license plate numbers for submittal to DMV. The purpose of the IAA is to expedite the process and obtain the information as quickly as possible.

Stabilization And Remediation

This is a request for qualified contractors (RFQ) to perform remediation and/or stabilization of illegal waste tire sites posing a threat to public health and safety or the environment. A qualified contractor(s) will be selected based on their qualifications and experience with similar work. The scope of work was sent to advisors on February 5, 1997. The RFQ is drafted and the notice is scheduled for publication in the State Contracts Register on March 14.

Local Government Cleanup Matching Grants

A NOFA was mailed to 385 LEAs and Local Government Recycling Coordinators on February 25, 1997. The maximum grant for which a local government agency can apply is $25,000, but the local agency must match the amount requested from the Board on a 50%/50% basis. The grant funds and local government funds will be used for the removal, transportation, and disposition of waste tires from legacy waste tire sites of 5,000 or more tires.

Applications for grants must be submitted to the Board no later than March 21, 1997. After review and scoring of all grant proposals by Board staff, recommendations for those proposals to be approved for funding will be presented to the Board at its May 1997 meeting.

State Fire Marshall IAA

This Interagency Agreement will allow the State Fire Marshall's Office to conduct training with local fire jurisdictions on managing waste tire fires and tire fire protection and control. The IAA is expected to be executed by the end of March 1997.

MARKET DEVELOPMENT

Playground Cover Grant Program

Fifty percent Matching Grants are available for the installation and material costs of rubberized mats and pour-in-place surfacing (manufactured from California waste tire rubber) placed underneath and around playground equipment. Pour-in-place projects using a thin layer of synthetic rubber over a tire rubber base are also acceptable.

The NOFA for the FY 1996-97 playground cover grant solicitation was mass-mailed February 14. Staff began receiving requests and mailing copies of the application package on February 18. The final filing date was March 21, 1997, at 3 PM. The total number of applications received was 43, requesting $839,500 total. The review process will begin late March, and staff recommendations will be presented to the Administration Committee in May.

Rubberized Asphalt Grant Program

This is a matching grant program for local governments to construct RAC projects. The NOFA was forwarded to Advisors on January 6, 1997. This program now may involve interagency agreements with Board selected local governments (rather than a competitive grant process).

Los Angeles RAC Technical Assistance Center IAA

Staff is developing an Interagency with Los Angeles County for providing outreach training programs, lab testing, consulting services to local governments, a help center, educational and informational materials, and an Internet Web

Site for disseminating RAC information and reference materials. The scope of work was forwarded to the advisors for review on March 7, 1997.

Cogeneration Facilities Emissions Testing Contract

A portion of FY 1996-97 funds allocated to study the use of tires as a fuel supplement at cogeneration facilities, was used to augment the Board's existing laboratory services contract. The lab services contract, in turn, was used to support a test burn during the first week in March at Air Product's cogeneration facility in Stockton. This test burn was supported by the industry's association as being representative of the five coal-fired plants in the state. Air emissions and ash testing at the facility were completed March 14, 1997. The remaining allocated funds will be used via a separate contract, currently under development, to support additional testing at other cogeneration facilities interested in using tires as a fuel supplement.

Cement Kiln Promotion

It is uncertain what type of involvement the Board will take with this potential contract or if a contract will be necessary. No action is being taken at this time. Staff is waiting for the outcome of the FY 1995-96 analysis contract to determine the next steps.

RMDZ Loans

John R. Cooper, DBA Industrial Tire Service (ITS), is requesting funding to expand its tire recapping/retreading business. ITS supplies and services the tire requirements for shipping lines and stevedoring companies in both the ports of Long Beach and Los Angeles. Using a new process, ITS will incorporate buffed tread rubber with virgin retread rubber to produce retreads.

Staff received a $350,000 RMDZ Loan application for this project in early January. Last month the application was approved by the Board's Loan Committee and is scheduled for

consideration by the Market Development Committee and the Board in March.

Financial Services Contract

This contract is to review and evaluate past practices of the Tire Recycling Loan Program and recommend changes that would make the loan program more effective and attractive to tire recycling businesses located in California. The agreement for this work was approved March 1997.

Key Issues

Staff is seeking Board direction on the redistribution of the following FY 1996-97 tire fund allocations remaining in question:

1. Prudent Reserve ($560,000)
2. Cement Kiln Information Dissemination ($50,000)
3. Permitting & Enforcement grant programs and IAAs ($300,000).

Options being discussed by staff:

1. Given the high level of interest in the Playground Mat grant program, reallocate an additional $93,000 to this program.

2. Reallocate $120,000 to the tire loan component to facilitate fully funding the loan for Industrial Tire Service out of tire funds.

3. Unspent funds from Cement Kiln Promotion can be allocated to augment the FY 1995/96 emission analysis contract ($12,000) to cover costs incurred on data collection and expand report distribution.

4. Allocate $75,000 to augment the Civil Engineering contract. Existing contract can only be 30% of original funfing (30% of $245,000 = $73,500).

5. $50,000 is required for redirection to General Services item for printing items such as, waste tire hauler manifests, registrations, and decals.

VI. ATTACHMENTS

1. Resolution 97-114, Adoption of the Reallocation of Unused FY 1996-97 Tire Program Funds

Jones update 92 tire report
endorse and clarify the science

Chesbro - contain 4 RAC grants - if not encumbered
by mid-June, role to playground mats

VII. APPROVALS

Prepared By:	David Volden DV	Phone:	255-2439
Reviewed By:	Martha Gildart M. G. 4/10	Phone:	255-2619
Reviewed By:	Caren Trgovcich CT	Phone:	255-2320
Reviewed By:	John Bell JKB	Phone:	255-2285
Reviewed By:	Don Dier DH	Phone:	255-2453
Reviewed By:	Dorothy Rice D. Rice	Phone:	255-2431
Reviewed By:	Rick Beard RB	Phone:	255-2290
Reviewed By:	Marie LaVergne MBL 4/15/97	Phone:	255-2269
Legal Review:	Kathryn J. Obrien	Date/Time:	4/15/97

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION 97-114

ADOPTION OF THE REALLOCATION OF UNUSED FY 1996-97 TIRE PROGRAM FUNDS

WHEREAS, the State of California is faced with an inventory of at least 30 million tires, posing a threat to the public health and safety and the environment; and

WHEREAS, approximately 30 million waste tires are generated annually; and

WHEREAS, the Tire Recycling Act (Public Resources Code [PRC] 42800 et. seq.) requires the reduction of the landfill disposal and stockpiling of waste 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 Section 42871(a) requires the California Integrated Waste Management Board (hereinafter referred to as the "Board") to maintain a tire recycling program which promotes and develops alternatives to the landfill disposal and stockpiling of waste tires; and

WHEREAS, it is the intent of the Legislature for the Board to permit waste tire stockpiles, register waste tire haulers, enforce the Board's regulations, and promote markets for the reduction of landfill disposal; and

WHEREAS, the Board adopted the Market Development Plan which includes a goal of a diversion rate of 75 percent for waste tires by 2000; and

WHEREAS, the Tire Program may include the awarding of grants and loans; and

WHEREAS, the Board approved $3,395,000 from the California Tire Recycling Management Fund for FY 1996-97 programs; and

WHEREAS, the Policy, Research, and Technical Assistance Committee, on April 8, 1997, considered this issue; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the reallocation of unused FY 1996-97 Tire Program Funds as transcribed from the Board motion; and

BE IT FURTHER RESOLVED that the Board hereby directs staff to develop and implement the approved programs; and

BE IT FURTHER RESOLVED that any funds from this program that are repaid to the Board by grant, loan, or contract recipients, will be repaid to the California Tire Recycling Management Fund.

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 April 24, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
April 24, 1997

AGENDA ITEM 23

ITEM: CONSIDERATION OF THE FY 1997/98 WASTE TIRE MANAGEMENT PROGRAM FUNDING ALLOCATION

I. SUMMARY

The California Integrated Waste Management Board (Board) receives an annual appropriation from the California Tire Recycling Management Fund (Tire Fund) to administer the Tire Recycling Act and related legislation. Individual programs are affiliated with either permitting and enforcement or market development activities and are listed below:

Permitting and Enforcement

- Enforcement program.
- Hauler registration and manifest program.
- Facility permitting program.
- Site stabilization and remediation program.

Market Development

- Grant program.
- Loan program.
- Demonstration, testing, and analysis contracts.
- Market Development Plan.
- Technical assistance and education program.

Revenue from the Tire Fund is appropriated to the Board in the annual Budget Act. For FY 1997/98, the Board has a discretionary allocation of $7,353,000 to allocate within its Tire Program.

II. PREVIOUS BOARD ACTION

The Board has adopted a Tire Program funding allocation each year since FY 1992/93. The Board adopted a funding allocation for FY 1996/97 on November 20, 1996.

III. OPTIONS FOR THE BOARD

Board members may decide to:

1. Adopt the Committee's recommended funding allocation for the FY 1997/98 Waste Tire Management Program and direct staff to implement the its programs; or
2. Adopt a revised funding allocation for the FY 1997/98 Waste Tire Management Program; or
3. Return the item to the Policy, Research, and Technical Assistance Committee.

IV. COMMITTEE RECOMMENDATION

The Committee recommends that the Board adopt option 1, as listed in Table 1. The Committee recommended that $409,000 be made available to the market development program to demonstrate both levy construction and repair and highway soundwall construction using tire rubber. For the levee construction and repair contract, the Committee recommended that staff first develop and implement a feasibility study for determining the viability of the use of tire rubber in the construction and repair of levees. Upon completion of a successful feasibility study, the Committee recommended that staff implement a levee demonstration project. The Committee further recommended that any excess funds remaining at the end of the fiscal year be used to supplement the demonstration. If the results of the feasibility study are negative, the Committee recommended that staff put all remaining funds into the tire-rubber soundwall demonstration project.

The Committee also recommends that staff update the information contained in the report, *"Tires as a Fuel Supplement: Feasibility Study,"* including population estimates, tire stockpile locations, and end users of waste tires.

Table 1
Committee Recommended FY 1997/98 Tire Fund Allocation

ESTIMATED FY 1997/98 DISCRETIONARY ALLOCATION	**$7,353,000***
Permitting and Enforcement	
LEA grant program	$500,000
California Highway Patrol	$100,000
Attorney General services	$40,000
Environmental services (includes monofilling)	$150,000
Stabilization and remediation	$2,500,000
Local government cleanup matching grants	$200,000
Waste tire hauler manifest database	$50,000
Student Assistants	$54,000
TOTAL (P&E)	$3,594,000
Market Development	
RAC Technical Assistance Center (RFP)	$500,000
Grant program - molded rubber products	$500,000
Third Biennial Tire Recycling Conference	$50,000
CCC/LCC grant program	$200,000
DGS/State procurement of mats, threshold ramps	$50,000
RMDZ Loan Program	$1,000,000
Levee construction and repair/soundwall construction	$409,000
TDF and crumb rubber educational video/support material	$150,000
End-use processing facility evaluation	$200,000
Student Assistants	$36,000
TOTAL (WP&MD)	$3,095,000
PRUDENT RESERVE	$664,000

* Includes $500,000 for Local Assistance

V. ANALYSIS

Background

California is faced with the challenge of diverting or safely managing approximately 30 million reusable and waste tires generated annually, as well as an estimated 30 million stockpiled tires. Annual generation is expected to increase as the state's population increases.

Assembly Bill 1843 (Stats. 1989, c. 974) established the California Tire Recycling Management Act (Act) to oversee the

management of waste tires. The Act initiated a tire recycling program to promote and develop markets for waste tires as alternatives to landfill disposal and stockpiling. The Act allows the Board to award grants and loans to businesses and public entities. The Act also addresses ongoing storage of waste tires in stockpiles and cleanup of illegal piles. The Board is charged with responsibility for tire pile stabilization and remediation where public health and safety and the environment may be at risk.

Additionally, in 1993, SB 744 (Stats. 1993, c. 511) enacted the Waste Tire Hauler Registration Program to ensure that waste tires are legally transported to authorized sites. The Waste Tire Hauler Registration Program went into effect on January 1, 1995.

Revenue for the tire fund is currently generated by a fee of $0.25 that is paid by consumers at the time of retail purchase. Until January 1, 1997, revenue was generated from waste tires left at tire dealers for recycling or disposal monies remitted to the fund are appropriated to the Board annually in the budget act. All of the programs described above are supported by the Tire Fund.

The Tire Program has assisted businesses and local governments, developed technologies and markets, increased Board knowledge, increased recycling, stabilized and remediated waste tire sites, registered waste tire haulers, reduced illegal disposal, and improved public awareness. In light of these accomplishments, the Tire Program has achieved significant success when results are compared to the magnitude of the waste tire challenge and the limited resources available.

The state's tire recycling rate has climbed from 34 percent to 60 percent, a 26 percent increase in 5 years. In 1990, the Board estimated that 9.2 million tires were diverted from landfill disposal and stockpiling, compared to 17.6 million tires estimated diverted from the annual waste stream in 1995.

While this increase in the state's recycling rate is significant, remaining needs are still great. The annual generation of waste tires continues to increase with population. Approximately 12 million tires generated annually are not being recycled, and approximately 30 million waste tires are still stockpiled legally and illegally in the state. Although 60 percent of the annual generation of waste tires is being recycled, the visibility of the tire problem continues to undermine this high recycling rate.

To further the legislative objective of reducing landfill disposal of waste tires, the Board adopted a diversion goal in its 1996 Market Development Plan of 225,000 tons of waste tires (22.5 million tires) per year from the annual flow by the year 2000. Attainment of this goal would increase the waste tire recycling rate to 75 percent. The Market Development Plan's focus is primarily tires generated annually, but may also address legacy stockpiles.

Accomplishing a 75 percent diversion rate for waste tires by the year 2000 may be complicated by the possible closure of the Modesto Energy Facility. This tires-to-energy facility annually combusts almost six million tires unless there is significant down time. However, their contract with PG&E expires at the end of 1997, and it does not appear that they can economically compete in the deregulated energy market. Consequently, the facility operators are pursuing legislation which would subsidize the production of electricity to allow them to compete on the open market. If this facility is not able to remain in operation, the Board will be faced with finding alternative markets for approximately six million tires.

Permitting and Enforcement

The activities of the Permitting and Enforcement Division's Waste Tire Program are mandated through the following legislation:

- Assembly Bill 1843 (Brown, 1989) enacted a major environmental regulatory program to control the storage and disposal of waste tires. It is codified in Public Resources Code, Title 14, Chapter 16 and 17. Final regulations for implementation of this program went into effect on November 3, 1993.

- Senate Bill 744 (McCorquodate, 1993) enacted a regulatory program to control the hauling and tracking of waste tires. It is codified in Public Resources Code, Title 14, Chapter 19. Final regulations for implementation of this program went into effect on May 9, 1996.

- Assembly Bill 2108 (Mazzoni, 1996) authorizes any traffic officer and any peace officer to enforce the waste tire hauler registration program as authorized representatives of the Board. The bill makes violation of the waste tire

hauler registration program an infraction under the Vehicle Code.

Waste Tire Enforcement Program

Pursuant to Public Resources Code Section 42811, the Board is the sole authority in the enforcement of the Waste Tire Standards. This statute does not preclude Local Enforcement Agencies (LEAs) from enforcing more stringent local ordinances to persons or businesses involved in the storage, stockpiling, processing, or disposing of waste tires. The Enforcement Branch has two staff involved in the development and implementation of the Waste Tire Enforcement Program.

Since 1994, enforcement staff has initiated an inspection program with the intention of generating waste tire facility (WTF) permit applications. Concurrently, enforcement staff investigated those sites referred by local agencies which pose a significant threat to the public health, safety, or the environment. Results to date are listed below:

- Enforcement staff have inspected approximately 217 of the *many potential* WTFs throughout the state.

- Enforcement staff has issued over 86 Enforcement Orders which include notice and orders (N&Os), cleanup & abatement orders (C&As), and stipulated orders (Stips), to WTF owner/operators for noncompliance with permitting requirements and technical standards.

- Enforcement staff has referred 24 Administrative Complaints to the Legal office for appropriate action regarding the illegal transportation/acceptance of waste tires at unpermitted WTFs.

- Enforcement staff has referred 15 criminal complaints to local prosecutorial agencies regarding the illegal transportation/acceptance of waste tires at unpermitted WTFs.

- Enforcement staff identified 41 sites since 1994 for remediation.

Note: Approximately 100 sites have been remediated by the operator and/or property owner due to the Board's permitting and enforcement efforts.

Waste Tire Hauler Registration Program

This program is mandated by Public Resources Code (PRC) Sections 42950-42967. These PRC sections require the Board to administer the waste tire hauler registration and manifest program, including adopting any regulations necessary or useful to carry out the Board's duties or responsibilities imposed by the waste tire hauler registration mandate. Results to date are listed below:

- One staff person, which comprises the waste tire hauler program within the Permits Branch, has issued 4,576 waste tire hauler registrations for 1997.

- Tire Permits staff has suspended 19 waste tire haulers, primarily for non-renewal of required $10,000 surety bond.

- Tire Permits staff has canceled 161 waste tire haulers for non-conformance with the program requirements.

- Tire Permits staff is currently working with the California Highway Patrol and the Department of Motor Vehicles to ensure waste tire haulers comply with the waste tire hauler program requirements.

- Tire Permits staff has conducted several waste tire hauler manifest audits to ensure conformance with the waste tire hauler program requirements. Tire Permits staff is in the process of developing a waste tire hauler manifest procedure document for waste tire haulers.

Waste Tire Facility Permitting Program

This program is mandated by PRC Sections 42810-42843. These PRC sections required the development of regulations for procedures and requirements necessary to obtain major and

minor waste tire facility permits. Results to date are listed below:

- Two staff persons, which comprise the waste tire facility program within the Permits Branch, have reviewed 120 waste tire facility applications.

- A total of 92 Exclusions from waste tire facility permit requirements have been approved.

- A total of 6 Minor Waste Tire Facility permits have been issued by the Board.

- A total of 3 Major Waste Tire Facility permits have been issued by the Board.

- A total of 19 are in the review process for pre-permit inspections or completion of the application.

- Tire Permits staff is developing a procedure for monitoring exclusions from waste tire facility permit requirements.

Waste Tire Stabilization and Remediation Program

Implementation of the Waste Tire Stabilization and Abatement Program was approved by the Board on August 31, 1994. Public Resources Code (PRC) section 42846 authorizes the Board to expend money from the California Tire Recycling Management Fund to perform any cleanup, abatement, or remedial work required to prevent substantial pollution, nuisance, or injury to the public health or safety at waste tires sites where responsible parties failed to take appropriate action as ordered by the Board. The Board has approved an $800,000 contract (1994/95 fiscal year encumbrance) for the stabilization and abatement of illegal waste tire sites.

The Board is currently funding remediation of illegal waste tire sites with the $800,000 contract (FY 1994/95) for stabilization and abatement. In November 1996, the Board approved additional funding for the 1996/97 fiscal year

contract for the stabilization and abatement of illegal waste tire sites. In March of this year, the stabilization and abatement program was transferred from the Permits Branch to the Closure and Remediation Branch. Staff is presently preparing the Request For Qualifications (RFQ) to encumber 1996/97 monies. Results to date are listed below:

- Eight sites totaling approximately 500,000 passenger tire equivalents have been remediated by the Waste Tire Stabilization and Abatement Program.

- Eleven sites have been remediated by the property owners or responsible parties after the Board approved the sites for remediation. These sites were cleaned without the Board expending any contractual remediation funds.

- Seven sites are pending property access for remediation at this time.

- Four sites have given the Board property access authorization. These sites are currently being scheduled for remediation.

- Additionally, two other sites are pending stabilization (measures to prevent a fire from getting to the waste tire pile). Staff is pursuing property access on these sites.

Market Development

Staff has developed and implemented the market development programs listed below. A brief description of the program and its history is provided. For more detailed information on a specific program, please see the Supplemental Report, *Tire Recycling Program Evaluation*, adopted by the Board on February 26, 1997.

Tire Recycling Grant Program

Public Resources Code §42872 authorized the Board to develop and implement a grant program aimed at promoting

alternatives to landfill disposal and stockpiling of whole waste tires. Grants were funded from the California Tire Recycling Management Fund, and awarded competitively for business development, innovative research, and local government programs.

In its first year, the Board offered a total of $1,973,000 from the Tire Fund through two programs: the Local Government Innovation Program ($473,000) and the Tire Recycling Grant Program ($1,500,000).

The Board continued offering assistance through the Tire Recycling Grant Program in FY 1993/94 by allocating $1,000,000 from the Tire Fund for business development, innovative research, and local government assistance. The Board received 96 applications for funding and 22 were awarded a total of $1,000,000.

The Board continued offering assistance through the Tire Recycling Grant Program in FY 1994/95 by allocating $1,357,023 from the Tire Fund: $700,000 for business development and research, and $657,023 for local government programs. The allocation for local government programs was more than double the previous year's, to provide more incentive to clean up and recycle stockpiled and illegally dumped tires. The Board received 87 applications for funding and 31 applicants (5 for business development, 5 for research, and 21 for local government assistance) were awarded a total of $1,357,023.

The Board continued offering assistance through the Tire Recycling Grant Program in FY 1995/96 by allocating $500,000 from the Tire Fund. An additional $200,000 was offered to the Local Conservation Corps for recycling, cleanup, and public education. Because no loans were awarded (see Tire Recycling Loan Program, Page 6), the grant program received an additional $300,000, making a total of $800,000 available for grants.

In FY 1996/97, the Board allocated $250,000 for playground cover grants and $200,000 for rubberized asphalt concrete demonstrations. Program details are provided in the FY 1996/97 program Status Section.

Loan Programs

The Board has offered loan funds through two programs: the Recycling Market Development Zone (RMDZ) Loan Program, and the Tire Recycling Loan Program. The offerings differed in several areas including eligibility, funds available, and application period.

Recycling Market Development Zone Loan Program

Although tire recycling businesses in the zones are eligible for RMDZ loan funds, revenue from the Tire Fund has been used to augment the RMDZ Loan Program when tire recycling businesses were to receive loans.

The RMDZ Loan Program has received ten applications for tire-related projects since the program's inception (eight crumb rubber facilities, one retreader, and one rubber mat manufacturer). Four loans were approved: two were funded and two were withdrawn by the applicants after approval.

Tire Recycling Loan Program

The competitive Tire Recycling Loan Program was developed in FY 1995/96. Funds totaling $600,000 were available statewide to tire recycling businesses. The RMDZ Loan Program's financial criteria were used to supplement the existing technical criteria from the Tire Recycling Program. Unlike the RMDZ Loan Program, staff did not assist loan applicants in developing the application materials, due to the competitive nature of the program.

In this first loan offering, six applications were received by the final filing date. Two applications were disqualified for failure to meet the minimum eligibility requirements and two applications failed to receive the minimum score required. The remaining two applications received passing technical scores, but were withdrawn after not being recommended for funding due to a financial analysis questioning their ability to repay the loans. Unused funds were reallocated to augment the Tire Recycling Grant Program.

Demonstration, Testing, and Analysis Contracts

The Board has directed staff to develop demonstration, testing, and analysis contracts as part of its annual program direction. Contracts implemented include:

- A demonstration by Caltrans of different rubberized asphalt mix designs in a single project.
- Air Resources Board emissions testing at a cement manufacturing facility and a biomass combustion facility.
- Compilation and analysis of emissions data from cement kilns and biomass facilities for local government decision makers.
- Emissions testing at coal-fired cogeneration facilities using tires as a fuel supplement.
- Compilation and analysis of data on the effects of waste tires on the environment.

Market Development Plan

At its regular business meeting on August 28, 1996, the Board adopted a five commodity, four program strategy to meet the year 2000 diversion goals. The Market Development Plan, entitled "Meeting the 50 Percent Challenge: Recycling Market Development Strategies Through the Year 2000", outlines specific objectives for each commodity. Staff in various divisions then collaborated on the development of workplans for each objective. Tires have been identified as a commodity of the waste stream which present special collection or environmental problems when landfilled or illegally dumped.

The Board has asked for monthly progress and status update on the Market Development Plan. Additionally, "owners" of each activity are expected to maintain accurate status representation in the Workplan Information System (WIS). The workplans have been reformatted for consistency to facilitate detailed tracking of project progress.

The strategies for diverting tires in the MDP were developed in the research paper *Market Status Report: Waste Tires*. The two primary strategies, and related actions, are identified below:

Promote Crumb Rubber Markets

Increase the use of recycled crumb rubber by promoting and developing crumb rubber markets through the Board's Tire Grant and RMDZ Loan programs. The Grant Program will focus on developing crumb rubber markets through the following two markets:

- Crumb rubber product applications.
- Rubberized asphalt concrete projects.

The Loan Program will focus on promoting tire markets by:

- Giving preference to crumb rubber product manufacturers in future loan criteria.
- Business Loan to existing or relocated tire processing facility.

Promote Supplemental Fuel Markets

Increase waste tire diversion by developing alternative uses including uses as a fuel supplement at cement kilns, pyrolysis, and coal-fired cogeneration. Tasks include:

- Distribute fact sheet concerning cement kiln emissions based on contract study of existing test data to allow for informed local decisions regarding the permitting of additional kilns to burn tires.
- If needed, follow up the current study of existing test data with a study of how to safely incinerate tires should there be evidence that combusting tires poses a potential significant adverse environmental impact.

- Allow use or grant funding for research and development of large scale pyrolysis and coal-fired cogeneration projects in California.

Technical Assistance and Education Program

The Board has directed staff to develop contracts and programs for providing technical assistance and public education. Activities include development and production of the biennial tire recycling conferences (April 1993 and May 1995); development and production of workshops for the promotion of rubberized asphalt concrete (RAC) and products containing crumb rubber (May 1997); and implementation of an interagency agreement with Los Angeles County for a RAC technical assistance center. The center will provide training and assistance to local governments for promotion of the use of RAC.

FY 1996/97 Tire Fund Allocation

On September 5, 1996, the Policy, Research, and Technical Assistance Committee conducted a workshop to obtain input from a wide range of interested parties on their recommendations for tire program priorities and funding allocations. The Committee received testimony from representatives of the tire recycling industry, local governments, environmental organizations, and recognized national organizations involved in waste tire management.

The Policy, Research, and Technical Assistance Committee met on September 10, 1996, to discuss issues and questions raised during the September 5, 1996 workshop. On October 22, 1996, the Policy, Research, and Technical Assistance Committee met and discussed the workshop and provide staff with direction for developing background information and options for consideration of program priorities and funding allocations.

The Board met on October 23, and asked that staff bring the following three items back to the November 5, 1996, Policy Research, and Technical Assistance Committee: Consideration of legislative options; consideration of policy options for reimbursement of property owners for cleanup efforts; and consideration of the program funding allocation.

On November 5, 1996, the Policy Research, and Technical Assistance Committee considered the three items. The item on legislative options was referred to the Legislation and Public Affairs Committee; the item on policy options for reimbursement of property owners for cleanup efforts was postponed until a future meeting; and a recommendation for the FY 1996/97 Tire Fund allocation was forwarded to the Board for adoption. On November 20, 1996, the Board adopted the funding allocation as listed in Table 2.

Table 2
FY 1996/97 Tire Program Allocation

PERMITTING AND ENFORCEMENT	
Pilot LEA Grant Program	$200,000
California Highway Patrol IAA	$100,000
Department of Motor Vehicles IAA	$15,000
State Cleanup Contract	$750,000-$1,500,000
Local Government Cleanup Matching Grants	$250,000
State Fire Marshall IAA	$100,000
TOTAL	**$1,415,000**
MARKET DEVELOPMENT	
Playground Cover Grant Program	$250,000
Rubberized Asphalt Grant Program	$200,000
Los Angeles RAC Technical Assistance Center IAA	$500,000
Cogeneration Facilities Emissions Testing Contract	$200,000
Cement Kiln Promotion	$50,000
RMDZ Loans	$230,000
Financial Services Contract	$50,000
TOTAL	**$1,480,000**
RESERVE TOTAL	$500,000
FY 1996/97 TOTAL	**$3,395,000**

Since the November 20, 1996, Board adoption of the FY 1996/97 Tire Fund allocation, several changes have occurred. First, the Department of Finance approved the Board's Section 27 which reallocated $750,000 from FY 1995/96 to the FY 1996/97 Stabilization and Remediation contract. Second, a recent budget refinement has reduced the original FY 1996/97 allocation by $110,000, reducing the reserve total to $390,000.

FY 1996/97 Program Status

Information on the status of the implementation of Tire Program activities undertaken during FY 1996/97 was discussed in the previous Agenda Item.

Key Issues

Tire Program Sunset Date

While the fee collection provisions of AB 1843 sunset in 1999, the legislated mandates fulfilled by staff work will continue. A dedicated funding source for Tire Program positions and any needed contracts or other expenditures (i.e. continued tire pile abatement or other identified needs) will not be available unless the current sunset date is eliminated or extended. Presumably, some level of funding from the Integrated Waste Management Account or other funding source will be needed unless the sunset date is eliminated or extended, or the Board determines that these programs will not continue to be implemented.

Currently, the tire program is implemented by ten positions supported by the Tire Fund under the salaries and wages expenditure category listed in Table 2. The breakdown by division is listed below:

- Permitting & Enforcement Division - 7 pos.
- Waste Prevention & Market Development Division - 3 pos.

50 Percent Initiative

Waste tires are approximately 1.0 percent of the waste stream and are currently being recycled at a rate of about 60 percent. This recycling rate contributes about 0.6 percent to California's overall waste diversion rate. The Tire Recycling Act (Stats. 1989, c. 974) requires the Board to implement a tire recycling program aimed at the landfill reduction of waste tires. In 1990, staff began developing and implementing this mandate. The Tire Recycling Act also mandates the development of permitting and enforcement programs to protect the public health and safety and the environment. Annually, the Board directs staff to implement the Tire Program to satisfy both mandates.

Since program inception, the Board has directed staff to develop and implement many programs and contracts aimed at increasing the markets and recycling of waste tires. The Tire Recycling Grant Program, RMDZ Loan program, tire recycling conferences, emissions testing and analysis contracts, demonstration contracts, and the Market Development Plan have all been implemented and contribute to the overall effort.

In effect, the Board has annually implemented strategies that have contributed to waste tire diversion and the 50 percent diversion goal. The Board's adoption of the FY 1997/98 waste tire management program and funding allocation will support, as it has in past years, the Board's 50 percent waste reduction goal.

While tire diversion will not contribute significantly towards achieving the 50 percent disposal reduction mandate statewide, the Board has, nevertheless, targeted tires as a priority material because of the illegal disposal problems associated with them, and because of their handling and disposal costs at permitted facilities. Tires pose unique environmental problems, because whole tires can be a breeding ground for vectors and tend to migrate to the surface of landfills. Furthermore, tire stockpiles are a significant fire hazard. In regard to diversion, tire diversion efforts will continue to be important in order to take advantage of the raw materials which can be derived from waste tires for use in new products and as a potential fuel source.

Fiscal Impacts

As shown in Table 3, *California Tire Recycling Management Fund*, the estimated total available discretionary funds for FY 1997/98 is $7,353,000, and for FY 1998/99 is $3,009,000. These estimates assume current levels of non-discretionary funding. The sum of the expected discretionary funds available for meeting all statutory responsibilities in the areas of market development, permitting and enforcement, and stockpile abatement is approximately $10.3 million for the remaining two-year period of funding.

Table 3
California Tire Recycling Management Fund

	Proposed FY 1997/98	Estimated FY 1998/99
Prior Year Balance Forward	$6,155,000	$2,824,000
Revenues:		
Revenues (including SMIF & loan interest)	$4,346,000	$4,346,000
AB 2108 Augmentation	$1,100,000	$1,100,000
Total Resources	**$11,601,000**	**$8,270,000**
Proposed/Estimated Expenditures		
CIWMB-State Operations	$8,277,000 *	$3,933,000 **
CIWMB-Local Assistance	$500,000	$500,000
Total Expenditures	**$8,777,000**	**$4,433,000**
Committed Expenditures:		
Salaries & Wages	$610,000	$610,000
Mandatory Service Contracts	$652,000	$652,000
OE&E (less contracts)	$332,000	$332,000
Loan Repayments	($170,000)	($170,000)
Subtotal	**$1,424,000**	**$1,424,000**
Balance for Discretionary Allocation by the Board	**$7,353,000 *** **	**$3,009,000 *** **
FUND BALANCE	**$2,824,000**	**$3,837,000**

* Includes BCP of $5,444,000
**Includes $1.1M increased authority
***Includes $500,000 for Local Assistance

Proposed FY 1997/98 Tire Fund Allocation

While the focus of the Tire Program has shifted over time, each program area has remaining needs which can be effectively addressed by the Board's Tire Fund allocation. Table 4 lists options for the Tire Program's FY 1997/98 activities and the following section provides a description of the options listed.

The FY 1997/98 Tire Fund allocation builds on the actions taken by the Board in FY 1996/97. First, there is a continued commitment to implement program techniques as opposed to research and development. A statewide center provides hands on assistance

for local jurisdictions in using proven pavement material. Grant programs are proposed as well that would "close the loop" to purchase products made from crumb rubber. Many activities have essentially moved past the research and development phase but face barriers to implementation that would be facilitated through informational and educational efforts.

The FY 1997/98 proposed allocation promotes both prevention (proper tire maintenance) and energy production as features of an outreach effort to overcome barriers to implementation. Finally, continuing prior Board emphasis on civil engineering applications, the proposed allocation continues this work through partnerships with Caltrans and a specific activity centered around outcomes of the January 1997 floods.

Proposed FY 1997/98 allocations also continue a commitment to protecting the public health and safety of the citizens of California and our environment. The stabilization and remediation program continues to eliminate waste tire stockpiles that pose a serious threat. These allocations also include funding for legal settlements to cleanup legacy tire piles. Uncontrolled burning of tires create hazardous pollutants in the air, water, and soil. These hazardous byproducts are considerably more difficult and costly to deal with. Tires left undisturbed for long periods of time increase the risks of mosquito-borne diseases into the general public, potentially creating a serious and expensive health problem.

Efforts to encourage partnership with local governments by allocating funding for remediation and local enforcement agency (LEA) grants are continued as well. This statewide effort will increase the local governments participation in the areas of enforcement and cleanup of waste tire sites in their jurisdiction. The Board will continue its work with the California Highway Patrol in developing and implementing a statewide training and enforcement program for all California traffic and peace officers. The use of waste tires in civil engineering applications may be a viable end use in developing sustainable markets for millions of waste tires in stockpiles from the increasing annual flow in California.

Table 4
Options for the FY 1997/98 Tire Fund Allocation

ESTIMATED FY 1997/98 DISCRETIONARY ALLOCATION	**$7,353,000***
Permitting and Enforcement	
LEA grant program	$800,000
California Highway Patrol	$100,000
Attorney General services	$40,000
Environmental services (includes monofilling)	$150,000
Stabilization and remediation	$3,000,000
Local government cleanup matching grants	$300,000
Waste tire hauler manifest database	$50,000
Civil engineering (augment to FY 1995/96 contract)	$50,000
Student Assistants	$54,000
TOTAL REQUESTED (P&E)	$4,544,000
Market Development	
RAC Technical Assistance Center (RFP)	$500,000
Grant program - molded rubber products	$500,000
Third Biennial Tire Recycling Conference	$50,000
CCC/LCC grant program	$200,000
DGS/State procurement of mats, threshold ramps	$50,000
RMDZ Loan Program	$1,000,000
Levee construction and repair	$300,000
TDF and crumb rubber educational video/support material	$150,000
End-use processing facility evaluation	$200,000
Student Assistants	$36,000
TOTAL REQUESTED (WP&MD)	$2,986,000
TOTAL REQUESTED	$7,530,000

* Includes $500,000 for Local Assistance

Permitting And Enforcement

LEA Grant Program

This program would effectively continue the FY 1996/97 program recently implemented. Staff would offer more partial enforcement grants to this year's selected LEA which received the survey grant monies and involve other LEAs for surveys in 1998.

California Highway Patrol

This IAA would provide continued funding for enforcement, education, and training activities under the California Highway Patrol. The funding would ensure training throughout the State of California of Commercial Vehicle Officers and other traffic and peace officers. Additionally, members of law enforcement would be compensated for special efforts to cite unregistered waste tire haulers. Dissemination of information would continue to waste tire haulers and others explaining the requirements of the waste tire hauler registration program. Sharing of database information on infractions would be available to the Board to determine if a registration qualifies for suspension, revocation, or denial.

Attorney General Services

The Board is required by statute to use the Attorney General's office to pursue civil litigation unless we receive an exemption from this requirement. We do not have such an exemption and therefore we are required to use the Attorney General's office to protect our interest in bankruptcies filed related to any cost recovery or administrative penalties awarded. Further, we must use the Attorney General to convert administrative penalties to judicial judgments in order to seek a lien on property for the amount of the judgment or other judicial means of collecting penalties awarded in the tire enforcement program.

During the FY 1995/96, 617.75 hours were billed to the Board for time spent on tire related issues by the Attorney General's Office, for a total of $60,539.50. For this fiscal year up through February 28th, 207 hours have been spent for a total of $20,286.00. We anticipate approximately another $10,000.00 to $20,000.00 dollars in tire related work by the Attorney General's Office through the end of this fiscal year.

Environmental Services (includes monofilling)

Environmental services are an important part of an effective cleanup program, providing technical assistance with field investigations, estimation of tire pile sizes, conduct title searches, prepare site surveys to determine property boundaries, and cleanup oversight. The contractor will also provide information on the statewide availability of recycling and reuse options for tires removed from remediation sites. Staff have also identified concerns related to safe handling practices at tire monofills. The environmental services contractor will develop technical information to allow staff to develop sound regulations for tire monofills.

Stabilization and Remediation

This contract would continue the Board's remediation and stabilization program. Waste tire legacy sites referred as Rank 1, comprising sites that pose the greatest threat to public health and safety and the environment, contain approximately 6 million of the 30 million legacy waste tires. The number of Rank 1 legacy waste tire sites and waste tires will probably increase as staff inspects additional sites. Conservatively, cleanup of these known Rank 1 waste tire sites would cost about $10 to $13 million. To date, 500,000 waste tires have been remediated under the existing Remediation and Stabilization FY 1994/95 contract. The FY 1996/97 contract will clean up over 1 million waste tires, leaving approximately 4.5 million waste tires categorized as Rank 1.

Local Government Cleanup Matching Grants

This grant program would continue the local government cleanup efforts of smaller legacy and abandoned tire sites of 5000+ waste tires. This grant program could result in the cleanup of approximately 35,000 to 50,000 waste tires throughout the State of California. The number of waste tires sent to end uses would vary according to cost in the local government area. In

localities with nearby recycling facilities, the cost would be less than in localities that need to transport the waste tires far distances.

Waste Tire Hauler Manifest Database

This contract or interagency agreement would continue the work on the waste tire hauler database. The registration screens and data have been developed and tested. The primary tool of the waste tire hauler registration program for compliance is the manifest portion of the program. All registered waste tire haulers are required to manifest all waste tires hauled from point of origin to final destination. To ensure that this requirement is being met and to track the flow of tires in the State of California, the manifest portion of the database needs to be in place. These screens would record what manifests by number which waste tire haulers have. The screens will also match manifests by point of origin and destination site to ensure that the information provided on the manifests is correct and the waste tires are being recycled at an approved waste tire site. The data will also provide a tool for the Board in targeting areas for cleanup and market development.

Civil Engineering (augment to FY 1995/96 contract)

This is an augmentation of the existing contract to evaluate potential civil engineering uses of tires. Preliminary results from the existing contract have indicated several promising uses for waste tires. The augmentation will provide additional funding for field testing of the most promising technologies.

Market Development

RAC Technical Assistance Center

This IAA would provide funding for the operation of a statewide center and would speed implementation of RAC techniques. Funds would be provided for public education, technical assistance, and promotion. the

Board could consider a continuation of the IAA with Los Angeles County or to competitively bid this program.

Grant program - molded rubber products

This grant program would implement the market development effort for the use of crumb rubber products. Similar to the FY 1996/97 playground cover grant program, funds would be available for local government procurement of products containing crumb rubber. Jurisdictions would be eligible to apply for 50 percent matching grants. While previous grant programs have funded product research and development, this program would attempt to close-the-loop by promoting "buy recycled."

Third Biennial Tire Recycling Conference

Previous tire recycling conferences were held in April 1993 and May 1995, and were effective at identifying barriers, promoting the use of waste tires, and soliciting industry input on the Board's Tire Program. This contract would provide funding for a third conference to be held in 1998.

State CCC/LCC Grant Program

In FY 19965/96, the Budget Act directed the Board to provide $200,000 to the Local Conservation Corps for tire recycling, tire cleanup, and public education. This grant program would continue the program by providing additional funding for recycling, cleanup, and public education activities at the community level.

DGS/State Procurement

State Government represents a considerable market for recycled-content products. The Department of General Services could assist the Board and the tire recycling industry by testing and/or purchasing products containing recycled tires or crumb rubber. This inter-agency agreement would assist in the procurement of

products containing recycled tires or crumb rubber by providing funds for the purchase of products to be used in demonstrations and to increase public awareness. Products targeted for distribution include rubberized door mats, fatigue mats and threshold ramps. Labeling the mats as recycled products would inform the public of product availability.

RMDZ Loan Program

Tire funds have been previously used for "tire" loans. Funds would provide additional revenue to the RMDZ Loan Program for tire recycling applicants in this program. All repayment of principal and interest under this program would be repaid to the California Tire Recycling Management Fund.

Levee Construction and Repair

Many of the rivers in California are contained within levee systems designed to protect developed areas from floods. In very recent history, some of those levees were breached and will need to be repaired or reconstructed. One technique is to install an impermeable membrane by injecting a grout slurry into trenches cut the length of a levy. A possible variation is the installation of a tire-based slurry.

Staff recommends a two-phase approach for this program. A feasibility study could be conducted for $50,000 to determine if a larger project is merited. Upon conclusion of a successful feasibility study, a demonstration project for $250,000 could be developed and implemented. Assuming a quick turn-around on the feasibility study, the demonstration project could be implemented the same fiscal year.

Staff of the federal government's US Army Corps of Engineers (COE) at the Geotechnical Laboratory, Waterways Experiment Station, is currently revising the levee construction manual which could allow for alternative techniques. Upon COE's conclusion that tire-based membranes are viable for construction and repair of federally owned levees, then levees which are

privately owned and those owned by reclamation districts could also be rehabilitated with this technique. Utilization of waste tires in this type of application is likely to result in a demand for approximately 40,000 tires per linear mile of levee.

Educational Video

One of the barriers to increased use of recycled tires is that the general public is unaware of the various waste tire recycling activities in California, and the use of tires as a fuel supplement, specifically. An educational video could remove the barriers by educating the public on the benefit of energy recovery from tires, and to provide the necessary assurance that this and other uses of waste tires are environmentally safe and beneficial alternatives to landfill disposal. The scope of the video should include activities of interest statewide as well as highlights of local government waste tire management efforts. Dramatic effect will easily result from aerial vantages of the state's tire stockpiles and the blight that occurs everywhere from illegal disposal. The segment should conclude with pointers to properly maintain automobile tires and proper disposal options.

End-Use Processing Facility Evaluation

The purpose of this contract is to identify and promote opportunities for centralizing waste tire collection, processing, and feedstock marketing. Potential customers include cement plants, cogeneration facilities, civil engineering contractors, and product manufacturers. Tasks to be performed under this contract include an identification and evaluation of potential facility locations, analysis of regional markets, analysis of equipment requirements to serve identified markets, economic feasibility study, and identification of permit requirements. This contract would assist both market development and cleanup efforts by investigating centralized collection, processing, and marketing activities. Possible benefits include the reduction of transportation costs

and improved economies of scale for the acceptance of waste tires and the sale of feedstocks.

VI. ATTACHMENTS

1. Resolution 97-103, Adoption of the FY 1997/98 Tire Program Activities and Tire Fund Allocation.

VII. APPROVALS

Prepared By:	Thomas Dietsch TD 4/10	Phone:	255-2578
Reviewed By:	Martha Gildart MG 4/10	Phone:	255-2619
Reviewed By:	Caren Trgovcich CT 4/10	Phone:	255-2320
Reviewed By:	Charlene Herbst CMH 4/14	Phone:	255-2301
Reviewed By:	John Bell JBS 4/11	Phone:	255-2285
Reviewed By:	Don Dier DH	Phone:	255-2453
Reviewed By:	Dorothy Rice D. Rice	Phone:	255-2431
Reviewed By:	Rick Beard RBeard	Phone:	255-2290
Reviewed By:	Marie LaVergne MBL 4/15/97	Phone:	255-2269
Legal Review:	Kathryn J. O'Brien	Date/Time:	4/15/97

California Integrated Waste Management Board
Resolution 97-103
April 24, 1997

ADOPTION OF THE FY 1997/98 TIRE PROGRAM ACTIVITIES AND TIRE FUND ALLOCATION

WHEREAS, the State of California is faced with an inventory of at least 30 million tires, posing a threat to the public health and safety and the environment; and

WHEREAS, approximately 30 million waste tires are generated annually and about 12 million are not recycled; and

WHEREAS, the Tire Recycling Act (Public Resources Code [PRC] 42800 et. seq.) requires the reduction of the landfill disposal and stockpiling of waste 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 Section 42871(a) requires the California Integrated Waste Management Board (hereinafter referred to as the "Board") to maintain a tire recycling program which promotes and develops alternatives to the landfill disposal and stockpiling of waste tires; and

WHEREAS, the Board receives an annual appropriation from the California Tire Recycling Management Fund to administer the Tire Recycling Act and related legislation; and

WHEREAS, it is the intent of the Legislature for the Board to permit waste tire stockpiles, register waste tire haulers, enforce the Board's regulations, provide financial assistance for recycling, and promote markets for the reduction of the landfill disposal of waste tires; and

WHEREAS, to further the legislative objective to "recycle and reclaim used tires and used tire components to the greatest extent possible in order to recover valuable natural resources", the Board adopted the Market Development Plan which includes a

goal of a diversion rate of 75 percent of the waste tires generated by 2000; and

WHEREAS, the Tire Program may include the awarding of grants and loans to businesses, enterprises, and public entities involved in research aimed at developing technologies or improving current activities and applications that result in reduced landfill disposal of waste tires; and

WHEREAS, the Board approved $3,395,000 from the California Tire Recycling Management Fund for FY 1996/97 programs; and

WHEREAS, the Board intends to adopt a funding allocation annually; and

WHEREAS, the Policy, Research, and Technical Assistance Committee, on April 8, 1997, considered this issue; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the California Tire Recycling Management Fund allocation for FY 1997/98 as listed below; and

Permitting and Enforcement	
LEA grant program	$500,000
California Highway Patrol	$100,000
Attorney General services	$40,000
Environmental services (includes monofilling)	$150,000
Stabilization and remediation	$2,500,000
Local government cleanup matching grants	$200,000
Waste tire hauler manifest database	$50,000
Student Assistants	$54,000
TOTAL (P&E)	$3,594,000

Market Development	
RAC Technical Assistance Center (RFP)	$500,000
Grant program - molded rubber products	$500,000
Third Biennial Tire Recycling Conference	$50,000
CCC/LCC grant program	$200,000
DGS/State procurement of mats, threshold ramps	$50,000
RMDZ Loan Program	$1,000,000
Levee construction and repair/soundwall construction	$409,000
TDF and crumb rubber educational video/support material	$150,000
End-use processing facility evaluation	$200,000
Student Assistants	$36,000
TOTAL (WP&MD)	$3,095,000
PRUDENT RESERVE	$664,000

* Includes $500,000 for Local Assistance

BE IT FURTHER RESOLVED that the Board hereby directs staff to develop and implement the approved programs; and

BE IT FURTHER RESOLVED that any funds from this program that are repaid to the Board by grant, loan, or contract recipients, will be repaid to the California Tire Recycling Management Fund.

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 April 24, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

April 24, 1997

AGENDA ITEM 24

ITEM: Consideration of the Issuance of a Revised Solid Waste Facility Permit for the Ostrom Road Sanitary Landfill, Yuba County.

I. PREVIOUS COMMITTEE AND BOARD ACTIONS:

January 7, 1997 Permitting and Enforcement Committee Meeting: The operator contended that three conditions of the permit violated the provisions of Assembly Bill 1220 which requires the IWMB and the RWQCBs to maintain a clear and concise division of authority and remove all areas of overlap, duplication, and conflict. The Local Enforcement Agency replied that at least two of the three conditions in question were not intended to solely protect water quality. The committee moved the item to the full Board without a recommendation.

January 22, 1997 Board Meeting: The operator withdrew the permit application and therefore the Board took no action on the proposed permit. The operator has since submitted a study to the LEA which recommends that the landfill's south perimeter road be raised by one to three feet in places to provide two feet of freeboard above the January 1997 flood elevation. The Ostrom Road Flood Study is now a conditioning document of the proposed permit and the LEA has changed the conditions of the permit to the satisfaction of the operator. 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:

Please see the attached January 22, 1997 Board agenda item for the "facility facts" summary, project description, and area and site maps (Attachment 2).

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 Facility Permit. Since the proposed permit for this facility was received on March 19, 1997, the last day the Board may act is May 18, 1997.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation. The following table summarizes Board staff's analysis:

58-AA-0011	Accept-able	Unaccept-able	To Be Deter-mined	Not Applic-able	See Details in Agenda Item
CIWMP Conformance (PRC 50001)	X				
CoSWMP Conformance (PRC 50000)				X	
General Plan Conformance (PRC 50000.5)				X	
Conformance With State Minimum Standards	X				
California Environmental Quality Act	X				
Closure/Post-Closure Maintenance Plan	X				
Funding for Closure/Post-Closure Maintenance	X				
Operating Liability	X				

V. STAFF RECOMMENDATIONS:

Because a revised Solid Waste Facility Permit is proposed, the Board must either object to or concur with the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 97-19 concurring in the issuance of Solid Waste Facility Permit No. 58-AA-0011.

VI. ATTACHMENTS:

1. Proposed Permit
2. Board Agenda Item 29, January 22, 1997
3. Resolution No. 97-19

VII. APPROVALS:

Prepared by: Jon Whitehill Jon Whitehill Phone: 255-3881

Reviewed by: Don Duer Jr./Cody Begley C.B. Phone: 255-2453

Approved by: Dorothy Rice D. Rice Phone: 255-2431

Legal Review: Kathryn Tobias Date/Time: 4/10/97

1.

ATTACHMENT 1

SOLID WASTE FACILITY PERMIT

2. Name and Street Address of Facility:	3. Name and Mailing Address of Operator:	4. Name & Mailing Address of Owner:
Ostrom Road Sanitary Landfill 5900 Ostrom Road Wheatland, CA	Yuba-Sutter Disposal, Inc. 3001 N. Levee Road Marysville, CA 95901	Yuba-Sutter Disposal, Inc. 3001 N. Levee Road Marysville, CA 95901

5. Specifications:

a. Permitted Operations:

[ ] Composting Facility (mixed waste)
[ ] Composting Facility (yard waste)
[X] Landfill Disposal Site
[ ] Material Recovery Facility
[ ] Processing Facility
[ ] Transfer Station
[ ] Transformation Facility
[ ] Other: _____

b. Permitted Hours of Operation: 6:00 a.m. to 7:00 p.m. Monday Through Saturday

*Occasional deliveries outside of normal operating hours with LEA notification

c. Average Permitted Tons per Operating Day (AVERAGED OVER A CALENDAR YEAR) — Total: 800 Tons/Day

Peak Maximum Acceptable: 1,000 Tons/Day

d. Permitted Waste Traffic Volume — Total: 70 round trips Vehicles/Day

Incoming waste materials: 69 Vehicles/Day
Outgoing waste materials (for disposal): N/A Vehicles/Day
Outgoing materials from material on-site recovery operations: 1 Vehicles/Day

e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total		Disposal		Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	251	a	221	a				
Design Capacity			13,764,000	cy				
Max. Elevation (Ft. MSL)			180	ft				
Max. Depth (Ft. BGS)			30	ft				
Estimated Closure Date			2030					

This permit is granted solely to the operator named above, and is not transferable. Upon a change of operator, this permit is no longer valid. Further, upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permits, report of disposal site information or closure plan.

6. Approval:

Approving Officer Signature

Patrick J. Gavigan, Director

Name/Title

7. Local Enforcement Agency Name and address:

Yuba County Environmental Health & Building Services
938 14th Street
Marysville, CA 95901

8. Received by CIWMB: MAR 19 1997

9. CIWMB Concurrence Date:

10. Permit Review Due Date: April 24, 2002

11. Permit Issued Date:

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Facility/Permit Number:

SOLID WASTE FACILITY PERMIT

SWIS NO. 58-AA-0011

12. Legal description of Facility: The facility is 6 miles east of State Route 65 and borders Beale Air Force Base South boundary, in Section 10, 11, 14, 15 Township 14N, Range 5E, MDB & M.

13. Findings:
    a. This permit is consistent with the applicable Regional Waste Management Plan. Public Resources Code. Section 50001. Approved April 23, 1996 by CIWMB.

    b. This permit is consistent with the standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code. Section 44009. Issuance of this permit will not prevent or substantially impair achievement of prescribed diversion requirements.

    c. The design and operation of the facility is in compliance with the state minimum standards for solid waste handling and disposal as determined by the Local Enforcement Agency (LEA) based upon review of monthly LEA inspection reports and the March 1997 inspection conducted by the LEA.

    d. This facility is in conformance with applicable fire standards as determined by the Plumas Brophy Fire Protection District.

    e. Notices of Determination have been filed with the State Clearinghouse Pursuant to PRC, Section 21081. On July 7, 1992 and July 9, 1996 respectively. An Environmental Impact Report was prepared for the Yuba County Community Services Department dated April 1983. A Mitigated Negative Declaration was prepared by the Yuba County Community Development Department dated July 9, 1996.

    f. A regional waste management plan has been approved by the California Integrated Waste Management Board for Yuba and Sutter counties and the cities of Gridley, Live Oak, Marysville, Wheatland and Yuba City.

14. Prohibitions:
    a. The permittee is prohibited from accepting the following wastes at the site:

       Hazardous, (except friable asbestos), radioactive, medical, liquid, or other wastes except as defined under the existing Waste Discharge Requirements (WDR Order No. 96-218).

    b. Any handling or disposal of solid waste which fails to adequately protect the environmental or public health and safety may be prohibited by this permit in order to mitigate adverse environmental and public health impacts.

    c. Scavenging is not permitted by customers or employees at this site due to safety concerns.

    d. Open burning shall not be permitted at the site.

    e. Disposal shall occur only in those areas as specified in the most current Report of Disposal Site Information for the facility and approved by all appropriate regulating agencies.

    f. At no time shall handling of prohibited wastes found at the site, as a result of illegal disposal activities, be done by persons inadequately equipped or trained for that purpose.

    g. Accepting special wastes except for the special wastes listed:

       Asbestos containing wastes, empty triple rinsed pesticide containers, food processing wastes, agricultural wastes, waste tires, cogeneration ash, dead animals, sewage sludge, water treatment sludge, industrial sludge, white goods and contaminated soil, and other special wastes approved by the LEA.

15. The following documents also describe and/or restrict the operation of this facility:

		Date:			
[X]	Report of Disposal Site Information	Sept 25, 1996	[X]	Yuba-Sutter Solid Waste Management Agreement amended	July 1, 1990 Nov. 17, 1993
	Amendments	Oct 30, 1996 Oct 31, 1996			
[X]	Yuba County Conditional Use Permit #92-06 amended	July 1996	[X]	Waste Discharge Requirements Order No. 96-218	August 1996
[N/A]	Feather River Air Quality Management District Permit	See Letter Oct 19, 1992	[X]	Yuba County Ordinance Code Chapter 6.39	August 1971
[X]	Environmental Impact Report SCH #82072811	certified July 92	[X]	Certificate of Self-Insurance and Risk Management	Oct 4, 1993
[X]	Mitigated Neg Dec Sch # 96032124	July 96	[X]	Notice of Intent For General Permit to Discharge Storm Water Associated with Industrial Activity	August 4, [illegible]
[X]	Preliminary Closure/Post Closure Maintenance Plan	September 1996	[X]	Ostrom Rd Landfill Flood Study	February 26, 1997
[X]	Closure Financial Responsibility Document Trust Form 100 Account #04247-00	July 1993			

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SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

SWIS NO. 58-AA-0011

16. Self-Monitoring:

a. Results of all self-monitoring programs will be reported as follows:

Program	Reporting Frequency	Agency Reported To
Record of receipt of a Notice of Violation from any regulatory agency. In addition, the operator shall notify the LEA within 24hrs following receipt of a Notice of Violation or upon receipt of notification of complaints regarding the facility which have been received by other agencies.	within 24hrs of receipt	LEA
Copies of all written complaints regarding this facility and the operator's actions taken to resolve these complaints within 72 hours. (Notification to the LEA within one day following the complaint is still required).	within 72 hrs of complaint receipt	LEA
The quantities and types of hazardous wastes, medical wastes, or otherwise prohibited wastes found in the waste stream and the disposition of these materials.	Quarterly	LEA
All incidents of unlawful disposal of prohibited materials and the operator's actions taken. Indicate those incidents which occurred as a result of the random load checking program. Incidents, as used here, means that the hauler or producer of the prohibited waste is known.	Monthly	LEA
Quantity of solid wastes received and diverted at the site, reported by category in tons/daily.	Monthly	LEA
The results of the landfill gas monitoring program for on-site structures and landfill boundary.	Quarterly	LEA
The results of the landfill gas control and recovery program (if applicable).	Annual	LEA
The results of the leachate monitoring, collection, treatment and disposal program (including gallons disposed). The operator shall monitor for potential leachate generation as required by the Waste Discharge Requirements. If leachate is found, the operator will collect, treat and effectively dispose of the leachate in a manner approved by the LEA and the California Regional Water Quality Control Board.	Quarterly (Due 30 days after the 1st of January, April, July, and October)	LEA
Wells within 1/2 mile radius of the landfill site shall be tested for water quality and the results submitted to the LEA and property owners. The properties tested shall also include Assessor's Parcel Numbers 15-070-016 and 15-470-003.	Annual	LEA & property owners
Topographic Map* showing all current fill locations.		
Topographic map* which indicates all cuts into native material from the previous year to the present date. *The above two maps shall be drawn to a scale no smaller than one inch = 200 feet unless otherwise approved by the Local Enforcement Agency.	Annually (Due January 1st)	LEA
Location of asbestos waste disposal, as well as the total volume and tonnage of asbestos landfilled.	Annual	LEA
Hazardous materials business plan.	Annual or as required by California statute and regulation	Yuba County Office of Emergency Services
Applications for revisions or modifications of Solid Waste Facilities Permit.	120 days prior to making changes	LEA
Submit Final Closure Postclosure Maintenance Plan.	2 year prior to closure construction	LEA
Submit Periodic Site Review	By 12-20-98, required every 5 years from the date of issuance of the permit or more frequently as determined by the LEA	LEA

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17. LEA Conditions:

A. Requirements:

1. This facility shall comply with all the State Standards for Solid Waste Handling and Disposal.

2. This facility shall comply with all federal, state, and local requirements and enactments including all mitigation measures given in any certified environmental document filed pursuant to the Public Resources Code Section 21031.6.

3. The operator shall comply with all notices and orders issued by any responsible agency designated by the Lead Agency to monitor the mitigation measures contained in any of the documents referenced within this permit pursuant to the Public Resources Code Section 21081.6.

4. Additional information concerning the design and operation of this facility shall be furnished on request of the Enforcement Agencies' personnel.

5. The operator shall monitor on-site structures at the landfill in accordance with the site landfill gas monitoring plan, additional structure monitoring may be requested by the LEA, to ensure that methane gas concentrations do not exceed 25 percent of the lower explosive limit (LEL). The property boundary will be monitored to ensure that 100 percent of the (LEL) for methane gas is not exceeded.

6. The operator shall maintain a copy of this permit at the facility so as to be available at all times to facility personnel and to Enforcement Agencies' personnel.

7. The operator shall install and maintain signs at the entrance indicating that "no hazardous or liquid wastes are accepted, except for hazardous asbestos".

8. The operator shall comply with the hazardous waste screening program on page 51 and appendix H, of the Report of Disposal Site Information, date September 1996. Results of the hazardous waste screening program shall be submitted quarterly to the LEA.

9. The operator shall comply with all conditions and requirements contained in the WDRs (Order No. 96-218) and all subsequent revisions to the order, and all requirements of the Regional Water Quality Control Board related to water quality.

B. Provisions:

1. Operational controls shall be established to preclude the receipt and disposal of volatile organic chemicals or other types of prohibited wastes. The operator shall comply with the approved Hazardous Waste screening Program as described in the RDSI dated September 1996. Any changes in this program must be approved by the LEA prior to implementation.

   a. The LEA reserves the right to increase the required number of incoming waste load inspections.

   b. Incidents of unlawful disposal of prohibited materials shall be reported to the LEA as described in the monitoring section of this permit. In addition, the following agencies shall be notified at once of any incidents of illegal hazardous materials disposal:

      1.) Yuba County Office of Emergency Services

      2.) California Department of Toxic Substance Control

* No loadchecking is required at the landfill if all the incoming waste is processed and loadchecked at the YSDI Integrated Waste Recovery Facility in Marysville. if not, loadchecking will be required at the landfill per the RDSI.

17. LEA Conditions:

B. Provisions (continued):

2. This permit is subject to review by the LEA and may be suspended, revoked or modified at any time for sufficient cause.

3. The LEA reserves the right to suspend or modify waste receiving operations when deemed necessary due to any emergency, a potential health hazard or the creation of a public nuisance.

4. The operator shall maintain a log of special/unusal occurrences. This log shall include, but are not necessarily limited to:

Surface fires, flooding, underground fires, explosions, earthquakes, discharge of hazardous liquids or gases to the ground or the atmosphere, or significant injuries, needle sticks, accidents or property damage (including slope damage), and vehicle/equipment related accidents. Each of these logs entries shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The operator shall maintain this log at the facility so as to be available at all times to site personnel and to the Enforcement Agencies' personnel. Any of these specified entries made in this log must be immediately reported to the LEA.

5. The operator shall maintain adequate records regarding length and depth of cuts made in natural terrain where fill is placed, together with depth to groundwater table.

6. The operator shall establish and implement a bird control program acceptable to both the LEA and Beale Air Force Base.

7. Recommendations made in the Ostrom Road Landfill Flood Study, dated February 26, 1997 shall be implemented by November 1, 1997. The operator shall utilize qualified licensed professionals and address all future recommendations made by licensed professionals addressing landfill design requirements in relation to the best slough 100-year flood event and inundation protection for the landfill.

8. Acceptance protocols and records with material analyses for all designated wastes, sewage sludge and ash shall be available for review, at the same location as the operating record, for LEA review prior to the material going to the landfill.

9. Waste tires accumulated on-site shall be stored in a manner approved by the Yuba-Sutter Mosquito Abatement District and the Plumas Brophy Fire District. The entire tire stockpile shall be removed every 90 days (log removal date in log of special occurrence), the stockpile shall not exceed 100 tires at any time.

10. Temporary coach on-site shall be removed by October 1998 or a permanent on-site sewage disposal system shall be installed. During the interim period monthly septage pumping reports shall be submitted to the Yuba County Environmental Health & Building Services Department.

11. A hazardous material storage bin shall be provided on-site.

12. The operator shall maintain and provide upon request, accurate daily tonnage records of the weight (tons) of solid waste received including material used as ADC and road base (excluding contaminated soil used as daily cover).

13. The operator shall submit annually, or upon any change, the most current list of responsible personnel for the operation of this facility to the LEA. The list shall include emergency phone numbers, and addresses for the following persons: the landfill manger, site engineer, operations manager, security guards and/or security supervisors.

14. An adequate water supply for dust control and fire suppression must be available at all times during the operation of the facility.

15. A bottled drinking water supply and adequate toilet facilities (not a portable toilet) shall be properly maintained at all times for employee use.

16. Before the use of any alternative daily cover material, as allowed under 14 CCR 17258.21, the applicant shall submit copies of the project description to the LEA, and CIWMB for review and approval. Upon successful completion of an approved ADC pilot project and upon concurrence by the LEA, the CIWMB and the RWQCB, the operator may commence with ongoing, nonexperimental ADC use.

17. Special waste may be disposed of at the facility as allowed by the Central Valley, Regional Water Quality Control Board (RWQCB) and the LEA. The special wastes shall be managed in a process as described in the most recent Report of Disposal Site Information and approved by the LEA. Special wastes refer to wastes requiring special collection, treatment, handling, and/or disposal techniques.

17. **LEA Conditions (continued):**

B. **Provisions (continued):**

18. Salvaged metalic discards accumulated on-site shall be removed, entirely, every 90 days and the removal date shall be logged in the log of special occurrences.

19. All stormwater run-off within the waste cell shall be treated as leachate unless physical measures (e.g. berms and face slope orientation) prevent the potential of intermingling of stormwater that has been in contact with waste and stormwater which has not been in contact with waste.

<End of Document>

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

January 22, 1997

AGENDA ITEM 29

ITEM: Consideration of the Issuance of a Revised Solid Waste Facility Permit for the Ostrom Road Sanitary Landfill, Yuba 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:	Ostrom Road Sanitary Landfill, Facility No. 58-AA-0011
Facility Type:	Class II Landfill
Location:	Ostrom Road, 5 miles east of Hwy. 65, adjacent to the South perimeter of Beale Air Force Base, Yuba County
Area:	261 acres, 221 acres to be landfilled
Setting:	Rural; Agricultural
Operational Status:	Active; Permitted on December 29, 1993; began accepting waste in May, 1995
Permitted Tonnage:	1000 tons per day peak
Waste Types:	Mixed municipal; construction and demolition; industrial; agricultural wastes; food processing wastes; waste tires; cogeneration ash; contaminated soil; sewage, water treatment, and industrial sludge; designated waste; asbestos containing waste
Capacity:	13,764,000 cubic yards (6,880,000 tons)
Closure Date:	2030
Owner/Operator:	Yuba-Sutter Disposal, Incorporated, a subsidiary of Nor-Cal Waste Systems, Inc., Mr. Remo Scocci, Manager

LEA: Yuba County Environmental Health Department
Patrick J. Gavigan, Director

Proposed Project The LEA proposes to revise the December 29, 1993 Solid Waste Facility Permit (SWFP) to incorporate the following proposed changes in design and operation:

1) The Regional Water Quality Control Board (RWQCB) adopted new Waste Discharge Requirements (WDRs) on August 9, 1996, which reclassify the landfill from a Class III to a Class II disposal site, allowing the operator to now accept contaminated soil, ash, and other designated and special wastes allowed by the WDR Order No. 96-218.

2) The proposed permit will allow the operator to dispose of waste containing greater than one percent friable asbestos in compliance with the Board's recently adopted Standards for Handling and Disposal of Asbestos Containing Waste (Title 14, Division 7, Chapter 3.5.).

3) The permitted peak tonnage will remain at 1000 TPD. However, the permitted average tonnage will increase from 400 TPD to 800 TPD. The foot print and the design capacity will not change.

4) The estimated closure date has changed from 2040 to 2030.

5) The permitted traffic volume will increase from 20 round trips per day to 70 round trips per day.

6) The permitted hours of operation in the 1993 permit are 6 a.m. to 7 p.m., Monday through Saturday. The proposed new hours are: 7 a.m. to 4 p.m., Monday through Friday and 8 a.m. to 4 p.m. on Saturday.

7) The proposed permit incorporates by reference the most recently issued amendments of conditioning documents.

8) The proposed permit allows the use of alternative daily cover (ADC) upon completion of an approved ADC pilot project.

III. SUMMARY:

Project Description The Ostrom Road Landfill site is located approximately 5 miles east of Highway 65 adjacent to the south boundary of Beale Air Force Base. Beale Air Force Base officials have reviewed the proposed bird control measures.

The south boundary of the landfill site is adjacent to Best Slough but is not located within the 100 year flood plain of the

slough. Waste will not be deposited within 100 feet of this water course.

Nearby population centers include the City of Wheatland, four miles to the south, and the City of Marysville, about 11 miles to the northwest. All surrounding properties are zoned AE-80, agricultural.

The Ostrom Road Landfill will replace YSDI's active landfill in Marysville (Facility File No. 58-AA-0005) which is expected to reach capacity in 1997. The Ostrom Road Landfill will be permitted to accept peak loads of up to 1000 tons per day provided that the facility does not exceed a yearly average of 800 tons per day.

The facility will not be open to the general public. Most loads of waste will first be processed at YSDI's Integrated Waste Recovery Facility (IWRF) in Marysville (Facility File No. 58-AA-0008). Incoming loads will be checked for hazardous materials, sorted for recyclables, and weighed at the IWRF before being transferred to the Ostrom Road Landfill. Some waste will continue to be transferred to the YSDI Landfill in Marysville. Loads not processed at the IWRF will be screened for hazardous materials at the Ostrom Road Landfill.

YSDI's landfill in Marysville currently accepts dewatered sewage sludge from the City of Marysville and Yuba City, and sludge from the Yuba City water treatment plant. YSDI proposes to continue this practice at the Ostrom Road Landfill.

<u>Environmental Controls</u> Site environmental controls for dust, odor, leachate, vectors, litter, noise, fires, noise, and exclusion of hazardous waste are adequately described in the September 1996 Report of Disposal Site Information (RDSI) which has been incorporated by reference as a conditioning document of the permit.

<u>Resource Recovery</u> Loads with high recyclable content are sorted at the YSDI IWRF adjacent to the YSDI Landfill in Marysville prior to transfer to the Ostrom Road Landfill. This recycling center separates and processes various recyclable materials such as cardboard, paper, glass, plastic, and metals from the waste stream. There is also a public buy-back center at the IWRF. White goods and other large appliances are also diverted at the IWRF.

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 Facility Permit. Since the proposed permit for this facility was received on November 25, 1996, the last day the Board may act is January 24, 1997.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation. The following table summarizes Board staff's analysis:

58-AA-0011	Accept-able	Unaccept-able	To Be Deter-mined	Not Applic-able	See Details in Agenda Item
CIWMP Conformance (PRC 50001)	X				
CoSWMP Conformance (PRC 50000)				X	
General Plan Conformance (PRC 50000.5)				X	
Conformance With State Minimum Standards	X				
California Environmental Quality Act	X				1
Closure/Post-Closure Maintenance Plan	X				
Funding for Closure/Post-Closure Maintenance			X		2
Operating Liability	X				

In addition, Board staff offer the following detailed analysis:

1. California Environmental Quality Act (CEQA)

   State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency. In 1983, the Yuba County Community Services Department prepared an EIR (SCH #82072811) for the proposed project. The document was certified and approved by the lead agency on May 28, 1985. The Notice of Determination was approved on July 7, 1992.

   In addition, the Yuba County Community Development Department, acting as Lead Agency, has prepared a Mitigated Negative Declaration (MND) for the proposed changes to the project (SCH #96032124). Board staff provided comments on April 23, 1996. The MND was approved by the Lead Agency on July 9, 1996. A Notice of Determination was filed with the County Clerk on July 10, 1996.

2. Financial Mechanism

Yuba-Sutter Disposal, Incorporated has established a Trust Agreement to cover the estimated closure and postclosure maintenance costs for this facility. Based on documentation submitted by the operator, the Board's Financial Assurances Section determined on February 20, 1996, that the financial mechanism met the requirements of Title 14, California Code of Regulations (CCR), Division 7, Chapter 5, Articles 3.5, Section 18284. The operator was required to make a deposit to this fund in July, 1996. As this item goes to print the adequacy of the trust fund has not yet been evaluated.

V. STAFF RECOMMENDATIONS:

Because a new Solid Waste Facilities Permit is proposed, the Board must either object to or concur with the proposed permit as submitted by the LEA.

If staff is able to verify that the financial mechanism for closure and postclosure maintenance is adequately funded, staff will recommend that the Board adopt Permit Decision No. 97-19 concurring in the issuance of Solid Waste Facilities Permit No. 58-AA-0011.

VI. ATTACHMENTS:

1. Location Map
2. Site Map
3. Proposed Permit
4. Resolution No. 97-19

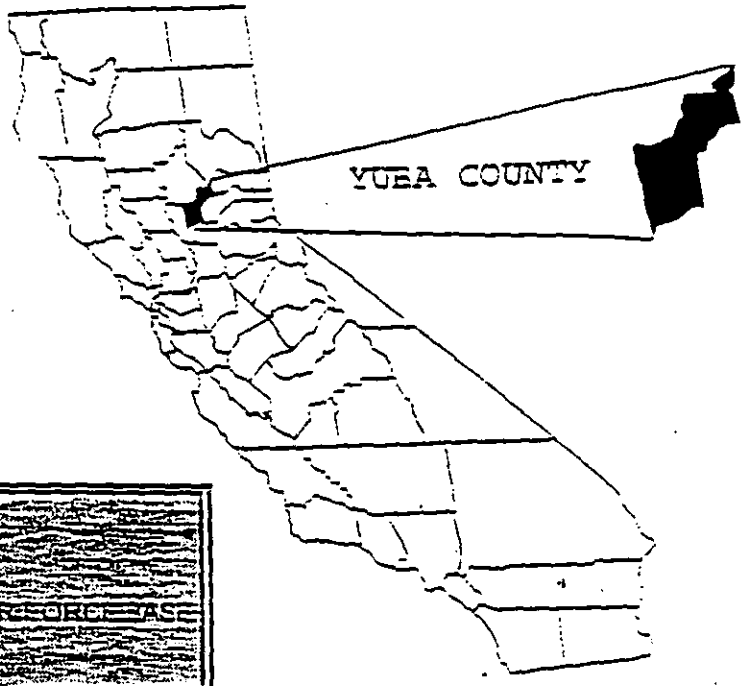
VII. APPROVALS:

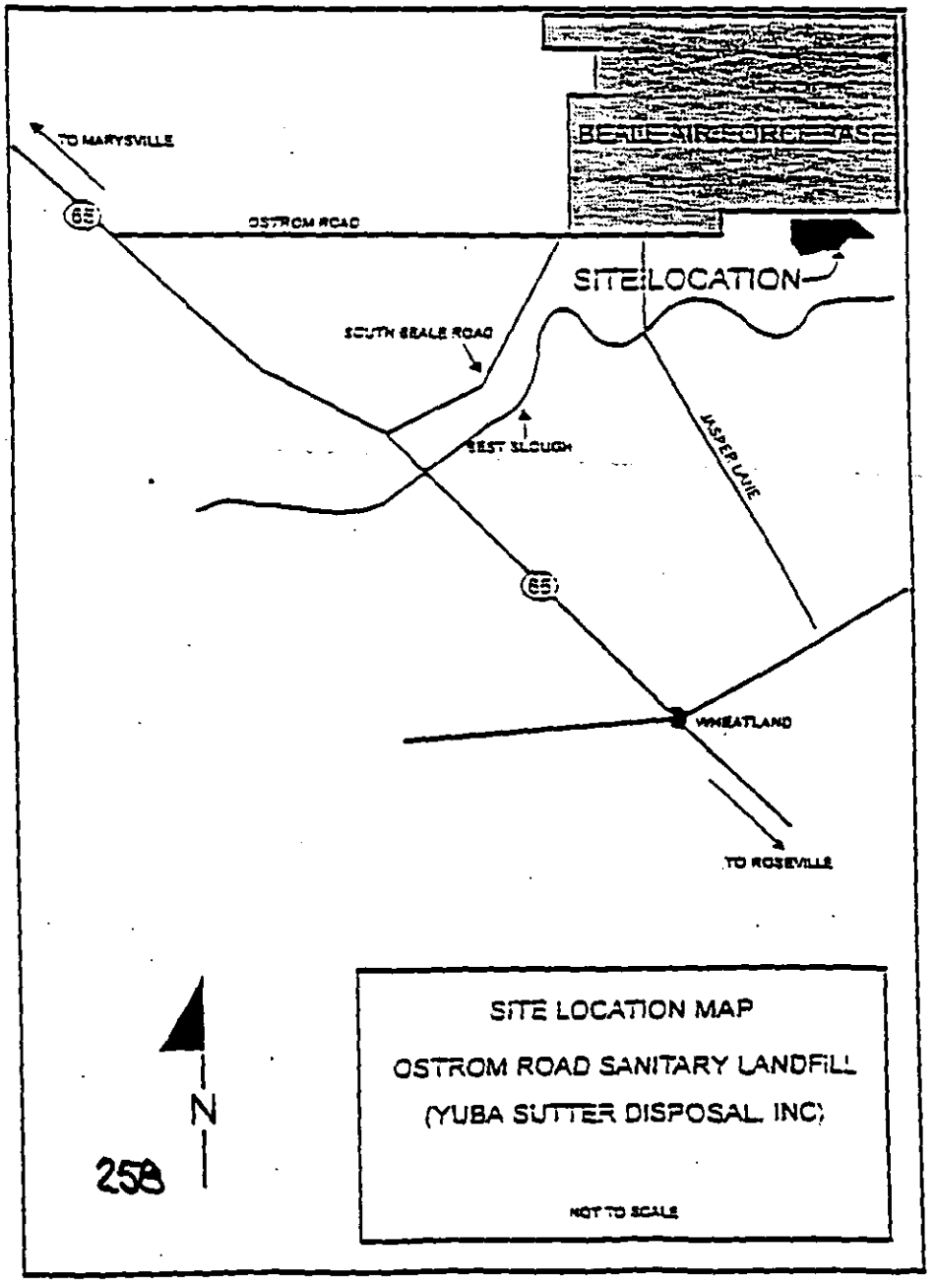
Prepared by: Jon Whitehill Jon Whitehill Phone: 255-3881

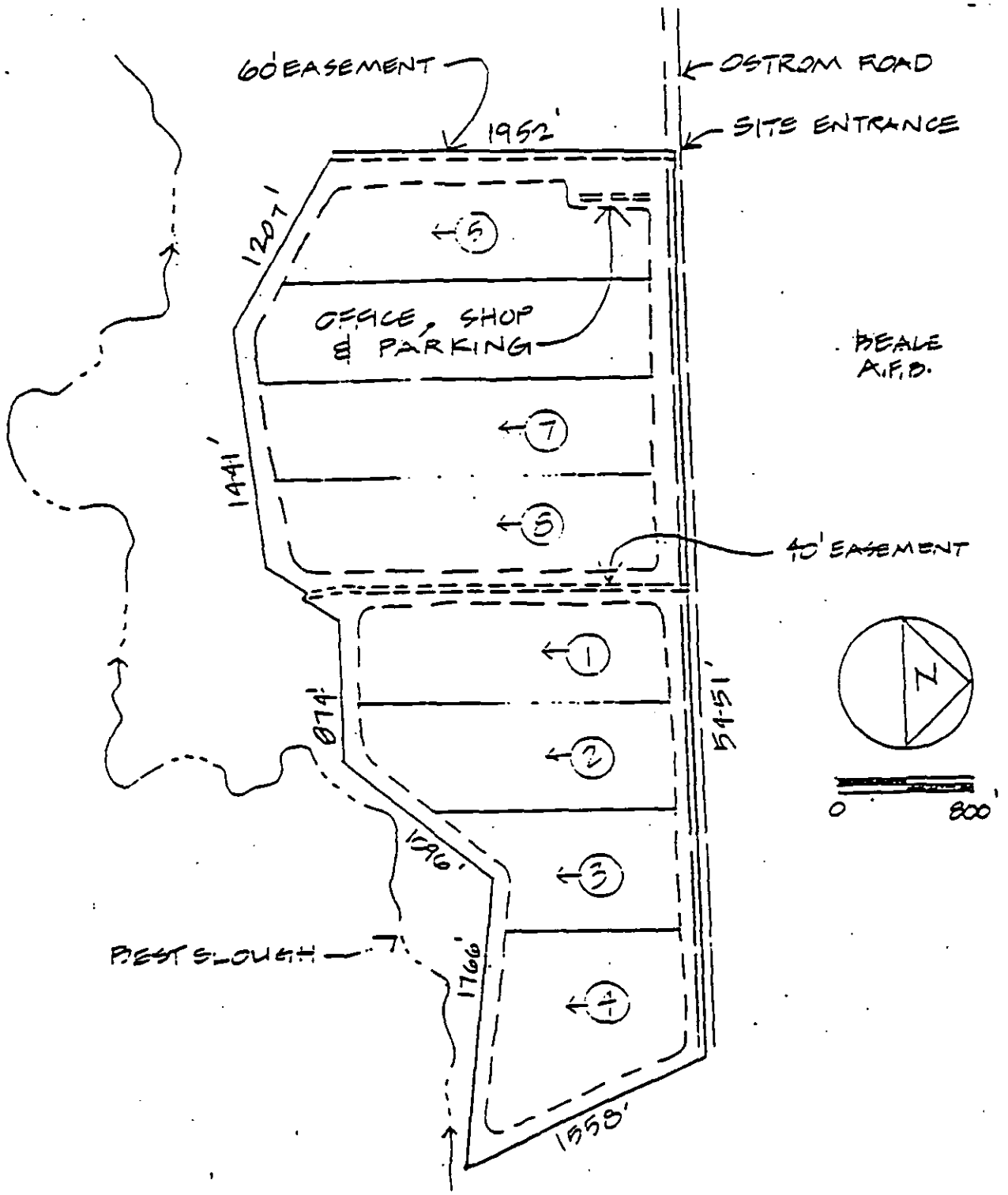
Reviewed by: Don Dier Jr./Cody Begley Phone: 255-2453

Approved by: Dorothy Rice Dorothy Rice Phone: 255-2431

Legal Review: Kathryn Tobias Kathryn Tobias Date/Time: 1/8/97


YUBA COUNTY


TO MARYSVILLE
65
OSTROM ROAD
BEALE AIR FORCE BASE
SITE LOCATION
SOUTH BEALE ROAD
WEST SLOUGH
JASPER LANE
65
WHEATLAND
TO ROSEVILLE
N
SITE LOCATION MAP
OSTROM ROAD SANITARY LANDFILL
(YUBA SUTTER DISPOSAL INC)
NOT TO SCALE



RECEIVED
SEP 15 1993
YUBA COUNTY
ENVIRONMENTAL HEALTH
SERVICES

PLOT PLAN
OSTROM ROAD LANDFILL
YUBA COUNTY, CALIFORNIA

ATTACHMENT 3

California Integrated Waste Management Board
Permit Decision No. 97-19
April 24, 1997

WHEREAS, Yuba-Sutter Disposal, Inc., a wholly owned subsidiary of Norcal Waste Systems, Inc., owns and operates the Ostrom Road Landfill located in Yuba County on Ostrom Road, Assessor's Parcel No. 15-080-17; and

WHEREAS, the Yuba County Community Services Department, the lead agency for CEQA review, prepared an Environmental Impact Report (EIR) for the proposed project; and Board staff provided comments to the County on September 7, 1982; and the lead agency determined that the proposed project will have a significant effect on the environment; and mitigation measures were incorporated into the approval of the proposed project; and the Yuba County Board of Supervisors adopted the final environmental document (SCH# 82072811) on May 28, 1985 and approved the Notice of Determination for the project on July 7, 1992; and

WHEREAS, the Yuba County Community Development Department, acting as Lead Agency, has since prepared a Mitigated Negative Declaration (MND) for the proposed changes in the project (SCH #96032124); and Board staff provided comments on April 23, 1996; and the MND was approved by the Lead Agency on July 9, 1996; and a Notice of Determination was filed with the County Clerk on July 10, 1996; and

WHEREAS, the Yuba County Planning Commission approved amendments to Conditional Use Permit 92-06 on July 9, 1996, subject to the provisions of the Mitigation Monitoring Plan and Conditions of Approval; and

WHEREAS, the Sacramento Valley Regional Water Quality Control Board adopted Waste Discharge Requirement (WDR) Order No. 96-218, replacing WDR Order No. 93-080 on August 9, 1996 and reclassifying the site from a Class III Landfill to a Class II Landfill; and

WHEREAS, the Yuba County Environmental Health Department, acting as the Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to a revised Solid Waste Facilities Permit for the Ostrom Road Landfill; and

WHEREAS, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board and found the facility in compliance with State Minimum Standards; and

WHEREAS, the project descriptions in the EIR and in the Mitigated Negative Declaration are consistent with the proposed 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 Integrated Waste Management Plan, and consistency with the General Plan.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 58-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 April 24, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
April 24, 1997

AGENDA ITEM 25

ITEM: CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR THE RIDGECREST SANITARY LANDFILL, KERN COUNTY

I. COMMITTEE ACTION

This item was prepared prior to the Permitting and Enforcement Committee meeting scheduled for April.

II. BACKGROUND:

Name:	Ridgecrest Sanitary Landfill, Facility No. 15-AA-0059
Facility Type:	Class III Landfill
Location:	Four miles southwest of Ridgecrest
Total Area:	121 acres
Setting:	Rural, owned by Bureau of Land Management designated as, "Federal Land"
Permitted Daily Tonnage:	110 tons per day
Operational Status:	Active, Permitted in 1986, operating under a Notice and Order issued August 2, 1996
Waste Type:	Agricultural, non-friable asbestos, wood ash, construction/demolition, dead animals industrial, mixed municipal
Volumetric Capacity:	5,992,700 cubic yards total capacity, 2,172,157 cubic yards remaining as of January 1, 1995

Operator: Daphne H. Washington
Director, Kern County Waste Management

Property Owner: U.S. Bureau of Land Management

LEA: Steve McCalley, Director
Kern County Environmental Health Services Department

Proposed Project

The LEA conducted a permit review July 19, 1995, and determined that a permit revision would be necessary to accurately reflect current and planned operational and design changes. Significant changes that have or will occur at the landfill include the following:

- An increase in maximum daily tonnage from 110 to 701 tons per operating day (tpd)
- Modification of waste disposal methods including the use of Alternative Daily Cover (ADC)
- Establishment of a new estimated closure date of 2012
- The addition of a scalehouse, scales, and recycling activity operations
- Addition of 660 foot buffer area around the entire site perimeter, adding 200 acres to the permitted boundary bringing total site acreage to 321 acres

III. SUMMARY:

Site History This site, originally 40 acres, was leased from the United States Department of Interior, Bureau of Land Management, in 1968 to operate as a burn dump. In 1979 a Solid Waste Facility Permit was issued for the Ridgecrest landfill and in 1986 the SWFP was revised to reflect an expansion (expanded from 40 to 120 acres). Currently the site is operating under a Notice and Order, the latest of which was issued on August 2, 1996.

Project Description The intent of this project is to continue landfilling operations at the Ridgecrest Landfill and update the 1986 SWFP to reflect current design and operations. The Report of

Disposal Site Information (RDSI) describes current design, operation, and planned changes for the Ridgecrest Landfill. The following is a synopsis of the information provided in the RDSI:

The landfill is operated by the area fill method. Plans are to deposit waste on 91 acres of the proposed 321 acre facility. Approximately 17.3 acres of the landfill will require a Water Board approved liner prior to waste placement.

Waste haulers arriving at the landfill stop by the scale house and the site attendant records volumetric information and visually inspects each load. Customers with recyclable material such as green and wood waste, tires or metallic discards are directed to a specific area where those materials are stockpiled. Customers with mixed waste are directed to either the waste processing building or directly to the active landfill face.

The attendant is allowed to salvage and store reusable items in designated containers or locations. It is planned to use the processing building for future salvaging activities. After salvaging the recyclables, the refuse will be pushed through an elevated bay door into an open-top container. Waste material will be stored in the building and or container for no longer than 24 hours before it is hauled to the active landfill face for disposal.

At the active landfill face, waste is compacted and covered each day with either soil or an Alternative Daily Cover (ADC). ADC proposed at the site includes chipped green, wood waste, and a synthetic tarp. These types of ADC have proven to be an adequate cover material at other Kern County operated landfills.

<u>Environmental Controls</u> The RDSI submitted for this site describes environmental control measures that will adequately minimize the effects of noise, litter, unsightliness, dust, odors, vector control, and fire. The RDSI also describes the gas monitoring program and the hazardous waste screening program in a manner that if applied as described will meet State Minimum Standards.

<u>Resource Recovery</u> Resources that are targeted for recovery at the landfill include: tires, white goods, concrete, asphalt, block, brick, and tile, ferrous and nonferrous metals, triple-rinsed pesticide containers, building debris, and green waste (grass, leaves, and wood for ADC).

IV. ANALYSIS:

Requirements for Concurrence with the Solid Waste Facility Permit
Pursuant to Public Resources Code (PRC), Section 44009, the Board has 60 calendar days to concur with or object to the issuance of a Solid Waste Facility Permit. Since the proposed permit for this site was received on March 14, 1997, the last day the Board could act is May 13, 1997.

Staff have reviewed the proposed permit and supporting documentation and have found the permit to be acceptable for the Board's consideration of concurrence. In making this determination the following items were considered:

15-AA-0059	Accept-able	Not Accept-able	To Be Deter-mined	Not Applic-able	See Details in Agenda Item
CIWMP Conformance (PRC 50001)				✓	
CoSWMP Conformance (PRC 50000)	✓				
General Plan Conformance (PRC 50000.5)	✓				
Consistency With State Minimum Standards	✓				1
California Environmental Quality Act	✓				2
Closure/Post-Closure Maintenance Plan	✓				
Funding for Closure/Post-Closure Maintenance	✓				
Operating Liability	✓				

1. Consistency With State Minimum Standards (SMS)

During the joint LEA/Board staff inspection of February 19, 1997, one violation of SMS, Title 14 California Code of Regulations, Section 17258.21--Cover Material Requirements, was found.

However, the LEA returned to the site on March 4, 1997, conducted a monthly inspection, and determined that the violation had been corrected and that the facility is consistent with all applicable SMS for solid waste handling and disposal. Board staff agree with said determination.

2. California Environmental Quality Act (CEQA)

State law requires the preparation and certification/adoption of an environmental document whenever a project requires discretionary approval by a public agency. The Kern County Waste Management Department, acting as Lead Agency, prepared an

Environmental Impact Report (EIR), State Clearinghouse No. 92102001, for the proposed project and filed an Exemption for the proposed 200 acre buffer zone. The EIR identified potential significant environmental impacts associated with the proposed project and provided mitigation measures to reduce all but one of those impacts to less than significant levels.

After all feasible mitigation efforts were considered, the Lead Agency determined that potential adverse impacts associated with Air Quality remain significant. The continuation of ongoing operations will impact air quality as a result of excavation, movement of surface dirt, and the use of gasoline burning heavy equipment. The Ridgecrest Sanitary Landfill site lies within a nonattainment air basin, which means additional expected emissions will contribute further to levels that already exceed the allowable levels. The Lead Agency has determined that the benefits of the proposed project outweigh the unavoidable adverse environmental effects of the above mentioned potential impacts.

Board staff reviewed the EIR and provided comments to the County October 12, 1993. The document was approved by the Lead Agency September 13, 1994, and a Notice of Determination was filed with the County Clerk September 14, 1994. The Class 25 Exemption, citing CEQA Guideline section 15325, Transfers of Ownership of Interest in Land to Preserve Open Space, was filed with the County Clerk on July 29, 1996, for the proposed 200 acre buffer zone.

After reviewing the environmental documentation for this project, Board staff determined that the EIR addresses the landfill design and operational changes associated with the permit revision and that the increase in the landfill's permitted acreage will not change the existing facility/design or operation. Any expansion of solid waste operations into the 200 acre buffer zone area may require additional environmental analysis.

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 recommend that the Board adopt Permit Decision No. 97-129 concurring with the issuance of Solid Waste Facility Permit No. 15-AA-0059.

VI. ATTACHMENTS

1. Location Map
2. Site Map
3. Permit No. 15-AA-0059
4. Permit Decision No. 97-129

VII. APPROVALS

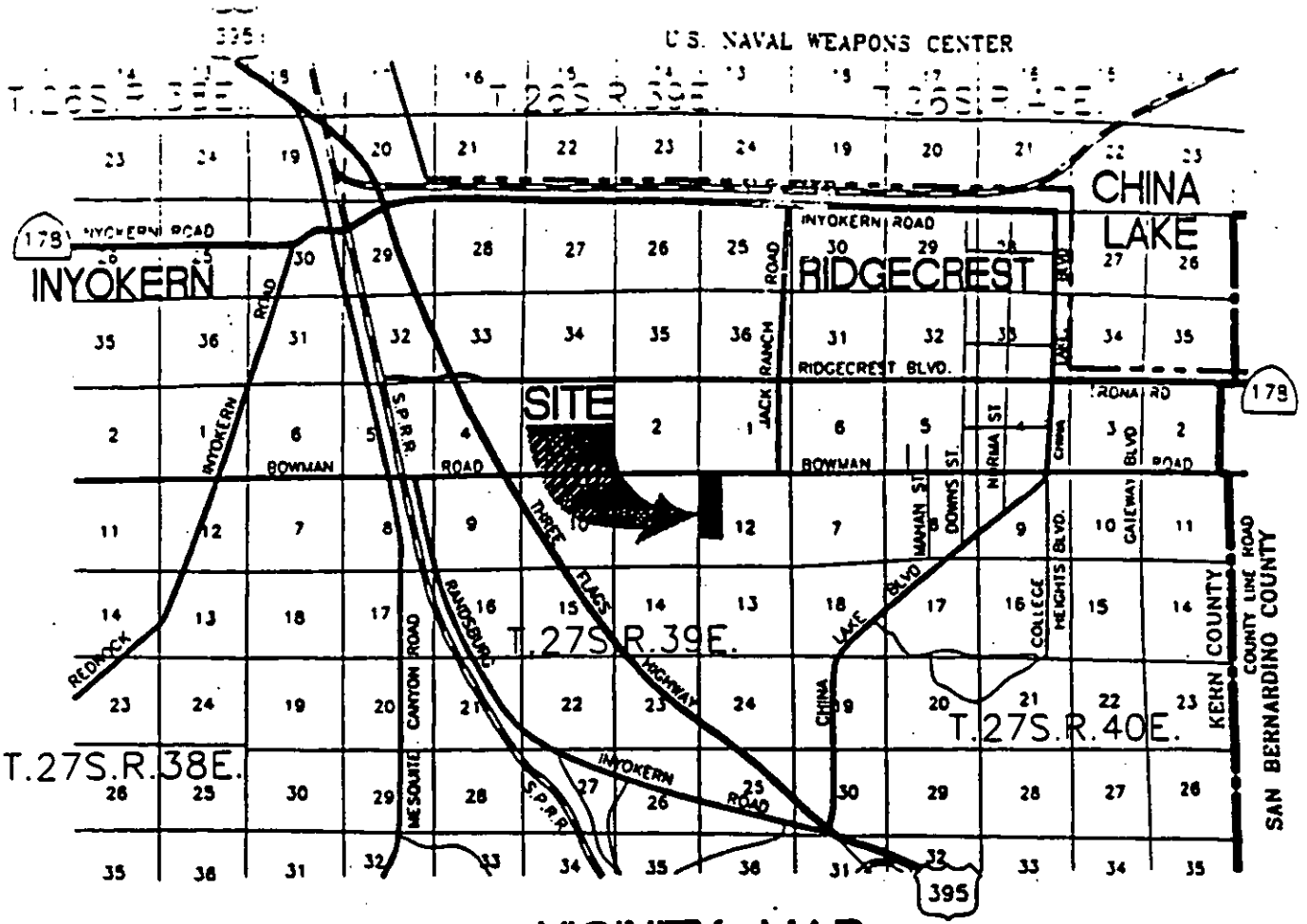
Prepared By: Terry Smith T.S. Phone: 255-4174

Reviewed By: TGH for 4/3/97 Cody Begley, Don Dier Jr. 4/3/97 Phone: 255-4165

Approved By: Dorothy Rice Jim D. Rice 4/4 Phone: 255-2431

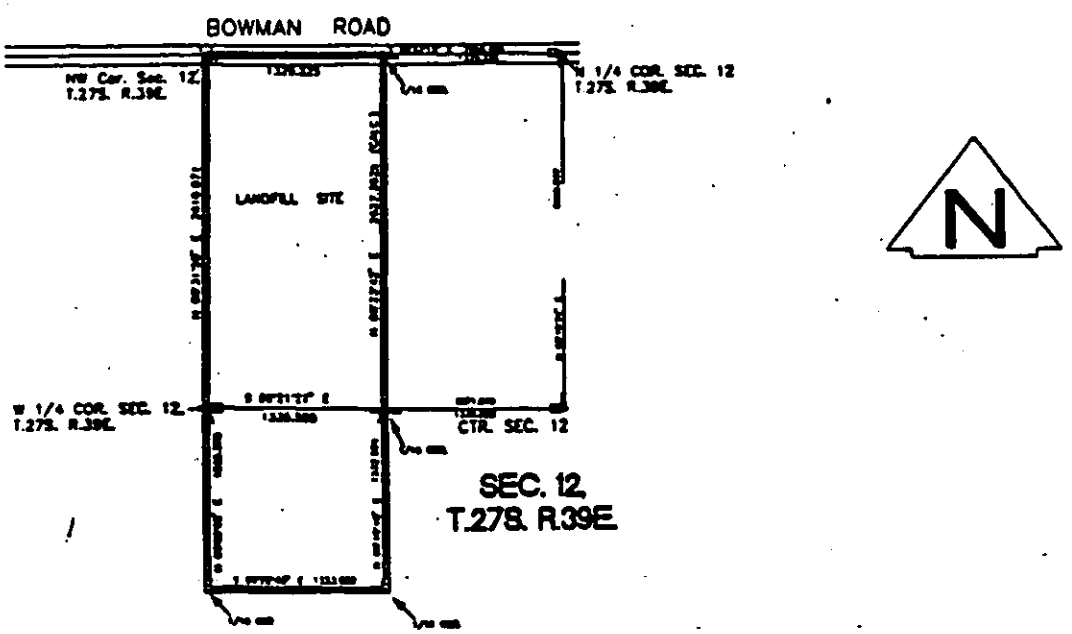
Legal Review: Kathryn J. O'Brien Date/Time 4/8/97

Attachment 1



VICINITY MAP

N.T.S.



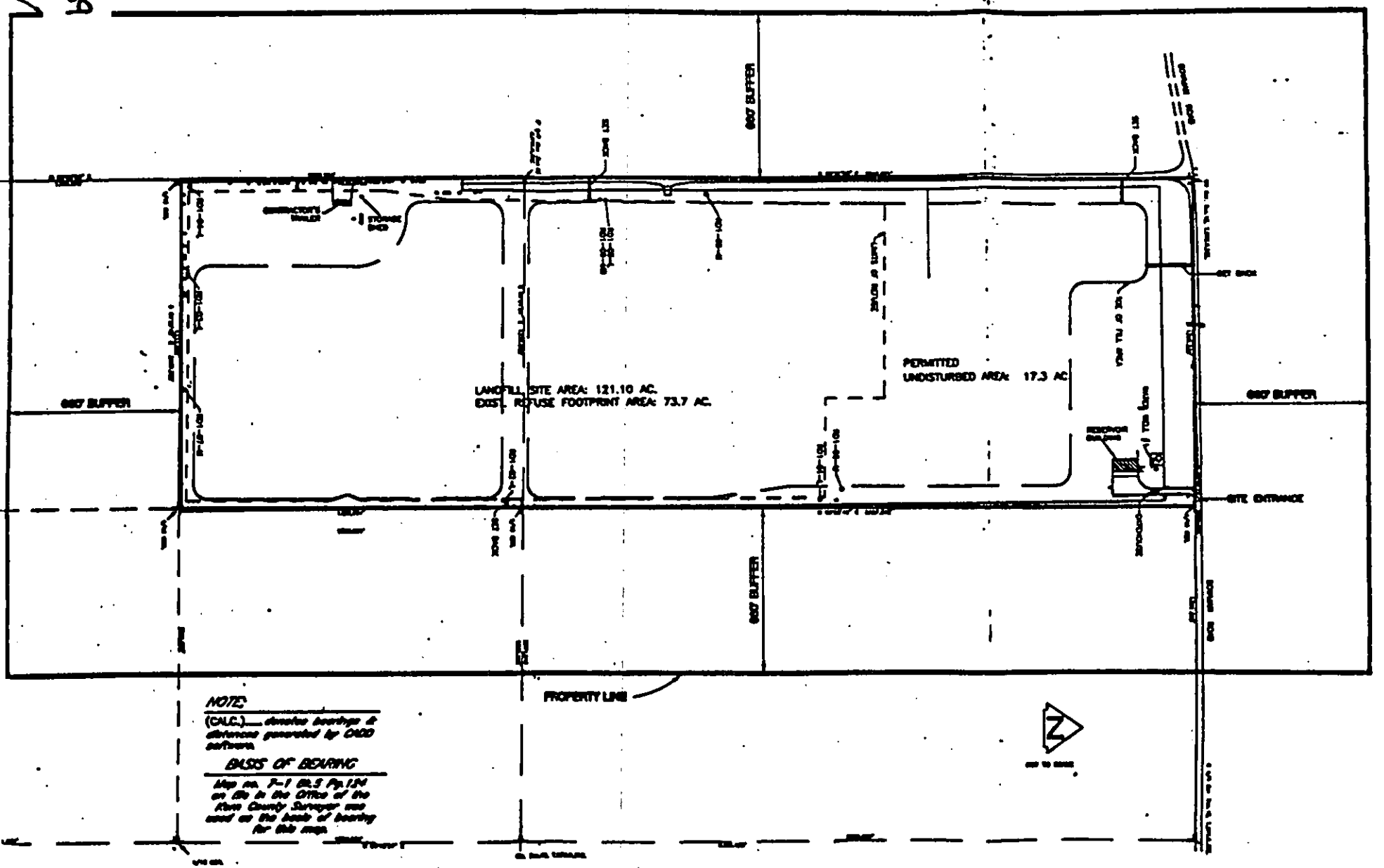
DETAIL MAP

FIGURE 1

002\ROCCRLF.DWG

Revisions	RIDGECREST SANITARY LANDFILL	COUNTY OF KERN CALIFORNIA WASTE MANAGEMENT DEPARTMENT

RIDGECREST SANITARY LANDFILL PROPERTY BOUNDARY



SEC.12, T.27S.,R.39E.

FIGURE 13A

LEGEND:

COUNTY OF KERN
WASTE MANAGEMENT DEPARTMENT
BAKERSFIELD, CALIFORNIA

PROPERTY BOUNDARY

RIDGECREST SANITARY LANDFILL

Attachment 2

Attachment 3

SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number: 15-AA-0059

2. Name and Street Address of Facility:	3. Name and Mailing Address of Operator:	4. Name and Mailing Address of Owner:
Ridgecrest Sanitary Landfill Section 12, T27S, R39E, MDB&M 3301 Bowman Road Ridgecrest, CA 93555	Kern County Waste Management Department 2700 "M" Street, Suite 500 Bakersfield, CA 93301	Bureau of Land Management Ridgecrest Resource Area 300 S. Richmond Street Ridgecrest, CA 93555

5. Specifications:

a. Permitted Operations:

- ☐ Composting Facility (mixed wastes)
- ☐ Composting Facility (yard waste)
- ■ Landfill Disposal Site
- ☐ Material Recovery Facility
- ☐ Processing Facility
- ☐ Transfer Station
- ☐ Transformation Facility
- ☐ Other: _____

b. Permitted Hours of Operation. Closed on New Year's Day, Easter, Independence Day, Thanksgiving and Christmas.

OPEN DAILY
7:00 am - 4:00 pm - November - February
7:00 am - 5:00 pm - March, April, September, October
7:00 am - 6:00 pm - May - August

c. Permitted Tons per Operating Day:

Total:	701	Tons/Day
Non-Hazardous - General	701	Tons/Day
Non-Hazardous - Sludge	N/A	Tons/Day
Non-Hazardous - Separated or commingled recyclables	N/A	Tons/Day
Non-Hazardous - Other (See Section 14 of Permit)	N/A	Tons/Day
Designated (See Section 14 of Permit)	N/A	Tons/Day
Hazardous (See Section 14 of Permit)	N/A	Tons/Day

Special consideration will be given for significant special occurrences; i.e., earthquake, flood, etc.

d. Permitted Traffic Volume:

Total:	795	Vehicles/Day
Incoming waste materials	Up to a total of 795	Vehicles/Day
Outgoing waste materials (for disposal)	N/A	Vehicles/Day
Outgoing materials (for recycling)	Up to a total of 795	Vehicles/Day

Special consideration will be given for significant special occurrences; i.e., earthquake, flood, etc.

e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	321.1 a	91.0 a				
Design Capacity		5,992,700 cy				
Max. Elevation (Ft. MSL)		2,575 ft				
Max. Depth (Ft. MSL)		2,500 ft				
Estimated Closure Date		2012				

Upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permits.

6. Approval:	7. Local Enforcement Agency Name and Address:
_____ Approving Officer Signature Steve McCalley, Director Environmental Health Services Department	Kern County Environmental Health Services Department 2700 "M" Street, Suite 300 Bakersfield, CA 93301
8. Received by CIWMB: MAR 14 1997	9. CIWMB Concurrence Date:
10. Permit Review Due Date:	11. Permit Issued Date:

SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number: 15-AA-0059

12. Legal Description of Facility (attach map with RFI):

Section 12, T27S, R39E, MDB&M, County of Kern, State of California

13. Findings:

a. This permit is consistent with the County Solid Waste Management Plan, dated 1988, pages 13 - 63 to 13 - 66, and the County Siting Element, approved November 20, 1996. (Public Resources Code, Section 50000 (a)(1) and (a)(5)).

b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.

c. The LEA has determined, by review of the RDSI and an inspection on March 4, 1997 that the design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal.

d. The Kern County Fire Department has determined that the facility is in conformance with applicable fire standards, as required in Public Resources Code, Section 44151, in December, 1996.

e. An Environmental Impact Report has been completed and a Notice of Determination has been filed with the State Clearinghouse, SCH #92102001 (Public Resources Code, Section 21081.6.). The Right-Of-Way-Grant issued for the buffer area by the United States Department of the Interior, Bureau of Land Management, qualifies for a Categorical Exemption from CEQA pusuant to, Section 15325, Title 14, CCR. A Notice of Exemption was posted with the County Clerk on July 2, 1996.

f. A Countywide Integrated Waste Management Plan has not been approved by the California Integrated Waste Management Board.

g. The Bureau of Lane Management has made a determination that the facility is consistent with, and designated in, the California Desert Conservation Plan. (Public Resources Code, Section 50000.5(a).)

h. The Kern County Planning Department has made a finding that surrounding land use is consistent with the Kern County General Plan, as required in Public Resources Code, Section 50000.5(b).

14. Prohibitions:

The permittee is prohibited from accepting any liquid waste sludge, nonhazardous waste requiring special handling, designated waste, or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by the Local Enforcement Agency.

Empty, triple-rinsed pesticide containers, as certified by a representative of the County Agricultural Commissioner's Office. Nonfriable asbestos, packaged as stated in the RDSI. Used motor oil and antifreeze for recycling purposes.

15. The following documents also describe and/or restrict the operation of this facility (insert document date in spaces):

	Date:		Date:
■ Report of Facility Information	April, 1995	■ Preliminary Closure/Post Closure Plan deemed complete	May 1995
☐ Land Use Permits and Conditional Use Permits		☐ Final Closure & Post Closure Maintenance Plan	
☐ Air Pollution Permits and Variances		■ Closure Financial Responsibility Document accepted	December 1996
■ EIR or Negative Declaration SCH 92102001	September 1994	☐ Local & County Ordinances	
■ Notice of Exemption	July 8, 1996	■ Waste Discharge Requirements Oder # 6-95-33	March 1995
■ Lease Agreements - owner and operator	May 3, 1996	■ Amendment to RFI	November 1996 February 4, 1997
■ Right-Of-Way-Grant	January 17, 1997	☐ Other (list):	
■ Contract Agreements - operator contract	July 1993		

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SOLID WASTE FACILITY PERMIT

16. Self-Monitoring:

a. Results of all self-monitoring programs, as described in the Report of Facility Information, will be reported in a format approved by the LEA, as follows:

Program	Reporting Frequency	Agency Reported To:
Special Occurrence Log. Maintain a log of special occurrences and verbally report major incidents such as: fire, earth slides, unusual and sudden settlements, explosions, discharges of hazardous or unpermitted waste, significant accidents involving injury.	**WITHIN 24 HOURS**	**KCEHSD**
Complaint Record. Maintain a readily accessible written record of any nuisance, public health or safety complaint, and general operational complaint, for inspection and review by the KCEHSD.	**NONE**	
Submit a report of actions taken by the operator to remedy or correct any major incidents such as a fire, earth slides unusual and sudden settlement, explosion, discharge of hazardous or unpermitted waste, significant accidents involving injury.	**WITHIN THIRTY (30) CALENDAR DAYS**	
Summary of the results of the operator's load check and hazardous waste screening program, including the quantities and types of hazardous wastes found in the waste stream and the disposition of these materials. Summary of the results of the operator's methane gas monitoring program.	**QUARTERLY**	
Summary of the quantities and types of wastes received. Monthly summary of the number and type of vehicles utilizing the site. Monthly summary of the tonnage report. A summary of the special occurances log by type of incident. Summary of the quantities and types of goods diverted.	**ANNUALLY ON APRIL 1 FOR THE PRIOR CALENDAR YEAR**	

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LEA Conditions

17.

1. This facility shall be operated in compliance with State Minimum Standards for solid waste handling and disposal.

2. This facility shall be in compliance with federal, state, and local requirements and enactments, including mitigation measures given in any certified applicable document filed pursuant to Public Resources Code, Section 21081.6.

3. Additional information concerning the design and operation of this facility shall be furnished upon written request of the LEA.

4. Site access shall be granted for the purpose of inspection without prior notification to the LEA or other agencies conditioning this permit.

5. The operator shall notify the LEA, in writing, of any proposed changes in the routine facility operation or changes in facility design during the planning stages. In no case shall the operator undertake any changes unless the operator first submits to the LEA a notice of said changes at least 120 days before said changes are undertaken. Any significant change as determined by the LEA would require a revision of this permit.

6. This facility shall be operated so as to not emit air pollutants sufficient to cause a public or health nuisance or health hazard (KCAPCD Rule 419 and California Health and Safety Code, Section 41700).

7. In the event of unforeseen accidental release of hazardous waste, handling operations shall be compliance with Title 22, California Code of Regulations (CCR), Chapter 30.

8. The Local Enforcement Agency (LEA) through this Solid Waste Facilities Permit, may prohibit or condition the handling or disposal of solid wastes to protect the public health and safety, protect and rehabilitate, or enhance the environment, or to mitigate adverse environmental impacts.

9. The operator shall maintain a copy of this permit at the facility so as to be available at all times to facility personnel and to Enforcement Agencies' personnel.

10. The LEA reserves the right to suspend or modify waste receiving operations when deemed necessary due to an emergency, a potential health hazard or the creation of a public nuisance.

11. The owner or operator shall record and retain at the office an operating record as per Title 14, CCR, Chapter 3, Article 4.5, Section 17258.29.

12. Alternative Daily Cover will be applied in a manner consistent with an approved pilot study. Changes to the Alternative Daily Cover application shall be reviewed by the LEA prior to implementation. Upon the adoption of Alternative Daily Cover minimum standards. Alternative Daily Cover will be applied in a manner consistent with said regulations.

13. The storage of tires shall be consistent with Section 17355, Title 14, CCR.

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California Integrated Waste Management Board
Permit Decision No. 97-129
April 24, 1997

WHEREAS, the LEA issued a Notice and Order to the operator, Kern County Waste Management Department (KCWM), of the Ridgecrest Sanitary Landfill allowing continued operations at the landfill while the necessary processes required to receive a revised SWFP were completed; and

WHEREAS, the Local Enforcement Agency (LEA), Kern County Environmental Health Services Department, conducted a permit review, wherein it was determined that significant changes have occurred at the Ridgecrest Sanitary Landfill to warrant a Solid Waste Facility Permit (SWFP) revision; and

WHEREAS, the operator of the Ridgecrest Sanitary Landfill has submitted to the LEA, for its consideration an application for a SWFP revision to reflect significant changes from the terms, conditions, and operations described in the Facility's 1986 SWFP; and

WHEREAS, the LEA has submitted to the Board for its review and consideration of concurrence with or objection to a revised SWFP for the Ridgecrest Sanitary Landfill; and

WHEREAS, the Kern County Waste Management Department (County), acting as Lead Agency for the California Environmental Quality Act (CEQA) review, has prepared an Environmental Impact Report (EIR), State Clearinghouse (SCH) #92102001, with mitigation measures and a Statement of Overriding Considerations regarding air quality issues; and

WHEREAS, Board staff reviewed the EIR and provided comments on October 12, 1993, and the lead agency prepared responses to the comments in the Final EIR and filed a Notice of Determination with the Kern County Clerk September 14, 1994; and

WHEREAS, the County prepared and filed an Exemption, citing CEQA Guideline section 15325, Transfers of Ownership of Interest

in Land to Preserve Open Space, with the Kern County Clerk on July 29, 1996, for the 200 acre buffer zone; and

WHEREAS, Board staff have determined that CEQA documents are adequate for those project activities which are within this agency's expertise and/or powers or which are required to be carried out or approved by the Board; and

WHEREAS, the LEA and Board staff have evaluated the proposed permit and supporting documentation for consistency with standards adopted by the Board and have determined that the facility's proposed design and operation is consistent with State Minimum Standards; and

WHEREAS, the LEA's most recent inspection, conducted on March 4, 1997, documented the site's compliance with State Minimum Standards for Solid Waste Handling and Disposal; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met, including conformance with the Kern County Solid Waste Management Plan, consistency with the Kern County General Plan and compliance with CEQA.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs with the issuance of Solid Waste Facility Permit No. 15-AA-0059.

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 April 24, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

BOARD MEETING

April 24, 1997

AGENDA ITEM 27

ITEM: CONSIDERATION OF NEW SITES FOR THE SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM (AB 2136)

I. SUMMARY

Implementation of the Solid Waste Disposal and Codisposal Site Cleanup 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 (LEAs) for cleanup of illegal disposal sites (IDS), and direct site cleanups using Board-managed contracts.

Since the inception of the Solid Waste Disposal and Codisposal Site Cleanup Program, the Board has approved 51 sites for cleanup. Forty-five sites have been remediated. The following is a status of the six sites approved but not completed:

1. Humboldt Road Burn Dump - applicant recinded loan.
2. Crescent City Landfill - 2136 work completed, local portion of work almost completed.
3. Los Angeles City Illegal Disposal Sites - two year LEA grant, multiple projects. No activity on the grant. The grant was signed in February 1996.
4. Riverside County Illegal Disposal Sites - two year LEA grant, multiple sites. Some sites have been cleaned up. The grant was signed in June 1996.
5. Whitefeather Farms - site dropped from program, County refused to waive tipping fees, condition specified by the Board.
6. Foster Road - site has been in litigation between county and owner. Owner has slowly started to cleanup the site.

The sites presented for consideration in this agenda item are Board-managed cleanups totaling $935,000 from fiscal year (FY) 96/97 funds set aside for Board-managed cleanup contracts. This $935,000 depletes the FY 96/97 funds set aside for 2136 Program contracts. However, there remains $2,500,000 set aside for grants and loans. Site descriptions and other important information are attached.

Site Name	County	Est. Cost	Attachment
Lynch Disposal Site	Contra Costa	$85,000	1
Mountain View/Philo Greenwood Roads Illegal Disposal Sites (7 sites)	Mendocino	$215,000	2
Drum Canyon Illegal Disposal Site	Santa Barbara	$160,000	3
Sweeney Road Illegal Disposal Site	Santa Barbara	$50,000	4
Orcutt Illegal Disposal Site	Santa Barbara	$25,000	5
Enterprise Landfill	Shasta	$400,000	6

II. PREVIOUS COMMITTEE ACTION

At the time this item was written 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.

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 surrounding land uses. The sites proposed in this item were selected based on investigation of many sites throughout the state. These sites represent a threat to public health and safety or the environment.

V. STAFF RECOMMENDATION

Staff recommend that the Board approve the sites listed in this agenda item for funding under the Solid Waste Disposal and Codisposal Site Cleanup Program.

VI. FUNDING INFORMATION

Amount Requested in Item: $935,000

Fiscal Year: FY 96/97

Fund Source:

- ☐ Used Oil Recycling Fund
- ☐ Tire Recycling Management Fund
- ☐ Recycling Market Development Revolving Loan Account
- ☐ Integrated Waste Management Account
- ☒ Other: Solid Waste Disposal Site Cleanup Trust Fund

Approved From Line Item:

- ☒ Consulting & Professional Services
- ☐ Training
- ☐ Data processing
- ☐ Other _____ (Specify)

Redirection:

If Redirection of Funds: $_____

Fund Source: _____

Line Item: _____

VII. ATTACHMENTS

1. Lynch Disposal Site
2. Mountain View/Philo Greenwood Roads Illegal Dispel Sites
3. Drum Canyon Illegal Disposal Site
4. Sweeney Road Illegal Disposal Site
5. Orcutt Illegal Disposal Site

6. Enterprise Landfill

7. Resolution for the AB 2136 Program

VIII. APPROVALS

Prepared by:	Diane Nordstrom	255-1196
	Todd Thalhamer	255-1194
	Wes Mindermann	255-1193
	Jerry Oberhelman	255-3827
Reviewed by:	Marge Rouch	255-2347
Reviewed by:	Charlene Herbst	255-2301
Reviewed by:	Dorothy Rice	255-2341
Reviewed by:	Kathryn Tobias	255-2825

Lynch Disposal Site

Contra Costa County

Site Description: This 14 acre site was operated under the name of Antioch City Dump from 1969 to 1974 when it ceased operation. The site was closed under the regulations required at that time. In 1978, the California Regional Water Quality Control Board, Central Valley Region issued an abatement order to control erosion due to the steep side slopes at the site. The owner did not comply with the order and an erosion rill formed on a north-facing slope exposing some waste. Further erosion on the steep side slope could impact James Donlon Boulevard which traverses the foot of the slope.

In 1990 the owner of the site, Glen Lynch, died and willed the property to the Freedom Church and his former wife, Shirley Joy Lynch Smith. The LEA has attempted to contact Ms. Smith by certified mail however, there has been no response. In addition, County tax records show that property taxes have not been paid since 1990.

Location: The site is located southeast of the intersection of Somersville Road and James Donlon Boulevard in Antioch.

Ownership: Shirley Joy Lynch Smith and the Freedom Church.

Cost Recovery: Cost recovery should should be pursued against the property owners if they can be found..

Proposed Method of Remediation: The proposed method of remediation includes backfilling dirt into the erosion rill and placing geogrids at one foot intervals to stabilize the slope. The slope will then be hydroseeded over an erosion mat. Finally, a berm will be built at the top of the slope to divert drainage away from the slope.

Preliminary Estimate for Cleanup: $85,000

CEQA: CEQA requirements will be met through a Notice of Exemption.

Enforcement Actions: In April, the LEA will issue a Notice and Order to repair the erosion rill. The owner will have 30 days to comply with the N&O.

Staff Recommendations: If the owner does not repair the site, Board staff recommend expenditure of 2136 funds for erosion repair at this site before the adjacent road is impacted.

Mountain View/Philo Greenwood Roads Illegal Disposal Sites

Mendocino County

Site Description: The project consists of cleanup of seven large illegal disposal sites along Mountain View and Philo Greenwood Roads near the towns of Boonville and Philo. The quantity of solid waste to be removed and properly disposed or recycled is estimated to be 5,000 cubic yards. The bulk of the waste has been dumped on the County right of way where slopes are generally 2:1 (vertical to horizontal) and steeper, resulting in deposits of waste on the right of way, onto adjacent properties, and into a large creek adjacent to Mountain View Road. All sites are in rural areas with homes less than 1 mile from each site, and unsecured. All sites are susceptible to vectors, and waste is regularly deposited into surface waters.

Site Locations: Six sites on Mountain View Road from 1.9 to 7.7 miles off State Highway 128. One site on Philo Greenwood Road 5.0 miles off State Highway 128.

Ownership: All right of way belongs to the County, and 6 owners have waste on their properties from illegal dumping on or immediately adjacent to the right of way.

Cost Recovery: Cost recovery is not recommended for this project. The County does not have adequate funds to perform more than minimal maintenance to its 1,017 miles of roads, to construct required improvements to the infrastructure, or to repair extensive storm damage from 1995 storms. However, the County is expected to participate in the cleanup as follows: reduce tipping fees by 50 percent at their South Coast landfill, resulting in fees of $5.63 per cubic yard; provide earth berms for the Mountain View Road sites to deny future access to dumpers; remove hazardous materials through the County's Hazardous Materials Coordinator; remove and recycle all abandoned vehicles through the County's Code Enforcement Officer; and development by the Local Enforcement Agency (LEA) of a limited community education program to improve residents awareness of solid waste disposal options and benefits. Two property owners will be directed to provide permanent barriers off the right of way to assist in further discouraging dumping in their areas, and both are expected to voluntarily comply.

Proposed Method of Cleanup/Remediation: A Board-managed contractor will remove the surface solid waste, segregate metals and trash and perform volume reduction (compaction) at the site, and haul to the South Coast landfill for recycling or disposal. Hazardous materials, if found, will be isolated and removed by the County. Abandoned vehicles will be removed by the County. After clean closure, County will construct earth berms on Mountain View Road. Two property owners will erect barriers to deny possible new routes for dumpers to take in the vicinity of their remediated sites. A brochure on disposal locations/options will be distributed to area residents, and instructional tour offered to students to visit remediated sites.

Preliminary Estimate for Cleanup: $215,000

Enforcement Actions: The County is determined to reduce illegal dumping and has undertaken an ongoing surveillance program to detect and prosecute illegal dumpers. Active illegal disposal sites are staked out on a regular basis with County personnel using high technology video camera equipment. Recently, a County resident was prosecuted for abandoning a vehicle and was fined $4,000. As the surveillance program continues, more violators are expected to be caught and prosecuted.

CEQA: CEQA requirements will be met through a Notice of Exemption.

Staff Recommendation: Board staff recommend this project for Board-managed cleanup under the Solid Waste Disposal and Codisposal Site Cleanup Program.

Drum Canyon Illegal Disposal Site

Santa Barbara County

Site Description: Approximately 1,000 cubic yards of waste has been illegally dumped on the County right of way on Drum Canyon Road. Since the slopes in this area are 1:1 (vertical to horizontal), the material dumped on the road travels down the ravine onto the adjacent parcel. Wastes are scattered over 2 acres with the majority concentrated in the seasonal drainage basin. The waste consists of municipal solid waste, metal debris, 500 to 600 tires, abandoned vehicles, old white goods, and construction debris. This site is rural and unsecured.

Location: Two miles south of Los Alamos on Drum Canyon Road.

Ownership: The right of way belongs to the County and the waste on the adjacent parcel (APN # 99-03-25) is due to the illegal dumping.

Cost Recovery: Cost recovery is not recommended for this project against the County or the parcel owner.

Proposed Method of Cleanup/Remediation: The Board-managed contractor will remove surface trash and vehicles in the ravine; haul the wastes to the County-owned landfill (Tajiguas Landfill), separate and recycle the metal debris, secure the household hazardous wastes, and construct and place erosion control devices. The Santa Barbara County Solid Waste and Utilities Division has agreed to accept up to 600 tons of waste material from the three Santa Barbara County sites free of charge, identify and characterize any unknown hazardous waste, remove Freon from the abandoned white goods, assist in obtaining road encroachment permits, and secure the site with a barbed wire fence to discourage any further illegal dumping.

Preliminary Estimate for Cleanup: $160,000

Enforcement Actions: The LEA and the County's Solid Waste and Utilities Division have committed to constructing a fence to prevent further dumping and to publish a waste informational brochure explaining other options to illegal dumping and nearby facilities.

CEQA: CEQA requirements will be met through a Notice of Exemption.

Other Staff Comments and Recommendations: Board staff have been able to develop a strong partnership with the LEA and County's Solid Waste and Utilities Division in working to remediate the three illegal disposal sites in Santa Barbara County. From this cooperation, the County has donated tipping fees, fencing and technical assistance. Staff recommend this project for Board-managed cleanup under the Solid Waste Disposal and Codisposal Site Cleanup Program.

Sweeney Road Illegal Disposal Site

Santa Barbara County

Site Description: Approximately 150 cubic yards of waste has been illegally dumped on the County right of way on Sweeney Road. Since the slopes are extremely steep and vertical along the Santa Ynez River, the material dumped on the road travels down the ravine onto a small portion of the adjacent parcel. Wastes are scattered along 500 feet of the road with some debris falling into the Santa Ynez River Basin. The waste consists of municipal solid waste, metal debris, tires, abandoned vehicles, old white goods, and construction debris. This site is rural and secured by a barbed wire fence.

Location: Trash was observed from mile marker 1.62 to 1.9 on Sweeney Road.

Ownership: The right of way belongs to the County and the waste on the adjacent parcel (APN # 99-150-28) and river basin is due to the illegal dumping.

Cost Recovery: Cost recovery is not recommended for this project against the County or the parcel owner.

Proposed Method of Cleanup/Remediation: The Board-managed contractor will remove surface trash and vehicles by crane; haul the wastes to the County-owned landfill (Tajiguas Landfill), separate and recycle the metal debris, secure the household hazardous wastes, and construct and place erosion control devices. With the four identified endangered species along the Santa Ynez River, the contractor will not be able to use heavy equipment to remove the waste. All the larger debris will be removed by crane from the road and the remaining debris will be taken out by hand. The Santa Barbara County Solid Waste and Utilities Division has agreed to accept up to 600 tons of waste material from the three Santa Barbara County sites free of charge; identify and characterize any unknown hazardous waste, remove Freon from the abandoned white goods, assist in obtaining road encroachment permits, and secure the site with a barbed wire fence to discourage any further illegal dumping.

Preliminary Estimate for Cleanup: $50,000

Enforcement Actions: The LEA and the County's Solid Waste and Utilities Division have committed to constructing a fence to prevent further dumping and to publish a waste informational brochure explaining other options to illegal dumping and nearby facilities.

CEQA: CEQA requirements will be met through a Notice of Exemption.

Other Staff Comments and Recommendations: Board staff have been able to develop a strong partnership with the LEA and County's Solid Waste and Utilities Division in working to remediate the three illegal disposal sites in Santa Barbara County. From this cooperation, the County has donated tipping fees, fencing and technical assistance. Staff recommend this project for Board-managed cleanup under the Solid Waste Disposal and Codisposal Site Cleanup Program.

Orcutt Illegal Disposal Site

Santa Barbara County

Site Description: Approximately 75 cubic yards of waste has been illegally dumped on the County right of way on Orcutt-Garey Road. Since the slopes in this area are 3:1 (vertical to horizontal), the material dumped on the road travels down the ravine onto the adjacent parcel. Waste is scattered over 1/2 acre with the majority concentrated in the two basins. The waste consists of municipal solid waste, metal debris, old white goods, and construction debris. This site is rural and unsecured.

Location: 215 Orcutt-Garey Road east of Santa Maria.

Ownership: The right of way belongs to the County and the waste on the adjacent parcel (APN # 99-03-25) is due to the illegal dumping.

Cost Recovery: Cost recovery is not recommended for this project against the County or the parcel owner.

Proposed Method of Cleanup/Remediation: The Board-managed contractor will remove surface trash and vehicles in the ravine; haul the wastes to the County owned landfill (Tajiguas Landfill), separate and recycle the metal debris, secure the household hazardous wastes, and construct and place erosion control devices. The Santa Barbara County Solid Waste and Utilities Division has agreed to accept up to 600 tons of waste material from the three sites free of charge; identify and characterize any unknown hazardous waste, remove Freon from the abandoned white goods, assist in obtaining road encroachment permits, and secure the site with a barbed wire fence to discourage any further illegal dumping.

Preliminary Estimate for Cleanup: $25,000

Enforcement Actions: The LEA and the County's Solid Waste and Utilities Division have committed to constructing a fence to prevent further dumping and to publish a waste informational brochure explaining other options to illegal dumping and nearby facilities.

CEQA: CEQA requirements will be met through a Notice of Exemption.

Other Staff Comments and Recommendations: Board staff have been able to develop a strong partnership with the LEA and County's Solid Waste and Utilities Division in working to remediate the three illegal disposal sites in Santa Barbara County. From this cooperation, the County has donated tipping fees, fencing and technical assistance. Staff recommend this project for Board-managed cleanup under the Solid Waste Disposal and Codisposal Site Cleanup Program.

Enterprise Landfill

Shasta County

Site Description: Enterprise Landfill is a closed landfill which is owned by Shasta County and operated from 1952 to the 1970's. The facility operated as a burn dump in its early years and accepted primarily household refuse from the surrounding community. The site has significant amounts exposed of wastes along the steep fill slopes adjacent to a tributary of Stillwater Creek. Also, some settlement has occurred on the landfill cap creating poor drainage conditions with some ponding.

Location: Old Oregon Trail, Redding.

Ownership: Shasta County.

Cost Recovery: Cost recovery is not recommended for this project against the County.

Proposed Method of Cleanup/Remediation: The Board-managed contractor will regrade the existing slopes along 800 feet of the intermittent drainage to 3:1 (H:V) or less and remove the estimated 20,000 cubic yards of exposed waste and soil to an adjacent fill area on the landfill. All areas of exposed waste will then be covered with a minimum one foot of compacted soil and erosion control measures will be implemented in disturbed areas and along the drainage. An estimated 10,000 to 20,000 cubic yards of fill material will be needed to repair the site, which may be obtained from the Shasta County's Swede Creek Road Project near the landfill.. The County Department of Public Works estimates the project will generate a 20,000 cubic yard surplus of soil which can be used as cover and is willing to designate the Enterprise Landfill as the disposal area contingent upon the Board approving funding for the remediation. The donation of soil by Shasta County will provide local participation in the remediation while maximizing the use of the available funds.

Preliminary Estimate for Cleanup: $400,000

CEQA: CEQA requirements will be met through a Notice of Exemption.

Other Staff Comments and Recommendations: Staff recommends this project for Board-managed cleanup under the Solid Waste Disposal and Codisposal Site Cleanup Program.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION 97-131

FOR CONSIDERATION OF APPROVAL OF CLEANUP OF SITES UNDER THE SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM

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 following sites for Board-managed remediations funded under the Solid Waste Disposal and Codisposal Site Cleanup Program:

Lynch Disposal Site	$85,000
Mountain View/Philo Greenwood Roads Illegal Disposal Sites	$215,000
Drum Canyon Illegal Disposal Site	$160,000
Sweeney Road Illegal Disposal Site	$50,000
Orcutt Illegal Disposal Site	$25,000
Enterprise Landfill	$400,000

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 April 24, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
April 24, 1997

AGENDA ITEM 28

ITEM: CONSIDERATION OF THE STATUS OF THE MAJOR WASTE TIRE FACILITY PERMIT FOR OXFORD TIRE RECYCLING, STANISLAUS COUNTY

COMMITTEE ACTION:

As of the date that this item was prepared, the Permitting and Enforcement Committee had not made a recommendation or decision on this item.

STATUS:

At the March 28, 1996, Board Meeting the Board approved a Major Waste Tire Facility Permit for Oxford Tire Recycling, Inc. (OTR) for their facility near Westley, California. The purpose of this agenda item is to review the status of OTR's compliance with its permit after one year of operation as a permitted Major Waste Tire Facility.

SUMMARY OF OPERATION:

Board Enforcement staff conducted a State Inspection on December 12, 1996, of the OTR facility followed by site visits on January 17, 1997, and February 3, 1997. The current OTR delivery area is located off the southern-most access road, where the waste tires are taken off the trailers, rolled over the existing tire pile (with the use of military platforms), and allowed to drop in a northerly direction down to the bottom of the pile where they are collected by Modesto Energy Limited Partnership (MELP) personnel. OTR's delivery area should not be confused with the "Tire Delivery Area" operated by MELP and located adjacent to the hopper/conveyor system for the waste tire-to-energy facility. A large portion of waste tires at the southwestern corner of this pile have been removed by MELP for fuel consumption at the MELP Facility since December 1996.

Prior to December 1996, OTR would deliver trailers to both their delivery area at the top of the stockpile and to MELP's Tire Delivery Area at the bottom of the stockpile. In December MELP notified OTR that they would no longer accept OTR deliveries in the Tire Delivery Area. Subsequently all OTR deliveries have been to their own delivery area, with the exception of oversized waste tires, which are discussed below.

To the west of the current OTR delivery area is a large pile (7,200 tons) of waste tires owned by Mr. Edward Filbin. These tires which are outside of OTR's permitted boundary are now being moved into OTR's permitted boundary by Mr. Filbin (approximately one half of the tires [~ 3,600 tons] have been moved). Mr. Filbin delayed moving the remaining waste tires to OTR's stockpile due to unstable conditions from recent rains. Prior to the March Permitting and Enforcement Committee meeting, staff documented that the western access road was blocked due to the movement of these waste tires.

The "large truck" and "off road" tire pile which has increased in size since the December 1996 State Inspection is located at the northwestern portion of the site. OTR indicated that many of these tires will be removed by February 28, 1997.

COMPLIANCE:

Some of OTR's permit terms deal with the day-to-day operation of OTR's facility, while other permit terms deal with submittals or milestones that are associated with specific dates. The items below relate to OTR's compliance with permit terms in both categories.

Permit Term No. 1:

> Permit Term No. 1 states that the design and operation of the facility shall comply with both the Waste Tire Storage and Disposal Standards contained in Article 5.5 of the State Minimum Standards for Solid Waste Handling and Disposal and the 1995 PD-91 Fire Protection Agreement. In the event there is a conflict with regard to an issue addressed in both of the above documents, the PD-91 Fire Protection Agreement will take precedence. The permittee shall also comply with all of the permitting requirements in Title 14, California Code of Regulations, Division 7, Chapter 6, entitled "Permitting of Waste Tire Facilities.
>
> The waste tires moved by Mr. Filbin across the PD-91 boundary have filled in a fire lane within OTR's facility. This action violates the PD-91 Fire Protection Agreement, which was brought to the attention of the Committee in March. Mr. Kirkland stated that the tires would be removed promptly from the fire lane. During the recent March 25 inspection of the MELP Facility, Enforcement staff noted that the tires had been removed from the fire lane.

Permit Term No. 11:

Permit Term No. 11 requires that the permittee shall at a minimum reduce the quantity of waste tires in the stockpile in accordance with the following schedule:

April 1, 1996 to March 31, 1997	7,500 tons
April 1, 1997 to March 31, 1998	12,500 tons
April 1, 1998 to March 31, 1999	20,000 tons
April 1, 1999 to March 31, 2000	ELIMINATE STOCKPILE

Permit Term No. 21 is similar to Term 11 with the exception that the tonnage reductions are based on the quantity of waste tires in the stockpile. Staff has been compiling reduction data over the past year that has been submitted by OTR. At the time this agenda item was prepared the final data for the year had not been submitted by OTR. Therefore, this information will be presented at the Committee meeting.

Permit Term No. 13:

Permit Term No. 13 states that in the event that the permittee becomes responsible for the waste tires that are south of the PD-91 leasehold as of September 1, 1995, the Board shall be notified within 10 working days of this change of responsibility, and in no event shall any of the waste tires south of the PD-91 leasehold be moved into the PD-91 area without the permittee first notifying the Board.

Approximately one half of Filbin's waste tires originally located south of OTR's permitted boundary/PD-91 have been moved (pushed downhill) onto the OTR site. This action began prior to OTR informing the Board.

Permit Term No. 15:

Permit Term No. 15 requires:

> The permittee shall submit a complete plan to the Board no later than 180 days prior to September 1, 1997, describing how the total size of the stockpile shall be reduced in accordance with Permit Condition No. 11. As part of the plan, the permittee shall adjust the financial assurance demonstration to account for the portion of the waste tire stockpile that will remain on September 1, 1997. The adjusted cost shall be adequate to close the facility utilizing a method acceptable to the Board under Title 14, California Code of Regulations, Division 7, Chapter 6, Article 6, section 18441. The adjusted cost shall be approved by the Board. If the permittee does not present a complete plan, which is acceptable to the Board at least 180 days prior to September 1, 1997, with a financial assurance

demonstration for the waste tire stockpile that will remain on September 1, 1997, this permit shall become null and void.

This permit term is based on the *potential* shutdown of the Modesto Energy Limited Partnership (MELP) tire-to-energy plant later this year. This shutdown may occur if MELP is unable to offset a significant reduction in its revenues from PG&E as a result of an impending re-negotiation of the electrical rate paid by PG&E to MELP for the energy produced by MELP. The end of the current rate schedule is termed the "cliff date" (September 1997) in the contract between MELP and PG&E.

On March 5, 1997 (180 days prior to September 1, 1997), OTR submitted to the Board a new closure plan as required by Permit Term #15. The revised closure plan identifies that closure will be accomplished by monofilling any remaining stockpile of waste tires in place. The total closure cost associated with the revised closure plan is identified as $1,182,000. Staff do not have a recommendation at this time on the acceptability of the new closure plan.

Permit Term No. 16:

Permit Term No. 16 states that the permittee shall deposit sufficient funds to the approved trust fund to bring the balance to a minimum of $75,000 by May 1, 1996 and shall make monthly deposits of $15,000 to the approved trust fund beginning May 1, 1996. The trust fund is required to be fully funded by September 1, 1997. The deposits and balance shall be reported to the Board on a quarterly basis.

The Financial Assurances Section has issued two Notice of Violation (NOV) letters to OTR. Both NOVs were for insufficient funding of the Closure Fund established by OTR as a part of the financial assurance demonstration.

The first NOV was issued on August 30, 1996. The NOV identified the violations of Title 14, California Code of Regulations (14 CCR), Division 7, Chapter 6, Article 9, section 18470 and Permit Term #16 of the Major Waste Tire Facility Permit. On October 9, 1996, a compliance letter was sent identifying that the Current Market Value (CMV) of the Closure Fund had been confirmed to have been increased to an adequate value.

The second NOV was issued on October 17, 1996. The NOV identified the same violations due to OTR not making the monthly deposit for October to the Closure Fund. On October 23, 1997, a compliance letter was sent identifying that the CMV of the Closure Fund had again been confirmed to have been increased to an adequate value.

At the time this item was prepared, OTR was in compliance with the financial assurance requirements. Staff will update the Committee on the status of the financial assurances as required in the permit.

Permit Term No. 17:

Permit Term No. 17 states that the permittee shall remove from the facility and properly dispose of all waste tires delivered to the permitted facility which cannot be burned whole by MELP within 10 days of delivery.

During the December 1996 inspection, Enforcement staff were informed that OTR had not removed oversized waste tires (tires which could not be burned) from their facility for the past year. A review of the OTR records indicated that an average of 2-3 large tires are accepted at OTR each week.

On February 4, 1997, the Enforcement Branch received a corrective action plan dated January 31, 1997 from Mr. Kirkland in which he stated that pursuant to Permit Condition No. 17, the large tires which have been received at the OTR facility will be shredded and landfilled by February 28, 1997. Mr. Kirkland indicated that this removal may not include the large tires which have been uncovered at the site, because there is no reference to these waste tires in the Permit. However, Permit Term No. 18 states that the permittee shall remove waste tires of all sizes for processing and/or off site disposal as they are encountered in the stockpile, including waste tires which must be reduced in volume prior to burning. Staff will report on compliance with this permit term at the Committee Meeting.

STAFF RECOMMENDATION:

At the time this item was written, staff had not completed their evaluation of OTR's performance. An evaluation of each of the permit conditions described in this item will be presented at the Committee meeting.

ATTACHMENTS:

1. Site Map

2. Waste Tire Facility Permit No. 50-TI-0010

Prepared by: Tom Micka TM Phone: 255-2361

Reviewed by: Garth Adams/Don Dier Phone: 255-2063

Approved by: Dorothy Rice D. Rice Phone: 255-2431

Legal Review: Suzanne Phillips Phone: 255-2207

Mark Kirkland - bought pile July 95 with hope of reducing pile & running a business
Filbin clears out fire lanes each night
willing to agree to any conditions imposed by state, including ceasing acceptance of tires to pile til in compliance with permit terms.

Jones - moves staff recommendation

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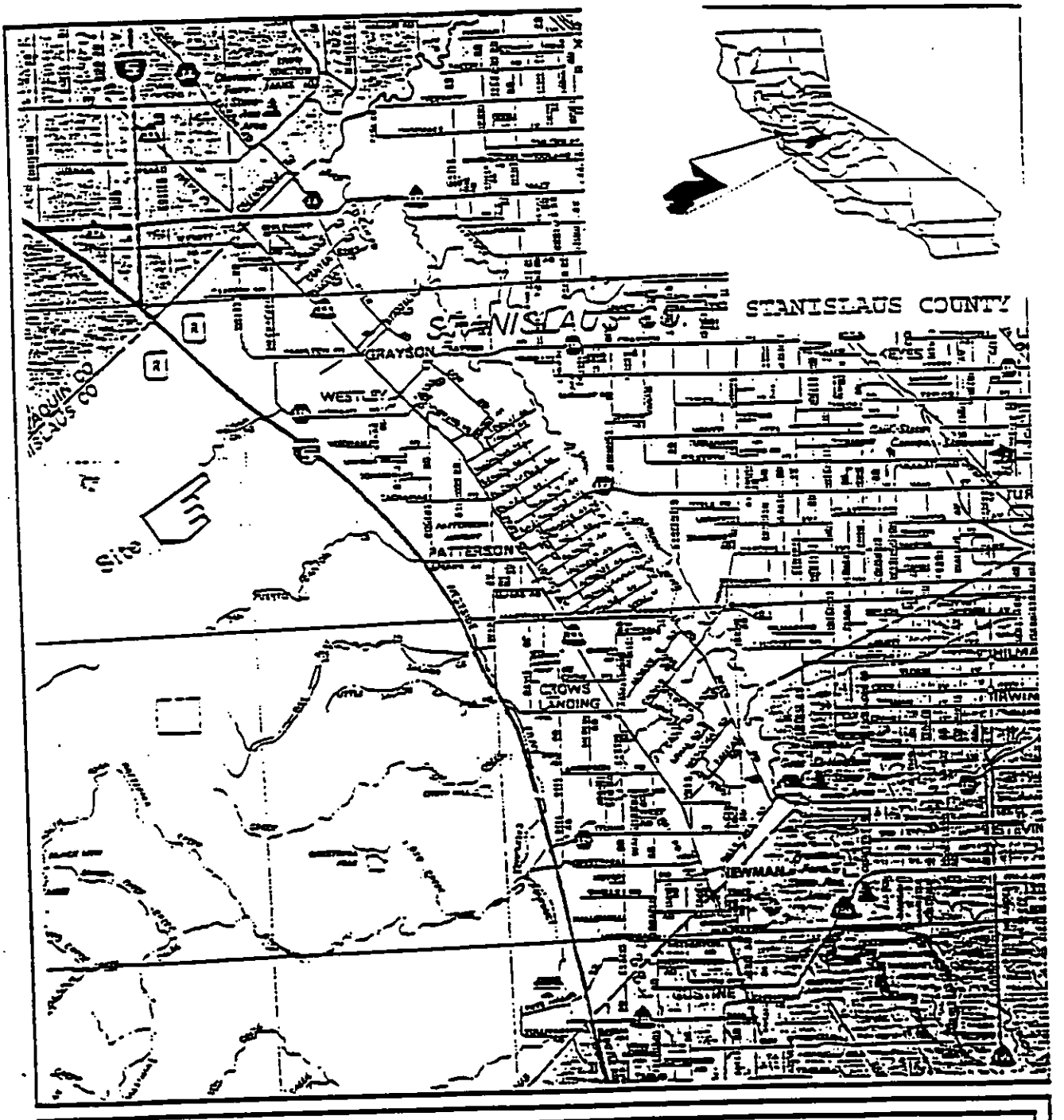
Oxford Waste Tire Site
Westley, California



Sec 28
T 4 N
R 6 E

Oxford Waste Tire Site
4549 Ingram Creek Road
Westley, California
Stanislaus County

↑
N

WASTE TIRE FACILITY PERMIT

50-TI-0010 Attachment 2

2. Name and Street Address of Facility:	3. Name and Mailing Address of Operator:	4. Name and Mailing Address of Owner:
Oxford Tire Recycling 4549 Ingram Creek Road Westley, CA 95387	Stan Patterson Oxford Tire Recycling Inc. P.O. Box 969 Westley, CA 95387-0969	Edward Filbin c/o Nomellini & Grilli P.O. Box 1461 Stockton, CA 95201

5. Specifications:

a. Permit Type: [x] Major Waste Tire Facility [ ] Minor Waste Tire Facility

b. Permit Action: [x] New Permit [ ] Five (5) Year Permit Renewal

[ ] Permit Modification [ ] Permit Revision

c. Facility Status: [x] Existing [ ] Proposed

d. Permitted Capacity: SEE CONDITION 21 Total Number of Tons of Whole Waste Tires and Tire Equivalents Stored at any Time.

e. Permitted Storage Area (acres): 38.5

The permit is granted solely to the operator named above, and is not transferable. Upon a change of operator or owner, this permit is no longer valid. Further, upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued waste tire facility permits.

6. Approval:

Authorized Officer of CWMB

Ralph Chandler

Name

Executive Director

Title

7. Enforcement Agency Name and Address:

California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826

Frequency of Inspection by Enforcement Agency: Annually

8. Date Application Received: October 24, 1995

9. Date Application Deemed complete: October 24, 1995

10. Permit Issued Date:	11. Permit Application Renewal due Date:	12. Expiration Date:
May 8, 1996	April 8, 2000	May 8, 2001

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WASTE TIRE FACILITY PERMIT

Facility/Permit Number:

50-TI-0010

Legal Description of Facility:

Latitude 37°33"N Longitude 121°18"W Solyo USGS Quad Section 28, Township 4S, Range 6E, County designated PD-91 leasehold as of September 1, 1995, including waste tires stored to the north and east of PD-91, but excluding waste tires stored to the south of PD-91 and in the Tire Delivery Area defined as areas E2 and F2 in the November 2, 1995, report entitled Oxford Scrap Tire Site Volume Study, Westley, California, prepared by Psomas and Associates

14. Findings:

a. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB).

b. The design and operation of the facility is in compliance with the Waste Tire Storage and Disposal Standards applicable to waste tire facilities.

c. There has been no substantial change in the design or operation of the facility between January 1, 1990 and the date the application was filed. Therefore, in accordance with Public Resources Code Section 42812, an environmental review was not performed for the issuance of this waste tire facility permit.

15. The following documents also describe and/or restrict the operation of this facility:

		Date			Date
[x]	Application for Waste Tire Facility Permit	10/24/95	[x]	Contract Agreements Tire Supply, Delivery and Storage Agreement	10/07/93
[ ]	Land Use Permits and Conditional Use Permits		[x]	Operation Plan	10/24/95
[ ]	Air Pollution Permits and Variances		[ ]	Local & County Ordinances	
[ ]	EIR or Negative Declaration		[x]	Environmental Information Form	10/24/95
[ ]	Lease Agreements - owner and operator		[x]	Emergency Response Plan	10/24/95
[x]	Closure Plan	10/24/95	[x]	Reduction/Elimination Plan	10/24/95
[x]	Closure Financial Responsibility Document	6/24/94	[ ]	Operating Liability Document	
[x]	Local Fire Authority Agreement	8/25/95	[x]	Other (list: January 31, 1990 Stipulation and Order concerning the Westley / Oxford tire pile	
[x]	Vector Control Agreement	1/13/95			

16. Conditions:

1. The design and operation of the facility shall comply with both the Waste Tire Storage and Disposal Standards contained in Article 5.5 of the State Minimum Standards for Solid Waste Handling and Disposal and the 1995 PD-91 Fire Protection Agreement. In the event there is a conflict with regard to an issue addressed in both of the above documents, the PD-91 Fire Protection Agreement will take precedence. The permittee shall also comply with all of the permitting requirements in Title 14, California Code of Regulations, Division 7, Chapter 6, entitled "Permitting of Waste Tire Facilities."

2. In the event of a fire or other emergency that may have potential significant off-site effects, the permittee shall notify the Board by telephone call to the Deputy Director, Permitting and Enforcement Division, at (916) 255-2431, within 24 hours of the onset of the emergency.

3. Upon presentation of proper credentials, the Local Enforcement Agency, Board staff, or an authorized agent of the Board, shall be allowed to enter the permitted facility during normal operating hours to examine and copy books, papers, records, or memorandum and to conduct inspections and investigations pertaining to the facility.

4. Upon request, a copy of the current permit shall be made available to the Board or an authorized employee or agent of the Board during an inspection of the facility.

5. The permittee shall maintain a copy of the approved Emergency Response Plan at the facility. At the time of permit issuance the permittee shall forward a copy of the approved Emergency Response Plan to the local fire authority. The Emergency Response Plan shall be revised as necessary to reflect any changes in the operations of the waste tire facility or requirements of the local fire authority. All emergency phone numbers shall be updated immediately. The local fire authority and the Board shall be notified of any changes to the plan within 30 days of the revision.

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WASTE TIRE FACILITY PERMIT

Facility/Permit Number:

50-TI-0010

16. Conditions: (continued)

6. All federal, state, and local permits or approvals referenced in this permit shall be maintained in force during the term of the permit. In the event any permit or approval is modified during the term of the permit, the permittee shall notify the Board within 30 days of the change and include copies of any renewed or modified permits or approvals. In the event any permit or approval is suspended or revoked, or expires during the term of the permit, the permittee shall notify the Board within 5 working days and include copies of the pertinent documents.

7. The permittee shall submit an updated Closure Plan (Part B), Form CIWMB 504 (10/92) as specified in section 18442 of the California Code of Regulations, at least 120 days prior to the anticipated closure of the site.

8. The permittee shall file amendments to the Operation Plan whenever necessary to keep the information contained in it current.

9. This permit does not release the permittee from their responsibility under any other existing laws, ordinances, regulations, or statutes of other government agencies.

10. The terms and conditions of this permit may change as a result of a revision of the Board's statutes or regulations.

11. The permittee shall at a minimum reduce the quantity of waste tires in accordance with the following schedule:

April 1, 1996 to March 31, 1997	7,500 tons
April 1, 1997 to March 31, 1998	12,500 tons
April 1, 1998 to March 31, 1999	20,000 tons
April 1, 1999 to March 31, 2000	ELIMINATE STOCKPILE

The permittee shall report this reduction of the waste tires to the Board in writing on a quarterly basis for daily withdrawals from and additions to the stockpile. Waste tires removed from the stockpile to the Delivery Area (as identified in the October 7, 1993, Tire Supply, Delivery and Sage Agreement as amended March 28, 1996), shall not count towards the specified reduction. The report shall include a summary of the quantity of waste tires received at the facility during the reporting period in tons, with weight receipts from a scale that is inspected annually by either the Bureau of Weights and Measures of the Department of Food and Agriculture or a County Sealer of Weights and Measures. The report shall also contain copies of the manifests with the number of tons delivered on each manifest and reporting information from Modesto Energy Limited Partnership (MELP) regarding the number of tons burned during the same period. The operator shall log in daily the license numbers of trucks entering the facility carrying waste tires.

12. The Board shall be notified within 10 working days of any change in the October 7, 1993, Tire Supply, Delivery and Storage Agreement as amended March 28, 1996 or any later date or any other agreement between the permittee and MELP, including but not limited to factors such as expiration, financial terms, early termination of the agreement by force of law, or other commercial or legal development.

13. In the event that the permittee becomes responsible for those waste tires that are south of the PD-91 leasehold as of September 1, 1995, the Board shall be notified within 10 working days of this change of responsibility, and in no event shall any of the waste tires south of the PD-91 leasehold be moved into the PD-91 area without the permittee first notifying the Board. PD-91 is an approximately 40 acre area near Westley, California designated by the County of Stanislaus as PD-91.

14. The permittee shall notify the Board in writing by certified mail within 24 hours in the event that MELP is shut down for more than a two week period of time. The permittee shall also cease delivering waste tires to the facility at the end of the second week of the shutdown, and deliveries to the facility shall not commence until MELP is operating at least 75 percent capacity. The permittee may continue delivering waste tires to the facility during the shutdown if the permittee can demonstrate to the Board that an amount of waste tires greater than the annual reduction in Condition 11 by "X" amount has been achieved and that the quantity to be deposited at the facility during the shutdown will not exceed "X."

15. The permittee shall submit a complete plan to the Board no later than 180 days prior to September 1, 1997, describing how the total size of the stockpile shall be reduced in accordance with Permit Condition 11. As part of the plan, the permittee shall adjust the financial assurance demonstration to account for the portion of the waste tire stockpile that will remain on September 1, 1997. The adjusted cost shall be adequate to close the facility utilizing a method acceptable to the Board under Title 14, California Code of Regulations, Division 7, Chapter 6, Article 6, section 18441. The adjusted cost shall be approved by the Board. If the permittee does not present a complete plan, which is acceptable to the Board at least 180 days prior to September 1, 1997, with a financial assurance demonstration for the waste tire stockpile that will remain on September 1, 1997, this permit shall become null and void.

16. The permittee shall deposit sufficient funds to the approved trust fund to bring the balance to a minimum of $75,000 by May 1, 1996 and shall make monthly deposits of $15,000 to the approved trust fund beginning May 1, 1996. The trust fund is required to be fully funded by September 1, 1997. The deposits and balance shall be reported to the Board on a quarterly basis.

WASTE TIRE FACILITY PERMIT

Facility/Permit Number:

50-TI-0010

Conditions: (continued)

17. The permittee shall remove from the facility and properly dispose of all waste tires delivered to the permitted facility which cannot be burned whole by MELP within 10 days of delivery, .

18. The permittee shall remove waste tires of all sizes for processing and/or offsite disposal as they are encountered in the stockpile, including waste tires which must be reduced in volume prior to burning.

19. The financial responsibility requirements in this permit do not limit the liability for the permittee of this facility.

20. Any waste tires added to or removed from the permitted area shall be added to or removed from locations specified by the Board in consultation with the West Stanislaus County Fire Protection District.

21. Permitted capacity: the total number of whole waste tires and tire equivalents stored at any time shall not exceed the quantities specified in the following schedule:

April 1, 1996	72,500 tons
April 1, 1997	65,000 tons
April 1, 1998	52,500 tons
April 1, 1999	32,500 tons
April 1, 2000	0 tons

22. Violation of any of the above conditions shall constitute a basis for the revocation of this permit.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

April 24, 1997

AGENDA ITEM 31

ITEM: CONSIDERATION OF WHETHER TO SCHEDULE A HEARING FOR AN APPEAL FROM A DECISION OF THE SAN BERNARDINO COUNTY SOLID WASTE INDEPENDENT HEARING PANEL FILED BY PACIFIC SOUTHWEST FARMS

I. SUMMARY:

Pacific Southwest Farms (PSF), a vermicomposting operation located in San Bernardino County, has filed an appeal of the local hearing panel's decision to uphold a Notice and Order to cease and desist specified aspects of its operations. The hearing panel found that in addition to its vermicomposting operation, PSF was also operating a transfer/processing station without a solid waste facilities permit. Public Resources Code section 45031 requires the Board to decide, within 30 days of receiving the appeal, whether or not to hear the appeal. This item is seeking a decision from the Board on that question, and is not seeking a decision on the merits of the underlying case. If the Board decides to hear the appeal it may do so with or without a hearing. If the Board decides that a hearing is necessary, it must be held within 60 days, unless the parties stipulate to extending the hearing date.

II. PREVIOUS COMMITTEE/BOARD ACTION:

There has been no previous Committee or Board action on this item. This is the first time that the Board has considered an appeal from a hearing panel decision. This item was not heard by the Permitting and Enforcement Committee prior to being heard by the Board because there was insufficient time to review the appeal, the administrative record, and related statutory requirements prior to placing it on that Committee's agenda. It has been placed on the Board's agenda for this month because statute requires a decision on whether to hear an appeal within 30 days of the filing of the appeal with the Board.

III. OPTIONS FOR THE BOARD:

The Board may decide to:

1. Determine not to hear the appeal if the appellant fails to raise substantial issues.
2. Determine to accept the appeal and to decide the matter on the basis of the record before the hearing panel, or based on written arguments submitted by the parties, or both.

3. Determine to accept the appeal and hold a hearing, within 60 days, unless all parties stipulate to extending the hearing date.

IV. STAFF RECOMMENDATION:

Staff recommends that the Board adopt Option number 3 in order to allow adequate time to review all relevant information prior to making a determination and in order to comply with procedural due process requirements. The Board has no regulations or procedures governing this appeal process. The lack of regulations or procedures does not prohibit the Board from hearing the appeal as authorized by statute, but it does restrict the Board's ability to reject an appeal. Such procedures would act as a guarantee of procedural due process and in their absence, the only method for guaranteeing the rights of the parties to full consideration is to allow for a full hearing which allows the parties sufficient time and opportunity to present any information that they consider relevant.

V. ANALYSIS:

A. Relevant Statutory Provisions

The Public Resources Code (PRC) sets forth some basic procedures and standards for appeals from hearing panel decisions, in sections 45030 - 45033.

<u>Right of Appeal</u>

PRC section 45030 provides that any aggrieved person may appeal to the board to review the written decision of a hearing panel within 30 days from the date of issuance of a written decision by a hearing panel.

Board Decision to Hear Appeal

PRC section 45031 provides that within 30 days from the date that an appeal is filed with the Board, the Board may do any of the following:

- Determine not to hear the appeal if the appellant fails to raise substantial issues.

- Determine not to hear the appeal if the appellant failed to participate in the administrative hearing before the hearing panel, except that the board shall hear the appeal if the appellant shows good cause for the appellant's failure to appear.

- Determine to accept the appeal and to decide the matter on the basis of the record before the hearing panel, or based on written arguments submitted by the parties, or both.

- Determine to accept the appeal and hold a hearing, within 60 days, unless all parties stipulate to extending the hearing date.

Effect of Decision Declining to Hear Appeal

If the Board declines to hear the appeal, any enforcement agency action stayed pending appeal shall become effective 10 days from the date that the Board's notification is made, unless judicial review is sought (PRC 45032(a)).

Contents of the Administrative Record

If the Board accepts the appeal, the evidence before the Board shall consist of the record before the hearing panel, the record before the local enforcement agency, and any other relevant evidence which, in the judgment of the Board, should be considered to effectuate and implement the policies of this division. (PRC 45032(b)).

Standard for Board Review of Appeal

The Board may only overturn an enforcement action by a local enforcement agency if it finds, based on substantial evidence, that the action was inconsistent with the Board's statutes and regulations. If the Board overturns the decision of the local enforcement agency or the hearing panel, or finds that the

enforcement agency has failed to act as required, the Board may do both of the following:

- Direct that the appropriate action be taken by the local enforcement agency.

- If the local enforcement agency fails to act by the date specified by the Board, take the appropriate action itself. (PRC 45032(c)).

B. Pacific Southwest Farm's Appeal

The San Bernardino County Solid Waste Independent Hearing Panel issued its decision on February 26, 1997. PSF filed a timely appeal with the Board on March 27, 1997. The Board's 30 day time period to decide whether or not to hear the appeal ends on April 26, 1997, therefore the Board must make this determination at its April monthly meeting.

Attached to this item is a copy of the Hearing Panel decision, the appeal filed by PSF, and a letter from the San Bernardino County Counsel regarding the appeal.

C. Staff Recommendations on Need to Hear Appeal

As noted above, the Board has no regulations or procedures governing this appeal process. The lack of regulations or procedures does not prohibit the Board from hearing the appeal as authorized by statute, but it does restrict the Board's ability to reject an appeal. Such procedures would act as a guarantee of procedural due process and in their absence, the only method for guaranteeing the rights of the parties to full consideration is to allow for a full hearing which allows the parties sufficient time and opportunity to present any information that they consider relevant.

<u>Procedural Due Process Concerns</u>

There are four areas in which the lack of procedures might affect the due process rights of the parties if the Board were to decline to hear the appeal.

First, there are no specific requirements detailing the contents of the appeal. These procedures would specify what information must be included to allow for Board review. They might also specify whether or not the Board would consider additional information and oral presentations prior to deciding whether or not to hear the appeal.

It is not clear at this time if the Board has all the information that the parties would like it to consider in this appeal.

Second, there are no notice requirements for documents scheduling the hearing and no service of process requirements for documents submitted for Board consideration. These procedures would ensure that the parties had sufficient notice that the Board would be considering the appeal, and that they each had received copies of all of the materials that were submitted. It is not clear at this time if the parties have received copies of all documents which were submitted to the Board in this appeal.

Third, there are no procedures for compiling a complete administrative record for the Board to consider prior to deciding whether or not to hear the appeal. These requirements would ensure that the Board could thoroughly consider whether or not the issues raised on appeal are substantial. It is not clear at this time if the Board has a complete administrative record.

Finally, there are no procedures regarding the conduct of the hearing on whether or not to hear the appeal. These requirements would set forth whether or not additional written material would be accepted at the hearing, and whether or not additional oral testimony would be allowed. It is not clear at this time if the parties will wish to submit additional documents and testimony at the Board hearing.

Staff Recommendation

In the absence of procedures to address the concerns noted above, staff is recommending that the Board decide to hear PSF's appeal and schedule a hearing. There are no procedures in place that would allow the Board to limit the information to be considered at this Board hearing and staff believe that there would be insufficient time to allow for a thorough consideration of the issues. In addition, rejection of the appeal without a hearing on the merits could subject the Board's decision to an attack on due process grounds. Given the short 30 day time frame required by statute for this decision, staff believes that the reasonable course of action would be to set a hearing that allows all parties sufficient time and opportunity for a fair hearing. The staff recommendation is not based on a review of the merits of the underlying factual situation.

D. Future Agenda Item Regarding Procedures

The State Water Resources Control Board (SWRCB) has a similar appeal procedure (commonly referred to as a "Petition") to review decisions of, or failure to act by, its regional boards. (Water Code section 13320). The SWRCB has chosen to adopt regulations to govern this petition process (23 California Code of Regulations section 2050 et seq.) which address the types of concerns noted above. These regulations include provisions for content of the petition, review of completeness of the petition, responses to the petition, notice requirements for the hearing, submission of additional information, and scope of the hearing. The SWRCB has also delegated authority to its executive director to dismiss a petition without a hearing as appropriate.

In a future agenda item, staff will be coming before the Board with proposed procedures for appeals from hearing panel decisions in order to address the concerns noted above.

VI. ATTACHMENTS:

1. Hearing Panel Decision
2. Appeal filed by Pacific Southwest Farms
3. Letter submitted by San Bernardino County Counsel regarding the Appeal.

VII. APPROVALS:

Prepared by: Elliot Block Elliot W. Block Phone: 255-2821

Reviewed by: Dorothy Rice D. Rice Phone: 255-2431

Reviewed by: Kathryn J. Tobias KJT Phone: 255-2188

Legal Review: KJT Date/time: 4/11/97

COUNTY OF SAN BERNARDINO

DEPARTMENT OF ENVIRONMENTAL HEALTH SERVICES

LOCAL ENFORCEMENT AGENCY INDEPENDENT HEARING PANEL

In RE: Final NOTICE AND ORDER TO CEASE AND DESIST issued to Pacific Southwest Farms on November 26, 1996.

The Hearing Panel finds that appellants, Pacific Southwest Farms, are in violation of Public Resources Code sections 44001 and 44002, because the parcels under their control are being utilized to receive, store, process and otherwise handle green material/waste intermixed with other assorted solid waste which constitutes operating a Solid Waste Transfer/Processing Station without a Solid Waste Facilities Permit, and without compliance with State Minimum Standards. Section 17852(u) Title 14 of the California Code of Regulations states "Green material does not include treated wood waste, mixed demolition or mixed construction debris." For the purposes of these findings and proceedings only, the Hearing Panel also considered Pacific Southwest Farms to be in partial compliance due to their limited exclusion as a Vermicomposting Facility.

For the purpose of these findings and proceedings only, the green material/waste mixed with solid waste, which is processed/screened on site prior to spreading on the vermiculture beds, is pre-processed prior to delivery to the site with a 4" screen. Specifically, green material mixed with solid waste that has been processed prior to delivery to the site with a 4" screen is being further processed/screened on site prior to spreading on the vermiculture beds. It is the receiving, storing and

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ATTACHMENT # 1

further processing on site of the 4" screened material which is the activity requiring a Solid Waste Facilities Permit. Therefore, in this order, the green material/waste mixed with solid waste which must be removed from the site by no later than March 30, 1997, is also generally referred to as 4" screened material.

Therefore, Pacific Southwest Farms is ordered:

1. To immediately cease and desist from any and all deliveries of green material/waste [4" minus]. Section 17852(u) of Title 14 of the California Code of Regulations defines "Green Material" as "any plant material that is either separated at the point of generation or separated at a centralized facility that employs methods of minimized contamination. Green material includes, but is not limited to, yard trimmings, plant wastes from the food processing industry, manure, untreated wood wastes, paper products and natural fiber products." Therefore, green material that has been pre-screened [1 ¼" minus] prior to delivery, which can be applied directly to the vermiculture beds without any further prior on-site processing would not require a Solid Waste Facilities Permit.

2. To clean up and abate all green material/waste [4" minus] mixed with solid waste from the site. Specifically to process and/or remove all stockpiles containing green material/waste mixed with solid waste [4" minus] that have not been previously processed. This action must be completed by March 30, 1997. Any on-site processing of any green material prior to vermiculture bed application after March 30, 1997, is strictly forbidden and considered in violation of this order.

3. To have all [4" minus] green material/waste mixed with solid waste which is stored for processing removed from the site by March 30, 1997.

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4. To submit a Solid Waste Facilities Permit application for a transfer/processing station to the Local Enforcement Agency (LEA) and receive a valid Solid Waste Facilities Permit before engaging in any future activity involving processing and otherwise handling of green material supplemental to the activity of vermiculture composting. Specifically any processing prior to its application to the vermiculture beds and receiving, handling or storing any material that does not comply with "Green Material" as defined in Section 17852(u) of Title 14 of the California Code of Regulations and limited to [1 ¼" minus] constitutes operating a Solid Waste Transfer/Processing Station.

5. To contain all litter generated at the site resulting from the processing or handling of any green material [both 4" and 1 ¼" minus]. All litter shall be controlled and collected at the site by any/all appropriate methods, so as to prevent litter dispersion throughout the site and/or litter migration off site. To cease processing [4" minus] green material/waste immediately upon 24-hour notice by the LEA that the litter is not controlled and collected at the site. This exception by the Hearing Panel expires March 30, 1997, at which time existing codes and regulations will continue to be enforced.

6. To remove any/all municipal solid waste (residual waste) remaining after processing [4" minus] green material/waste from the site at a frequency of not less than once per day (every 24 hours) until March 30, 1997, at which time existing codes and regulations will continue to be enforced.

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THE HEARING PANEL'S RULING IS LIMITED TO THESE PROCEEDINGS ONLY AND NOT INTENDED TO SET PRECEDENCE, POLICY OR ALTER EXISTING CODES OR REGULATIONS IN ANY WAY

Public Resources Code Section 45030 provides that any aggrieved person may appeal to the California Integrated Waste Management Board to review the written decision of the hearing panel within thirty (30) days from the date of issuance of a written decision by a hearing panel.

Dated: 2-26-97 Signed: Dean Johnson

Dean Johnson, Hearing Panel Chair

Hearing Panel Members: Christopher Jaramillo and Margaret Crawford

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REZNIK & REZNIK
A LAW CORPORATION
15456 VENTURA BOULEVARD, FIFTH FLOOR
SHERMAN OAKS, CALIFORNIA 91403-3026
(818) 907-9898
(213) 872-2900

FACSIMILE
(818) 907-8465
INTERNET
WWW.REZNIK.COM

JOHN M. REZNIK
ALBERT M. COHEN
KENNETH A. EHRLICH
FRED N. GAINES
JANICE KAMENIR-REZNIK
ROBERT E. KELLER
ALAN J. KHEEL
RICHARD A. MCDONALD
DIANA NG
JEFFREY S. RASKIN
WILLIAM M. SAMOSKA
REBECCA A. THOMPSON
ANDREW M. VOGEL
MONICA WITT

ROBERT M. HERTZBERG
OF COUNSEL

REFER TO FILE NUMBER
1782.01

March 27, 1997

ORIGINAL SENT BY MAIL

Mr. Ralph Chandler
Executive Director
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826

VIA FACSIMILE NO. (916) 255-2023

Ms. Kathryn Tobias
Chief Counsel
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826

VIA FACSIMILE NO. (916) 225-2229

Ms. Dorothy Rice
Deputy Director of Permitting & Enforcement Division
California Integrated Waste Management Board
8880 Cal Center Drive
Sacramento, CA 95826

VIA FACSIMILE NO. (916) 225-4073

Re: Pacific Southwest Farms' Appeal to the California Integrated Waste Management Board

Dear Mr. Chandler, Ms. Tobias, and Ms. Rice:

Pursuant to California Public Resources Code § 45030, this letter constitutes Pacific Southwest Farm's appeal to the California Integrated Waste Management Board (the "Board") of the February 26, 1997 written decision of the San Bernardino County Solid Waste Independent Hearing Panel (the "Hearing Panel"). Pacific Southwest Farms ("PSF") appeals the Hearing Panel's decision concerning the Local Enforcement Agency's November 26, 1996 Notice and Order to Cease and Desist.

Background

Since November, 1994, Pacific Southwest Farms ("PSF") has operated a vermicomposting facility at 13182 South Baker Street, Ontario (the "Site") in unincorporated San Bernardino County (the "Vermicomposting Facility"). PSF receives and prepares organic feedstock for consumption and

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ATTACHMENT # 2

conversion by worms into worm castings and other worm related soil products. The organic feedstock is composed of "clean green" material as defined in Section 17852(k) of Title 14 of the California Code of Regulations.[1] The Vermicomposting Facility addresses and facilitates California's waste reduction and disposal goals put forth by the Board to conserve natural resources and landfill capacity. See "Worms and Waste Management In California: A Question and Answer Factsheet on Vermiculture, Vermicomposting, and Waste Reduction," a true and correct copy of which is attached hereto as Exhibit "A."

PSF's use of the Vermicomposting Facility constitutes an "agricultural use" under the San Bernardino County Development Code, California Food and Agricultural Code § 23.7,[2] and the Williamson Act, California Government Code §§ 51200 et seq., that is permitted by right in the Agricultural District, the Agricultural Preserve Overlay District, and the Agricultural Preserve in which it is located. The vermicultural products produced at the Vermicomposting Facility also constitute "agricultural commodities" under Section 17852(e) of Title 14 of the California Code of Regulations.

On October 2, 1996, the Local Enforcement Agency ("LEA") issued the Tentative Notice and Orders to Cease and Desist (the "Tentative Notice") to PSF. On October 9, 1996, Pacific Southwest Farms sent a response to the Tentative Notice to the LEA and requested a meeting to clarify the regulatory requirements pursuant to California Public Resources Code §§ 45011(b)(2) and 45020(b)(3). On October 18, 1996, representatives of the LEA and PSF met and discussed the issues presented. On November 26, 1996, the LEA issued to PSF the Final Notice and Orders to Cease and Desist (the "Final Notice") pursuant to California Public Resources Code Section 45005 and Title 14, California Code of Regulations Section 18304. The Final Notice alleges that PSF is operating a solid waste transfer/ processing station without having first obtained a solid waste facility permit. As of

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[1] "Clean Green" is defined as:

> [G]reen material that is processed by a permitted solid waste facility in order to reduce contamination to the greatest extent possible as set forth in Section 17868.4. Tree and landscape trimming materials that have never been combined with other waste materials are considered "Clean Green Materials."

Cal. Code Regs. tit. 14, § 17852(k). "Green Material" is defined as:

> [A]ny plant material that is either separated at the point of generation, or separated at a centralized facility that employs methods to minimize contamination. Green material includes, but is not limited to, yard trimmings, plant wastes from the food processing industry, manure, untreated wood wastes, paper products, and natural fiber products.

Id.

311 [2] Vermiculture is classified by the State of California as an agricultural activity. Cal. Food & Agric. Code § 23.7.

November 1, 1996, PSF has only accepted delivery of "clean green" material that has been "pre-screened" at a material recovery facility using a fine (1 1/4 inch) screen.

On December 5, 1996, PSF appealed the Final Notice to the Hearing Panel and submitted a Statement of Issues on January 10, 1997. A true and correct copy of the Statement of Issues is attached hereto as Exhibit "B." On January 30, 1997, the Hearing Panel heard PSF's appeal of the LEA's Final Notice. On February 26, 1996, the Hearing Panel found that PSF was in violation of California Public Resources Code §§ 44001 and 44002, yet it also found that PSF was in "partial compliance" due to its "limited exclusion as a Vermicomposting Facility." The Hearing Panel found that PSF constitutes a Solid Waste Transfer/ Processing Station without a Solid Waste Facilities Permit to the extent that green material is being processed/ screened on site prior to placement on the worm beds at the Vermicomposting Facility. The Hearing Panel explicitly stated that, "It is the receiving, storing and further processing on site of the 4" screened material which is the activity requiring a Solid Waste Facilities Permit." A true and correct of the written decision of the Hearing Panel is attached hereto as Exhibit "C."

Issue Presented On Appeal

The sole issue presented in this appeal is whether Pacific Southwest Farms' Vermicomposting Facility is a "vermicomposting facility" that is exempted from California solid waste facility regulations pursuant to Title 14 of the California Code of Regulations, Section 17855. Specifically, PSF appeals the Hearing Panel's decision that the "receiving, storing, and further processing on site of the 4" screened material" constitutes "activity requiring a Solid Waste Facilities Permit."

Summary of Pacific Southwest Farms' Position on the Issue

Pacific Southwest Farms' position is that the vermicomposting facility is a "vermicomposting facility" and is therefore excluded from state regulation of solid waste facilities. See Cal. Code Regs. tit. 14, § 17855.[3] "Vermicomposting" is defined as "an activity that produces compost through worm activity." Cal. Code Regs. tit. 14, § 17852(ll). "Compost" is defined as "the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility." Cal. Pub. Res. Code § 40116.

By feeding the worms organic feedstock, PSF engages in an activity which produces worm castings, which constitute "compost" within the meaning of Section 40116. Therefore, PSF is engaged in an activity that produces compost through worm activity, and its vermicomposting facility is exempted from solid waste facility requirements pursuant to Section 17855.

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[3] Section 17855 provides that: "Vermicomposting is an excluded activity." Cal. Code Regs. tit. 14, § 17855.

PSF is not a transfer or processing station. Transfer or processing stations are defined as "those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport, and those facilities utilized for transformation" and does not include any "facility, whose principal function is to receive, store, convert, or otherwise process wastes which have already been separated for reuse and are not intended for disposal." Cal. Pub. Res. Code § 40200. PSF is not a transfer or processing station subject to state regulations of solid waste facilities because its principal function is to receive and convert green waste that has "already been separated for reuse" and "not intended for disposal." Moreover, even if PSF was not excluded from the definition of a transfer or processing station, PSF would not be subject to state regulations of solid waste facilities given the broad exclusion for "vermicomposting" facilities set forth in Title 14 of the California Code of Regulations, Section 17855.

The Hearing Panel's finding that "It is the receiving, storing and further processing on site of the 4" screened material which is the activity requiring a Solid Waste Facilities Permit" constitutes a finding that any pre-processing or screening of material at a vermicomposting facility would cause the facility to be considered a Solid Waste Transfer/ Processing Station. PSF appeals from this finding on the ground that (1) vermicomposting typically involves some form of pre-processing or screening of material before materials are fed to worms; (2) this pre-processing or screening is integral to vermicomposting;[4] and (3) the pre-processing or screening of the 4" materials at the Vermicomposting Facility does not put the Vermicomposting Facility within the definition of a transfer or processing station.

Stay of LEA Enforcement under California Public Resources Code § 45017

California Public Resources Code § 45017 states that "a request for a hearing shall stay the effect of that provision of the order pending completion of all appeals." Accordingly, PSF's appeal and request for a hearing before the Board stays the LEA's enforcement of the Final Notice pending completion of the appeal before the Board.

[4] See "A Factsheet on Vermiculture, Vermicomposting, and Waste Reduction," CIWMB Worm Facts - Microsoft Internet Explorer, August 5, 1996, at 2 (stating that "some degree of processing or composting of the organic wastes into a form suitable to be used as worm food" is part of vermicomposting industry; such processing or composting does not constitute grounds for regulating vermicomposting as a conventional composting facility which would be defined as a solid waste facility), a true and correct copy of which is attached hereto as Exhibit "D."

Conclusion

PSF respectfully requests that the Board carefully consider the issue raised in this appeal and issue a decision to rescind the November 26, 1996 Final Notice and Orders. Within the 30 day review period set forth in California Public Resources Code § 45031, PSF will submit additional evidence for the Board to consider in making its determination of PSF's appeal.

Very truly yours,

REZNIK & REZNIK
A Law Corporation

By Diana Ng
DIANA NG

DN:drr
Enclosures

cc: Barry Meijer

3kl

Worms and Waste Management In California:

A Question and Answer Factsheet on Vermiculture, Vermicomposting, and Waste Reduction

INTEGRATED WASTE MANAGEMENT BOARD

What are California's waste reduction and disposal goals?

California has established aggressive solid waste reduction goals to conserve both natural resources and landfill capacity. Cities and counties are responsible for planning and implementing programs to reduce waste disposal by 25 percent by this year (1995) and 50 percent by the year 2000.

The California Integrated Waste Management Board (CIWMB) is the agency responsible for overseeing the development of programs designed to meet these goals. Indications are that most communities are meeting the 25 percent challenge; some are even exceeding it. However, additional effort will be required to cut California's waste in half.

How is California going to meet these goals, and what role does "vermicomposting" play?

Every community has developed a game plan to get there. Most have implemented a variety of programs to reduce waste. These include waste prevention efforts like home composting, as well as recycling activities, such as curbside collection from homes and processing waste from businesses.

In all, California generates nearly 40 million tons of waste each year. In order to meet the goals, large quantities of organic waste, which account for more than half of the garbage, will need to be recovered and processed. This can be done by conventional composting operations, fuel production, and in some cases vermicomposting—or composting with the assistance of worms. Presently, worms are playing a very small role in California's waste management programs.

What have been the traditional uses for worms and the traditional markets for the worm industry?

Worms have been raised in California for decades. In fact, California Food and Agriculture law defines vermiculture, or worm farming, as a form of agriculture. Additionally, there are many different types of worms raised and used for various purposes.

What are the prospects for the worm industry to solve California's solid waste disposal problem, and are there enough worms to do it?

California does not have a policy that advocates worms as a priority solution. In fact, most organic waste is not in a form that can readily be fed to worms. Composting is required first, and once material is composted, it may be marketed as is. So it's not a matter of the worms solving the state's solid waste concerns.

Even so, consider the following thoughts on the supply of worms: worm research shows that the reproductive capacity of some worms is substantial if provided ideal conditions. Some worm types used for composting may be able to reproduce up to six times a year. Using a simple doubling of worm populations every six months, worm farmers could quickly saturate the market. The table below demonstrates basic arithmetical doubling of a one ton population every two months and shows that in just over four years the worms would multiply into more tons than the 40 million tons of waste Californians generate annually. (Note: Of this 40 millions tons, only 66 percent is organic.)

Month	Year One	Year Two	Year Three	Year Four	Year Five
1-2	1	64	4,096	262,144	16,777,216
3-4	2	128	8,192	524,288	33,554,432
5-6	4	256	16,384	1,048,576	67,108,864
7-8	8	512	32,768	2,097,152	
9-10	16	1,024	65,536	4,194,304	
11-12	32	2,048	131,072	8,388,608	

8. **If someone has more questions about vermicomposting, where do they go from here?**

Individuals interested in pursuing more information on vermicomposting or vermiculture, as well as worm and soil market realities, should contact an existing worm farm, soil blender, or organic waste processor to discuss the present and future possibilities of worm enterprises. The CIWMB maintains an informal list of worm suppliers for the purpose of informing people where worms can be procured.

Waste Prevention Program Development Section
Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826

Public Affairs Office
(916) 255-2296
June 1995
Pub. No. 442-95-044

REZNIK & REZNIK
LAW CORPORATION
5456 VENTURA BOULEVARD, FIFTH FLOOR
SHERMAN OAKS, CALIFORNIA 91403-3026
(818) 907-9898
(213) 872-2500

FACSIMILE
(818) 907-8465
INTERNET
WWW.REZNIK.COM

JOHN M. REZNIK
ALBERT M. COHEN
KENNETH A. EMBLER
FRED N. GAINES
RENNY GREENBALDWIN
JAN DE HAMER REZNIK
ROBERT E. KOLLER
KEVIN M. KEMPER
ALAN J. AMEL
RICHARD A. MCDONALD
DANA NG
JEFFREY S. RASKIN
BENJAMIN N. REZNIK
WILLIAM M. SAMOSKA
L. ELIZABETH STRAHLSTROM
REBECCA A. THOMPSON
ANDREW M. VOGEL
MONICA WITT

ROBERT M. HERTZBERG
OF COUNSEL

REFER TO FILE NUMBER
1782.01

January 10, 1997

ORIGINAL SENT BY MAIL

VIA FACSIMILE NO. (909) 387-4323

Local Enforcement Agency
Attn: Matt Slowik
Department of Public Health
Division of Environmental Health Services
386 North Arrowhead Avenue
San Bernardino, CA 92415-0160

Re: Pacific Southwest Farms' Appeal before the Local Enforcement Agency
Statement of Issues
Hearing Date: January 30, 1997

Dear Mr. Slowik:

Pursuant to California Public Resources Code § 44310(a)(2), this letter shall constitute Pacific Southwest Farms' statement of issues to be considered at the appeal hearing before the Local Enforcement Agency's hearing panel which is set for January 30, 1997.

Background

Pacific Southwest Farms ("PSF") is an innovative vermicomposting facility which receives and prepares organic feedstock for consumption and conversion by worms into worm castings and other worm related soil products. The organic feedstock is composed of "clean green" material.[1] The PSF vermicomposting facility addresses and facilitates California's waste reduction and disposal goals put forth by the California Integrated Waste Management Board to conserve natural resources and

[1] Section 17852(k) of Title 14 of the California Code of Regulations defines "Clean Green" as "green material that is processed by a permitted solid waste facility in order to reduce contamination to the greatest extent possible as set forth in Section 17868.4. Tree and landscape trimming materials that have never been combined with other waste materials are considered 'Clean Green Materials.'" Section 17852(u) defines "Green Material" as "any plant material that is either separated at the point of generation, or separated at a centralized facility that employs methods to minimize contamination. Green material includes, but is not limited to, yard trimmings, plant wastes from the food processing industry, manure, untreated wood wastes, paper products, and natural fiber products." Id.

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landfill capacity. See "Worms and Waste Management In California: A Question and Answer Factsheet on Vermiculture, Vermicomposting, and Waste Reduction," a copy of which is attached hereto as Exhibit "A."

On October 2, 1996, the Local Enforcement Agency ("LEA") issued the Tentative Notice and Orders to Cease and Desist (the "Tentative Notice") to PSF. On October 9, 1996, Pacific Southwest Farms sent a response to the Tentative Notice to the LEA and requested a meeting to clarify the regulatory requirements pursuant to California Public Resources Code §§ 45011(b)(2) and 45020(b)(3). On October 18, 1996, representatives of the LEA and PSF met and discussed the issue now before the hearing panel. On November 26, 1996, the LEA issued to PSF the Final Notice and Orders to Cease and Desist (the "Final Notice") pursuant to California Public Resources Code Section 45005 and Title 14, California Code of Regulations Section 18304. The Final Notice alleges that PSF is operating a solid waste transfer/ processing station without having first obtained a solid waste facility permit.

As of November 1, 1996, PSF has only accepted delivery of "clean green" material that has been "pre-screened" at a material recovery facility using a fine (1 1/4 inch) screen.

Issue Presented On Appeal

The sole issue presented in this appeal is whether the Pacific Southwest Farms' vermiculture facility is a "vermicomposting facility" that is exempted from California solid waste facility regulations pursuant to Title 14 of the California Code of Regulations, Section 17855.

Summary of Pacific Southwest Farms' Position on the Issue

Pacific Southwest Farms' position is that the vermiculture facility is a "vermicomposting facility" and is therefore excluded from state regulation of solid waste facilities. See Cal. Code Regs. tit. 14, § 17855.[2] "Vermicomposting" is defined as "an activity that produces compost through worm activity." Cal. Code Regs. tit. 14, § 17852(ll). "Compost" is defined as "the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility." Cal. Pub. Res. Code § 40116.

By feeding the worms organic feedstock, PSF engages in an activity which produces worm castings, which constitute "compost" within the meaning of Section 40116. Therefore, PSF is engaged in an activity that produces compost through worm activity, and its vermiculture facility is exempted from solid waste facility requirements pursuant to Section 17855.

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[2] Section 17855 provides that: "Vermicomposting is an excluded activity." Cal. Code Regs. tit. 14, § 17855.

PSF is not a transfer or processing station. Transfer or processing stations are defined as "those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport, and those facilities utilized for transformation" and does not include any "facility, whose principal function is to receive, store, convert, or otherwise process wastes which have already been separated for reuse and are not intended for disposal." Cal. Pub. Res. Code § 40200. PSF is not a transfer or processing station subject to state regulations of solid waste facilities because its principal function is to receive and convert green waste that has "already been separated for reuse" and "not intended for disposal." Moreover, even if PSF was not excluded from the definition of a transfer or processing station, PSF would not be subject to state regulations of solid waste facilities given the broad exclusion for "vermicomposting" facilities set forth in Title 14 of the California Code of Regulations, Section 17855.

Conclusion

PSF respectfully requests that the LEA hearing panel carefully consider the issue raised in this statement of issues and issue a decision to rescind the November 26, 1996 Final Notice and Orders.

Very truly yours,

REZNIK & REZNIK
A Law Corporation

By
JOHN M. BOWMAN

JMB:dn
Attachment

cc: Barry Meijer
Peter Racicot

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EXHIBIT C IS LOCATED IN ATTACHMENT 1 OF THE BOARD AGENDA ITEM

A Factsheet on Vermiculture, Vermicomposting, and Waste Reduction

Produced by the California Integrated Waste Management Board

1. What are California's waste reduction and disposal goals?
2. How is California going to meet these goals?
3. What have been the traditional uses for worms?
4. Should vermicomposting be regulated as a solid waste facility in California?
5. What are the ideal uses for worms?
6. Are there enough worms to solve California's solid waste disposal problem?
7. If someone has more questions about vermicomposting, where do they go from here?

1. What are California's waste reduction and disposal goals?

California has established aggressive solid waste reduction goals to conserve both natural resources and landfill capacity. Cities and counties are responsible for planning and implementing programs to reduce waste disposal by 25% by this year (1995) and 50% by the year 2000.

The California Integrated Waste Management Board (CIWMB) is the agency responsible for overseeing the development programs designed to meet these goals. Indications are that most communities are meeting the 25% challenge, some are even exceeding it. However, additional effort will be required to cut California's waste in half.

2. How is California going to meet these goals, and what role does "vermicomposting" play?

Every community has developed a game plan to get there. Most have implemented a variety programs to reduce waste. These include waste prevention efforts like home composting, as well as recycling activities, such as curbside collection from homes and processing waste from businesses.

In all, California generates nearly 40 million tons of waste each year. In order to meet the goals, large quantities of organic waste, which accounts for more than half of garbage, will need to be recovered and processed. This can be done by conventional composting operations, fuel production, and in some cases vermicomposting-or composting with the assistance of worms. Presently, however, worms are playing a very small role in California's waste management programs.

3. What have been the traditional uses for worms and the traditionalmarkets for the worm industry?

Worms have been raised in California for decades. In fact, California Food and Agriculture law defines vermiculture, or worm farming, as a form of agriculture. Additionally, there are many different types of worms raised and used for various purposes.

Traditionally worms have been raised for fishing bait as well as a protein source for various

products, including animal food and cosmetics. Worms have also been used to manage agricultural wastes, such as dairy manure, since they convert waste into a nutrient rich soil product called "castings".

4. Vermicomposting is currently not regulated as a solid waste facility inCA. Should it be?

Vermicomposting, a form of vermiculture, is currently defined as an agricultural activity. According to the California Dept of Food and Agriculture, worms can be considered livestock, much as cows are in a ranching or dairy operation. Within reason, certain organic wastes can be viewed as feed.

Under new California solid waste laws, vermicomposting is considered "excluded" from regulation as a conventional composting facility, which are defined as solid waste facilities. However, an "exclusion" recognizes that a given activity is involved in solid waste handling and therefore must comply with fundamental health and safety codes.

If a worm operation becomes a nuisance, for instance by taking in more waste than can be effectively fed to and processed by the worms, it could be viewed that the activity has crossed the line and become a solid waste facility. Concerns about a particular circumstance should be directed to community's environmental health department.

California's waste reduction laws have created a real opportunity for innovation, which is encouraged. However, with innovation comes uncertainty, and emerging technologies need to be scrutinized for feasibility.

Some entrepreneurs are experimenting with using certain types of worms to process municipal organic waste into soil products. This usually requires some degree of processing or composting of the organic wastes into a form suitable to be used as worm food. The products of these operations, the worm castings, may fill niche markets within the soil amendment industry.

5. What are the ideal uses for worms?

That is hard to say. From a waste management perspective, the CIWMB has encouraged residents to help prevent waste and manage their own organic discards by composting at home, including using worm boxes for food residue. This simple technology can provide a rich soil amendment while reducing waste at the point of generation, thus reducing collection and management costs. The CIWMB also recognizes that worms may be playing some role in creating higher end soil products along with conventional composting methods.

6. What are the prospects for the worm industry to solve California's solid waste disposal problem, and are there enough worms to do it?

First of all, no one is specifically asking for worms to solve California's solid waste problems. Additionally, most organic waste is not in a form that can readily be fed to worms. Composting is required first, and once material is composted, it may be marketed as is. So it's not a matter of the worms themselves solving the State's solid waste concerns. However, if a

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policy was established today that called for all of California's organic wastes to be processed by worms, then there may not be enough worms today, but no such policy is anticipated.

Even so, consider the following thoughts on the supply of worms: worm research shows that the reproductive capacity of some worms is substantial if provided ideal conditions. Some worm types used for composting may be able to reproduce up to six times a year. Using a simple doubling of worm populations every two months, worm farmers could quickly saturate the market if an official call for worms was issued.

Year:	One	Two	Three	Four	Five
Month:					
1-2	1	64	4,096	262,144	16,777,216
3-4	2	128	8,192	524,288	33,554,432
5-6	4	256	16,384	1,048,576	67,108,864
7-8	8	512	32,768	2,097,152	
9-10	16	1,024	65,536	4,194,304	
11-12	32	2,040	131,072	8,388,608	

This table demonstrates basic arithmetical doubling of a one ton population every two months and shows that in just over four years the worms would multiply into more tons than the 40 million tons of waste Californians generate annually.

7. If someone has more questions about vermicomposting, where do they go from here?

Individuals interested in pursuing more information on vermicomposting or vermiculture, as well as worm and soil market realities, should contact an existing worm farm, soil blender, or organic waste processor to discuss the present and future possibilities of worm enterprises. The CIWMB maintains an informal list of worm suppliers for the purpose of informing people where worms can be procured.

California Waste Prevention Info Exchange
Phone: (916) 255-INFO
Email: wpinfoex@mrt.ciwmb.ca.gov

ALAN K. MARKS
County Counsel

CRAIG S. JORDAN
Assistant County Counsel

CHIEF DEPUTIES
Ronald D. Reitz
Ruth E. Stringer
Daniel B. Haueter
Michael A. Sachs

County of San Bernardino

COUNTY COUNSEL

385 NORTH ARROWHEAD AVENUE
SAN BERNARDINO, CA 92415-0140

TELEPHONE (909)387-5455

FAX (909)387-4068

DEPUTIES
Charles A. Duerbeck
Dawn Stafford
Charles J. Larkin
Paul F. Mordy
Rex A. Hinesley
Paul St. John
Susan Lindsay Nash
L. Thomas Krahelski
Charles S. Scolastico
W. Andrew Hartzell
Sandra D. Baxter
Neil H. Stern
Jean-Rene Basle
Alan L. Green
Michelle D. Blakemore
Robert L. Jocks
Patricia Campbell
Kevin L. Norris
Dennis S. Tilton
Andrew L. Kjeldsen
Michael A. Marker
Dennis E. Wagner
Paula B. Tobier
Mary E. O'Hara
Regina A. Coleman
Diane I. Anderson
Carol A. Greene
Stephanie A. Wilson

April 2, 1997

Liz Clayton
Kathryn Tobia
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 92526

Re: PACIFIC SOUTHWEST FARMS APPEAL

Dear Ms. Clayton and Ms. Tobia:

The County of San Bernardino, Department of Public Health, Division of Environmental Health, Local Enforcement Agency (hereinafter the "LEA") respectfully requests the California Integrated Waste Management Board (hereinafter "Board") to determine not the hear the above appeal by Pacific Southwest Farms (hereinafter "PSF") pursuant to the authority granted to the Board in Public Resources Code (hereinafter "PRC") section 45031(a).

The processing/screening of mixed solid and green waste is the activity which the LEA and the Independent Hearing Panel found was a processing station and was not vermicomposting. PRC section 40200 defines a transfer or processing station as follows:

> "(a) "Transfer or processing station" or "station" includes those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport, and those facilities for transformation.
>
> (b) "Transfer or processing station" or "station" does not include any of the following:

(1) A facility whose principal; function is to receive, store, separate, convert or otherwise process in accordance with state minimum standards, manure.
(2) A facility whose principle function is to receive, store, convert or otherwise process wastes which have already been separated for reuse and are not intended for disposal.
(3) The operations premises of a duly licensed solid waste handling operator who receives, stores, transfers or otherwise processes wastes as an activity incidental to the conduct of a refuse collection and disposal business in accordance with regulations adopted pursuant to section 43309."

Both the LEA and the Independent Hearing Panel found PSF's screening of green waste mixed with solid waste and the return of 13% of that material for disposal as solid waste to a landfill qualified as a Processing Station under PRC section 40200. This determination was made based on the fact that PSF had contracts with waste haulers to receive the green waste mixed with solid waste (for which PSF was paid by the haulers) to screen the mixture and to return the "overs," consisting of solid waste, to a landfill for disposal.

That process fits exactly into the definition of a processing station as one which receives solid waste to temporarily store, separate, convert or otherwise process the materials in the solid wastes. While the "principal" function of the entire vermicomposting operation may have been to produce worm castings, it is very clear the principal function of bringing the 4" material on site was to receive payment for screening out the bulk of the solid waste and then hauling that solid waste to a landfill. A by-product of that process was material which could be fed to worms.

The exclusion for vermicomposting does not include an exclusion for a processing station which incidentally produces a product which can be used to feed worms.

The proposed draft emergency regulations approved for submission to the Office of Administrative Law on February 26, 1997 are extremely instructive as to the Board's intent regarding the breadth of the vermiculture exclusion. Staff indicated the proposed draft emergency regulations were drafted to address the impacts of significant health, safety and environmental impacts identified from the operation of activities that were either excluded from regulations as a composting operation or determined to be outside the scope of the regulatory action. Specifically, the proposed draft emergency regulations clarify the vermicomposting exclusion and

apply to vermicomposting activities that have more than 1,000 cubic yards of feedstock and growth medium on site at any one time and include the storage of feedstock to be used in the production of growth medium for worms, *feedstock which is being processed to produce growth medium,* and the storage of growth medium.

The staff report stated vermicomposting is currently defined as "an activity that produces compost through worm activity" and that vermicomposting activities are explicitly excluded from the CIWMB's composting regulations and have no limits on the amounts of finished product (worm castings) which can be sold or given away. However, the proposed draft emergency regulations would revise the definition of "vermicomposting" to clarify that the storage of feedstock to be used in the production of growth medium for worms, *feedstock which is being processed to produce growth medium,* and growth medium, is subject to the proposed storage requirements. Storage activities which have more than 1,000 cubic yards on-site would be subject to a performance standard for vectors, odors, litter, hazards, nuisances, noise impacts, dust and pathogenic organisms; and a performance/prescriptive standard for fire prevention, protection and control.

The purpose of the proposed draft emergency regulations is to give enforcement agencies some basic tools for dealing with problems and potential concerns they have right now with these activities.

Specifically, the changes in the proposed draft emergency regulations which relate to the issue raised by this appeal, processing/screening of solid waste mixed with green waste, are as follows:

The definition of "vermicomposting" would be amended to provide that vermicomposting means an activity that produces worm casings through worm activity; *that the enforcement agency may determine whether an activity is or is not vermicomposting; and that the storage of feedstock to be used in the production of growth medium for worms, **feedstock which is being processed to produce growth medium,** and the storage of growth medium is not considered vermicomposting.* PRC sections 17850(ll) and 17855(a)(5).

Although this language appears at first to be only about the storage of material, it is clear that if the storage of feedstock is not vermicomposting then the processing of stored feedstock is also certainly not vermicomposting and therefore is not excluded.

The proposed draft emergency regulations made the same determination that the LEA and the Independent Hearing Panel made and the determination that the proposed draft emergency regulations direct the LEA to make: Screening municipal solid waste from green material on site is not vermicomposting and therefore is not excluded from the requirement for a Solid Waste Facilities Permit.

Because the LEA and the Independent Hearing Panel's determination was correct and has been set forth in the proposed draft emergency regulations, the CIWMB has already determined that processing mixed waste is not vermicomposting. Because that determination has been made, appellant fails to raise substantial issues and the Board should not hear the appeal. PRC section 45031(a).

Very truly yours,

ALAN K. MARKS
County Counsel

Susan L. Nash

SUSAN L. NASH
Deputy County Counsel

SLN:dsa

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION No. 97-153

DETERMINATION TO SCHEDULE A HEARING FOR AN APPEAL FROM A DECISION OF THE SAN BERNARDINO COUNTY SOLID WASTE INDEPENDENT HEARING PANEL FILED BY PACIFIC SOUTHWEST FARMS

WHEREAS, Public Resources Code section 45030 provides that any aggrieved person may appeal to the Board to review the written decision of a hearing panel within 30 days from the date of issuance of a written decision by a hearing panel; and,

WHEREAS, Public Resources Code section 45031 provides that within 30 days from the date that an appeal is filed with the Board, the Board may do any of the following: 1) determine not to hear the appeal if the appellant fails to raise substantial issues; 2) determine not to hear the appeal if the appellant failed to participate in the administrative hearing before the hearing panel, except that the board shall hear the appeal if the appellant shows good cause for the appellant's failure to appear; 3) determine to accept the appeal and to decide the matter on the basis of the record before the hearing panel, or based on written arguments submitted by the parties, or both; or, 4) determine to accept the appeal and hold a hearing, within 60 days, unless all parties stipulate to extending the hearing date; and,

WHEREAS, the San Bernardino County Solid Waste Independent Hearing Panel rendered a decision on February 26, 1997 which upheld a Notice and Order to Cease and Desist that was issued to Pacific Southwest Farms; and,

WHEREAS, Pacific Southwest Farms filed an appeal of the hearing panel decision with the Board on March 27, 1997; and,

WHEREAS, the Board has determined that it would be most appropriate to schedule a hearing in order to ensure a full consideration of the issues raised by this appeal.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby decides to hear Pacific Southwest Farm's appeal, and directs staff to schedule it to take place at the Board's regular monthly meeting on May 28, 1997 in Sacramento, California.

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 April 24, 1997.

Dated:

Ralph E. Chandler
Executive Director

California Integrated Waste Management Board

Board Meeting
April 24-25, 1997

AGENDA ITEM 33

ITEM: CONSIDERATION OF OBJECTIVES, STRATEGIES AND PERFORMANCE MEASURES FOR THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S (BOARD) 1997 STRATEGIC PLAN

I. Summary

Beginning in 1989 with the enactment of the Integrated Waste Management Act (the Act), the waste management hierarchy of 1) source reduction, 2) recycling and composting, and 3) environmentally safe transformation and landfilling has served as the primary prioritization tool for the Integrated Waste Management Board (Board). Yet, since 1989, numerous amendments to the Act have added to the responsibilities of the Board, while maintaining the same revenue structure based on the solid waste tip fee.

Now, as the Board is poised to usher in achievement of the 50% waste diversion mandates in the year 2000, we are faced with a challenge of how to continue to support the waste management hierarchy. We must meet this challenge while also maintaining our regulatory oversight role of protecting public health and safety, and the environment in a fiscal reality of declining resources. As we succeed in reducing waste, we also succeed in reducing our primary funding base for Board programs. As a result, 1997 becomes a critical year in redefining the priorities of the Board in order to ensure success of our key waste reduction and environmental protection mandates. This reality has set the stage for the Board to create a strategic plan that will be understood and embraced throughout the organization.

This item presents draft elements for the Board's 1997 Strategic Plan for Board consideration. These elements are the Objectives, Strategies and Performance Measures for each of the four Strategic Goals adopted by the Board during the March 1997 Board meeting. These draft elements were prepared by cross-funtional teams led by members of

Executive Staff with participation by Board advisors and first- and second-line management. The staff work presented in this item strives to support creation of a Strategic Plan that incorporates thinking from multiple levels in the Board.

II. Previous Committee Action

None. This item is being brought directly to the full Board.

III. Previous Board Action

In January 1993, the Board approved a strategic plan, "The Strategic Plan of the California Integrated Waste Management Board," and submitted it to the Governor's Office.

In February 1997, the Board approved Vision, Mission and Values Statements for inclusion in the Board's 1997 Strategic Plan (see Attachment A).

In March 1997, the Board approved four Strategic Goals for inclusion in the Board's 1997 Strategic Plan (see Attachment B).

IV. Background

A. *Purpose and Process of the Plan*

The need for an updated Board Strategic Plan has been driven by a variety of factors. First, the Board itself has indicated its interest in setting clear goals and objectives for the various programs at the Board. This has been done through its various initiatives such as the "Getting to 50%" Initiative, the "Other 50% Initiative" for Permitting and Enforcement programs, the Market Development Plan, the Waste Prevention Plan, and the Waste Tire Fund Allocation Plan, among others. Board staff also expressed the need for a clear vision and central strategic direction for the Board during their participation in the Program Integration Plan initiative. This groundwork sets the stage to

integrate these program initiatives into a comprehensive strategic direction for the Board.

In addition, Governor Pete Wilson is requiring that all state boards, departments and agencies submit strategic plans by July 1, 1997. It is the Governor's expectation that beginning in Fiscal Year 1998-99, only Budget Change Proposals (BCPs) tied to a Strategic Plan will be considered.

For these reasons, we developed a methodology for creating the 1997 Strategic Plan that allowed for the development of these elements by a group of representatives of the diverse perspectives within our organization. This group included members of the Board and the Executive Director, continuing through our Executive Staff team, Board member advisors, and Branch managers and supervisors.

In addition, the various elements of the Plan have been formally approved by the Board via its public hearing process, which allows for public participation in the Plan development. As we move forward to create Action Plans that prioritize the tasks of staff, we will be involving Board staff in the development of these plans. Again, the purpose is to incorporate both "vertical" and "horizontal" input to the Plan in order to create one that can be understood and embraced throughout the whole organization.

The Objectives, Strategies, and Performance Measures presented in today's item were developed by cross-functional teams led by Deputy Directors, as follows: Kathryn Tobias, Chief Counsel, for Goal 1; Judith Friedman, Deputy Director for Diversion, Planning and Local Assistance Division, for Goal 2; Dorothy Rice, Deputy Director for Permitting and Enforcement Division, for Goal 3; and John Frith, Assistant Director, Public Affairs Office, for Goal 4. In addition, the members of the Strategic Plan Core Team provided process and facilitation support for this work.

B. ***Scope of the Plan***

The Board's 1997 Strategic Plan, when complete, will contain the following elements: Vision, Mission, and Value Statements; a description of our Board programs and our internal/external assessment process; four Strategic Goals; Objectives, Strategies and Performance Measures supporting the four goals; a monitoring and evaluation plan, resource assumptions, and financial information. These elements meet the requirements of the Governor and represent those of a traditional strategic plan. The complete Board 1997 Strategic Plan containing all of these elements will be presented to the Board for final adoption at its May 1997 Board meeting.

These elements describe a framework for the Board's vital work between now and the year 2001. The Plan supports a critical expectation of the 1989 Act that we create a wholesale change in the way Californians regard and manage solid waste. Therefore, our mission describes our unique purpose to advocate a shift in thinking and practice that garbage is not a waste, but a resource, with the potential to strengthen the state's economy while minimizing threats to public health and safety, and the environment.

As we look to the year 2001, the Board's Vision reflects the future outcome of our Mission: that solid waste is the sum total of valuable materials with the ability to enhance the economic and environmental climate of the people of California. Our ability to provide state-of-the-art technical assistance, training and information regarding materials management will define the achievement of our vision to become national and international leaders in this arena.

C. ***Definitions of Key Strategic Plan Elements***

The goals, objectives and strategies serve as a blueprint for the Board as it accomplishes its mission and aspires to its vision. The goals and objectives represented in this plan serve to focus the efforts of the Board toward clearly stated issues and levels of performance. The strategies put specific actions into place to support the accomplishment of the goals and objectives. Finally, the performance measures indicate how well the results achieved compare to the targets established through the goals, objectives and strategies. With these background definitions in mind, the following discussion provides each set of objectives, strategies and measures as they relate to their specific goal, with some context provided for the focus of staff's recommendations.

D. ***Proposed Objectives, Strategies and Performance Measures:***

GOAL 1

To support the Integrated Waste Management Act (the Act) of 1989 (as amended) and the waste management hierarchy, mandates and objectives the law created.

In approaching this goal, the staff team initially considered development of objectives that literally followed each step within the solid waste management hierarchy. In other words, the team considered objectives relating to source reduction, recycling and composting, and environmentally safe landfilling.

In examining the totality of the four goals, however, the Team saw that Goals 2 and 3 as adopted by the Board encompassed the work management hierarchy. The issue for Goal 1, as it evolved in the team discussion, became one of how to face the critical conflicts within our statutory mandate of reducing waste, while protecting public health and safety, and the environment within a reality of declining fiscal resources. For these reasons, the team chose this goal as an opportunity to examine in more depth the

Board's program effectiveness and resource assumptions, as they relate to the competing mandates of the hierarchy, and to our environmental regulatory requirements. Therefore, the team believed that for the Board to move into successful implementation of Goals 2, 3, and 4, the Objectives, Strategies, and Measures of Goal 1 as presented below would need to be addressed. In this way, the team hoped to support a first time ever examination of resource priorities as they relate to the inherent conflicts within the Act.

Proposed Objectives:

1. To justify their existence, evaluate all current and proposed Board programs and support activities in relation to their impact on waste diversion mandates and/or protection of public health and safety, and the environment by September 30, 1997, and annually thereafter.

2. Increase staff technical expertise to provide leadership and accurate, comprehensive, and useful solid waste information to successfully support the IWMA.

Strategies:

1. Establish criteria for evaluating all existing and proposed Board programs.

2. Based on the evaluation of existing programs, implement one of the following actions for each program: (1) eliminate, and establish proposed dates for sunset of; (2) retain; (3) expand; (4) refocus; or (5) transfer either internally or externally (to the public or private sector).

3. Using the evaluation criteria on proposed programs, implement one of the following actions(1) establish new, priority programs; or (2) create innovative or incubator pilot programs that can be transferred to other sectors upon completion of the pilot.

4. Establish cross-functional teams as primary work units to deliver Board products and services.

5. Redirect staff to priority programs, where needed, based upon program evaluation.

6. Create incentives for staff and management to implement these strategies.

7. Evaluate existing Board databases for effectiveness, utility, and accuracy.

8. Create a training program to increase and expand staff expertise.

9. Evaluate the most effective methods for disseminating technical expertise.

10. Establish the Board as a comprehensive information clearinghouse to provide easily accessible information to public and private entities.

11. Establish a leadership role for the Board by actively participating in national and international professional organizations.

12. Establish a leadership role for the Board by actively participating in national and international professional organizations.

Output Measures:

1. Number of existing programs evaluated by September 30, 1997.

2. Number of databases evaluated by September 30, 1997.

3. Number of Board programs providing information to customers via the Internet/Intranet.

4. Number of tools (such as case studies, models, publications, outreach activities, workshops, and training) developed and disseminated to

customers to assist in meeting diversion mandates and in protecting public health and safety, and the environment.

Outcome Measures:

1. Percent of existing programs evaluated that are identified for elimination, retention, expansion, refocusing, or transfer by 9/30/97.

2. Percent of programs for which resources are allocated consistent with the priorities established through the evaluation.

GOAL 2:

To support local jurisdictions' ability to reach and maintain California's waste diversion mandates.

The successful implementation of this goal was viewed by the team to depend upon integration of the functions of the Board's planning programs with the functions of our market development programs. The Objectives and Strategies intend to support local jurisdictions ability to not only pursue successful implementation of their waste reduction plans, but to also have the support of sufficient, sustainable market capacity for the Board's overall waste diversion mandates to be met.

Objectives:

1. To ensure each jurisdiction effectively plans, designs and implements diversion programs that direct materials to sustainable markets.

2. To develop and provide effective tools and program implementation assistance for local jurisdictions to reach and maintain their disposal reductions and reach 50% statewide disposal reduction by the year 2000.

3. To assist in increasing the formation of sustainable markets, with a focus on priority materials, for an additional 13 million tons

per year of recovered materials by the year 2000.

4. To increase constituent participation in waste prevention and market development programs through effective waste diversion, communication and education.

Strategies:

1. Provide assistance and education to local governments, businesses, schools, and state facilities to implement and assess programs.

2. Develop, distribute, and maintain case studies, models, and examples of successful programs to lower local government and private industry costs.

3. Facilitate partnerships and cooperative efforts and among state, local and private entities to lower the cost of diversion and to increase its benefits.

4. Assist state, local, and private entities to obtain facility and program financing through loans, grants, and private investment.

5. Assess and document local governments' efforts to implement programs and reduce disposal. Take corrective actions as needed.

6. Annually consider "streamlining" options to reduce jurisdictions' and businesses' costs of compliance.

7. Continuously improve Board programs to meet the needs of the public and private sectors.
8. On a statewide basis, target our efforts on priority materials.

9. On a regional basis, focus on those materials that will enable jurisdictions to reach their disposal reduction goals.

10. Use a cross-functional approach to assist jurisdictions and the private sector.

Output measures:

1. Reduction in the number of tons disposed annually statewide.

2. Percent increase in the level of state financing to ensure sustainable markets for secondary materials.

Outcome measures:

1. Percent of jurisdictions meeting planned levels of diversion through waste prevention and market development efforts.

2. Percent of businesses recognized for waste reduction and recycling practices.

3. Percent of jurisdictions in compliance with planning & diversion mandates.

4. Percent increase in number of tons of market capacity per year for recovered materials.

GOAL 3

To ensure compliance with waste management statutes and regulations while maximizing protection of public health and safety and the environment.

The Board is also focusing its efforts on programs and activities that directly impact the appropriate management of solid waste, and other California generated wastes that require special handling. This encompasses most of the programs being addressed in "The Other 50% Initiative" through the Board's Permitting and Enforcement Division, as well as other programs throughout the Board that address the safe management of waste streams that require special handling, such as used oil, household hazardous wastes, tires and metallic discards. All of these efforts contribute to (1) preventing pollution from harming the

environment; (2) improving the waste management infrastructure; and, (3) providing education, training and technical assistance to all of the Board's customers.

Objectives:

1. Prevent pollution from harming California's environment by promoting and overseeing state and local waste management programs.

2. Improve California's waste management infrastructure directly through our own efforts and by supporting local governments and private businesses.

3. Provide focused education, training, and technical assistance, and build an information network on waste management practices and infrastructure.

Strategies:

1. Fund remediation of all identified (as of January 1997) high risk solid waste sites and Rank 1 tire disposal sites by 2001.

2. Meet and maintain the mandated 18-month state inspection frequency for solid waste landfills and waste-to-energy facilities.

3. Reduce the number of solid waste facilities on the "Inventory of Facilities Which Violate State Minimum Standards" as of January 1997, by 25% by 2001, excluding long-term violations.

4. Update all solid waste facility permits (older than 5 years as of January 1997) by July 1998, except those that are addressed in a Board approved LEA workplan.

5. Implement training and technical assistance programs that meet Board, LEA, and operator needs, including programs with a specific focus on rural California, by July 1998.

6. Reduce the number of LEA Evaluation Corrective Workplans by 50% by December 1999.

7. Ensure that appropriate enforcement actions are taken by LEAs and/or the Board to address threats to public health and safety and the environment.

8. Meet all deadlines for receipt of strategic information from our customers, and include the information in our databases within 30 days of receipt, by October 1997.

9. Meet the Board-approved schedule for slotting waste management facilities and operations into the regulatory tiers, and meet all mandated permit-processing deadlines.

10. Establish a statewide infrastructure of collection sites and programs sufficient to properly manage California generated wastes that require special handling.

11. Provide and support statewide and local public outreach and education programs that promote recycling and proper management of California generated wastes that require special handling.

12. Evaluate proposed diversion activities and end uses for recycled materials and, where concerns are identified, take appropriate action to minimize impacts on public health and safety and the environment.

Output Measures:

1. Number of approved closure plans for solid waste landfills.

2. Percent increase in the number of diversion facilities issued solid waste facilities permits or otherwise approved.

3. Increase in capacity to use, treat or dispose of waste that requires special handling.

4. Percent of facilities with outdated solid waste facilities permits revised to bring current.

5. Percent decrease in number of Rank 1 tire sites that remain to be remediated and number of tires cleaned up.

6. Percent decrease in number of high risk solid waste disposal sites to be remediated.

Outcome Measures:

1. Number and types of violations cited by LEAs and the Board and subsequent appropriate enforcement action taken.

2. Percent reduction in the amount of improperly managed Board regulated waste.

3. Percent of tires from cleanup that are directed to end uses.

4. Percent reduction from 1997 in the number of facilities on the inventory solid waste sites which violate state minimum standards.

5. Percent reduction from 1997 in number of LEAs on Evaluation Corrective Workplans.

GOAL 4

To ensure that the needs of constituents and staff are met through the integrated delivery of quality products and services. The Board does this by constantly evaluating its own programs for effectiveness and responsiveness.

Key to the Board's accomplishment of its mandates is its ability to meet or exceed the needs of those it serves. Therefore, it is imperative that the Board maintain a customer focus as it carries out its mission. A concluding goal of this plan is to ensure

that the needs and expectations of those served by the Board, internally and externally, are identified and integrated into the processes used to develop and deliver the Board's products and services. The objectives and strategies furthering this goal center on increasing levels of internal and external customer satisfaction, promoting program integration and collaborative partnerships, and not only conducting annual planning in key program areas but also incorporating customer requirements of those processes into the planning and implementation of the Board's programs and processes.

Objectives:

1. Institute in all programs feedback systems that identify constituent and staff needs and expectations. Conduct annual program assessments and planning that are responsive to this information. Begin implementing by July 1, 1998, with full implementation in place by 2001.

2. Continually build collaborative partnerships into all program planning and implementation activities.

Strategies:

1. Identify primary customers for all key processes.

2. Establish customer feedback systems for key processes.

3. Measure customer satisfaction for all key processes through the administration of customer survey techniques.

4. Improve customer relationships through staff training in customer satisfaction tools and techniques.

5. Use feedback information to focus process improvement efforts.

6. Establish cross-functional work efforts in the development and delivery of products and services that focus on the needs of primary customer groups.

7. Incorporate the internal integration strategies identified in the Program Integration Plan.

8. Expand access, internally and externally, to non-confidential Board information with particular emphasis on the expanded use of the Board's technological environment.

9. Join with public agency and private sector interests in developing and delivering an integrated training system for waste management personnel, focusing on areas of highest priority.

10. Ensure that all information maintained by the Board is accurate and up-to-date.

11. Conduct annual planning for all key programs.

12. Build a standardized integration component into all planning efforts.

Output Measures:

1. Number of key processes with customer feedback systems in place.

2. Number of staff trained in conflict management.

3. Percent increase in managers and supervisors participating in training focused on increasing management competence.

Outcome Measures:

1. Percent of customers satisfied with products and services delivered within each key process.

2. Percent of waste management personnel satisfied with the products delivered through the Integrated Training Program.

3. Percent of customers satisfied with products and services produced by chartered, cross-functional work efforts.

4. Percent of customers satisfied with the level of responsiveness to requests for information and guidance.

5. Percent of key programs with annual plans.

V. Options for the Board

The following options are presented to the Board:

1. The Board may adopt the Objectives, Strategies and Performance Measures presented in this item for inclusion in the 1997 Strategic Plan.

2. The Board may modify the elements listed above.

3. The Board may direct staff to develop additional options for consideration at a future Board meeting.

VI. Staff Recommendation

Staff recommend that the Board approve the Strategic Plan Objectives, Strategies and Performance Measures as identified above, for inclusion in the Board's 1997 Strategic Plan.

VII. Attachments

A. The California Integrated Waste Management Board's 1997 Strategic Plan Vision, Mission and Values
B. The California Integrated Waste Management Board's 1997 Strategic Plan Goals.
C. Features of Successful Strategic Planning

VIII. Approvals:

Prepared by:	Rubia E. Packard	4/15/97
	Rubia E. Packard	Date
Reviewed by:	Jill L. Jones	4/15/97
	Jill L. Jones	Date
Reviewed by:	Susan Pedersen	4-15-97
	Susan Pedersen	Date
Reviewed by:	L Van Kekerix for	4/15/97
	Judith Friedman	Date
Reviewed by:	Susan Ped	4/15/97
	Dorothy Rice	Date
Reviewed by: per		4/15/97
	Caren Trgovcich	Date
Reviewed by:		4/15/97
	John Frith	Date
Reviewed by:		4/15/97
	Patty Zwartz	Date
Reviewed by:		4-15-97
	for Marie LaVergne	Date
Legal Review:	Keri Spaulding	4-15-97
per	Kathryn Tobias	Date

California Integrated Waste Management Board

Vision, Mission and Values

(as Adopted by the Board 2/27/97)

Vision Statement

"Our vision is that the California Integrated Waste Management Board will be the recognized national and international leader in the integrated management of waste and recovered materials to best serve the public, the economy, and the environment of California."

Mission Statement

"Our mission is to reduce the generation and improve the management of solid waste in California to conserve resources, develop sustainable recycling markets, and protect public health and safety, and the environment. We do this in partnership with public agencies, industry, business, and the public we serve."

Values

"Values are the operating principles that are followed in fulfillment of an organization's Mission and Vision. It is the responsibility of each member of this organization to know these values we stand for and to act in accordance with them.

Commitment to the Environment:

We build our concern for the environment into everything we do.

Commitment to Quality:

We strive for quality and continuous improvement.

We act with integrity, honesty, and a sense of ethics.

We are accurate, timely and consistent.

Commitment to Partnership and Service:

We work in partnership with our internal and external customers to ensure integration.

We are committed to problem solving that meets the interests of all parties.

Commitment to People:

We foster an environment that encourages personal responsibility, initiative, innovation, and diverse perspectives.

We ensure a safe and non-discriminatory work environment.

We support personal and professional growth and encourage a healthy balance of personal, family and professional priorities.

We listen actively and communicate openly and honestly.

We recognize each others' successful contributions and deal constructively with our failures.

Through acceptance of these responsibilities, we hope to deliver more than we promise and earn the trust and support of the people of California."

California Integrated Waste Management Board
1997 Strategic Plan Goals

As adopted by the Board on March 25, 1997

Goal: To support the Integrated Waste Management Act of 1989 (as amended) and the waste management hierarchy, mandates and objectives the law created.

Goal: To support local jurisdictions' ability to reach and maintain California's waste diversion mandates.

Goal: To ensure compliance with California and federal waste management statutes and regulations while maximizing protection of the public health and safety, and the environment.

Goal: To ensure that the needs of constituents and staff are met through the integrated delivery of quality products and services. The Board does this by constantly evaluating its own programs for effectiveness and responsiveness.

ATTACHMENT C

FEATURES OF SUCCESSFUL STRATEGIC PLANNING

INTERNAL/EXTERNAL ASSESSMENT is an analysis and evaluation of key internal and external data and factors that influence the success of an agency in achieving its mission and goals.

MISSION is the reason for an agency's existence. It succinctly identifies what the agency does, and why and for whom it does it. A mission statement reminds everyone- the public, the Governor, Legislators, and agency personnel-of the unique purposes promoted and served by the agency.

VALUES are the core actions the agency will abide by in achieving its mission.

VISION is an inspiring picture of a preferred future. A vision is not bound by time, represents global and continuing purposes, and serves as a foundation for a system of strategic planning.

GOALS are the general ends toward which a ies direct their efforts. A goal addresses i by stating policy intention. They are both qualitative and quantifiable, but not quantified.

OBJECTIVES are clear targets for specific action. More detailed than goals, objectives have shorter time frames and may state quantity. An objective is achievable, measurable, and sets the direction for strategies and action plans.

STRATEGIES are specific courses of action that will be undertaken to accomplish goals and objectives. They are action-oriented rather than procedural in nature and are directly linked to output measures.

ACTION PLANS are specific workplans that will be used to accomplish the organization's goals, objectives, and strategies.

PERFORMANCE MEASURES are indicators of the work performed and the results achieved in an activity, process, organization, or program. Performance measures can generally be divided into outcome measures, output measures, input measures, or efficiency measures.

MONITORING AND EVALUATION is a system used to monitor progress and keep plans on track.

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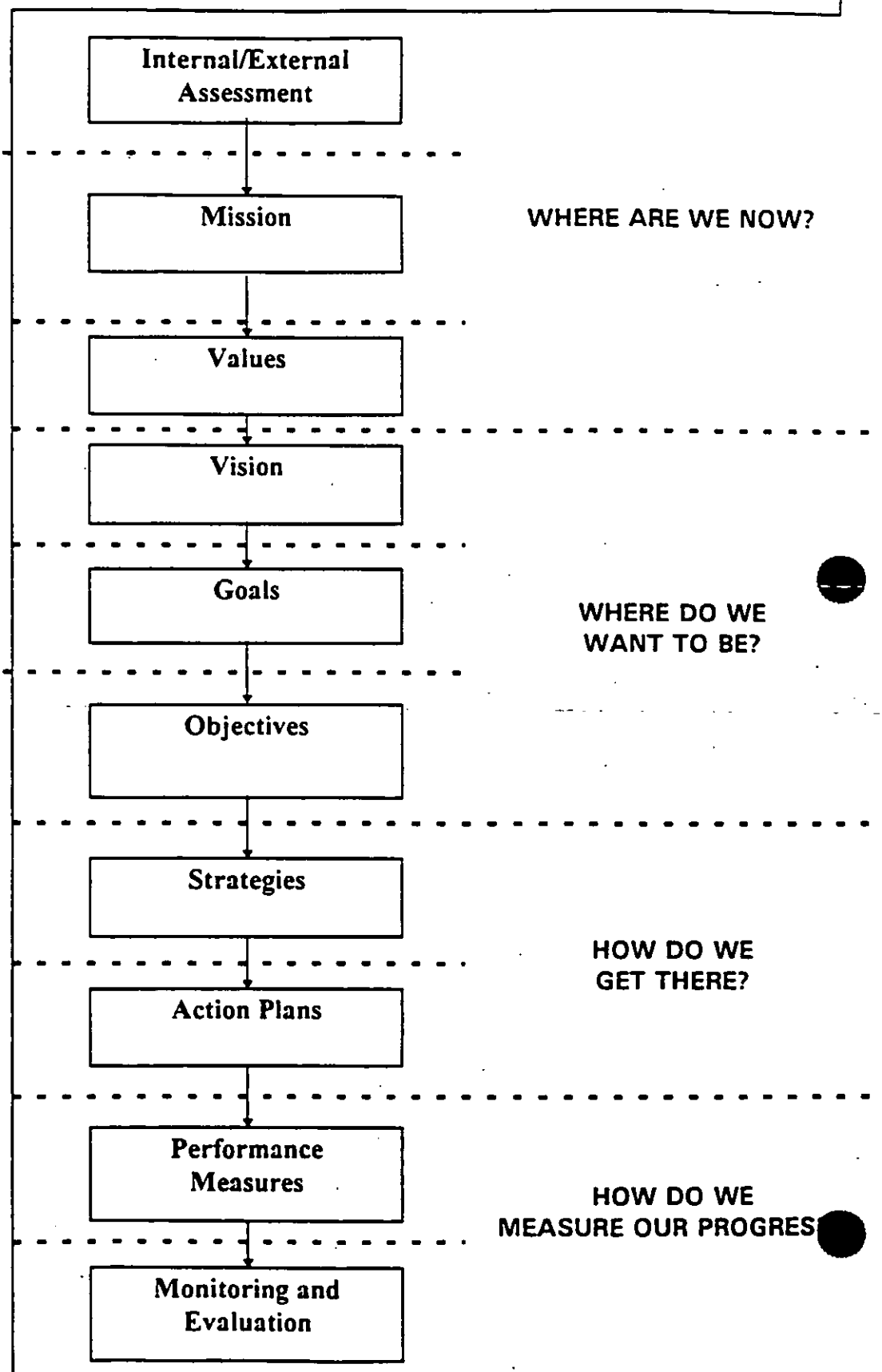

California Integrated Waste Management Board
Resolution No. 97-170
April 24-25, 1997

Adoption of the Objectives, Strategies and Performance Measure Elements of the Board's 1997 Strategic Plan

WHEREAS, strategic planning is one of the keys to the success of an organization's efforts to improve the efficiency and effectiveness of its programs and operations; and

WHEREAS, The Board recognizes that development of a strategic plan is critical in meeting internal needs in the areas of long term planning, identifying and committing to key strategic goals and objectives, providing clear policy direction, and having a clear vision of the role of the Board in the future; and

WHEREAS, all of these needs were clearly identified by staff during Program Integration Plan (PIP) sessions conducted to assess internal needs; and

WHEREAS, the Department of Finance (DOF) is requiring all state agencies, boards and departments to submit a strategic plan to the Governor's Office by July 1, 1997; and

WHEREAS, the Board has considered input from several recent efforts to assess key factors that influence our success in achieving our mission and goals in the development of the 1997 Strategic Plan; and

WHEREAS, these efforts include the "Getting to 50% Initiative", the Market Development Plan, the Tire Fund Allocation process, the budget review process, the "Other 50% Initiative", the Waste Prevention Plan, and the Program Integration Plan; and

WHEREAS, the Board has also considered key Administration initiatives such as the Governor's California Competes Initiative, legislative direction, Senate Bill 1082 (Chapter 418, Statutes of 1993), budget language, pertinent Executive Orders issued by the Governor, the Cal/EPA Strategic Plan, and pertinent

statutory and regulatory language in the development of the 1997 Strategic Plan;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the following Objectives, Strategies and Performance Measures for each of the four goals adopted during the March 1997 Board meeting, for inclusion in the Board's 1997 Strategic Plan:

GOAL 1: To support the Integrated Waste Management Act (the Act) of 1989 (as amended) and the waste management hierarchy, mandates and objectives the law created.

Objectives:

1. To justify their existence, evaluate all current and proposed Board programs and support activities in relation to their impact on waste diversion mandates and/or protection of public health and safety, and the environment by 9/30/97, and annually thereafter.

2. Increase staff technical expertise to provide leadership and accurate, comprehensive, and useful solid waste information to successfully support the Act.

Strategies:

1. Establish criteria for evaluating all existing and proposed Board programs.

2. Based on the evaluation of existing programs, implement one of the following actions for each program: (1) eliminate, and establish proposed dates for sunset of; (2) retain; (3) expand; (4) refocus; or (5) transfer either internally or externally (to the public or private sector).

3. Using the evaluation criteria on proposed programs, implement one of the following actions(1) establish new, priority programs; or (2) create innovative or incubator pilot programs that can be transferred to other sectors upon completion of the pilot.

4. Establish cross-functional teams as primary work units to deliver Board products and services.

5. Redirect staff to priority programs, where needed, based upon program evaluation.

6. Create incentives for staff and management to implement these strategies.

7. Evaluate existing Board databases for effectiveness, utility, and accuracy.

8. Create a training program to increase and expand staff expertise.

9. Evaluate the most effective methods for disseminating technical expertise.

10. Establish the Board as a comprehensive information clearinghouse to provide easily accessible information to public and private entities.

11. Establish a leadership role for the Board by actively participating in national and international professional organizations.

Output Measures:

1. Number of existing programs evaluated by September 30, 1997.

2. Number of databases evaluated by September 30, 1997.

3. Number of Board programs providing information to customers via the Internet/Intranet.

4. Number of tools (such as case studies, models, publications, outreach activities, workshops, and training) developed and disseminated to customers to assist in meeting diversion mandates and in protecting public health and safety, and the environment.

Outcome Measures:

1. Percent of existing programs evaluated that are identified for elimination, retention, expansion, refocusing, or transfer by 9/30/97.

2. Percent of programs for which resources are allocated consistent with the priorities established through the evaluation.

GOAL 2: To support local jurisdictions' ability to reach and maintain California's waste diversion mandates.

Objectives:

1. To ensure each jurisdiction effectively plans, designs and implements diversion programs that direct materials to sustainable markets.

2. To develop and provide effective tools and program implementation assistance for local jurisdictions to reach and maintain their disposal reductions, and to reach 50% statewide disposal reduction, by the year 2000.

3. To assist in increasing the formation of sustainable markets, with a focus on priority materials, for an additional 13 million tons per year of recovered materials by the year 2000.

4. To increase constituent participation in waste prevention and market development programs through effective waste diversion, communication and education.

Strategies:

1. Provide assistance and education to local governments, businesses, schools, and state facilities to implement and assess programs.

2. Develop, distribute, and maintain case studies, models, and examples of successful programs to lower local government and private industry costs.

3. Facilitate partnerships and cooperative efforts among state, local and private entities to lower the cost of diversion and to increase its benefits.

4. Assist state, local, and private entities to obtain facility and program financing through loans, grants, and private investment.

5. Assess and document local governments' efforts to implement programs and reduce disposal. Take corrective actions as needed.

6. Annually consider "streamlining" options to reduce jurisdictions' and businesses' costs of compliance.

7. Continuously improve Board programs to meet the needs of the public and private sectors.
8. On a statewide basis, target our efforts on priority materials.

9. On a regional basis, focus on those materials that will enable jurisdictions to reach their disposal reduction goals.

10. Use a cross-functional approach to assist jurisdictions and the private sector.

Output measures:

1. Reduction in the number of tons disposed annually statewide.

2. Percent increase in the level of state financing to ensure sustainable markets for secondary materials.

Outcome measures:

1. Percent of jurisdictions meeting planned levels of diversion through waste prevention and market development efforts.

2. Percent of businesses recognized for waste reduction and recycling practices.

3. Percent of jurisdictions in compliance with planning & diversion mandates.

4. Percent increase in number of tons of market capacity per year for recovered materials.

GOAL 3 : To ensure compliance with waste management statutes and regulations while maximizing protection of public health and safety and the environment.

Objectives:

1. Prevent pollution from harming California's environment by promoting and overseeing state and local waste management programs.

2. Improve California's waste management infrastructure directly through our own efforts and by supporting local governments and private businesses.

3. Provide focused education, training, and technical assistance, and build an information network on waste management practices and infrastructure.

Strategies:

1. Fund remediation of all identified (as of January 1997) high risk solid waste sites and Rank 1 tire disposal sites by the year 2001.

2. Meet and maintain the mandated 18-month state inspection frequency for solid waste landfills and waste-to-energy facilities.

3. Reduce the number of solid waste facilities on the "Inventory of Facilities Which Violate State Minimum Standards" as of January 1997, by 25% by the year 2001, excluding long term violations.

4. Update all solid waste facility permits (older than five years as of January 1997) by July 1998, except those that are addressed in a Board approved Local Enforcement Agency (LEA) workplan.

5. Implement training and technical assistance programs that meet Board, LEA, and operator needs, including programs with a specific focus on rural California, by July 1998.

6. Reduce the number of LEA Evaluation Corrective Workplans by 50% by December 1999.

7. Ensure that appropriate enforcement actions are taken by LEAs and/or the Board to address threats to public health and safety, and the environment.

8. Meet all deadlines for receipt of strategic information from our customers, and include the information in our databases within 30 days of receipt, by October 1997.

9. Meet the Board-approved schedule for slotting waste management facilities and operations into the regulatory tiers, and meet all mandated permit-processing deadlines.

10. Establish a statewide infrastructure of collection sites and programs sufficient to properly manage California generated wastes that require special handling.

11. Provide and support statewide and local public outreach and education programs that promote recycling and proper management of California generated wastes that require special handling.

12. Evaluate proposed diversion activities and end uses for recycled materials and, where concerns are identified, take appropriate action to minimize impacts on public health and safety and the environment.

Output Measures:

1. Number of approved closure plans for solid waste landfills.

2. Percent increase in the number of diversion facilities issued solid waste facilities permits or otherwise approved.

3. Increase in capacity to use, treat or dispose of waste that requires special handling.

4. Percent of facilities with outdated solid waste facilities permits revised to bring current.

5. Percent decrease in number of Rank 1 tire sites that remain to be remediated and number of tires cleaned up.

6. Percent decrease in number of high risk solid waste disposal sites to be remediated.

Outcome Measures:

1. Number and types of violations cited by LEAs and the Board and subsequent appropriate enforcement action taken.

2. Percent reduction in the amount of improperly managed Board regulated waste.

3. Percent of tires from cleanup that are directed to end uses.

4. Percent reduction from 1997 in the number of facilities on the inventory of solid waste sites which violate state minimum standards.

5. Percent reduction from 1997 in number of LEAs on Evaluation Corrective Workplans.

GOAL 4: To ensure that the needs of constituents and staff are met through the integrated delivery of quality products and services. The Board does this by constantly evaluating its own programs for effectiveness and responsiveness.

Objectives:

1. Institute in all programs feedback systems that identify constituent and staff needs and expectations. Conduct annual program assessments and planning that are responsive to this information. Begin implementing by July 1, 1998, with full implementation in place by 2001.

2. Continually build collaborative partnerships into all program planning and implementation activities.

Strategies:

1. Identify primary customers for all key processes.

2. Establish customer feedback systems for key processes.

3. Measure customer satisfaction for all key processes through the administration of customer survey techniques.

4. Improve customer relationships through staff training in customer satisfaction tools and techniques.

5. Use feedback information to focus process improvement efforts.

6. Establish cross-functional work efforts in the development and delivery of products and services that focus on the needs of primary customer groups.

7. Incorporate the internal integration strategies identified in the Program Integration Plan.

8. Expand access, internally and externally, to non-confidential Board information with particular emphasis on the expanded use of the Board's technological environment.

9. Join with public agency and private sector interests in developing and delivering an integrated training system for waste management personnel, focusing on areas of highest priority.

10. Ensure that all information maintained by the Board is accurate and up-to-date.

11. Conduct annual planning for all key programs.

12. Build a standardized integration component into all planning efforts.

Output Measures:

1. Number of key processes with customer feedback systems in place.

2. Number of staff trained in conflict management.

3. Percent increase in managers and supervisors participating in training focused on increasing management competence.

Outcome Measures:

1. Percent of customers satisfied with products and services delivered within each key process.

2. Percent of waste management personnel satisfied with the products delivered through the Integrated Training Program.

3. Percent of customers satisfied with products and services produced by chartered, cross-functional work efforts.

4. Percent of customers satisfied with the level of responsiveness to requests for information and guidance.

5. Percent of key programs with annual plans.

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 Board held on February 27, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, CA 95826
(916) 255-2200

Wednesday, March 19, 1997
9:30 a.m.
meeting of the

PERMITTING AND ENFORCEMENT COMMITTEE

Robert C. Frazee, Chairman
Steven R. Jones, Member
Paul Relis, Member

AGENDA

Note:

- *Agenda items may be taken out of order.*
- *If written comments are submitted, please provide 15 two-sided copies.*
- *Public testimony may be limited to five minutes per person.*
- *Unless otherwise indicated, Committee meetings will be held in the CIWMB Hearing Room, 8800 Cal Center Drive, Sacramento, CA.*
- *Any information included with this agenda is disseminated as a public service only, and is intended to reduce the volume and costs of separate mailings. This information does not necessarily reflect the opinions, vies, or policies of the CIWMB.*
- *To request special accommodations for those persons with disabilities, please contact the Committee Secretary at (916) 255-2167.*

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 considered.

Some of the items listed below may be removed from the agenda prior to the Committee meeting. To verify whether an item will be heard, please call the Committee Secretary, Lori Lopez, at (916) 255-2167.

Page

1. REPORT FROM THE DEPUTY DIRECTOR OF THE PERMITTING AND ENFORCEMENT DIVISION

2. CONSIDERATION OF CONSENT AGENDA ITEMS

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

A. CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT FOR THE TULARE COUNTY RECYCLING COMPLEX, TULARE COUNTY 1

3. CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR WEST MIRAMAR SANITARY LANDFILL, SAN DIEGO COUNTY 14

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8. CONSIDERATION OF A NEW MAJOR WASTE TIRE FACILITY PERMIT FOR MODESTO ENERGY LIMITED PARTNERSHIP (MELP), STANISLAUS COUNTY (Oral Presentation)

9. CONSIDERATION OF THE STATUS OF THE MAJOR WASTE TIRE FACILITY PERMIT (50-TI-0010) FOR OXFORD TIRE RECYCLING, STANISLAUS COUNTY (Oral Presentation)

10. CONSIDERATION OF SITE(S) FOR REMEDIATION UNDER THE WASTE TIRE STABILIZATION AND ABATEMENT PROGRAM 94

11. CONSIDERATION OF CERTIFICATION OF THE SHASTA DEPARTMENT OF RESOURCE MANAGEMENT, DIVISION OF ENVIRONMENTAL HEALTH AS THE LOCAL ENFORCEMENT AGENCY FOR SHASTA AND TRINITY COUNTIES 102

12. CONSIDERATION OF DESIGNATION APPROVAL AND CERTIFICATION OF THE SANTA BARBARA COUNTY ENVIRONMENTAL HEALTH SERVICES DIVISION, HEALTH CARE SERVICES DEPARTMENT AS THE LOCAL ENFORCEMENT AGENCY FOR SANTA BARBARA COUNTY 106

13. CONSIDERATION TO REVISE THE DESIGNATION APPROVAL AND CERTIFICATION OF THE INYO COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH SERVICES AS THE LOCAL ENFORCEMENT AGENCY FOR INYO COUNTY TO A PROBATIONARY STATUS 111

14. CONSIDERATION OF AN UPDATE TO THE SCHEDULE FOR PLACEMENT OF OPERATIONS/FACILITIES INTO REGULATORY TIERS AND DEVELOPMENT OF MINIMUM STANDARDS

15. STATUS OF THE DEPARTMENT OF FOOD AND AGRICULTURE REVIEW OF NONHAZARDOUS ASH LAND APPLICATION ISSUES; CONSIDERATION OF STAFF RECOMMENDATIONS FOR REVISIONS TO THE PROPOSED REGULATIONS FOR NONHAZARDOUS ASH OPERATIONS AND FACILITIES; AND, APPROVAL TO NOTICE A 15-DAY COMMENT PERIOD FOR THOSE REVISIONS (ORAL PRESENTATION)

16. OPEN DISCUSSION

17. ADJOURNMENT

Notice: The Board or the Committee 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

NOTE: BOARD AND COMMITTEE AGENDAS ARE AVAILABLE ON THE INTERNET. THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S HOME PAGE IS AS FOLLOWS: HTTP://WWW.CIWMB.CA.GOV/

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
March 19, 1997

AGENDA ITEM 2A

ITEM: CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT FOR THE TULARE COUNTY RECYCLING COMPLEX, TULARE COUNTY

I. BACKGROUND

Facility Facts

Name:	Tulare County Recycling Complex Facility No. 54-AA-0027
Facility Type:	Material Recovery facility, Large Volume Transfer Station
Location:	26951 Road 140, Visalia
Proposed Area:	5.57 acres
Setting:	Zoned AE-40 (Exclusive Agricultural-40 acre minimum)
Proposed Daily Capacity:	1,200 tons of throughput per operating day (TPD)
Design Capacity:	1,200 TPD
Operational Status:	Currently operating as a recycling center (SWFP not required)
Proposed Waste Type:	Mixed municipal, construction/demolition, industrial, green waste
Owner/ Operator:	Ron Bevers, Gabe Pena Co-Owners Tulare County Recycling
LEA:	Lawrence A. Dwoskin Deputy Health Services Director Tulare County Department of Health Services

Proposed Project

The proposal is to obtain a Solid Waste Facility Permit which will allow the Tulare County Recycling Complex to commence large volume transfer station and material recovery operations.

II. SUMMARY:

History The Tulare County Recycling Complex has been servicing the city of Visalia and surrounding environs as a recycling facility since November 1995. The facility currently receives only source separated materials.

Project Description The Tulare County Recycling Complex is designed to accept and process 1,200 TPD of various waste types. The facility consists of an office building, employee break room, rest rooms, scale house, MRF operations building (which houses two elevated sort lines and a bailer), a buy-back center, collection and storage areas, and a transfer operations area.

Vehicles entering the facility will include trucks loaded with mixed municipal solid waste, transfer trucks, recyclable material trucks, curbside vehicles, and self-haul vehicles. All trucks will enter the facility and weigh-in at the scale. The scale house attendant will direct vehicle operators to their assigned location within the facility to discharge their material.

Materials unloaded onto the tipping floor can be fed to either the residential co-mingled material line or commercial material line. The wastes travel via conveyor belt system into the MRF building for processing. There are three different lines for processing: a residential co-mingled line, the commercial line, and the center line that feeds directly into the baler.

Clean loads are pushed to the center conveyor belt. Material such as, cardboard, glass, metal, woods, plastics, newspaper, office paper and mixed paper are hand picked by belt line sorters and thrown into separated bunkers located below the workers' platform. Non-recoverable waste material shall be removed (within 48 hours) by transfer trucks to a county landfill.

Environmental Control The Report of Station Information (RSI) submitted for this site has adequately described and prescribed environmental control measures that will minimize the effects of nuisance, dust, vectors and birds, drainage, litter, noise, odor, lighting, fire, and traffic. The RSI also describes station security, housekeeping, and hazardous waste screening in a manner that if applied as described will meet State Minimum Standards.

Resource Recovery According to the RSI, an 80% recovery rate will be achieved by sorting all loads of commercial waste, curbside recyclables, co-mingled material, baling source-separated loads of newspaper, high grade paper, cardboard, sorting recyclables from C&D debris, and transferring green yard waste and wood to off-site composting operations.

III. ANALYSIS

Requirements for Concurrence with the Solid Waste Facility Permit

Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur with or object to the issuance of a Solid Waste Facility Permit. Since the proposed permit for this facility was received on February 26, 1997, the last day the Board may act is April 27, 1997.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation and have found the permit to be acceptable for the Board's consideration of concurrence. In making this determination the following items were considered:

54-AA-0027	Accept-able	Not Accept-able	To Be Deter-mined	Not Applic-able	See Details in Agenda Item
CIWMP Conformance (PRC 50001)				✓	
CoSWMP Conformance (PRC 50000)	✓				
General Plan Conformance (PRC 50000.5)	✓				
Consistency With State Minimum Standards	✓				
California Environmental Quality Act	✓				✓

California Environmental Quality Act (CEQA)

State Law requires the preparation and certification/adoption of an environmental document whenever a project requires discretionary approval by a public agency. The Tulare County Planning Commission prepared a Negative Declaration (ND), State Clearing House (SCH) #96092064, to analyze the effects of expanding waste types and volume and transfer station and material recovery operations that are proposed to operate in conjunction with the existing recycling operation. The ND determined that changes resulting from this project will not have a significant adverse environmental effect. Board staff reviewed the ND and provided comments to the County on October 24, 1996.

The Tulare County Planning Commission approved the project on October 24, 1996, and filed a Notice of Determination with the County Clerk on November 8, 1996.

After reviewing the environmental documentation for this project, Board staff have determined that CEQA has been complied with, and the ND is acceptable for the Board's use in evaluating the proposed project.

IV. STAFF RECOMMENDATION

Because a new Solid Waste Facility Permit has been proposed, the Board must either object to or concur with the issuance of the permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 97-92 concurring with the issuance of Solid Waste Facility Permit No. 54-AA-0027.

V. ATTACHMENTS

1. Location Map
2. Site Map
3. Permit No. 54-AA-0027
4. Permit Decision No. 97-92

VI. APPROVALS

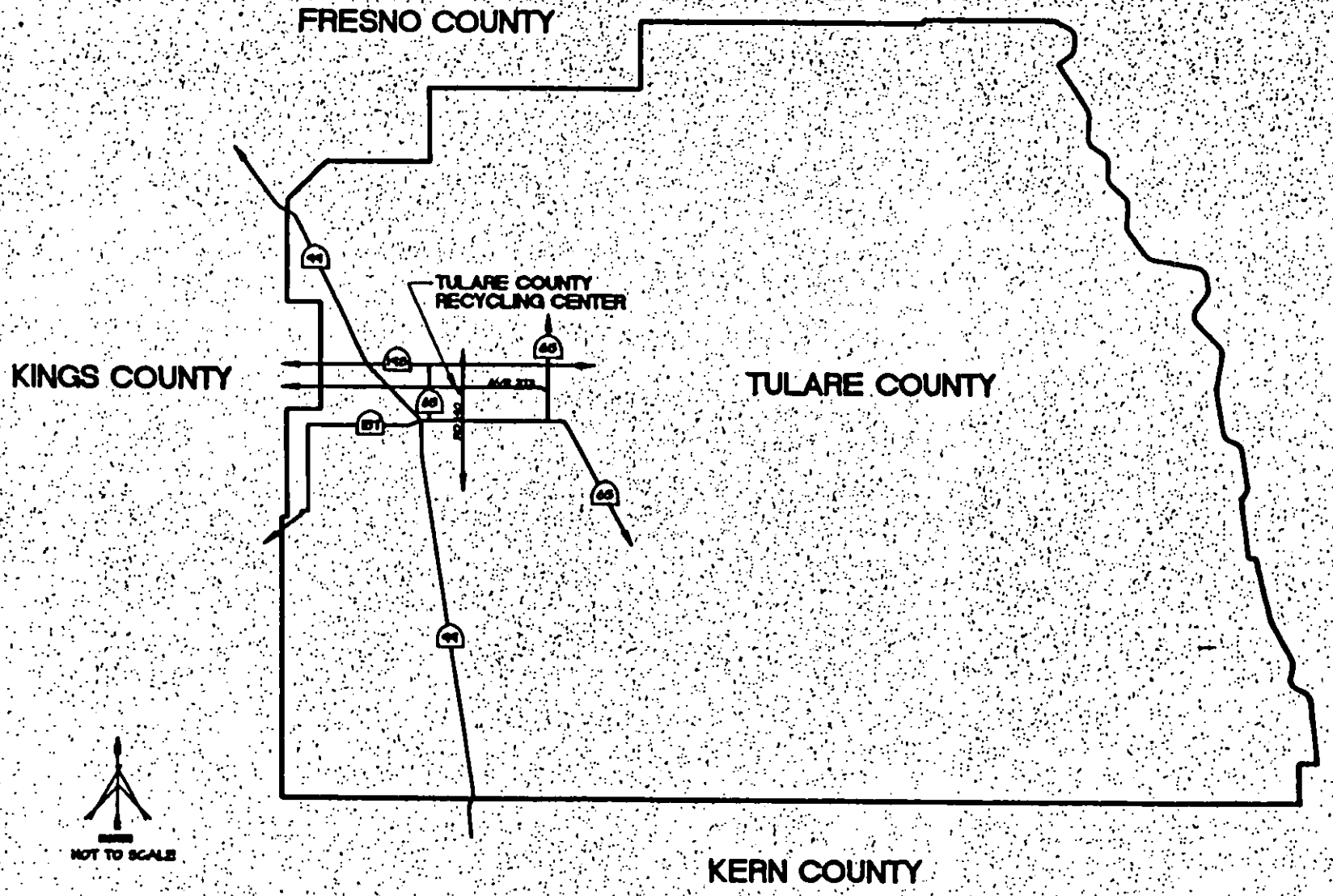
Prepared By: Terry Smith T.S. Phone: 255-4174

Reviewed By: Cody Begley/Don Dier C.B. D.D. 2/28/97 Phone: 255-4165

Approved By: Dorothy Rice D. Rice 3/3/97 Phone: 255-2431

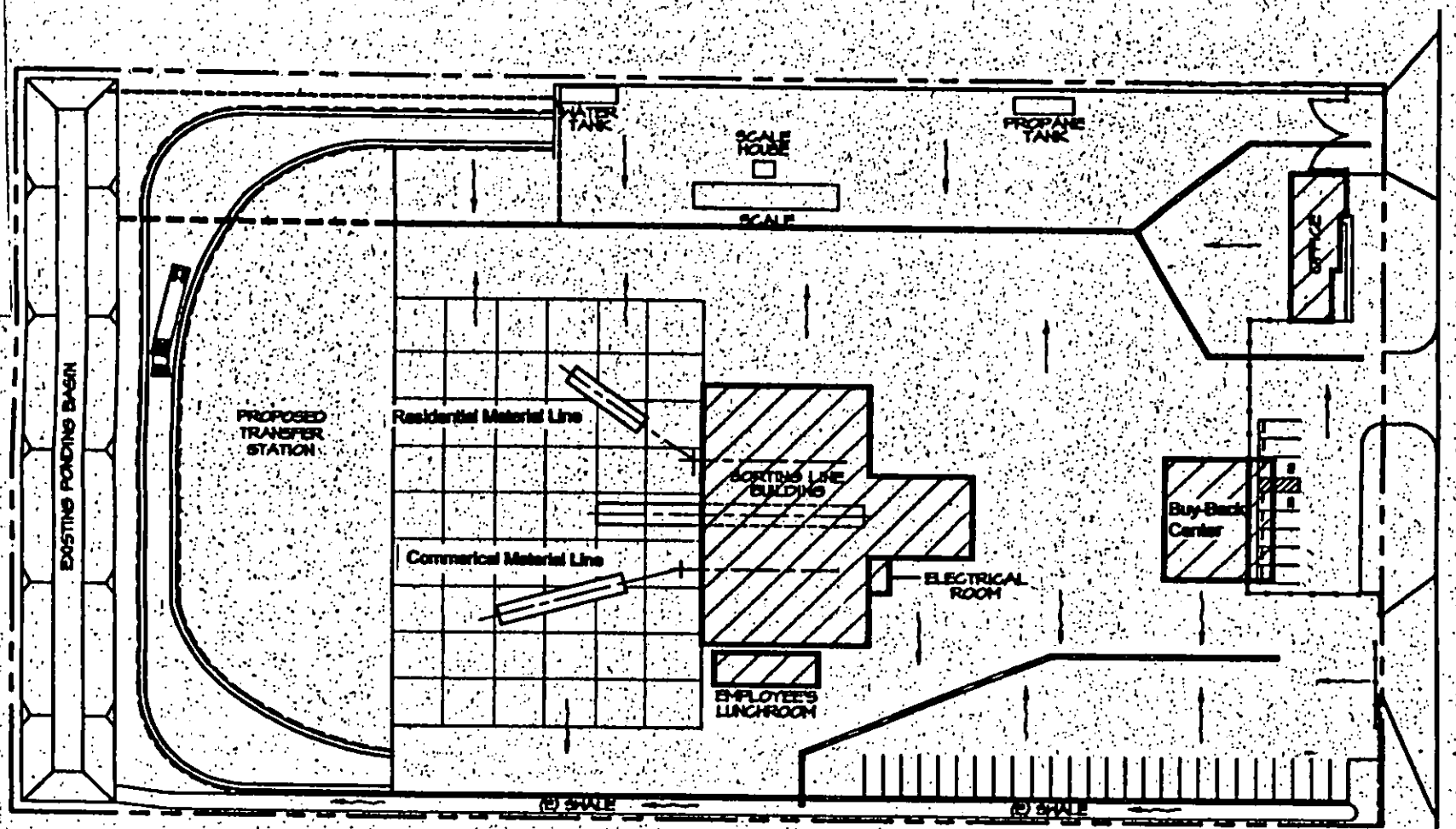
Legal Review: Kathryn J. Drinkwater Date/Time: 3/3/97

Attachment



SITE LOCATION

Attachment 2



LEGEND

- INDICATES DIRECTION OF FLOW
- EXISTING VEE GUTTER TO REMAIN
- EXISTING VEE GUTTER TO BE REMOVED
- NEW UNDERGROUND STORM DRAIN

SCALE 1" = 50'

TULARE COUNTY RECYCLING COMPLEX
DRAINAGE DIAGRAM

Teter Consultants
Structural Engineers and Architects

SOLID WASTE FACILITY PERMIT

1. Facility/Permit: Attachment

Tulare County Recycling Complex
54-AA-0027

2. Name and Street Address of Facility:

Tulare County Recycling Complex
26951 Rd. 140
Visalia

3. Name and Mailing Address of Operator:

Tulare County Recycling Complex
26951 Rd. 140
Visalia, CA 93277

4. Name and Mailing Address of Owner:

Ron Bevers
32031 Rd. 144
Visalia, CA 93277

Gabe Pena
12843 Ave. 416
Orosi, CA 93647

5. Specifications:

a. Permitted Operations:

[ ] Compost Facility (mixed waste)
[ ] Compost Facility (yard waste)
[ ] Landfill Disposal Site
[x] Material Recovery Facility
[ ] Processing Facility
[x] Transfer Station
[ ] Transformation Facility

b. Permitted Hours of Operation: Mon. - Sun. 24 Hrs. A Day - Closed Chrismas Day and New Years Day

c. Permitted Tons per Operating Day:	Total:	1,200 - Maximum	Tons/Day
Non-Hazardous - General		N.A.	Tons/Day
Non-Hazardous - Sludge		N.A.	Tons/Day
Non-Hazardous - Recyclables		N.A.	Tons/Day
Non-Hazardous - Other		N.A.	Tons/Day
Designated		N.A.	Tons/Day
Hazardous		N.A.	Tons/Day

d. Permitted Traffic Volume:	Total:	129	Vehicles/Day
Incoming waste vehicles		123	Vehicles/Day
Outgoing waste vehicles (for disposal)		1	Vehicles/Day
Outgoing material from material recovery operations		5	Vehicles/Day

e. Design Parameter	Total	Disposal	Transfer	M.R.F.	Compost	Transformation
Permitted Area (acres)	5.57	N.A.	N.A.	5.57	N/A	N/A
Design Capacity (Tons/Day)		N.A.	N.A.	1,200	N/A	N/A
Max. Elevation (Ft MSL)		N.A.				
Max. Depth (Ft. BGS) Depth		N.A.				
Estimated Closure Date		N.A.				

6. Approval:

Approving Officer Signature

Lawrence A. Dwoskin/Deputy Health Services Director
Name/Title

7. Enforcement Agency Name and Address:

Tulare Co. Environmental Health
Co. Civic Center
Visalia, CA 93291

8. Received by CIWMB: FEB 26 1997

9. CIWMB Concurrence Date:

10. Permit Review Due Date:

11. Permit Issued Date:

8

OLID WASTE FACILITY PERMIT

Facility/Permit Number:
Tulare County Recycling Complex
54-AA-0027

Legal Description of Facility:
Sec. 16, T.19S, R.25E, M.D.B. & M.

A.P.N.:
126-150-14

Findings:

a. This permit is consistent with the Tulare County Solid Waste Management Plan. P.R.C., Section 50000(a)4.

b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). P.R.C., Section 44010.

c. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the Tulare County LEA during the physical inspection of October 13, 1996.

d. The Tulare County Fire Department has determined the facility is in conformance with applicable fire standards as required in P.R.C., Section 44151.

e. A County-wide Integrated Waste Management Plan has not been approved by the CIWMB.

f. The Tulare County Planning and Development Department has made a determination that the facility is consistent with and meets the Tulare County General Plan: P.R.C., Section 50000.5(a).

g. The Tulare County Planning and Development Department has made a determination that surrounding land use is compatible with the facility operation as required in P.R.C., Section 50000.5(b).

. **Prohibitions:**

The permittee is prohibited from accepting the following items:

Hot Ashes	Untreated Medical Waste	Grease
Dead Animals	Whole Tires	Burning Waste
Sewage Sludge	Septic Tank Pumpings	Asbestos
Hazardous Waste	Designated Waste	

5. The following documents also describe and/or restrict the operations of this facility:

	Date		Date
] R.D.S.I.	Jan. - 1997	[x] Special Use Permit	
] Negative Declaration	Oct. - 1994	#94-017	Sept. - 1994
Amended	Oct. - 1996	#95-117	Sept. - 1996

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SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

Tulare County Recycling Complex
54-AA-0027

16. Self Monitoring:

Results of all self-monitoring programs, as described in the R.S.I., will be reported as follows:

Program	Reporting Frequency	Agency Reported To
A. Volume/Wt. Records: The operator shall record all volumes of incoming waste each operating day.	Monthly	L.E.A.
B. Unusual Occurrences: All unusual occurrences such as fires, explosions, accidents, haz. waste discoveries, etc., shall be recorded in a permanent log.	As Requested	L.E.A.
C. Traffic Results of the vehicle count monitoring program shall be submitted.	Monthly	L.E.A.

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SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

Tulare County Recycling Complex
54-AA-0027

7. **LEA Conditions:**

A. This facility shall comply with all applicable federal, state, and local requirements for Transfer Stations and Material Recovery Facilities.

B. This facility shall comply with all applicable State Minimum Standards for Solid Waste Handling.

C. The operator shall make copies of all inspection reports and permits issued by this and other regulatory agencies available for review by site personnel and authorized representatives of all responsible agencies during normal office hours.

D. Any additional information the LEA deems necessary to permit and inspect this facility shall be provided by the operator.

E. The operator shall adhere to the terms of this permit and its related documents.

F. Unusual occurrences such as fires, accidents, injuries, explosions, unusual discharges of waste, etc., shall be recorded in a permanent log.

G. The operator shall notify the LEA, in writing, of any proposed changes in the facility operation. Any significant change would require a revision of this permit.

H. The operator shall notify the L.E.A. at least 30 days prior to closure of the facility.

I. Site access shall be granted for the purpose of inspection without prior notification by the L.E.A. or the C.I.W.M.B.

J. The L.E.A. reserves the right to suspend or modify waste receiving operations when deemed necessary due to an emergency, imminent health hazard, or the creation of a public nuisance.

K. Material stockpiled on site shall be stored and maintained in a manner to prevent nuisances, vector harborage, odors, or off-site migration of liner.

L. This MRF must recover for reuse or recycling at least 15% of the total volume of material received by the facility.

M. The L.E.A. reserves the right to require the operator to provide more stringent dust control measures if the proposed dust control measures prove inadequate.

11

Attachment 4

California Integrated Waste Management Board
Permit Decision No. 97-92
March 26, 1997

WHEREAS, the Tulare County Recycling Complex has been in operation and servicing the city of Visalia and surrounding environs as a recycling facility since November 1995; and

WHEREAS, the operator of the Tulare County Recycling Complex, has submitted to the Local Enforcement Agency (LEA), Tulare County Department of Health Services, Environmental Health Services Division, an application for a new Solid Waste Facility Permit (SWFP) to allow the recycling facility to begin operating as a material recovery facility and a large volume transfer station; and

WHEREAS, the LEA has submitted to the Board for its review and concurrence with or objection to the issuance of a new SWFP for the Tulare County Recycling Complex; and

WHEREAS, the Tulare County Planning Commission, acting as lead agency for the California Environmental Quality Act (CEQA) review, prepared a Negative Declaration (ND), State Clearinghouse (SCH) #96092064, that analyzed the potential adverse effects of the project on the environment and determined that this project will not have a significant effect on the environment; and

WHEREAS, the ND was considered and approved by the Lead Agency on October 24, 1996, and a Notice of Determination was filed with the County Clerk on November 8, 1996; and

WHEREAS, Board staff have determined that CEQA has been complied with, and the ND is acceptable for the Board's use in evaluating the proposed project; and

WHEREAS, the LEA and Board staff have evaluated the proposed permit and supporting documentation for consistency with standards adopted by the Board and have determined that the

facility's design and proposed operations are consistent with State Minimum Standards; and

WHEREAS, the Board finds that all applicable state and local requirements for the proposed permit have been met, including conformance with the Tulare County Solid Waste Management Plan, consistency with the Tulare County General Plan, and compliance with CEQA.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs with the issuance of Solid Waste Facility Permit No. 54-AA-0027.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 26, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
March 19, 1997

AGENDA ITEM 3

ITEM: CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR THE WEST MIRAMAR LANDFILL, SAN DIEGO COUNTY

I. BACKGROUND

Facility Facts

Name:	West Miramar Landfill Facility No. 37-AA-0020
Facility type:	Class III Landfill
Location:	5801 Convoy Street San Diego, California
Area:	807 acres, of which 470 acres are for disposal
Setting:	Federal land, designated as a military base.
Permitted Daily Capacity:	3,600 tons per day
Proposed Daily Capacity:	8,000 tons per day; 1,400,000 tons per year
Operational Status:	Active, permitted
Waste Type:	Municipal Solid Waste
Volumetric Capacity:	As of June 1995, the remaining capacity was estimated to be 44.0 million cubic yards
Owner:	United States of America Department of the Navy
Operator:	City of San Diego Environmental Services Department Refuse Disposal Division Mr. Robert J. Ferrier, Deputy Director
LEA:	Mr. Daniel J. Avera, Director County of San Diego, Department of Environmental Health

Proposed Project

The revision of the permit would allow the operator to incorporate the following changes:

- Installation of a liner
- Increase in tonnage from 3,600 TPD to 8,000 TPD with an average of 1,400,000 tons per year
- Reflect the current site access road off Convoy Street (previous access Mercury Street)
- Implementation of a Hazardous Waste Exclusion Program
- Implementation of recycling programs: buy back center; green waste; dry wood; and porcelain
- Operation of a fleet staging area
- Operation of an aggregate recovery operation
- Develop a separate public tipping area
- Installation of a flare station

II. SUMMARY

Site History the West Miramar Landfill (WML) is located within the City of San Diego on the southwestern portion of the Naval Air Station (NAS) Miramar. The landfill site is located within an 807 acre parcel of federally owned property of which approximately 470 acres has been designed for refuse fill. The City of San Diego, Environmental Services Department operates the landfill under a lease from the United States Government through the Department of the Navy.

Landfill operations at NAS Miramar have occurred in three separate and geologically discreet areas known as: South Miramar landfill area, North Miramar landfill area and West Miramar landfill area. Refuse Disposal operations initially began in 1959 in the South Miramar landfill area and ceased operations in 1973. The landfill operations at the North Miramar landfill area were conducted from 1973 through 1983. Landfilling at the WML began in 1983 and is currently ongoing.

The San Diego County, Department of Environmental Health (LEA) issued the current permit to the West Miramar Landfill in 1982. State inspections indicated that significant changes had occurred at the site. As a result, in 1996 the operator (City of San Diego, Environmental Services Department) submitted an application for a permit revision.

Proposed Project The WML consists of two phases: Phase I (closed) and Phase II (active). Phase II of the WML is being developed in accordance with a master site development plan which

is comprised of seven individual refuse cells referred to as modules. These modules are designated 1, 2/3, and A through E. Refuse disposal operations are currently being conducted in Module 2/3 of Phase II.

The WML is located north of State Route (SR) 52 between Interstate Highways 805 and 15. Specifically, access to the site is gained from Convoy Street, off SR-52, via a paved two lane road. The WML is located within a military base which is relatively undeveloped and buffered from off-site residential areas. The land surrounding the WML is currently used primarily for park/open space, aircraft operations and industrial/commercial uses.

The majority of refuse accepted at the WML comes from the City of San Diego with smaller amounts from surrounding communities. The majority of waste is delivered to the site by commercial refuse vehicles (e.g. transfer trailers, packers) with the remainder of the waste stream delivered by private vehicles.

Wastes received at the WML consist of municipal solid waste. The entrance facility is located along a main access. The access road widens to six lanes at the entrance facility where three fee booths handle four scales (three for in-bound traffic and one for weighing back-bound traffic).

Upon acceptance of waste for disposal at the scalehouse, vehicles are directed by the scalehouse operator to the working face of the landfill. Signs are posted along the internal haul roads to guide customers to the designated unloading areas. Both commercial and private vehicles are directed to the working face but to separate tipping areas to reduce safety problems for customers, to better handle unloading and load checking activities and to expedite unloading for the commercial haulers. The daily working face is approximately 200 feet wide which is sufficient to accommodate unloading of waste during an operating day. The commercial unloading area is generally maintained at the toe of the working face so that wastes can be immediately spread and compacted. Smaller private vehicles are directed to a separate unloading area located away from the commercial vehicle unloading area which is generally located at the top of the working face.

The administrative office and operations center consists of several large mobile trailers grouped together and located along the southeastern edge of the Phase I area of the WML. The site has four on-site recycling programs consisting of a buy-

back recycling center located just inside the Convoy Street entrance. The greens and dry wood waste, and porcelain recycling areas are located on the deck area of Phase I.

An aggregate recovery operation also known as the rock extraction program is located along Phase II of the site. The program is run by a private contractor who excavates earthen materials from the various modules of the Phase II area. All material passing a half-inch screen is made available to the operator for landfill cover. The remaining material is processed by the contractor into construction material for use off-site.

Environmental Controls At the time this item was prepared, aspects of the RDSI were still being analyzed to determine if this facility would be able to comply with State Minimum Standards, if operated as described.

III. ANALYSIS

Requirements for Concurrence with the Solid Waste Facility Permit
Pursuant to the Public Resources Code, Section 44009, the Board has 60 days to concur in or object to the issuance of a proposed solid waste facility permit. Since the proposed permit was received on February 14, 1997, the last day the Board may act is April 11, 1997.

The LEA has submitted a proposed permit to the Board. At the time this item was prepared, there were certain elements that needed verification. The following matrix illustrates the pending issues and those that have been determined to be adequate:

37-AA-0020	Accept-able	Unaccept-able	To Be Deter-mined	Not Appli-cable	See Details in Agenda Item
CIWMP Conformance (PRC 50001)				X	
CoSWMP Conformance (PRC 50000)			X		
General Plan Conformance (PRC 50000.5)			X		
Consistency With State Minimum Standards			X		
California Environmental Quality Act			X		
Closure/Post-Closure Maintenance Plan	X				
Funding for Closure/Post-Closure Maintenance	X				
Operating Liability	X				

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IV. 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.

At the time this item was prepared, the following aspects needed verification: conformance with Public Resources Code (PRC) Sections 50000 and 50000.5; conformance with the California Environmental Quality Act (CEQA), adequacy of the Report of Disposal Site Information, and consistency with State Minimum Standards. Staff will present a recommendation at the Permitting and Enforcement Committee Meeting.

V. ATTACHMENTS

1. Location Map
2. Site Plan
3. Proposed Permit

Prepared by: Amalia Fernandez AF Phone: 255-3301

Reviewed by: Suzanne Hambleton / Don Dier 3/3/97 Phone: 255-2453

Approved by: Dorothy Rice D. Rice 3/4/97 Phone: 255-~~31~~2431

Legal Review: Insufficient information - Date/Time: 3/10/97
do review by

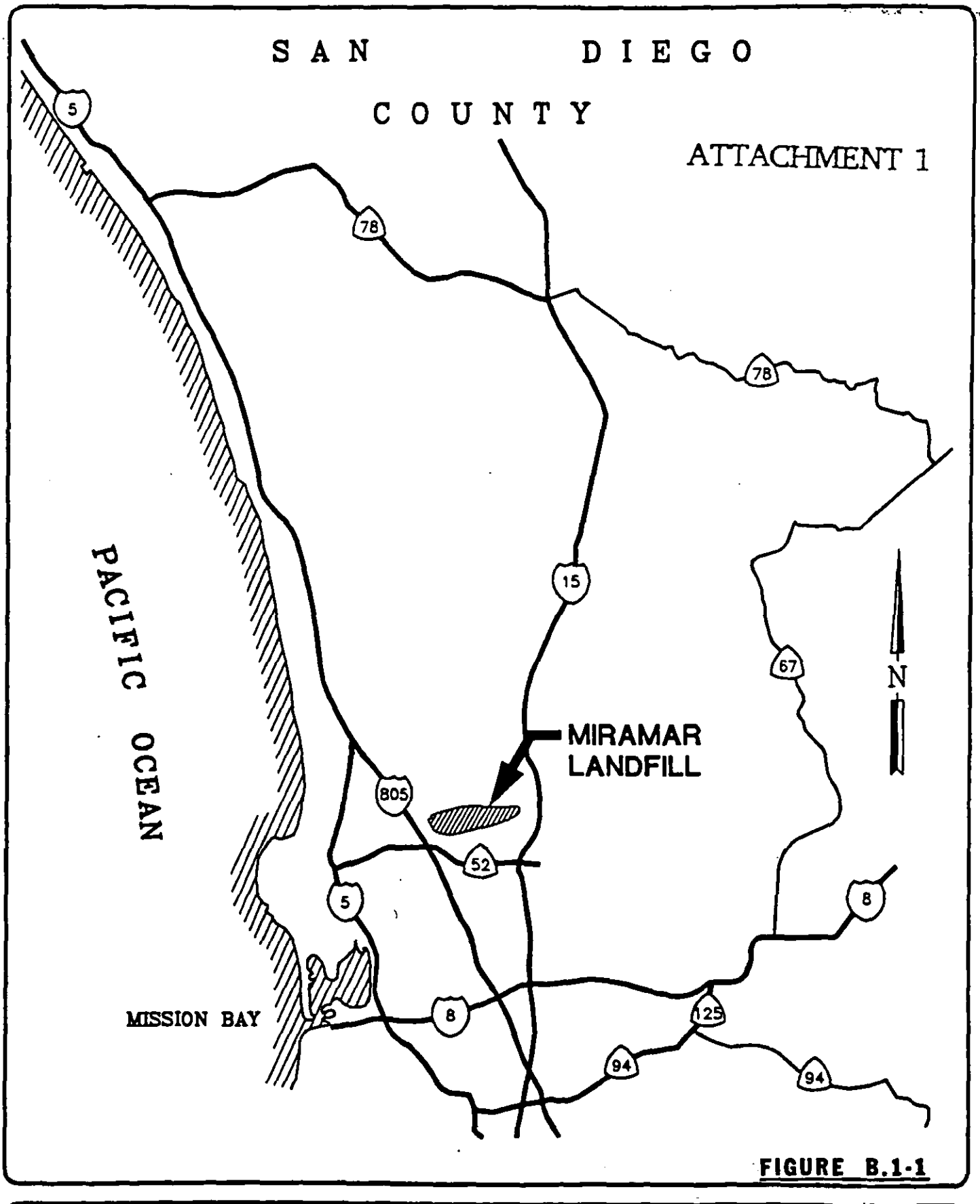

FIGURE B.1-1

BAS (619) 694-1166
BRYAN A. STIRRAT & ASSOCIATES
CIVIL AND ENVIRONMENTAL ENGINEERS
9665 CHESAPEAKE DRIVE, SUITE 230 SAN DIEGO, CA 92123

GA

WEST MIRAMAR LANDFILL
VICINITY MAP

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DRAWN BY SMA
BRYAN A. STIRRAT & ASSOCIATES
JRB

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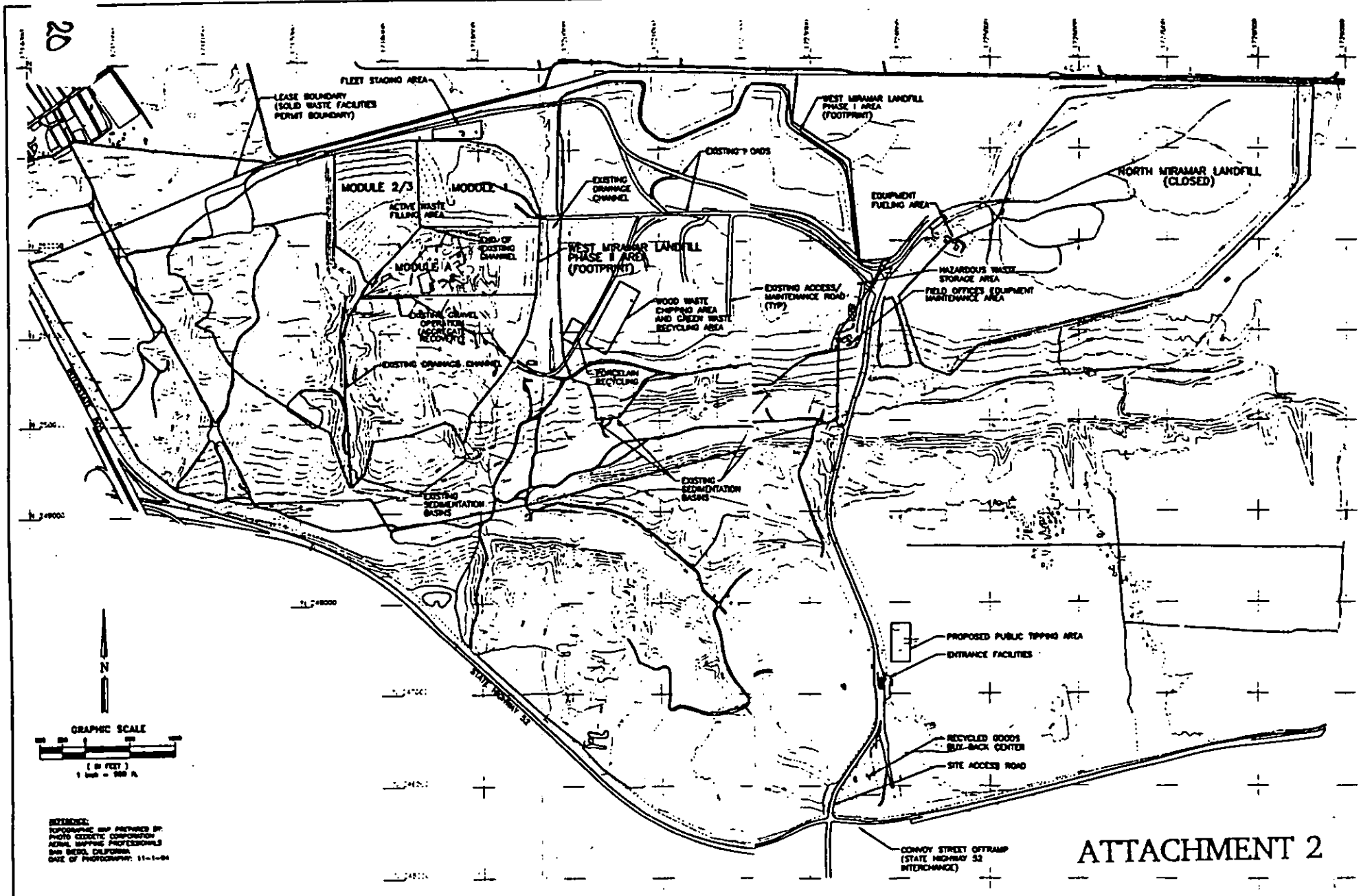


ATTACHMENT 2

No	Revisions	By

PLANS PREPARED BY:
BAS
BRYAN A. STIRRAT & ASSOCIATES
CONSULTING CIVIL AND ENVIRONMENTAL ENGINEERS
9660 ... VIEW DRIVE, SUITE 230
SAN DIEGO, CALIFORNIA 92123
(619) ...

WEST MIRAMAR LANDF

City of San Diego, California
Waste Management Department
Refuse Disposal Division

SITE

DESIGNED BY:		SCALE:	
DRAWN BY:		DATE:	
CHECKED BY:		DATE:	
APPROVED BY:		DATE:	

Attachment 3

SOLID WASTE FACILITY PERMIT

37-AA-0020

2. Name and Street Address of Facility:	3. Name and Mailing Address of Operator:	4. Name and Address of Owner:
West Miramar Sanitary Landfill 5801 Convoy Street San Diego, CA 92111	City Of San Diego Environmental Services Department Refuse Disposal Division 9601 Ridgehaven Court San Diego, CA 92123-1636	United States Of America Department Of The Navy MCAS MIRAMAR 45249 Miramar Way San Diego, CA 92145-5196

5. Specifications:

a. Permitted Operation: Landfill Disposal Site

b. Permitted Hours of Operation : (See Condition a. of Section 17) Dawn to Dusk

c. Maximum Permitted Tonnage: (See Condition b. of Section 17) 1,400,000 Tons/year; 8,000 Tons/day

d. Maximum Permitted Traffic Volume: (See Condition: c. of Section 17) 1400 Vehicles/Day

e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

Total Permitted Site	807	Acres
Permitted Disposal Area	470	Acres
Remaining Capacity	35,200,000	Cubic Yards
Max. Height (MSL)	470	Feet
Max. Excavation (MSL)	237	Feet
Estimated Closure Date	November	2011

This permit is solely granted to the operator named above. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permit.

6. Approval: Approving Officer Signature DANIEL J. AVERA, Director Name/Title	7. Enforcement Agency Name and Address: San Diego County Department of Environmental Health P.O. Box 85261 San Diego, CA 92186-5261
8. Received by CIWMB: FEB 14 1997	9. CIWMB Concurrence Date:
10. Permit Review Due Date:	11. Permit Issued Date:

SOLID WASTE FACILITY PERMIT

Facility/Permit Number:
37-AA-0020

12. Legal Description of Facility:

5801 Convoy Street, San Diego, Ca 92111
Township 15 South, Range 3 West, Sections 22, 23, & 24, San Bernardino Base and Meridian (see GROUND LEASE between the City of San Diego and the United States of America, acting by and through the Department of the Navy, dated August 17, 1995)

13. Findings:

a) This facility is a solid waste landfill identified and described on pages III-21 and III-22 of the County Solid Waste Management Plan (CoSWMP) dated 1986. (Public Resources Code § 50000(a)(1)).

b) This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). (Public Resources Code § 44010).

c) The LEA has determined that the design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal, based on a review of the April 1996 Report of Facility Information and an inspection of the facility conducted on January 30, 1997.

d) The following authorized agent has made a determination that the facility is consistent with, and designated in, the applicable General Plan: Nick Olser, Senior Planner, City of San Diego Planning Department. (Public Resources Code § 50000.5(a)).

e) The following local governing body has made a written finding that the surrounding land use is compatible with the facility operation, as required in Public Resources Code § 50000.5(b): The Planning Commission of the City of San Diego.

f) The LEA has reviewed and considered the information contained in the negative declaration (DEP # 95-0272) prepared by the City of San Diego and dated June 5, 1996, including the environmental effects of issuing this revised solid waste facility permit, and finds that there are no significant unmitigable environmental effects arising from the issuance of the solid waste facility permit. The LEA has further filed a Notice of Determination with the County Clerk dated February 13, 1997, on this revised Solid Waste Facility Permit.

14. Prohibitions:

The permittee is prohibited from accepting any liquid waste that is less than 50% solid by weight, designated waste, or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable permits.

Sewage sludge may be accepted as specified in conditions contained in the Waste Discharge Requirements

15. In addition to the terms of this SWFP, the following documents describe the operation of this facility

	Date		Date
Report of Facility Information	04-96	Conditional Use Permit # 10-632-0	07-81
Preliminary Closure/Post Closure Plan	09-96	Waste Discharge Requirement Order # 87-54	06-87
Closure Financial Responsibility Document	09-96	Air Pollution Control District Permits: Variance Petition #3047	05-95
Lease Agreements - Owner and Operator	08-95	Permit to Construct/Operate #950804	10-96

SOLID WASTE FACILITY PERMIT	Facility/Permit Number: 37-AA-0020

16. Self Monitoring:

Results of all self-monitoring programs will be reported as follows:

Program	Reporting Frequency	Agency Reported To
TONNAGE RECORDS: The operator shall maintain, and keep current, all records used to determine daily tonnage.	**QUARTERLY** (See Conditions b. & d. of Section 17)	**LEA**
TRAFFIC RECORDS: The operator shall maintain, and keep current, a record of all vehicles hauling solid waste to the facility.	**QUARTERLY** (See Conditions c. & d. of Section 17)	**LEA**
REMAINING CAPACITY: The operator shall prepare and submit report regarding remaining capacity at the site.	**ANNUALLY**	**LEA**

17. **LEA Conditions:**

a) Without prior written or verbal approval from the LEA to allow otherwise, waste may be accepted only during the hours described in the most current RFI.

b) Maximum permitted tonnage per year is based on any consecutive 12-month period. At the time of inspection, compliance with this condition will be evaluated based on the 12-month period prior to the inspection date. Tonnage records for the previous 12-month period shall be provided for inspection by the LEA at the conclusion of any inspection or upon request during normal business hours.

c) Maximum permitted traffic volume is based on the number of vehicles hauling waste to the facility. Vehicle traffic records for the previous 12-month period shall be provided for inspection by the LEA at the conclusion of any inspection or upon request during normal business hours.

d) Tonnage and traffic records shall be submitted to the LEA by mail on a quarterly basis and summarized on a form provided by the LEA for that purpose. The reporting periods and the due dates are: January through March, May 1; April through June, August 1; July through September, November 1; and October through December, February 1.

e) The operator shall submit to unannounced inspections during permitted hours of operation. Such inspections may occur before the start of or after the end of waste deposition activities.

f) The operator shall maintain a complete copy of this SWFP, Report of Facility Information and State Minimum Standards for Solid Waste Disposal Sites at the site at all times.

g) No significant change in design or operation of this facility shall be taken without prior application to and approval by the LEA.

h) Additional information related to compliance with this permit or information concerning the design and operation of this facility shall be furnished to LEA upon request.

i) The SWFP is subject to review by the LEA and may be suspended, revoked or modified at any time for sufficient cause.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
March 19, 1997

AGENDA ITEM 4

ITEM: CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT FOR THE MESQUITE REGIONAL LANDFILL, IMPERIAL COUNTY

I. BACKGROUND

Facility Facts

Name:	Mesquite Regional Landfill, Facility No. 13-AA-0026
Facility type:	Class III Landfill
Location:	6502 East Highway 78 Brawley, California
Area:	4,250 acres, of which 2,290 acres are to be used for disposal.
Setting:	The site is located in a sparsely populated desert area in eastern Imperial County. The Land Use Element of the Imperial County General Plan has designated the proposed landfill site and rail spur Right-of-Way as "Recreational" and these areas are zoned "S-Open Space." The active Mesquite Mine and Ore Processing Facility is located adjacent to and on a portion of the proposed landfill. The closest population centers are Brawley and Palo Verde, located about 35 miles to the west and northeast, respectively. The Chocolate Mountains Aerial Gunnery Range is located approximately two miles to the north of the landfill site and is used for military aircraft testing and training.
Permitted Daily Capacity:	The estimated daily MSW volumes will be 4,000 tons per day for year one of operations, increasing up to 20,000 tons per day after year seven.
Operational Status:	Planned, proposed for a 100-year operational lifespan
Waste Type:	Municipal Solid Waste

Volumetric Capacity:	970 million cubic yards (approximately 600 million tons)
Owner:	Gold Fields Mining Corporation Gold Fields Mining Company Mr. Robert T. Filler, General Manager
Operator:	Arid Operations Incorporated Mr. Robert T. Filler, General Manager
LEA:	Mr. Thomas L. Wolf, Director County of Imperial, Department of Health Services, Division of Environmental Health

Proposed Project

The proposed Mesquite Regional Landfill would accept municipal solid waste (MSW) from counties in Southern California (Imperial, Los Angeles, Ventura, Orange, San Diego, San Bernardino and Riverside). The waste is to be transported to the landfill by rail and would initially come from the Los Angeles area. The estimated daily MSW tonnages will be 4,000 tons per day for year one, increasing up to 20,000 tons per day after year seven of operation. The proposed permit would allow the operator to accept up to 20,000 tons per day for approximately 100 years with a total capacity of approximately 600 million tons.

II. SUMMARY

Project History The proposed Mesquite Regional Landfill would provide an option for urban southern California communities to dispose of MSW in a regional landfill. The Mesquite Regional Landfill has been designed to provide environmentally safe landfill capacity for southern California communities and to reduce the need to site additional landfills in urban areas.

The Mesquite Regional Landfill project was first proposed in 1991. An Environmental Impact Statement (EIS) and an Environmental Impact Report (EIR) were prepared for the Mesquite Regional Landfill to satisfy the requirements of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The preparation of the EIS was necessary since portions of the land for the proposed project were owned by the United States Department of Interior, Bureau of Land Management (BLM). The Gold Fields Mining Corporation and the BLM entered into a land exchange which was necessary for the

proponent to acquire BLM's land for additional property for the project.

A draft combined Report of Disposal Site Information (RDSI) and Report of Waste Discharge (ROWD) was submitted to the CIWMB, LEA and the Regional Water Quality Control Board (RWQCB) in November of 1993. Over the next two years, staff of the CIWMB, LEA and RWQCB attended joint technical meetings with the proponents of the project to discuss various aspects of the project's design and operation.

The following is a chronology and status of the CEQA, Waste Discharge Requirements, and land exchange that have occurred this far in the project:

Chronology and Status of CEQA Process

September 6, 1995	Final Environmental Impact Report (FEIR) certified and project approved by an unanimous vote of the Imperial County Board of Supervisors.
October 6, 1995	Petition and complaint filed by Sierra Club et. al. in California Superior Court to invalidate Board (Imperial County Supervisors) CEQA certification and permit approvals.
May 20, 21, 1996	The Court hears oral arguments on merits of petition and issues minute orders for Imperial County to clarify FEIR in certain limited respects.
September 24, 1996	The Imperial County Board of Supervisors holds hearing and approves an addendum to clarify the FEIR in accordance with Court's minute orders.
December 31, 1996	The Court enters final judgement effective as of July 18, 1996 directing County to clarify FEIR in certain limited respects and issues preemptory writ of mandate (and thereby directing County to seek Court's approval of September Board action). The Court <u>did not</u> invalidate the CEQA certification or any permits (note: the final judgement only dealt with issues raised in the May

and July hearings, and deferred review of subsequent September actions by the County until the County seeks confirmation of the September clarifications through a discharge of writ).

A Court hearing on the motion requesting discharge of writ is scheduled for April 14, 1997.

Current Status: At the April 14, 1997 hearing, the County will seek discharge of the writ (i.e. approval of the County's September actions). No injunction or similar relief was granted by the Court although it is understood by the parties and the Court that no physical disturbance will occur until the writ is discharged.

Chronology of Record of Decision Approval and Appeal

February 14, 1996	The Record of Decision approving land exchange and railroad spur right-of-way signed by the BLM.
April 15, 1996	The Sierra Club and other plaintiffs initiate an appeal and file notices of appeal and petitions to stay the right-of-way with the Interior Board of Land Appeals (IBLA).
May 1, 1996	Sierra Club and others initiate protests and file protests of the land exchange with the IBLA).
July 3, 1996	IBLA dismisses the petition to stay the right-of-way decision.
November 14, 1996	IBLA dismisses the petition to stay the land exchange decision and affirms the Record of Decision.
November 25, 1996	Plaintiffs file complaint for injunctive and declaratory relief in United States District Court.
January 30, 1997	Federal Court dismisses motion for preliminary injunction on plaintiffs'

	lack of standing and dismisses complaint "with prejudice" (which prohibits plaintiffs from refiling a complaint on the same issues).
January 31, 1997	Bureau of Land Management and Gold Fields Corporation exchange land.

Status: Appeal dismissed. Gold Fields Corporation is the owner of all lands required for the Mesquite Regional Landfill.

Chronology of Adoption of WDRs and Appeal

November 29, 1995	California Regional Water Quality Control Board (Colorado River Basin Region) approves Waste Discharge Requirements.
December 29, 1995	Desert Citizens Against Pollution and others appeal decision.
April 22, 1996	State Water Resources Control Board dismisses petition for lack of supporting documentation.

Status: Appeal dismissed.

Project Description The Mesquite Regional Landfill will be operated under permits issued to Arid Operations Inc., identified as the operator. Arid Operations Inc., is a wholly-owned subsidiary of Gold Fields Mining Co. (Gold Fields). The owner of the land is the Gold Fields Mining Corporation. In addition, Western Waste (subsidiary of USA Waste) and SP Environmental Systems are partners in the proposed project.

The Mesquite Regional Landfill is located in an unpopulated desert area in eastern Imperial County. Climate of the region is arid, receiving an average annual precipitation of approximately four inches in the vicinity of the site.

The nearest permanent residences are at the Boardman and Glamis Beach Ranch Store areas, located 3 and 3.5 miles, respectively, southwest of the proposed landfill. These facilities serve visitors to the Imperial Sand Dunes Recreational Area located approximately five miles to the west of the site. Lands surrounding the site are occasionally used for rock hounding, camping, recreational vehicle use, target shooting, and hunting. The active and adjacent mine (Mesquite Mine and Ore Processing

Facility) is expected to close within 10 to 15 years with actual mining of ore to be completed in approximately five years.

Access to the landfill will occur by road and by rail. The site is accessed via Highway 78 to the Mesquite Mine access road. The landfill and the mine will share the beginning portion of the road for employee access, deliveries of equipment and supplies, etc., for the first several years of landfill operations. To provide vehicular entry to the site during the life of the facility, the existing mine access road will be rerouted when site development reaches a point where it conflicts with the existing road alignment. Rail access to the site will be provided during initial site development and will occur via a rail spur that will be constructed between the site and the existing Southern Pacific Railway line located approximately four miles to the west of the site.

The landfill site encompasses 4,250 acres overall, with the proposed landfill footprint covering 2,290 acres. The site would receive an average of up to 20,000 tons of MSW per day (TPD) over an anticipated life of about 100 years. Total waste capacity of the landfill will be about 970 million cubic yards (approximately 600 million tons).

The site will not be open to the general public. Imperial County MSW may be delivered to the site by truck if the county decides in the future to include the regional landfill as part of its MSW disposal plans.

The railhaul concept is based on transporting MSW to the landfill by train. Each train will carry 160 containers. Each container will be approximately 40 feet long and will have a capacity of approximately 25 tons of MSW. Loading and unloading of the containers from trains will occur at the intermodal facility on site. The following chart represents the traffic volume of trains and tonnage:

Years of Operation	Trains/Day	MSW (TPD)
1	1	4,000
2	2	8,000
3-6	3	12,000
7	4	16,000
Remaining Years	5	20,000

These are daily rates based on a two-week average. Actual daily volumes may vary by up to one train per day depending on rail or

other uncontrollable delays. Also, the rate of increase of daily MSW volumes may vary from the above chart based on landfill space and market conditions.

The Mesquite Regional Landfill disposal system design incorporates weighing of MSW at the transfer stations prior to transport to the landfill. A computerized information management system will be used to keep track of the MSW containers as they leave the transfer stations and travel to the landfill. The computerized system will provide quick access to transfer station weighing of net container weight (i.e. MSW weight), gross container weight, loading/unloading times, and location. Containers will be logged when they arrive on site using the computerized system to assure that only MSW residue containers which have been scheduled for delivery at the landfill are accepted.

Unloading of containers from trains will occur at the intermodal facility. There, containers will be lifted from the trains by forklift or crane and transferred onto tractor-trucks and bogies (empty trailer chassis) for transport to tippers at the landfill working faces.

The intermodal facility will consist of a series of unloading, runaround and tail tracks for train traffic control; short segments of set-out track for temporary parking of train cars or engines; cranes for unloading MSW containers and loading empty containers; and required support facilities. Preliminary engineering for initial operations are based on having two unloading tracks, one runaround track and one tail track. For the maximum MSW disposal rate of 20,000 TPD, additional tracks would be added. The actual arrangement of the intermodal may be varied to suit operational requirements as final design activities are completed. Except possibly for initial, low capacity operations, areas between unloading tracks and the adjacent shops and loading areas would be paved with asphalt or concrete paved to support cranes, trucks and other equipment. Construction of intermodal facilities will be phased to accommodate increasing needs as the rate of MSW disposal increases.

MSW containers will be washed every sixth trip (or at a frequency determined in consultation with the LEA) to the Mesquite Regional Landfill to prevent excessive soiling of the containers. Washing of containers will occur at the water reclamation facility, which is part of the project. Washing of containers will use hot pressurized water jets. Water will be pumped to the washing stations at about 150° F and 500 psi. The outside of the

containers will be washed by multiple stationary sprays. For the inside of the containers, moving sprays will be automated, or set inside the container manually and then activated. A water reclamation facility will be provided to reduce water consumption. It is expected that the water reclamation facility will allow recycling of about 60 percent of the container wash water. The water reclamation facility will be utilized to recycle water, landfill gas (LFG) condensate, and leachate, if any were to occur.

The administration complex will include offices, meeting rooms, work areas, maintenance buildings, employee break areas and sanitary facilities to accommodate employee needs. The administration building will also include a viewing/presentation area that could be used for visits to the landfill by community groups and other scheduled visitors.

FACILITY DESIGN:

The proposed Mesquite Regional Landfill will be an area fill with a footprint of 2,290 acres. The landfill will be constructed in segments of approximately 50 acres each. At final build out, the proposed landfill will rise 375 to 475 feet above the surrounding terrain to a maximum elevation of 1140 feet above sea level. The facility is designed to meet or exceed existing State and Federal design requirements for Class III disposal facilities.

Many of the proposed environmental control systems, such as the liner, leachate collection and recovery system, and ground water and landfill gas monitoring systems, will be installed in phases as the landfill is constructed. The landfill gas collection system will also be constructed as the landfill lifts are completed. In addition, the exterior slopes of the landfill are designed so that the final cover will be placed as the landfill is constructed, and closure of the top deck portions of the landfill will occur in a phased manner over the life of the landfill.

Some elements of the proposed design are unusual or unique to the Mesquite Regional Landfill including the incorporation of rinsed ore residues in the construction of the landfill, the engineered alternative cover proposed for the side slopes, the onsite water treatment facility, and the horizontal landfill gas collection system. These elements are necessary or practical because of the location and/or scale of the proposed facility and will be described below.

Material Sources: Much of the earthen material to be used in the landfill construction will come from overburden and rinsed ore residues from the adjacent gold mining operations. Overburden is barren (non-ore) rock and soil that is excavated during the mining operation. The Mesquite gold mine recovers gold by a cyanide heap leaching process. After recovery of the gold, the ore residues are detoxified and rinsed. Several of the heap leach pads are within the proposed landfill footprint and, as the heap leaching operation is phased out and the ore residues are detoxified, the ore residues will be incorporated into the landfill as daily, intermediate, or final cover as landfill construction advances. Coarse materials from the overburden piles will be used in the protective layer of the final cover. Clay for the construction of the landfill liner will be mined from sources at the adjacent gold mine. This material has been used in the past to line the heap leach extraction pads at the mine.

Liner Design: The site will have a three-component composite base liner consisting of a lower flexible membrane liner (FML), a 1-foot thick compacted clay layer with a permeability of 1×10^{-6} cm/sec or less, and an upper FML.

Leachate Collection and Recovery System: A leachate collection and recovery system (LCRS) consisting of a 1-foot layer of gravel and perforated leachate collection pipes will be placed above the liner. The LCRS for each segment of the landfill will drain to a collection sump at the outside toe of the landfill. Each segment will have its own piping system to allow for independent measurement and monitoring. The LCRS has been designed to accommodate twice the anticipated volume of leachate. A secondary LCRS will be constructed beneath the primary LCRS at the low points of the first two cells. The inclusion of this element in future cells will be evaluated by the regulatory agencies at the five-year permit review. Any leachate collected will be treated at an onsite water treatment facility prior to reuse at the facility.

Final Cover Design: Two final cover designs are proposed for the Mesquite Regional Landfill. The proposed configuration of the final cover in the top deck areas consists of a two foot foundation layer of compacted overburden or ore residue, an FML, and a minimum of two feet of soil as a protective layer. The top 6 to 12 inches of this layer will be coarse rock to act as an erosion resistant layer. The proposed side slope final cover design represents an engineered alternative to the current State prescriptive standards. The proposed design incorporates compacted soil berms that will be constructed as the landfill

expands laterally and vertically. These berms will be approximately 62 feet wide at the bottom of the berm and 12 feet wide at the top of the berm. The minimum thickness of soil over the side slope areas will be approximately seven feet. The construction of these berms under appropriate quality control measures would constitute final closure of the side slope areas of the landfill minimizing the area of the landfill to be closed when waste acceptance ceases at some future time. Board staff have reviewed the proposed alternative final cover design and have found it to be acceptable.

Final Grading/Slope Stability: The overall slopes of the proposed landfill will vary from 3.5:1 (horizontal to vertical) to 5.5:1. Benches will be constructed at 50 foot vertical intervals for access to the LFG collection system and as part of the drainage controls. The top deck area of the landfill will be constructed at 3% to 20% grades and will be contoured in a rolling configuration to improve the site aesthetics at closure.

The static and dynamic stability of the proposed design were analyzed by the proponent. The stability analyses were reviewed by Board staff and, at the request of Board staff, were reviewed by Department of Water Resources (DWR) staff through the Board's interagency agreement with DWR. The reviews indicated that stability of the proposed design is adequate. Results of this review were also supplied to the RWQCB for use in their review of the ROWD.

Drainage Design: Drainage for the proposed landfill will be integrated with the existing drainage for the adjacent mine. The facility drainage has been designed to accommodate the flows generated by the 100-year, 24-hour storm event (3.0 inches). The mean annual precipitation at the site is approximately four inches. Run-on will be routed around the facility through the perimeter drainage channels and discharged to the desert washes. Run-off from the landfill (water which has not come in contact with waste) will be conveyed by a series of V-ditches and downdrains to the perimeter drainage channels and discharged to the existing natural drainage courses. Run-off from the paved portions of the intermodal area will be routed through an oil/water separator designed to collect the first 0.10 inch of the run-off.

Landfill Gas Collection and Monitoring Systems: The landfill gas collection system will be installed with each segment of the landfill. Horizontal LFG collectors will be installed in gravel filled trenches in the waste as the landfill is constructed. The LFG collectors will be placed at 50-foot vertical(approximately

every five lifts) and 250-foot horizontal spacings. Each layer of collectors will be offset with respect to the rows above and below so that the maximum horizontal spacing is approximately 125 feet. The bottom row of collectors will be more closely spaced (20 feet above the liner and 125-foot horizontal spacing) to increase the gas extraction ability at the base of each segment. The horizontal LFG collectors will be connected to a series of collection headers at the surface of the landfill to convey the gas to the destruction facility. Destruction of the collected LFG in a flare is proposed for the first several years of landfill operations. The flare station will initially be constructed with two large capacity flares (one as a backup) and additional flare capacity will be added as LFG generation rates increase. As the landfill operations proceed, and LFG generation rates increase to a level that could adequately support an energy recovery facility, such a facility will be considered. Approvals and permits for such a facility will be obtained prior to construction. After an energy recovery facility is constructed, the flare station will be maintained as a backup to be used during maintenance of the energy recovery facility. Perimeter LFG monitoring probes will be installed as the landfill segments are constructed.

Onsite Water Reclamation and Treatment Facility: Due to the large scale and remote location of the proposed landfill operation, an onsite water reclamation and treatment facility is proposed. During the early years of the proposed operation, a smaller prefabricated "package" plant is expected to be satisfactory. For operation at the maximum disposal rate, a larger facility designed specifically for this project will be constructed. The water treatment and reclamation facility will be used to treat or reclaim water from container washing, leachate (if any), and LFG condensate. The proponent anticipates that this facility will allow approximately 60% of the water used in container washing activities to be reclaimed for reuse. Approximately 40 percent will be lost to evaporation, either directly or as bleed from the reclamation system to avoid a buildup of dissolved solids.

Ground Water Monitoring System: The ground water monitoring network will be installed as landfill segments are constructed. The proposed ground water monitoring network and monitoring plan are incorporated in the Waste Discharge Requirements (Order No. 95-100) which were adopted by the Colorado River Basin Regional Water Quality Control Board on November 29, 1995.

FACILITY OPERATIONS

Municipal solid waste will be emptied from the transfer containers at the landfill working face, spread on the working face by dozers into layers approximately two feet thick, and then compacted. The advancing working face will be covered by six inches of compacted cover at least once daily to keep the exposed open face as small as practical. Working faces (up to five working faces could be in operation when the landfill is operating at full capacity) will be kept to the minimum size practical for safe operation, normally less than about one-third acre each. It is anticipated that at least two working faces will be in operation during initial and regular landfill operations. Each tipper will be located at a separate working face far enough apart to avoid congestion due to heavy equipment traffic. The tipper pad will be sized to accommodate the trucks and trailers maintained in the onsite equipment fleet, and trucks that may deliver MSW from the Imperial County area if local municipalities utilize the landfill in their waste management plans. Any MSW containers transported to the site by truck would report directly to a working face. Municipal solid waste will be unloaded adjacent to the working face, and then pushed up the working face and compacted. The working face will be maintained with a low slope angle to facilitate compaction and safe operation.

The MSW will be compacted at the working face by multiple passes of a landfill compactor. The face will normally be maintained at an angle of about 6H:1V. The maximum working slope will be 3H:1V. The target compaction for the MSW residue is 1,200 pounds/cubic yard. The landfill will be developed in approximately 10-foot thick "lifts" of compacted MSW residue. At the end of each day, the compacted portion of the lift that has been filled and covered with soil over the past 24 hours constitutes a "cell."

Daily cover will consist of at least 6 inches of overburden or ore residue from the Mesquite Mine. The overburden and ore residue is well graded and has a relatively low permeability when compacted. The material will be hauled from the mine, dumped into windrows, moisture-conditioned as necessary, and spread in a layer about 9-inches thick (uncompacted). It will be compacted by two or three equipment passes.

For initial operations at an MSW disposal rate of 4,000 TPD, the hours of operations will consist of a six-day work week (Monday through Saturday) with a single 8-hour shift, beginning in the early morning (e.g. 6:00 a.m.). As the rate of MSW disposal

increases, additional shifts will be added until 24-hour operations are reached.

Approximately 86 people could be employed for routine operations during the initial activities and 268 people could be employed when the landfill is operating at its full capacity.

Resource Recovery Under usual circumstances, recyclable materials that are removed from the waste stream at transfer stations/MRFs are stored at these locations, while the transfer station/MRFs operator finds buyers for the various recycled commodities. It is anticipated that from time to time the market for certain recyclable commodities will experience a slowdown, making immediate sale difficult. As a service to the transfer station/MRFs operators the Mesquite Regional Landfill will provide short-term storage space for recycled materials.

The recycled materials will be transported from the transfer stations/MRFs to the landfill in containers that are similar to those that would be used for MSW residue, except that they would be specially tagged to identify the contents as recyclable materials to be stored, not landfilled. Up to 600,000 tons of recyclable materials will be stored at the landfill at any time.

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 fire, dust, vectors, birds, litter, noise, and odors have been addressed in the RDSI. The RDSI also describes the site's hazardous waste screening program, which, if applied as described, will meet State Minimum Standards. Environmental control measures for impacts from potential problems are addressed in the RDSI and described below:

Fire Control Site facilities will be designed and operated in accordance with standard safe practices, National Fire Protection Association standards, and local fire codes to minimize the potential for fires to occur. Water-supplied fire hydrants will be provided in the intermodal and operations facilities area. The hydrants will be supplied by an on-site 600,000-gallon water tank, and a series of pumps and sensors to maintain pressure throughout the system. Portable fire extinguishers will be included in every enclosed structure, site vehicles and heavy equipment. Additional fire protection for areas away from the intermodal and operations facilities will be provided by water trucks and available earth-moving equipment.

Dust Control The operator anticipates problems with dust to be minimal since all of the auxiliary areas of the landfill will be asphalt or concrete (i.e. roads, intermodal facility, administration building, etc.). Parking and laydown areas adjacent to the intermodal facility that are not paved will be treated with a surfactant to control dust generation. Fugitive dust emissions from paved roads will be controlled by constructing two lane roads with wide paved shoulders, constructing an apron at the transition between the paved and unpaved roads, and preventing traffic on unpaved areas next to the roads. In addition to these design features, a street cleaning program will be implemented consisting of flushing the paved roads with water once or twice weekly. Fugitive dust emissions from the operations areas of the working face and the cover borrow areas would be controlled using a combined strategy of limiting the area of operations and by using traditional dust-suppression techniques such as area watering.

Vector and Bird Control The potential for vectors (insects and rodents) and birds is expected to be minimal because of the naturally arid conditions in the site area. The lack of water and sparseness of vegetation limits the numbers of animals or insects that occur in the vicinity of the site. The prompt compaction of MSW residue emptied from closed containers and the placement of daily cover are the primary methods of minimizing the attractiveness of the landfill to vectors and birds. The aeration evaporation and settling ponds at the onsite water reclamation facility are not expected to provide an environment that could facilitate propagation of vectors. If found to be necessary, biodegradable larvae control compounds could be periodically added to the ponds. If attraction of birds becomes a problem at the ponds, netting will be provided over the pond surfaces. In addition to these measures, perimeter fencing is designed tight to the ground to inhibit wildlife access from the surrounding desert.

Litter Control The operator does not anticipate litter to be a problem since salvaging of paper or other MSW residue will not take place at the landfill. All MSW residue will arrive at the site in closed containers, and containers will remain closed until transported to the working face. The primary source of potential litter will be the working face area. The potential for wind to blow materials will be reduced by:

- Compacting MSW at the working face promptly after it is emptied from containers;

- Developing the landfill operating surface at several levels so that operations can be conducted at lower, more sheltered levels on windy days;

- Providing portable litter fences adjacent to the face if shelter from the landfill configuration cannot be achieved;

- Minimizing the time between MSW placement and daily cover placement so that MSW would be exposed to wind for shorter periods of time (i.e. during periods of high wind, soil cover could be applied more often than once per day to control litter); and

- Daily litter cleanup patrols by landfill personnel.

Noise Control Noise levels at the landfill would be similar to those occurring at the adjacent Mesquite Mine. Due to the remote location and the site being closed to the public, the primary potential health concern related to noise would be exposure of employees, visitors, and commercial haulers (if any) transporting waste to the site. Noise from trains at the intermodal area will be within levels allowable by federal regulations. Onsite vehicles and equipment will utilize appropriate noise suppression equipment such as mufflers. Maintenance to vehicles and equipment will occur regularly to prevent mechanical malfunctions that could result in excessive noise. Hearing protection equipment in accordance with OSHA regulations will be provided to employees and visitors.

Odor Control The operator will control odors by conducting the following:

- MSW residue will be compacted at the working face promptly following unloading from the enclosed MSW containers;

- A minimum of six inches of cover material will be placed over the compacted MSW residue daily, or more frequently if needed to control odor, blowing trash, or other potential nuisances;

- Leachate, if any, will be collected by the LCRS and maintained in closed piping, containers or tanks until treated at the onsite water treatment plant;

- Empty MSW containers will be washed at the container wash facility every sixth trip to the landfill. Containers would also be washed prior to maintenance or onsite storage;

- Carbon filters will be stored in the operations area which will be placed over vents on the MSW residue containers to control odors in the event that the containers are required to be delayed in the intermodal area (prior to transport for disposal at the active working face) for more that 24 hours;

- Effluent from container washing will be piped to the water treatment plant and maintained in an enclosed tank until treated;

- LFG emissions from the landfill will be controlled by the LFG extraction system; and

- LFG condensate will be maintained within an enclosed system until treated at the onsite water reclamation facility.

Hazardous Waste Screening Program

Removal of hazardous materials from the Mesquite Regional Landfill waste stream will occur during:

- Waste screening at the transfer stations and at the landfill when waste is unloaded at the working faces.

The Mesquite Regional Landfill design provides that MSW containers would be unloaded at the landfill working face using a tipper. Normally, the tipper is operated by the tractor driver, however, for the Mesquite Regional Landfill, a special tipper would be used. This tipper would have a full-time operator in a cab situated so the operator would observe the waste as the MSW container is emptied and as the landfill equipment places the waste (during the time that another container is being positioned on the tipper). The tipper operator would observe the MSW for suspicious material. All other working face equipment operators will also receive training in the identification of hazardous materials. In the event the tipper operator or other personnel spot suspect material, operations would cease to allow for the safe on-the-ground inspection, and if necessary, removal of the suspect material.

III. ANALYSIS

Requirements for Concurrence with the Solid Waste Facility Permit
Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facility Permit. Since the proposed permit for this facility was received on February 6, 1997, the last day the Board may act is April 4, 1997.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation. The following chart summarizes Board's staff analysis:

13-AA-0026	Accept-able	Unaccept-able	To Be Deter-mined	Not Appli-cable	See Details in Agenda Item
CIWMP Conformance (PRC 50001)				X	
CoSWMP Conformance (PRC 50000)	X				
General Plan Conformance (PRC 50000.5)	X				
Consistency With State Minimum Standards	X				
California Environmental Quality Act	X				X
Closure/Post-Closure Maintenance Plan	X				X
Funding for Closure/Post-Closure Maintenance	X				X
Operating Liability	X				X

In addition, Board staff offer the following detailed analysis:

1. <u>National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA)</u>

   Federal and state laws require the preparation and certification of an environmental document. The United States Department of Interior, Bureau of Land Management and the County of Imperial acting as Lead Agencies, prepared an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for construction and operation of the proposed Mesquite Regional Landfill Project.

   Federal actions in accordance with NEPA
   Federal Land Policy and Management Act (FLPMA)
   1. Federal land exchange of 1,750 acres; and
   2. Right-of-way approval to allow construction of a 4 to 5 mile rail spur between the proposed site and the existing Southern Pacific Railroad tracks.

   Local actions in accordance with CEQA
   1. Conditional Use Permit
   2. General Plan Amendment
   3. Zoning Change

   On September 6, 1995, the Final EIS/EIR was certified and the project approved by the County Board of Supervisors. The County Board of Supervisors approved the General Plan Amendment, Change of Zone, Conditional Use Permit and Development Agreement, and adopted a Mitigation Monitoring

and Reporting Program and a Statement of Overriding Considerations in accordance with Public Resources Code Section 21081. The EIS/EIR identified impacts that cannot be mitigated, which include significant visual impacts, cumulatively significant air quality impacts, cumulatively significant traffic impacts, and a localized cumulative increase in risk train/vehicle-related mortality to state or federally protected species. Staff have determined that the areas impacted are not within the authority or responsibility of the Board. A Statement of Overriding Considerations, adopted in accordance with Public Resources Code section 21081 subdivision (b), identifies these impacts, and is included as Attachment 5. Staff have determined that the Statement of Overriding Considerations meets the requirements of PRC 21081.

On October 6, 1995, a petition and complaint was filed by project opponents in California Superior Court to invalidate the Board of Supervisor's CEQA certification and permit approvals. The Court found that several areas of the EIS/EIR required clarification. An Addendum was prepared which clarified the Project Description, the No Action Alternative and the discussion of the Environmental Setting with respect to critical habitat for the desert tortoise. The Court did not invalidate the CEQA certification or any permits.

A Record of Decision approving the land exchange and railroad spur right-of-way was signed off by Bureau of Land Management on February 14, 1996. An appeal and protest was filed by project opponents in March 1996, and was dismissed by Federal Court on January 30, 1997. On January 31, 1997, BLM and Gold Fields Mining Corporation exchanged the land.

After reviewing the environmental documentation, staff finds that the EIS/EIR and its Addendum is appropriate for the Board's consideration.

2. <u>Closure/Postclosure Maintenance Plans and Financial Mechanism Requirements</u>

Title 14, California Code of Regulations (CCR), Section 18268 requires Closure and Postclosure Maintenance Plans for landfills. The required preliminary plans for the Mesquite Regional Landfill were deemed complete by the Board's Closure and Remediation Branch on March 7, 1996.

Staff of the Board's Financial Assurances Section have reviewed the financial assurance demonstration for this facility and found it to be adequate. Based on this documentation, Board staff have determined that the Trust Agreement established by Arid Operations Inc., meets the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.5, Section 18285.

3. Operating Liability

Arid Operations Inc., has demonstrated operating liability coverage for the Mesquite Regional Landfill as part of the Operating Liability Insurance Requirement. The submitted documentation meets the requirements of Title 14, CCR, Division 7, Chapter 5, Article 3.3, Section 18236 and has been deemed acceptable by staff of the Board's Financial Assurances Section.

IV. STAFF RECOMMENDATION

Because a new Solid Waste Facility Permit has been proposed, the Board must either concur or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 97-89 concurring in the issuance of new Solid Waste Facility Permit No. 13-AA-0026.

V. ATTACHMENTS

1. Location Map
2. Site Map
3. Intermodal Facilities Layout
4. Proposed Permit
5. Statement of Overriding Considerations
6. Permit Decision No. 97-89

Prepared by: Amalia Fernandez Phone: 255-3301

Reviewed by: Suzanne Hambleton 3/4/97 / Don Dier 3/4/97 Phone: 255-2453

Approved by: Dorothy Rice D. Rice 3/5/97 Phone: 255-2431

Legal Review: Kathryn J. Obrien Date/Time: 3/10/97

92-302RDSI REV. 4/7/93

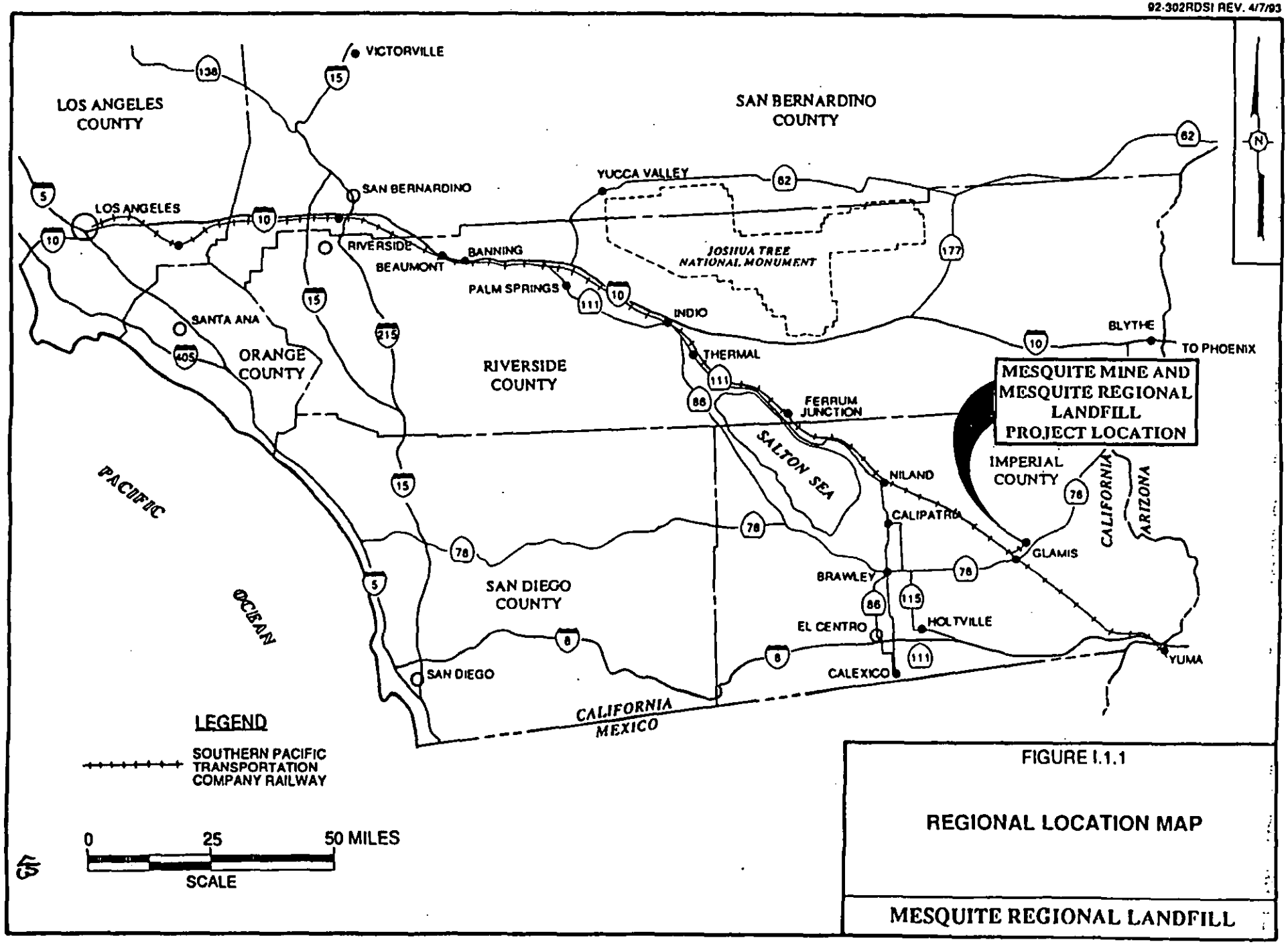


FIGURE I.1.1

REGIONAL LOCATION MAP

MESQUITE REGIONAL LANDFILL

ATTACHMENT 1

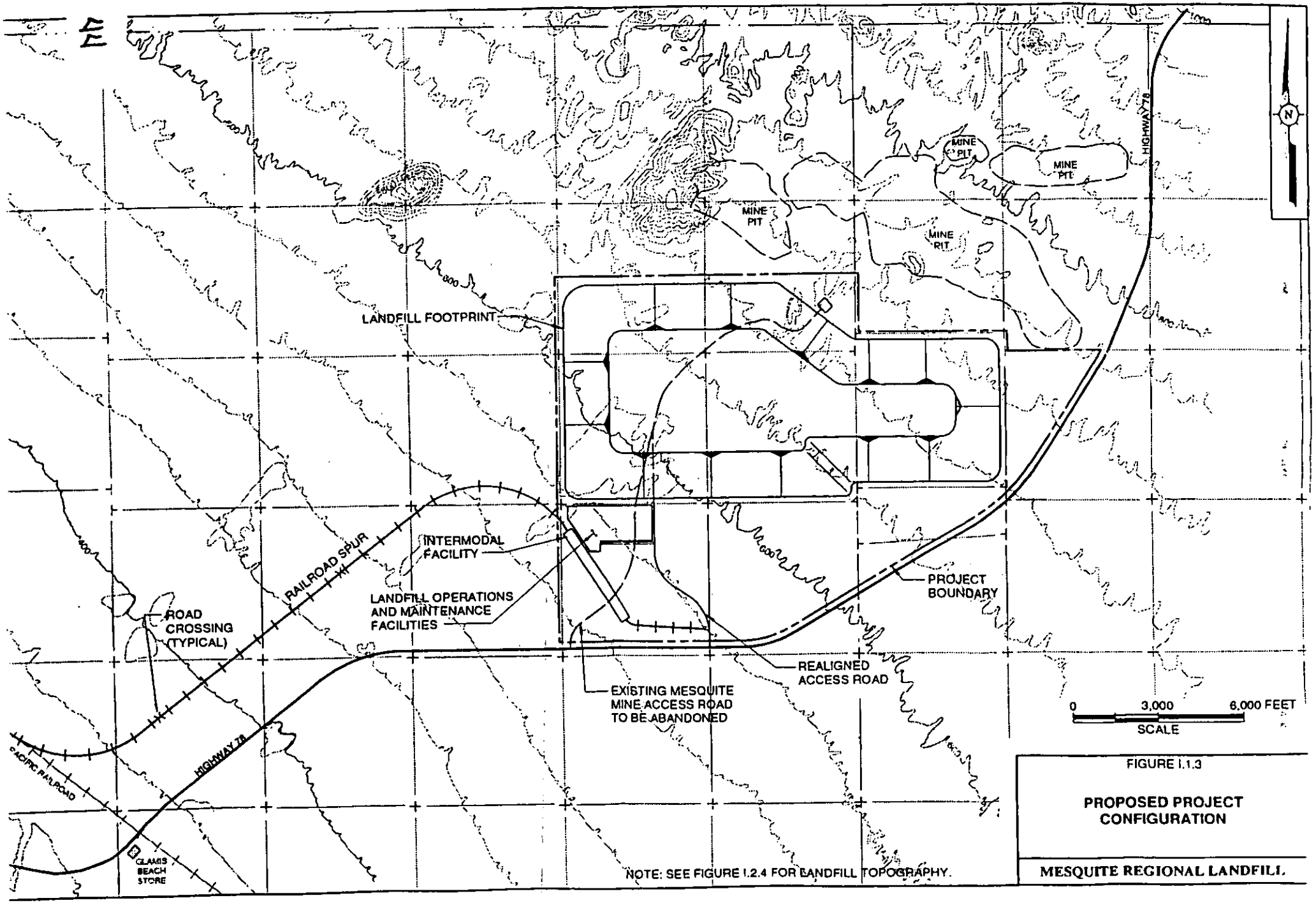


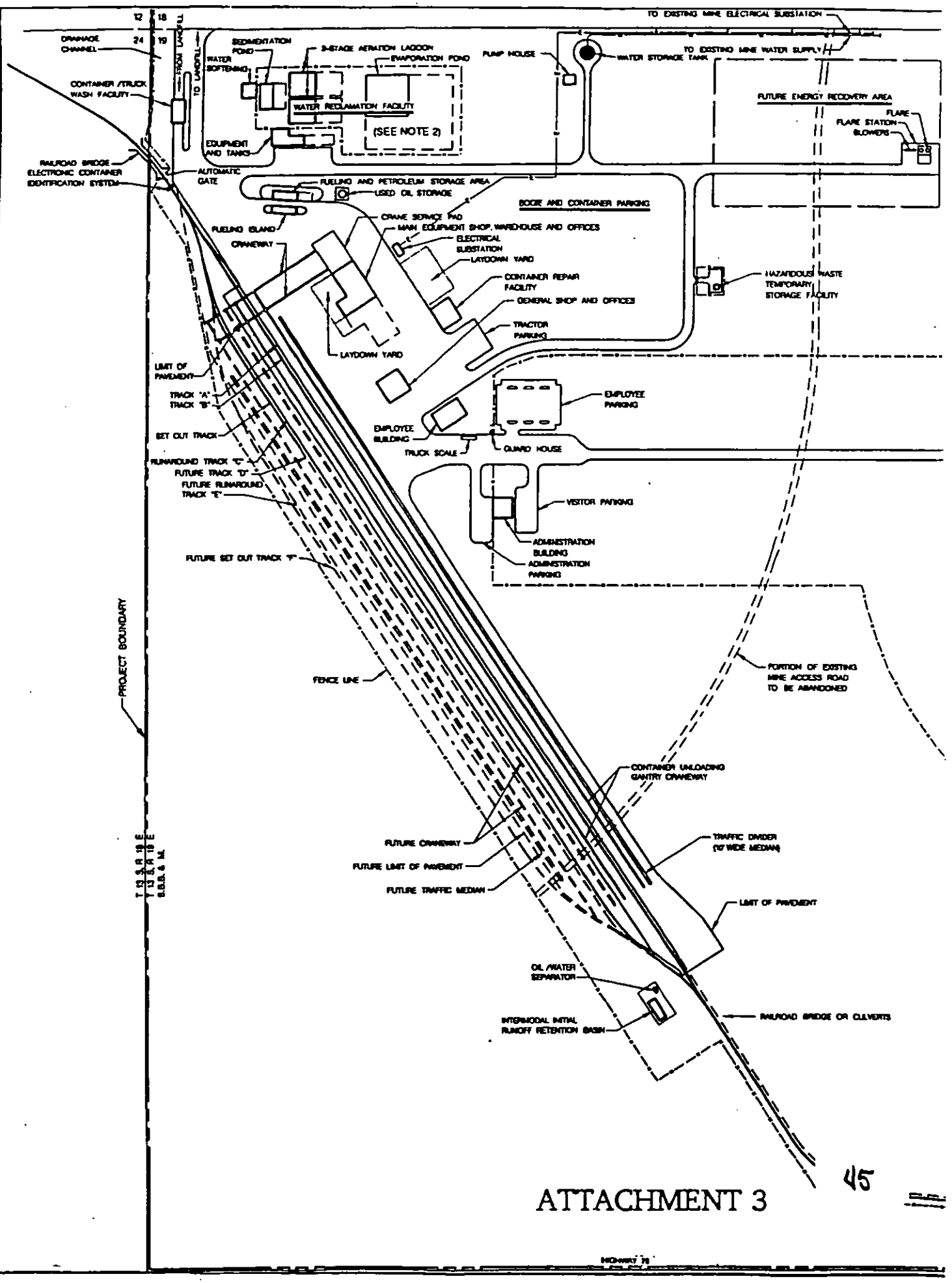
FIGURE I.1.3

PROPOSED PROJECT CONFIGURATION

MESQUITE REGIONAL LANDFILL

ATTACHMENT 2

92-302 RDSI REV. 11/5/93



ATTACHMENT 3

SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number: 13-AA-0026

2. Name and Street Address of Facility:

Mesquite Regional Landfill
6502 East Highway 78
Brawley, California 92227

3. Name and Mailing Address of Operator:

Arid Operations, Inc.
444 South 8th Street, Suite B-1
El Centro, California 92243
Telephone: (619)337-5552
General Manager: Robert Filler

4. Name and Mailing Address of Landowner:

Gold Fields Mining Corporation &
Gold Fields Mining Company
14062 Denver West Parkway
Golden, Colorado 80401-3122

5. Specifications:

a. Permitted Operations

- [ ] Composting Facility (mixed wastes)
- [ ] Composting Facility (yard Waste)
- [X] Landfill Disposal Site
- [ ] Material Recovery Facility
- [ ] Processing Facility
- [ ] Transfer Station
- [ ] Transformation Facility
- [ ] Other: _____

b. Permitted hours of operation: Up to 24 hours a day, 7 days a week.

c. Permitted Tons per Operating Day: Peak & Average Total: (Refer to Condition 17(q))

Non-Hazardous - General	Temporary storage of up to 600,000	Tons
Non-Hazardous - Sludge (see Section 14 of Permit)	N/A	Tons/Day
Non-Hazardous - Separated or Commingled Recyclables	N/A	Tons/Day
Non-Hazardous - Other (See Section 14 of Permit)	N/A	Tons/Day
Designated (See Section 14 of Permit)		
Hazardous (See Section 14 of Permit)		

d. Permitted Traffic Volume:

	Truck Traffic/Day*	Train Traffic/Day
Peak:	50**	Peak: & (Refer to Condition 17(q)
Incoming waste materials	50**	Average Total:
Outgoing waste materials (for disposal)	N/A	N/A
Outgoing materials from material recovery operations	N/A	N/A

*These totals do not include up to 800 trucks/day of MSW deliveries which could occur for a temporary period in the event of interruption of rail service.
**From Imperial County Transfer/Processing Stations or Material Recovery Facilities (MFR's)

e. Key Design Parameters

	Total	Disposal	Transfer	MFR	Composting	Transformation
Permitted Area	4,250ac	2,290ac	N/A	N/A	N/A	N/A
Design Capacity		970 mil cy	N/A	N/A	N/A	N/A
Max. Elevation (ft. MSL)		up to 1,300 ft				
Max. Depth (Ft. BGS)		up to 50 ft				
Estimated Closure Date		2,097				

Upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit.

6. Approval:

_____
Approving Officer Signature

Thomas L. Wolf, Manager, Division Environmental Health Services
Name/Title

7. Local Enforcement Agency Name and Address:

Department of Health Services, Division
of Environmental Health Services
Court House
939 West Main Street
El Centro, California 92243

8. Received by California Integrated Waste Management Board (CIWMB): FEB 0 6 1997

9. CIWMB Concurrence Date:

10. Permit Review Due Date:

11. Permit Issued Date:

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SOLID WASTE FACILITY PERMIT

Facility/Permit Number
13-AA-0026

12. Legal Description of Facility (Site Map Attached):

T13S., R19E., S.B.B.M., Imperial County, California

Section 7:	Lot 7, Lot 8, SE 1/4, E 1/2 SW 1/4
Section 8:	S 1/2
Section 15:	Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 10, Lot 11, Lot 12
Section 16:	All
Section 17:	All
Section 18:	All
Section 19:	NE 1/4, E 1/2 NW 1/4, NE 1/4 SW 1/4, N 1/2 SE 1/4, Lot 1, Lot 2, Lot 3, Lot 5, Lot 6, Lot 7, Lot 8
Section 20:	N 1/2, N 1/2 SW 1/4, Lot 1, Lot 2, Lot 3, Lot 4, Lot 5
Section 21:	Lot 3, Lot 5, Lot 6
Tract 38:	Entire portion north of the State Highway 78 right-of-way

According to the United States Department of the Interior Bureau of Land Management Re-surveying Plats dated May 15, 1986 and August 18, 1993.

13. Findings:

a. This permit has been approved by all of the cities in Imperial County which contain a majority of the population and the County of Imperial, in lieu of a County-wide Integrated Waste Management Plan (CIWMP). Public Resources Code, Section 50000(a)(3).

b. This permit is consistent with standards adopted by the CIWMB. Public Resources Code, Section 44010.

c. The LEA has determined that the proposed design of the facility would allow for facility operations in compliance with the State Minimum Standards, based upon review of the Report of Disposal Site Information.

d. The Imperial County fire protection authorities have determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151.

e. A Notice of Determination for the Mesquite Regional Landfill Final Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) dated June 1995 was filed with the State Clearinghouse (Sch No. 92051024) as of September 7, 1995, pursuant to Public Resources Code, Section 21081.6.

f. A CIWMP for the County of Imperial has not been approved by the CIWMB.

g. The Imperial County Board of Supervisors has made a determination that the Mesquite Regional Landfill is consistent with, and designated in, the Imperial County General Plan. Public Resources Code, Section 50000.5(a).

h. The Imperial County Board of Supervisors made a written finding on September 6, 1995, that surrounding land use is compatible with the facility operation, as required in Public Resources Code, Section 50000.5(b).

14. Prohibitions:

The following shall not be disposed at the Mesquite Regional Landfill:

a. Hazardous waste, as defined by CCR Title 22.
b. Liquid waste (moisture content more than 40 percent).
c. White goods (i.e., large intact household appliances).
d. Biohazardous/Medical Waste.
e. Designated wastes.
f. Incinerator ash.
g. Radioactive waste.
h. Sewage Sludge.
i. Waste which can cause corrosion/erosion or decay, or otherwise reduce or impair the integrity of containment structures.
j. Waste which, when mixed or commingled with other wastes in the landfill, could produce chemical reactions that create heat or pressure, fire or explosion, toxic byproducts, or reactions which in turn: (1) Require a higher level of containment than provided by this landfill; or (2) Impair the integrity of the containment structure.

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SOLID WASTE FACILITY PERMIT

Facility/Permit Number
13-AA-0026

15. The following documents also describe and/or restrict the operation of this facility (Insert document date in spaces):

[X] Report of Disposal Site Facility Information	Date: 10/95	[ ] Contract Agreements - operator and contract	Date: (None)
[X] Land Use Permits and Conditional Use Permits (CUP No. 10367-91)	9/6/95	[X] Waste Discharge Requirements (WDR)	WDR No. 95-100 Issued 11/29/95
[X] Air Pollution Permits and Variances	Application Submitted 10/95	[X] Local & County Ordinances	Various
		[X] Partial Final Closure/Postclosure Maintenance Plan	Deemed Complete 3-7-96
[X] EIR/EIS SCH No. 92051024, BLM No. CA-060-02-5440-10-B026	Certified 9/5/95	[X] Amendments to RDSI	2/5/96, 2/14/96 3/26/96 3/28/96
[ ] Lease Agreement - owner and operator	N/A		
[X] Preliminary Closure/Post Closure Plan	Deemed Complete 3/7/96	[X] Other (list):	Certificate of Liability Insurance Effective March 1, 1996
[X] Closure Financial Assurance Section	Trust Agreement 02/26/96 - Amended 1/18/96		

16. Self-Monitoring:

A variety of monitoring activities shall be performed for the Mesquite Regional Landfill. The various monitoring activities are included as requirements in permits and the environmental review documents for the landfill. In order to avoid being duplicative, the requirements from other permits are not repeated in their entirety here. Instead, the permits themselves are referenced. Additional operational monitoring requirements are also listed here in order to provide a complete summary of monitoring requirements.

a. Monitoring to Mitigate Environmental Impacts: The operator shall comply with the Mitigation, Monitoring, Enforcement and Reporting Program for the Mesquite Regional Landfill developed pursuant to California Public Resources Code Section 21086.1, Subdivision (a)(1) based on the Mesquite Regional Landfill EIR/EIS and adopted by the Imperial County Board of Supervisors on September 6, 1995.

b. Operations Monitoring: Routine operational self-monitoring activities shall be performed at the Mesquite Regional Landfill using checklists developed for that purpose. Copies of these checklists shall be submitted to the LEA, CIWMB, RWQCB, APCD and Imperial County Planning Department prior to commencement of landfill operations. The following routine operational monitoring shall be performed.

ITEM INSPECTED	APPROXIMATE FREQUENCY	INSPECTION METHOD	EXAMPLE OBSERVATIONS	AGENCY REPORTED TO
Working Face Areas	Daily	Routine observation	• Random load checks and observations at the working face for Hazardous Waste and PCBs • Litter Control • Vector Control • Fire Control • Dust Control • Odor Control	LEA
Mobile Equipment	Daily	Routine Observation	• Equipment Performance • Signs of Deterioration or Wear	LEA/APCD
	Concurrent with Scheduled Maintenance	Observation and Checklist	• Brake Wear • Hydraulic Line Integrity • Fluid Levels/Leaks • Equipment Performance • Signs of Deterioration or Wear	LEA

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SOLID WASTE FACILITY PERMIT

Facility/Permit Number
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16. Self-Monitoring (Continued):

ITEM INSPECTED	APPROXIMATE FREQUENCY	INSPECTION METHOD	EXAMPLE OBSERVATIONS	AGENCY REPORTED TO
Site Roads	Daily	Routine Observation	• Dust Control • Tract-Out at Aprons • Settlement • Surface integrity • Litter Control	LEA/APCD
Hazardous Waste Storage Area	Weekly	Checklist	• Container and Secondary Containment Integrity • Container Labeling • Inventory Control	LEA/ RWQCB
Water Recycling Facility	Weekly	Checklist	• Freeboard at Ponds/Tanks • Pond Pumpback Systems • Sedimentation Pond Accumulation • Containment Integrity (e.g., presence of drips, seeps or corroded hardware) • Vector Control • Sump Drainage	LEA/ RWQCB
Gas Control System	Monthly	Checklist	• Extraction and Flare System Performance • Integrity of Headers and Valve Assemblies • Integrity of Exposed Piping • Performance of condensate Collection Systems • Flare Station Integrity and Performance	LEA/APCD
	Concurrent with Scheduled Flare Station Maintenance	Checklist	• Flare Station Integrity and Performance	LEA/APCD
	Quarterly	Checklist	• Landfill Perimeter and Structures	LEA
Emergency Response Equipment	Monthly	Checklist	• Presence and Integrity of Emergency Response Equipment (see Appendix P of the October 1995 RDSI/ROWD for additional details)	LEA
Leachate Control System	Quarterly	Checklist	• Integrity of Exposed Portions of Leachate Collection System • Performance of Flow Documenting Mechanisms (e.g., totalizers)	LEA/ RWQCB
Recyclable Material Storage Area	Quarterly	Checklist	• Labeling/Dating Integrity • Inventory Control • Vector Control • Litter Control	LEA/ RWQCB
Warning/ Safety signs	Quarterly	Checklist	• Sign Presence and Integrity	LEA
Fire Protection System	Monthly	Checklist	• Access to and Availability of Equipment • Extinguisher Charges • Water Pump/Reservoir Integrity • Available Water Pressure • Labeling	LEA
Fences, Gates and Perimeter Areas	Following Precipitation Events that Result in Surface Runoff, or More Frequently as Needed	Checklist	• Integrity of Perimeter Fencing and Gates • Integrity of Gate Locks • Presence and Integrity of Perimeter Fence Signage • Litter Control	LEA

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SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number: 13-AA-0026

16. Self-Monitoring (Continued):

ITEM INSPECTED	APPROXIMATE FREQUENCY	INSPECTION METHOD	EXAMPLE OBSERVATIONS	AGENCY REPORTED TO
Landfill Cover	Following Precipitation Events that Result in Surface Runoff, or More Frequently as Needed	Checklist	• General Cover Integrity (e.g., no slides or erosion) • Integrity of Erosion Protection • Settlement • Ponding • Vector Control • Vegetation Control	LEA/ RWQCB
Landfill Drainage Systems	Following Precipitation Events that Result in Surface Runoff, or More Frequently as Needed	Checklist	• Integrity of Erosion Protection • Excessive Erosion/Siltation • Uneven Settlement • Ponding • Drop Inlet and Culvert Performance/Integrity • Vegetation Control	LEA/ RWQCB
Site Drainage/ Diversion Channels	Following Precipitation Events that Result in Surface Runoff, or More Frequently as Needed	Checklist	• Excessive Erosion/Siltation • Integrity of Erosion Protection • Performance/Integrity of Energy Dissipation Systems • Vegetation Control • Downstream Drainage Condition • Litter Control	LEA/ RWQCB
Administration and Intermodal Area	Daily	Routine	• Litter Control	LEA

17. LEA Conditions:

a. The Operator shall comply with State Minimum Standards for solid waste handling and disposal as specified in Title 14, California Code of Regulations (CCR). The operator shall not operate this facility without possession of all required permits/regulatory approvals. The operator shall inspect the site at least once each day of operation to ensure compliance with all applicable standards/conditions/mitigations/permits/regulations.

b. The operator shall comply with all applicable federal, state and local requirements and enactments including all mitigation and monitoring measures developed in accordance with any certified environmental document filed pursuant to Public Resource Code (PRC) Section 21081.6, and all administrative/enforcement orders of all regulatory agencies with jurisdiction at the facility.

c. The operator shall maintain a complete copy of this SWFP, and of all LEA/CIWMB regulatory inspection reports at the facility or other approved location readily accessible to facility personnel, LEA staff and other appropriate regulatory personnel.

d. Additional information concerning the design/operation of the facility shall be furnished upon request to the LEA and other regulatory personnel.

e. The operator shall notify the LEA in writing of any proposed changes in the routine facility operation or changes in facility design during the planning stages. In no case shall the operator undertake any significant changes unless the operator first submits to the LEA a notice of said changes at least 150 days before said changes are undertaken. Any significant changes as determined by the LEA would require a revision of this permit.

f. The LEA reserves the right to suspend and/or modify applicable operations at this facility when deemed necessary due to any emergency, potential health hazard, and/or public nuisance.

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SOLID WASTE FACILITY PERMIT

Facility/Permit Number
13-AA-0026

LEA Conditions (Continued):

g. A log of unusual occurrences shall be maintained. The log shall contain but not be limited to: fires, explosions, discharges, significant incidents of personal injury, seismic events, accidents and/or property damage. Days without incidents shall be noted in the log with an appropriate negative entry. The log shall be maintained at the facility.

h. Personnel onsite shall have immediate access to radio or telephone access to a 911 emergency dispatcher.

i. The operator shall maintain a seismograph which records the time of duration and ground acceleration of seismic events.

j. The fencing of the facility shall be in accordance with the provisions of the EIS/EIR and CUP.

k. The operator shall install and maintain a weather station approved by APCD which records wind speed, wind direction, temperature and humidity. In addition, a rain gauge shall be installed. This data shall be submitted to the LEA monthly.

l. The landfill operator shall be permitted to provide temporary storage onsite for recycled materials (e.g., baled cardboard) which are first removed from municipal solid waste at transfer stations and/or MRFs. The recycled materials must be transported from the transfer station/MRF to the proposed landfill in similar containers to those that would be used to transport municipal solid waste residue, except that they must be capable of being identified as containing recyclable material.

No more than 600,000 tons of recyclable materials shall be stored at the landfill at any time at this location. The maximum length of storage for any materials shall be two years. The recyclable material shall be separated and stored by type of material, and shall be clearly marked and dated, and protected from the elements as necessary to assure there is no adverse impact to water quality. The specific storage location within the unlined area of landfill footprint, and within the overall facility boundary shall be allowed to vary as the landfill expands. The ground surface in areas used for recyclable materials storage shall be inspected by a person qualified to identify signs of contamination. Any reported pollution shall be mitigated.

Acceptable recyclable materials for temporary storage within the unlined area of landfill footprint shall be as follows:

- Paper
- Plastic
- Aluminum
- Recyclable metals
- Other materials as allowed by the Regional Water Quality Control Board's (RWQCB's) Executive Officer and approved by the LEA.

The materials shall have already been baled or otherwise contained at originating transfer stations and inspected to ensure that these materials do not contain hazardous materials.

The operator shall submit a Recyclable Materials Start-Up Plan to the LEA for approval of the Imperial County Planning Department, LEA and CIWMB prior to acceptance of such materials. The plan shall include procedures for container/bale identification, date of arrival, two year expiration date, source of origin (for proper return), precipitation runoff protection, rainfall protection, but not limited thereto. The disposal of such materials shall not be permitted without written approval of both the LEA and the CIWMB.

m. This permit does not release the operator from its responsibility under any other existing laws, ordinances, regulations, or statutes of other government agencies.

n. The terms and conditions of this permit may change as a result of a revision of applicable statutes or regulations.

o. All permits or approvals referenced in this permit or its governing RDSI shall be maintained in force during the term of this permit. In the event any permit or approval is modified, is suspended, or revoked, or expires during the term of this permit, the operator shall notify the LEA within 30 days of the change and include copies of any renewed or modified permits or approvals.

p. The operator shall, prior to operations at night, submit a lighting plan to the LEA for approval. A copy shall be sent to the Marine Corps Air Stations, Yuma, Arizona.

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SOLID WASTE FACILITY PERMIT

Facility/Permit Number
13-AA-0026

17. LEA Conditions (Continued):

q. The estimated daily MSW residue volumes will be 4,000 tons per day (tpd) for Year 1 of operations, increasing up to 20,000 tpd after Year 7. The estimated daily number of trains will be one train during Year 1 (4,000 tpd), increasing to 5 trains after Year (20,000 tpd). The proposed maximum daily volume of MSW residue will be 20,000 tpd averaged over a two week, 12 day period. MSW residue accepted at the MRL will be received by contract with originating jurisdictions only, and no individual deliveries from the public will be accepted.

YEARS OF OPERATION	CARS/ TRAINS	AVERAGE TRAINS/DAY	MSW RESIDUE (TONS PER DAY)
1	16	1	4,000
2	16	2	8,000
3 - 6	16	3	12,000
7	16	4	16,000
8 - 100	16	5	20,000

r. The maximum depth of cut for liner construction purposes shall not exceed 50 feet below natural grade. The final cover shall not exceed a height of 1,300 feet above mean sea level.

s. The operator shall maintain a record of the number of waste delivery trucks entering the facility.

t. Truck vehicles used due to railroad stoppages shall traverse Imperial County along a designated route approved by the County Director of Public Works.

u. All truck vehicles delivering waste to the landfill facility shall have headlights on while in motion.

v. The operator shall maintain a high winds closure/reduced/or controlled operations policy and shall operate in accordance with the policy as approved by the LEA at all times. The operator shall provide adequate portable litter control fencing and an offsite litter patrol to collect accumulated materials, if any.

w. The operator shall maintain an LEA approved load checking program for hazardous and PCB wastes at the facility. Initially not less than two containers per trainload received at the facility will be checked by personnel trained for such activities. Hazardous or PCB wastes shall be stored at the approved containment site and removed from the facility in the manner prescribed by law. The load checking program will be subject to modification from time to time pending changes in law or necessity in order to protect the health and welfare of the public and site personnel.

x. Operator to compile daily tonnage received (24 hr. period) and make available to LEA monthly at a date to be agreed upon.

y. MSW residue shall be covered daily under all circumstances. When operations extend to a 24 hour period, the "end of the day" shall be at a time mutually agreed upon between the operator and the LEA.

z. Each of the following companies own a 1/3 interest in the Mesquite Regional Landfill Project.

Gold Field Mining Corporation
14062 Denver West Parkway
Golden, Colorado 80401-3122
Telephone: (303)271-3600
Vice President and General Counsel:
Collon Kennedy

SP Environmental Systems
Union Tower
165 South Union Boulevard, Suite 1000
Lakewood, Colorado 80228
President:
John Spisak

Western Waste Industries
21061 South Western Avenue
Torrance, California 90501
Telephone: (310)328-0900
President:
Kosti Shirvanian

The Landowner is Gold Fields Mining Corporation and Gold Fields Mining Company. The operator is Arid Operations, Inc.

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to these sites and because the significant effects of the Project (visual, traffic and PM_{10}) would not be avoided at the alternative out-of-County sites. Finally, the other two projects are not within the jurisdictional boundaries of Imperial County. The regional context of these two proposed projects, however, has been discussed throughout the Final EIS/EIR, particularly in the cumulative impact analysis. (Final EIS/EIR, p. 2-96; see also Final EIS/EIR, Response to Comments Nos. 164, 271, and 721.)

The Final EIS/EIR does not include the use of wet cell technology as an alternative because wet cell technology is not regularly accepted by permitting agencies and therefore is not considered a reasonable alternative to the Project at this time. (See Final EIS/EIR, Response to Comment No. 434.)

In sum, the County believes that the alternatives analysis it has prepared fully satisfies applicable legal requirements. (See Final EIS/EIR, Response to Comment No. 721.)

XI.
STATEMENT OF OVERRIDING CONSIDERATIONS

The Project will have the following significant, unavoidable, adverse environmental impacts:

- Visual impacts caused by landform alteration
- Cumulative traffic impacts caused by Project-related employee traffic on SR 78, in the vicinity of the Project site, from the afternoon before to the morning after weekends and/or holidays from October 1 through May 31.
- Cumulative air quality impacts caused by PM_{10} emissions during periods when background PM_{10} concentrations exceed air quality standards.
- In the immediate vicinity of the project a cumulative increase in the risk of train- and vehicle-related mortality of state or federally protected species.

(Final EIS/EIR, pp. 2-91 to 2-94.)

In addition, the Project, like any activity that results in a potential increase of train or vehicle traffic in an area in which a protected species is present, could contribute indirectly to a cumulatively significant potential increase in train-related or vehicle-related mortality of state or federally protected species.

The County has adopted all feasible mitigation measures with respect to these impacts. Although these mitigation measures will substantially lessen most of these significant impacts, the measures will not fully avoid these impacts.

Moreover, the County has examined a reasonable range of alternatives to the Project. Based on this examination, the County has determined that none of these alternatives both (1) meets project objectives as effectively as the Project, and (2) is, taken as a whole, environmentally preferable to the proposed Project, as regards those significant impacts that cannot be substantially lessened or avoided.

As a result, to approve the Project, the County must adopt a "statement of overriding considerations" pursuant to Public Resources Code section 21081, subdivision (b). It should be emphasized, however, that the County's adoption of a statement of overriding considerations with regard to a project's environmental impacts is not an "exemption" from any applicable environmental law or regulation. No lead agency can opt out of applicable State or Federal environmental regulations simply by invoking a statement of overriding considerations pursuant to CEQA. That mechanism merely allows a lead agency to cite a project's general economic, social or other benefits as a justification for choosing to allow the occurrence of specified significant environmental effects that have not been at least substantially mitigated. The statement explains why, in the agency's judgment, the project's benefits outweigh the unmitigated significant effects. Where another substantive law (e.g., the California Clean Air Act, the Federal Clean Air Act, the Federal Clean Water Act, the California Porter-Cologne Water Quality Control Act, the California or Federal Endangered Species Acts, the Federal Department of Transportation Act, or the National Historic Preservation Act) prohibits the lead agency from taking certain actions with environmental impacts, a statement of overriding considerations does not relieve the lead agency from such prohibitions.

It should also be noted that CEQA does not require lead agencies to analyze "beneficial impacts" in an EIR. Rather, EIRs are to focus on potential "significant effects on the environment," defined to be "adverse." (Pub. Resources Code, § 21068.) The Legislature amended the definition to focus on "adverse" impacts after the California Supreme Court had held that beneficial impacts must also be addressed. (See Wildlife Alive v. Chickering (1976) 18 Cal.3d 190, 206 [132 Cal.Rptr. 377].) Nevertheless, decision-makers benefit from information about project benefits. (See CEQA Guidelines, § 15093.)

The County finds that the Project's substantial environmental and economic benefits outweigh its impacts. Additional landfill capacity is needed to accommodate MSW generated within Southern California. There is no way to provide additional landfill capacity, however, without creating significant impacts of some sort. Thus, the question is which alternative provides the greatest benefits, at the most reasonable cost, and with the minimal environmental impacts.

From an environmental perspective, the Project site is remarkably well-suited for a regional landfill:

- The area is already disturbed by industrial activity. Thus, although the Project will have a significant impact on visual resources, this impact will be less severe than it would have been at another, pristine site. (Response to Comment No. 646.)

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- Much of the infrastructure required for a regional landfill (e.g., water supply, electrical supply, transportation) is already in place.

- The climate is extremely arid. Precipitation averages three inches per year. (Final EIS/EIR, p. 3-29.) Evaporation potential is approximately 100 inches per year. (Final EIS/EIR, p. 3-34.) As a result, the potential for surface water runoff or the generation of leachate or landfill gas is minimized.

- The depth to groundwater is not less than 140 feet. (Final EIS/EIR, p. 3-34.) Basement rock beneath the landfill site is well consolidated. (Final EIS/EIR, p. 3-6.) Thus, even if leachate or LFG is not contained within the landfill itself, the risk that the leachate or LFG would reach groundwater is negligible.

- The Project's above-ground design does not require deep excavation. This configuration has the advantage of maintaining the depth to groundwater. In addition, this design allows the LCRS to drain by gravity along the 1% grade of the liner system, without the need for pumping during operations or the post-closure period. Thus, the above-ground design minimizes the risk of a release of leachate or LFG into the vadose zone or into the groundwater.

- Because of extensive analysis of the site performed in conjunction with the Mesquite Mine, the site is unusually well understood.

- Because of past mining activities, an ample supply of clay and overburden is readily available, without requiring transportation or its related impacts.

- The site is located adjacent to an existing main rail line.

- Vegetation and wildlife habitat in the area are generally of lower quality. The Project enables BLM to exchange this land for higher quality habitat that is contiguous to its existing holdings.

- The Project will allow communities within the South Coast Air Basin to dispose of MSW by train, rather than by long-haul truck or within the air basin, thus advancing the region's air quality goals.

- There are no sensitive receptors (e.g., residences) near the site.

MSW residue will continue to be generated, and a location must be identified for the disposal of that MSW residue. In light of these factors, it would be difficult to identify another site that is better suited for a regional landfill.

Moreover, the No-Project alternative is not environmentally preferable to the Project. In addition, the No-Project alternative fails to meet most of the project objectives. Neither the Smaller Landfill Footprint alternative nor the Decreased Disposal Rate alternative is environmentally

preferable to the Project, and neither meets the project objectives as effectively as does the Project. The Project is environmentally preferable to the landfill site alternative and the Larger Project alternative and meets more of the project objectives than do these alternatives.

In addition, the Project results in numerous beneficial impacts to the County. For example, the Project will create approximately 150 construction jobs and approximately 268 additional jobs at peak operations. (Final EIS/EIR, p. 4-153.) The Project will also generate approximately 658 construction-related and 65 long-term secondary jobs. (Final EIS/EIR, p. 4-154.) Many of these jobs would go to local workers. (Final EIS/EIR, p. 4-153.) Direct earnings of Imperial County residents are expected to total approximately $4.0 million for long-term operations and $1.9 million for initial construction. (Final EIS/EIR, pp. 4-153, 4-155 (Table 4-28).) The wages for these jobs will exceed the average wages per job for Imperial County. Because the County is currently experiencing an unemployment rate of approximately 24%, this benefit is considered extremely important to the fiscal health of the County. In addition, the Project will result in significant sales of goods and services within the County. (Final EIS/EIR, pp. 4-153, 4-156.)

The Project would generate revenues for Imperial County. These revenues will include property taxes, utility taxes, sales taxes, chargers for permitting and inspection services, licenses, and permit fees. These revenues will exceed costs incurred by the County in connection with the Project. (Final EIS/EIR, pp. 4-156, 4-158.)

The County finds that, on balance, the Project represents the best balance of cost, benefit, an minimized environmental impacts. The County finds that the Project minimizes the environmental impacts to the extent practicable, while still realizing the Project's benefits. Accordingly, the County finds that the Project's adverse, unavoidable, environmental impacts are outweighed by these considerable benefits.

Dated: September 6, 1995

Brad Luckey
Chairman, Board of Supervisors

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California Integrated Waste Management Board
Permit Decision No. 97-89
March 26, 1997

WHEREAS, Arid Operations Incorporated, a subsidiary of Gold Fields Mining Corporation, proposes to operate the Mesquite Regional Landfill in Imperial County, on land owned by Gold Fields Mining Corporation; and

WHEREAS, the proponent proposes to transport municipal solid waste by rail from the Los Angeles area; and

WHEREAS, the United States Department of Interior through the Bureau of Land Management (BLM) and the County of Imperial acting as Lead Agencies, prepared an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) (State Clearinghouse #92051024) for construction and operation of the proposed Mesquite Regional Landfill and Board staff provided comments on July 6, 1994; and

WHEREAS, on September 6, 1995, the Final EIS/EIR was certified and the project approved by the Imperial County Board of Supervisors. The County Board of Supervisors also adopted a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations. The EIS/EIR identified impacts that cannot be mitigated, which include significant visual impacts, cumulatively significant air quality impacts, cumulatively significant traffic impacts, and a localized cumulative increase in risk train/vehicle-related mortality to state or federally protected species; and

WHEREAS, on October 6, 1995, a petition and complaint was filed by project opponents in California Superior Court to invalidate the Board of Supervisors's CEQA certification and permit approvals. The Court found that some areas of the EIS/EIR required clarifications. An addendum was prepared which clarified the Project Description of the Environmental Setting with respect to critical habitat for the desert tortoise. The Court did not invalidate the CEQA certification or any permits; and

WHEREAS, portions of the proposed project were owned by the BLM and a land exchange occurred between BLM and Gold Fields Mining Corporation. A Record of Decision approving the land exchange and railroad spur right-of- way was signed by the BLM on February 14, 1996. On January 31, 1997, BLM and Gold Fields Mining Corporation exchanged land, thus making Gold Fields Mining Corporation the sole owner of the land where the project will be situated; and

WHEREAS, on November 29, 1995 the Colorado River Basin Regional Water Quality Control Board approved Waste Discharge Requirements for the Mesquite Regional Landfill; on December 28, 1995 opponents of the project appealed the decision; on April 22, 1996 the State Water Resources Control Board dismissed the opponents' petition for lack of supporting documentation; and

WHEREAS, the Imperial County Department of Health Services, 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 new Solid Waste Facility Permit for the Mesquite Regional Landfill; and

WHEREAS, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board and found the facility's design if operated in a manner described in the Report of Facility Information will comply with State Minimum Standards; and

WHEREAS, the project description in the EIS/EIR is consistent with the proposed 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 General Plan.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facility Permit No. 13-AA-0026.

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 March 26, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
March 19, 1997

AGENDA ITEM 5

ITEM: CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT FOR THE COACHELLA TRANSFER/RECYCLING STATION, RIVERSIDE COUNTY

I. BACKGROUND:

Facility Facts

Name:	Coachella Transfer/Recycling Station Facility No. 33-AA-0248
Facility Type:	Large Volume Transfer Station
Location:	87011 Landfill Road North of Interstate 10 near Coachella
Proposed Area:	76.5 acres
Setting:	Site is located within the boundaries of a landfill undergoing closure activities
Operational Status:	Not yet constructed
Proposed Tonnage:	1,100 tons per day (TPD), 700 tons per day average
Operator:	City of Coachella John Curtis, City Manager
Land Owner:	Riverside County Waste Resources Management District Robert Nelson, Chief Executive Officer
LEA:	Riverside County Department of Environmental Health John Fanning, Director

Proposed Project

The project proponent seeks to construct and operate a large volume transfer station within the permitted boundaries of the Coachella Landfill. The station would receive the waste that currently goes to the landfill which will close sometime this year (June or July is the latest estimate).

II. SUMMARY:

Site History The Coachella Landfill will close this year. It has operated since 1972. Upon its closure and should no new options be available, the waste going to the landfill would instead be sent to other landfills such as the Edom Hill Landfill or the Badlands Landfill. The former is about 30 miles away while the latter is twice that.

Anticipating the landfill closure, the Coachella Valley Association of Governments (CVAG) in 1995 requested proposals for waste disposal alternatives. In October of that year, the Riverside County Waste Resources Management District (RCWRMD), operator of the landfill, submitted a proposal for *their* operation of a transfer station at the landfill site. According to RCWRMD, CVAG has not chosen any proposal but instead has opted to wait for the formation of a proposed joint powers authority representing the various cities of the Coachella Valley. Assuming that the formation of a JPA is successful, the final choice would be up to that authority. Currently, it appears that the RCWRMD proposal is not one of the finalists.

However, in the interim, at least two cities chose to take their own steps to avert long distance waste disposal. The City of Coachella decided to work with RCWRMD and reached an agreement to operate the proposed transfer station at the site. (The City of Indio is in the early stages of developing a transfer station of their own.) Should the City of Coachella be successful in obtaining a solid waste facility permit and the project proceeds, the City will seek a qualified contract operator to conduct the day to day operations of the facility.

Project Description

The transfer station is relatively simple in design. It will be located in a former borrow area of the landfill and will not be within the waste disposal "footprint". It will be an open air facility with a concrete tipping pad 125 feet wide by 180 feet long. Limited material recovery will occur through hand sorting of selected loads. The only structures will be the scalehouse, office trailer, and household hazardous waste storage. A retaining wall will be located along one edge of the pad. The wall will be long enough to accommodate two transfer trailers parked parallel to it.

Vehicles will enter the tipping area after first passing the scale house. The fee booth operator will, depending on the load, direct the vehicle to the recyclables area or to the tipping area. Those carrying recyclables will go to either the drop off area where separate bins are located for these materials or to a large area in the eastern part of the facility where items such as tires, appliances, mattresses, and green waste may be left. These items will be stored until a full truck load of a material is collected and shipped to market.

Those vehicles with mostly non-recoverable wastes will be directed to the tipping pad. Six unloading stalls will be designated on the pad. The operator anticipates that four of the stalls will be used by commercial haulers while the other two will be used by self-haulers. Tipping occurs under the supervision of station personnel. Some floor sorting of these materials will occur, but the Report of Station Information (RSI) indicates that only about a 3.5% diversion rate is expected. Loaders push the waste through chutes in the retaining wall into the transfer trailers parked next to the wall. As they fill the transfer trailers will be hauled to the final disposal site, expected at this time to be the Badlands Landfill, about 60 miles distant.

The site is projected to have an average waste receipt of 500 tons per day (TPD). This average is based on recent waste receipt at the Coachella Landfill. The station is designed to

handle the proposed maximum permitted tonnage of 1,100 TPD as well as an ongoing average of 700 TPD.

The site will also host periodic household hazardous waste (HHW) collection events. Residents will be allowed to bring materials such as anti-freeze, batteries, oil, and paint. The site could also be visited by the County's mobile program which accepts other materials as well.

Environmental Controls The Report of Station Information submitted for this facility describes environmental control measures that will adequately minimize the effects of dust, litter, noise, odor, vectors, drainage, and illegal hazardous waste disposal. If operated according to these environmental controls the site should operate in compliance with State Minimum Standards for Solid Waste Handling and Disposal.

Resource Recovery As indicated above, recovery activities will be minimal. Site users with recyclables will go to either the drop off area where separate bins are located for these materials or to a large area in the eastern part of the facility where items such as tires, appliances, mattresses, and green waste may be left.

III. ANALYSIS:

Requirements for Concurrence with the Solid Waste Facility Permit

Pursuant to PRC Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facility Permit. Since the permit was received on February 6, 1997, the last day the Board could act is April 7, 1997.

The LEA has submitted a proposed permit to the Board. The following table summarizes Board staff's analysis:

Coachella Transfer/Recycling Station	Accept-able	Unaccept-able	To Be Deter-mined	Not Applic-able	See Details in Agenda Item
CIWMP Conformance (PRC 50001)				X	
CoSWMP Conformance (PRC 50000)			X		2
General Plan Conformance (PRC 50000.5)			X		2
Consistency With State Minimum Standards	X				
California Environmental Quality Act	X				1
Closure/Post-Closure Maintenance Plan				X	
Funding for Closure/Post-Closure Maintenance				X	
Operating Liability				X	

1. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document. The Riverside County Waste Resources Management District prepared Environmental Assessment 37033, equivalent to a mitigated negative declaration (MND), for the proposed project. The MND (SCH #96081034) has indicated that there are no significant environmental impacts associated with this project that cannot be mitigated. Board staff provided comments on the MND on September 11, 1996. A Mitigation Measures Monitoring Program was adopted. A Notice of Determination was filed on October 8, 1996. Board staff have determined that the MND is adequate and appropriate for CEQA compliance purposes in those areas in which the Board has authority and responsibility.

2. CoSWMP Conformance/General Plan Consistency

At the time that this item was being prepared, staff of the Board's Office of Local Assistance (OLA) were still in the process of verifying the LEA's finding of the facility's conformance with the County's Solid Waste Management Plan and consistency with the County General Plan. OLA staff's results will be presented at the Permitting and Enforcement Committee meeting.

STAFF RECOMMENDATION:

Because a new Solid Waste Facility Permit is being proposed, the Board must either object or concur with the proposed permit as submitted by the LEA.

At the time that this item was being prepared, staff did not have sufficient information to make a recommendation to the Board. It is anticipated that more information will be presented at the Permitting and Enforcement Committee meeting.

ATTACHMENTS:

1. Location Map
2. Facility Map
3. Proposed Permit No. 33-AA-0248

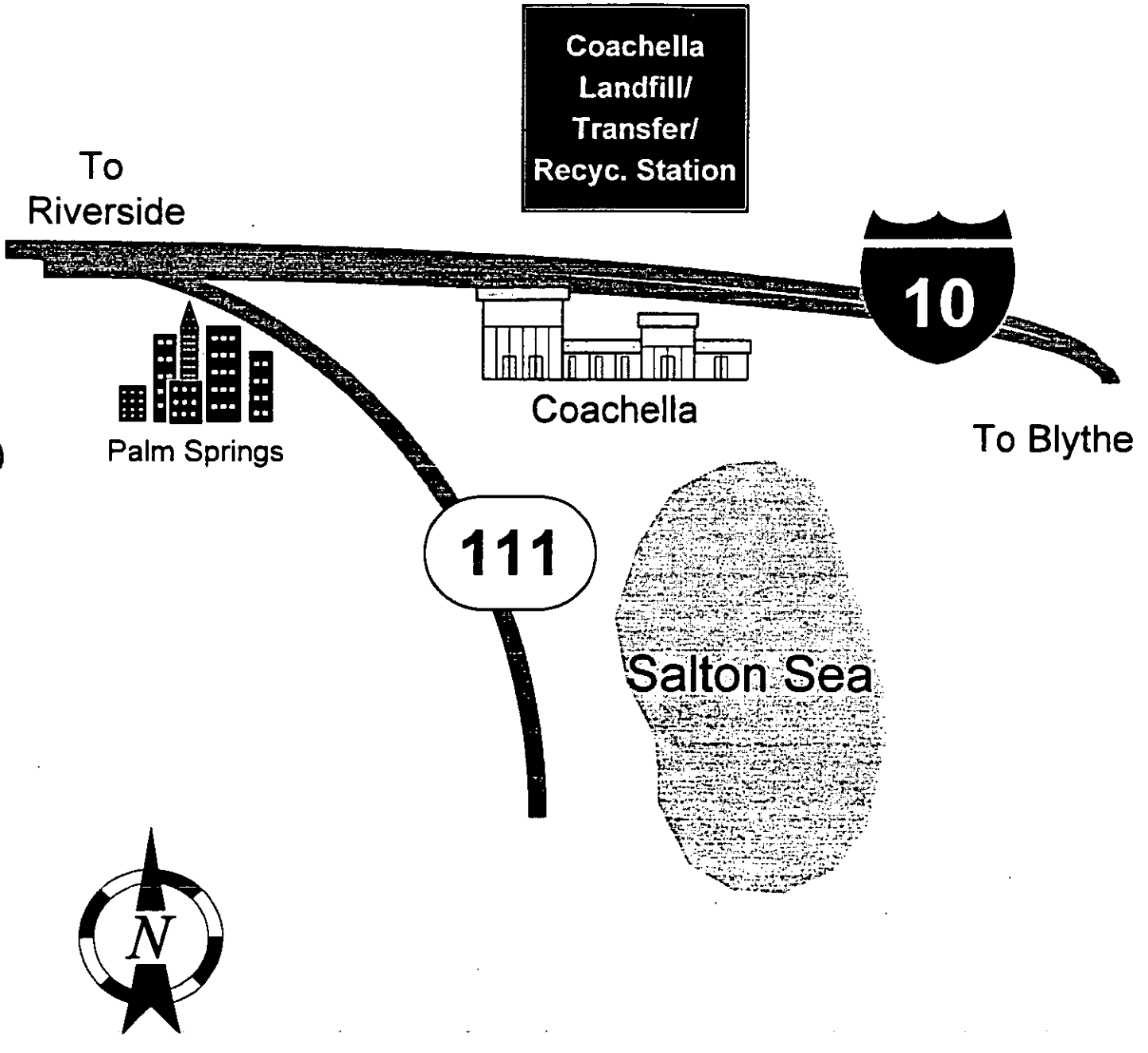
Prepared By: David Otsubo DKO 2/26/97 Phone: 255-3303

Approved By: Suzanne Hambleton SH 2/26/97 Phone: 255-2453

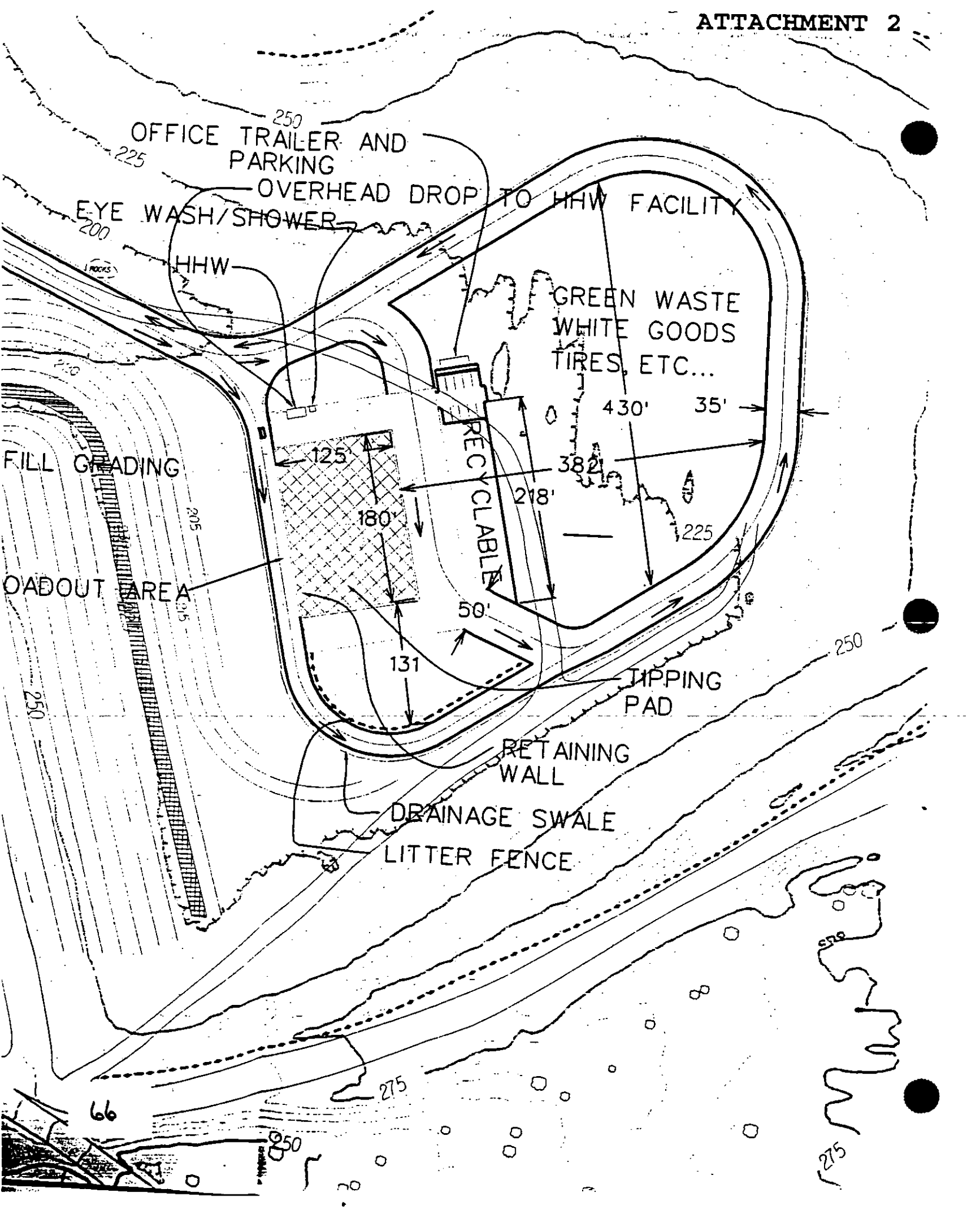
Approved By: Don Dier, Jr. DD 2/27/97 Phone: 255-2453

Approved By: Dorothy Rice D. Rice 2/27/97 Phone: 255-2431

Legal Review: Kathryn J. O'Brien Date/Time: 3/3/97


Coachella
Landfill/
Transfer/
Recyc. Station
To
Riverside
10
Coachella
Palm Springs
To Blythe
111
Salton Sea
N

ATTACHMENT 2



SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number
33-AA-0248/97-01

2. Name and Street Address of Facility	3. Name and Mailing Address of Operator	4. Name and Mailing Address of Owner
Coachella Transfer / Recycling Station 870011 Landfill Road Coachella, CA 92236	City of Coachella 15156 Sixth Coachella, CA 92236	Riverside County Waste Resources Management District 1995 Market Street Riverside, CA 92501

5. Specifications :

a. Permitted Operations

- ☐ Composting Facility (mixed wastes)
- ☐ Composting Facility (yard waste)
- ☐ Landfill Disposal Site
- ☐ Material Recovery Facility
- ☐ Processing Facility
- ☒ Transfer Station
- ☒ Recycling Station
- ☐ Transformation Facility

b. Permitted Hours of Operation: Monday through Saturday, 6:00 a.m. - 8:00 p.m. Possible Sundays, with prior notification to the LEA. Closed on the following holidays New Years Day, Memorial Day, Easter Sunday, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day.

c. Permitted Tons per Operating Day:

	Maximum	/	Average	
				Tons/Day
Non-Hazardous - General	1,100	/	700	Tons/Day
Non-Hazardous - Separated or commingled recyclables	Included in Total Number			
Household Hazardous Waste	See Section 14 of Permit			
Total	1,100	/	700	Tons/Day

d. Permitted Traffic Volume:

	Maximum	/	Average	
				Vehicles/Day
Incoming Waste Materials	286	/	185	Vehicles/Day
Outgoing Materials for Disposal / Recycling	58	/	36	Vehicles/Day
Total	344	/	221	Vehicles/Day

e. Key Design Parameters (Detailed parameters are shown on site plans) :

	Total	Disposal	Transfer	MRF	Composting	Transform.
Permitted Area (in acres)	76.5 a	0 a	76.5 a	a	0 a	0 a
Design Capacity		N/A cy	1,100 tpd	tpd	N/A tpd	N/A tpd
Maximum Elevation (Ft. MSL)		N/A ft				
Maximum Depth (Ft. BSG)		N/A ft				
Estimated Closure Date						

This permit is granted to the operator named above, and is transferable with proper notification. Upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension.

6. Approval:

John M. Fanning Director, Riverside County Department of Environmental Health

7. Enforcement Agency Name and Address:

Local Solid Waste Management Enforcement Agency for Riverside County
1737 Atlanta Avenue, Building "H-5"
Riverside, CA 92507

8. Received by CIWMB:

9. CIWMB Concurrence Date:

10. Permit Review Due Date:

11. Permit Issued Date:

12. Legal Description of Facility (map attached with RFI):

Section 22 Township 5 South, Range 8 East, SBB&M, 33° 43' 33" North and 116° 08' 18" East

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SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number
33-AA-0248/97-01

13. Findings :

a. This permit is consistent with the Nondisposal Element of the County Integrated Waste Management Plan (CIWMP), Public Resources Code, Section 50000. (a) dated November 1994.

b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.

c. A Notice of Determination, dated October 1, 1996, is filed with the State Clearinghouse pursuant to Public Resources Code, Section 21081.6.

d. A County-wide Integrated Waste Management Plan has been submitted but not yet approved by the California Integrated Waste Management Board.

e. The Riverside County Waste Resources Management District (RCWRMD) made a determination, on October 1,1996, that the facility is consistent with, and designated in, the applicable general plan as required in Public Resources Code, Section 50000.5 (a).

14. Prohibitions :

The permittee is prohibited from accepting any liquid waste sludge, non-hazardous waste requiring special handling, medical waste, designated waste, or hazardous waste except for approved Household Hazardous Waste Roundups as authorized by all applicable permits.

The permittee is additionally prohibited from the following items:

- Night- time acceptance of waste unless lighting is approved by the LEA.
- Storage of solid waste in excess of 48 hours
- Storage of recyclables beyond designated storage area
- Storage of recyclables in such a manner as to create a nuisance

15. The following documents also describe and/or restrict the operation of this facility:

	Date
☒ Report of Facility Information	Jan. 1997
☒ Negative Declaration	Aug. 1996
☒ Notice of Determination	Oct. 1996
☒ Lease Agreements - owner and operator (Board of Directors RCWRMD, Action)	August 1996
☒ Contract Agreements - operator and vendor	Prior to operation
☒ Waste Discharge Requirements	Jan. 1997
☒ Air Pollution Permits and Variances	Jan 1997

16. LEA Conditions :

a. This facility shall comply with all federal, state and local requirements and enactments, including all mitigation measures given in the certified Negative Declaration filed pursuant to Public Resources Code, Section 21081.6, as enforced by the authorized Regulatory Agencies.

b. The operator shall make copies of all inspection reports and permits issued by this and other regulatory agencies available for review by site personnel and authorized representatives of all responsible agencies during normal office hours (8:00 a.m. to 5:00 p.m. Monday -Friday). In addition, the Report of Facility Information , and incident log, shall be available for inspection.

c. The facility is permitted to receive the following non-hazardous solid wastes: mixed municipal, including residential and commercial, construction and demolition. This facility may remove recyclables from incoming waste, and is designed with a buy back center.

d. Any additional information the LEA deems necessary to permit and inspect this facility shall be provided by the operator.

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16. LEA Conditions (continued) :

e. To comply with Title 14, Section 17497 (Personnel Health and Safety), the operator shall ensure that all personnel assigned to waste handling/processing duties have and utilize (when and where appropriate) the following equipment: dust masks, hearing protection devices, safety glasses/goggles, safety vests, heavy work gloves, heavy work boots (steel shanks and toes recommended), and hard hats. Where applicable, this equipment shall meet all State and Federal safety standards. A copy of the site's Health and Safety Plan shall be maintained on-site.

f. The site shall implement a formal hazardous waste monitoring program that is approved by this agency. At a minimum, the program shall include the following:
   - inspection of incoming loads for fugitive hazardous wastes at the tipping floor
   - training of all staff responsible for waste handling/management in hazardous waste recognition and site procedures in managing detected hazardous wastes

g. At a minimum, the following items shall be recorded in the site's special occurrences log:
   - weather conditions that adversely impact site operations
   - fires
   - explosions
   - accidents and/or injuries
   - any incidents involving hazardous waste
   - equipment failures that impact operations
   - visits by regulatory agencies (name, agency, mailing address, phone number)

h. The following environmental measurements shall be reported to the LEA on a quarterly basis:
   - a copy of the most recent Mitigation Monitoring Implementation Schedule
   - number and type of all vehicles utilizing the site each day
   - quantities and types of wastes received each day
   - quantities and types of wastes sent to disposal site(s) each day
   - quantities and types of recyclables recovered each day
   - copy of monitoring reports in Monitoring Program 97-09 sent to the Regional Water Quality Control Board.

A responsible officer or representative of the permittee shall attest to the accuracy of the report, and sign to that effect. The report shall be submitted to the LEA in accordance with the following schedule:

REPORTING PERIOD	REPORT DUE
January through March	May 1
April through June	August 1
July through September	November 1
October through December	February 1

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
March 19, 1997

AGENDA ITEM 6

ITEM: CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR THE HEALDSBURG TRANSFER STATION, SONOMA COUNTY

I. BACKGROUND:

Facility Facts

Name:	Healdsburg Transfer Station Facility No. 49-AA-0245
Facility Type:	Large Volume Transfer Station
Location:	166 Alexander Valley Road Healdsburg, California
Permitted Area:	1.74 acres
Proposed Area:	1.74 acres
Setting:	Surrounding land uses are a closed landfill, a recycling center, agricultural, and rural residential
Operational Status:	Active, currently operating under a permit issued by the LEA on March 28, 1995
Permitted Tonnage:	320 tons per day (TPD)
Proposed Tonnage:	450 tons per day (TPD)
Owner/ Operator:	Sonoma County Department of Transportation and Public Works Richard Doble, Division Manager

LEA: Sonoma County Department of Health Services
Environmental Health Division
Jonathan J. Krug, Director

Proposed Project

The operator seeks to increase the maximum permitted tonnage at the site from 320 to 450 tons per day. The official name of the owner/operator has also changed from the "Sonoma County Public Works Refuse Division" to the "Sonoma County Department of Transportation and Public Works." Other than an associated increase in permitted traffic volume of up to seven additional transfer vehicles, no other changes are contemplated in this permit.

II. SUMMARY:

Site History The Healdsburg Transfer Station has operated since 1988 at the same address. The facility is located on County owned land and has provided the area with local service since the adjacent Healdsburg Landfill closed.

The March 1995 solid waste facility permit indicated that the site would have a maximum of 320 tons per day. Roughly once per month since that time, the facility received more than this amount, the highest being 402 tons. As a result of this, the LEA wrote a letter dated June 28, 1996, in which he directed the operator to update the *Report of Station Information* (RSI), complete any required CEQA documentation, and submit an application for permit revision. In December, the LEA received said application and amended RSI pages from the operator.

Project Description

The Healdsburg Transfer Station includes a 21,000 square foot tipping floor and four recessed trailer loading bays covered by a metal roof. Site users enter the site after being stopped as the gatehouse and are directed to tip their loads on the tipping floor. There the tipped waste may be compacted by a track bulldozer, if necessary, and then pushed into one of the waiting transfer trailers. These are removed when full, and within 24

hours, and taken to the Central Landfill in Petaluma, about 30 miles away.

The transfer station is open seven days per week. Waste receipt is allowed from 8:00 a.m. to 5:00 p.m., while transfer operations may occur from 5:30 a.m. to 6:00 p.m.. Hours of operation would not be affected by this permit action.

The original CEQA document, an environmental impact report (EIR), projected that, by 1995, up to 805 vehicle trips would be related to the transfer station. This number was derived from an extrapolation of the historical vehicle trips to the Healdsburg Landfill based on expected population growth. Traffic has not approached these proportions, mostly because fewer people in the area bring trash directly to the facility. Only seven more vehicles per operating day would be allowed by the proposed permit.

Environmental Controls The Report of Station Information submitted for this facility describes environmental control measures that will adequately minimize the effects of dust, litter, noise, odor, vectors, drainage, and illegal hazardous waste disposal. If operated according to these environmental controls the site should operate in compliance with State Minimum Standards for Solid Waste Handling and Disposal.

Resource Recovery Little resource recovery occurs within the permitted boundary of the station. The station is located adjacent to a designated recycling area. Typically, site users drop off any recyclable material at this area before going to the transfer station.

There is also a large bin located near the tipping area. Station employees may remove any large recyclables such as tires and metal goods from the tipping floor and place them in the bin. These materials are periodically removed to the nearby recycling area.

III. ANALYSIS:

Requirements for Concurrence with the Solid Waste Facility Permit

Pursuant to PRC Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facility Permit. Since the permit was received on February 18, 1997 the last day the Board could act is April 19, 1997.

The LEA has submitted a proposed permit to the Board. The following table summarizes Board staff's analysis:

Healdsburg Transfer Station 49-AA-0245	Accept-able	Unaccept-able	To Be Deter-mined	Not Applic-able	See Details in Agenda Item
CIWMP Conformance (PRC 50001)			X		3
CoSWMP Conformance (PRC 50000)				X	
General Plan Conformance (PRC 50000.5)				X	
Consistency With State Minimum Standards			X		2
California Environmental Quality Act	X				1
Closure/Post-Closure Maintenance Plan				X	
Funding for Closure/Post-Closure Maintenance				X	
Operating Liability				X	

1. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document. The Sonoma County Department of Public Works prepared an EIR in September 1987. The EIR (SCH #87012010) was prepared to address the closure of the landfill, the transfer station, and amendments to the CoSWMP and County General Plan related to the two facilities. Board staff provided comments on the EIR on August 17, 1987. On October 6, 1987, the County Board of Supervisors found the EIR to be adequate and certified the document. On December 1, 1987, the County Board of Supervisors approved the transfer station project and adopted the proposed mitigation measures found in the EIR. In doing so, that Board determined in Resolution No. 87-2217 that "overriding public interests warrant approval of the project even though there are unavoidable adverse impacts." The impacts were related to noise

and traffic, both of which were identified as possible significant impacts, if land uses in the adjacent area changed.

In 1997, the Department of Transportation and Public Works, acting as lead agency, determined that the project (to increase maximum tonnage to 450 tons per day) does not exceed the parameters of the existing EIR and filed a Notice of Exemption (category I) dated December 5, 1996.

With respect to the proposed changes at the transfer station, Board staff believe that the only potential impact would be due to an increase in traffic. The increased traffic is still within the parameters of the analysis in the 1987 EIR.

The LEA has also indicated, that to the best of his knowledge, no other changes have occurred with respect to the facility, that there have not been any recent developments along Alexander Valley Road that contribute significantly to traffic on that thoroughfare, and that there is no other information regarding the project not known in 1987. Based on this information, staff have determined that there is no new information regarding new potential impacts, severity of known impacts, or effectiveness of existing mitigation measures and that the 1987 EIR is adequate and appropriate for CEQA compliance purposes in those areas in which the Board has authority and responsibility.

2. Consistency with State Minimum Standards

At the time that this item went to print, staff of the Board's Enforcement Branch had not yet conducted a pre-permit inspection of the site. It is anticipated that the results of this inspection will be available before the Permitting and Enforcement Committee Meeting.

3. CIWMP Conformance

Sonoma County has an approved County Integrated Waste Management Plan. At the time that this item was being prepared, staff of the Board's Office of Local Assistance (OLA) were still in the process of verifying the LEA's finding of the facility's conformance with the CIWMP. It is anticipated that OLA staff's

results will be available before the Permitting and Enforcement Committee meeting.

STAFF RECOMMENDATION:

Because a revised Solid Waste Facility Permit is being proposed, the Board must either object or concur with the proposed permit as submitted by the LEA.

At the time that this item was being prepared, staff did not have sufficient information to make a recommendation to the Board. It is anticipated that more information, including staff's recommendation, will be presented at the Permitting and Enforcement Committee meeting.

ATTACHMENTS:

1. Location Map
2. Facility Map
3. Proposed Permit No. 49-AA-0245

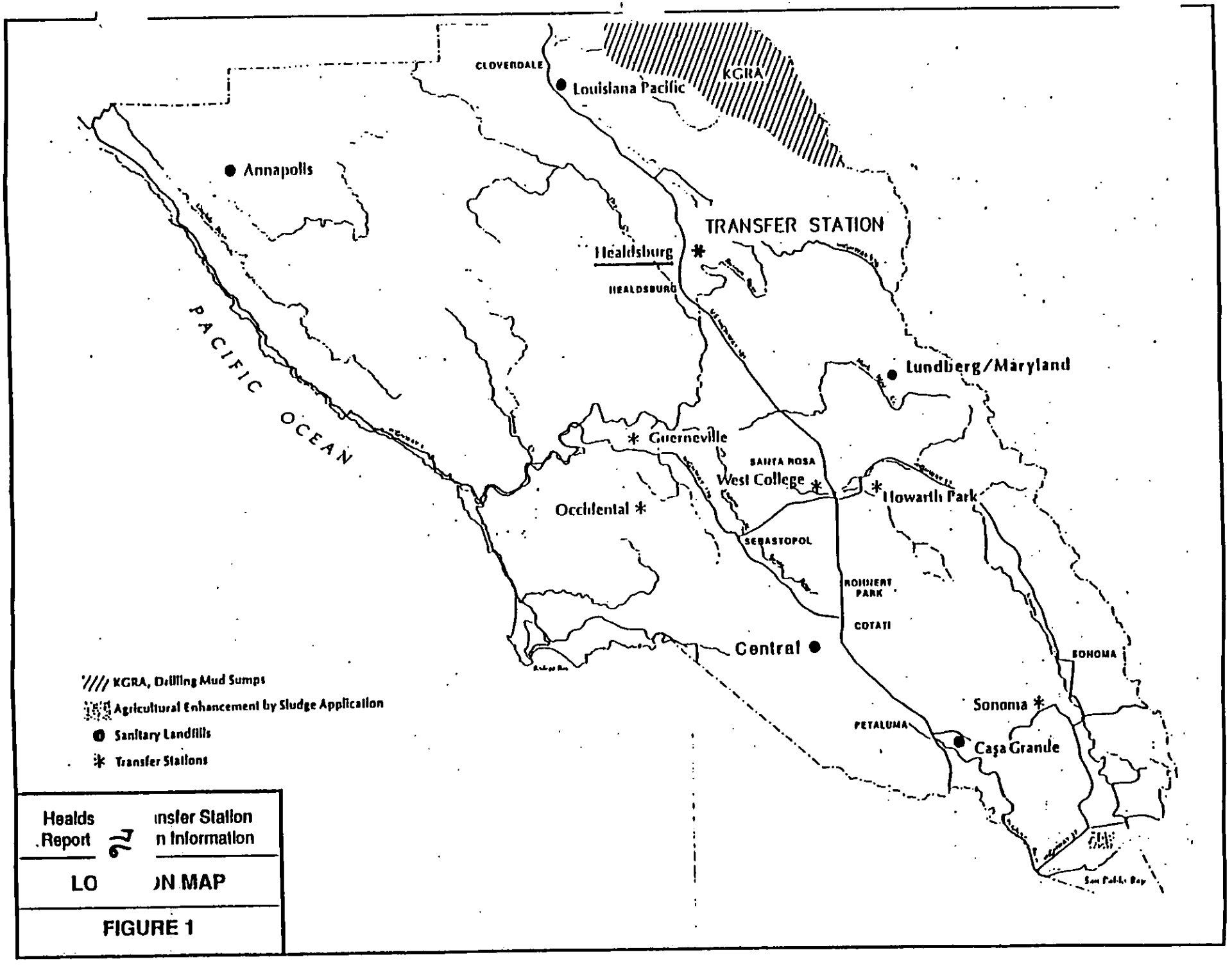
Prepared By: David Otsubo DKO 2/26/97 Phone: 255-3303

Approved By: Suzanne Hambleton SCH 2/26/97 Phone: 255-2453

Approved By: Don Dier, Jr. DD 2/26/97 Phone: 255-2453

Approved By: Dorothy Rice D. Rice 2/27/97 Phone: 255-2431

Legal Review: Kathryn J. O'Brien Date/Time: 3/2/97

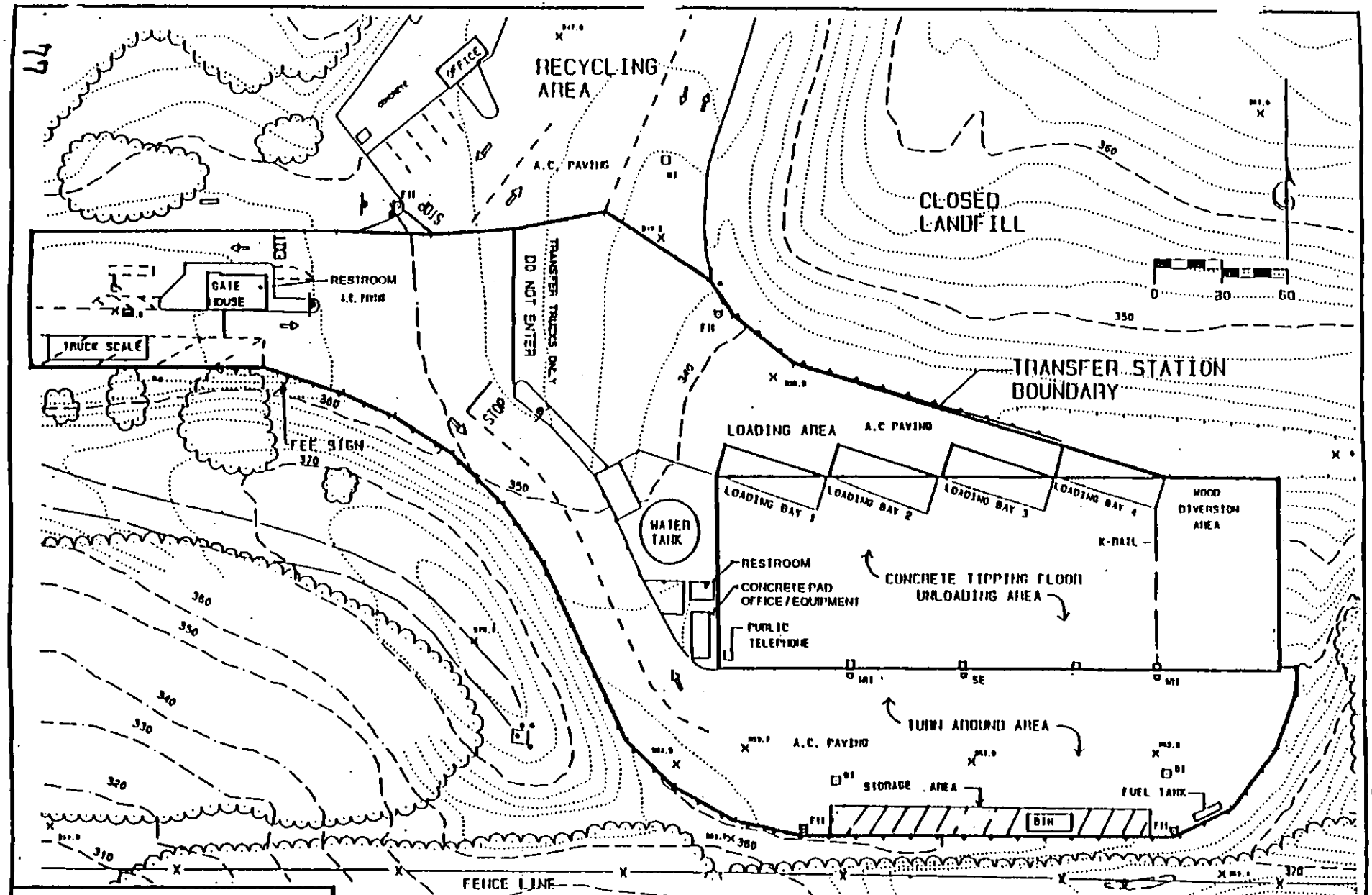


Healds nsfer Station
Report n Information

LO ON MAP

FIGURE 1

ATTACHMENT 1



LEGEND

DI =	DROP INLET
FH =	FIRE HYDRANT
A.C. =	ASPHALT CONCRETE
WH =	WATER HOSE
SE =	SHOWER EYE WASH

Healdsburg Transfer Station
Report of Station Information

SITE PLAN
SCALE: 1" = 60'

FIGURE 4

ATTACHMENT 2

ATTACHMENT 3

SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number:

49-AA-0245

2. Name and Street Address of Facility:
Healdsburg Transfer Station
166 Alexander Valley Road
Healdsburg, CA 95448

3. Name and Mailing Address of Operator:
Sonoma County Department of
Transportation and Public Works
Integrated Waste Division
575 Administration Drive
Room 117A
Santa Rosa, CA 95403

4. Name and Mailing Address of Owner:

Same as Operator

Specifications:
Permitted Operations:

[ ] Composting Facility (mixed wastes)
[ ] Composting Facility (yard waste)
[ ] Landfill Disposal Site
[ ] Material Recovery Facility
[ ] Processing Facility
[X] Transfer Station
[ ] Transformation Facility
[ ] Other: _____

Permitted Hours of Operation:
Contract Operator - 5:30 a.m. to 6:00 p.m., 7 days/week
Public - 8:00 a.m. to 5:00 p.m. 7 days/week
Closed on Holidays: New Year's Day, Easter, Labor Day, Independence Day, Thanksgiving, and Christmas.

Permitted Tons per Operating Day:	Total: 450* Tons/Day
Nonhazardous - General	450 Tons/Day
Nonhazardous - Sludge	0 Tons/Day
Nonhazardous - Separated or comingled recyclables	N/A Tons/Day
Nonhazardous - Other (See Section 14 of Permit)	N/A Tons/Day
Designated (See Section 14 of Permit)	0 Tons/Day
Hazardous (See Section 14 of Permit)	0 Tons/Day

*Average daily loading 195 tpd; peak loading design capacity 450 tpd

Permitted Traffic Volume:	Total: 423 Maximum Vehicles/Day
Incoming waste materials	400 Vehicles/Day
Outgoing waste materials (for disposal) - Transfer trailers	23 Vehicles/Day
Outgoing materials from material recovery operations - yard waste, tires, metal.	No Set Limit Vehicles/Day

5. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	1.74 ±	N/A	1.74 ±	N/A	N/A	N/A
Design Capacity		cy	450 tpd	tpd	tpd	tpd
Max. Elevation (Ft. MSL)		ft				
Max. Depth (Ft. BGS)		ft				
Estimated Closure Date						

The permit is granted solely to the operator named above, and is not transferable. Upon a change of operator, this permit is no longer valid. Further, upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached findings and conditions are integral parts of this permit and supercede the conditions of any previously issued solid waste facility permits.

6. Approval:

Approving Officer Signature

Name/Title

7. Enforcement Agency Name and Address:
County of Sonoma Department of
Health Services
Environmental Health Division
1030 Center Drive, Suite A
Santa Rosa, CA 95403-2067

8. Received by CIWMB: FEB 18 1997

9. CIWMB Concurrence Date:

10. Permit Review Due Date:

11. Permit Issued Date:

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SOLID WASTE FACILITY PERMIT

Facility/Permit Number:
49-AA-0245

12. Legal Description of Facility (attach map with RFI):
166 Alexander Valley Road, Healdsburg CA. 95448. Off Alexander Valley Road, 1/4 mile east of Healdsburg Avenue, north of the city of Healdsburg. AP #091-070-22, section 4 of Township 9N, Range 9W, Baseline and meridian (MDB & D). Latitude 38-38 - 30" -N, Longitude 122-51'-30"-W.

13. Findings:

a. This permit is consistent with the County Wide Integrated Waste Management Plan, April 1996, (page 4-29). Public Resources Code, Section 50001.

b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.

c. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA.

d. The following local fire protection district has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151: Geyserville Volunteer Fire Department.

e. An environmental determination (i.e. Notice of Determination) is filed with the State Clearinghouse for all facilities which are not exempt from CEQA and documents pursuant to Public Resources Code, Section 21081.6.

f. A Notice of Categorical Exemption from the requirements of the California Environmental Quality Act was posted on December 5, 1996.

g. The County Wide Integrated Waste Management Plan has been approved by the California Integrated Waste Management Board.

14. Prohibitions:
The permittee is prohibited from accepting any liquid waste sludge, non-hazardous waste requiring special handling, designated waste, or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable permits.

_____

The permittee is additionally prohibited from the following items:

Dead Animals	Liquid Waste or Sludge	Grease Trap Pumpings
Radioactive Waste	Infectious Waste	Ash
Asbestos	Designated Waste	Burning Waste
Explosives	Septic Tank Pumpings	

15. The following documents also describe and/or restrict the operation of this facility (insert document date in space):

[X] Report of Facility Information Dec., 1996

[X] Contract Agreements - operator and contract May 2, 1989

[X] Land Use Permits and Conditional Use Permits: Resolution #87-2217 referenced in February 24, 1988 letter from Planning Department Dec. 1, 1987

[ ] Waste Discharge Requirements N/A

[ ] Air Pollution Permits and Variances N/A

[ ] Local & County Ordinances N/A

[X] EIR SCH 87012010# Jan. 2, 1988

[ ] Final Closure & Post Closure Maintenance Plan N/A

[X] Notice of Exemption Dec. 5, 1996

[ ] Lease Agreements - owner and operator N/A

[X] Addendum #1 to May 2, 1989 Contract Agreement May 16, 1989

[ ] Preliminary Closure/Post Closure Plan N/A

[ ] Closure Financial Responsibility Document N/A

[X] Addendum #2 to May 2, 1989 Contract Agreement May 24, 1989

[X] Statewide General Industrial Activities Storm Water Discharge Permit, ID #1B495006103 Oct. 24, 1992

[X] Contract agreement - Operator Contract July 14, 1989

[X] Notice of Intent for General Permit to Discharge Storm Water Associated with Industrial Activity, North Coast RWQCB Order #91-13-DWQ No date given

[X] Ammendment #1 to July 14, 1989 Contract Jan. 4, 1993

SOLID WASTE FACILITY PERMIT	Facility Permit Number: 49-AA-0245

16. Self Monitoring:
    a. Results of all self-monitoring programs as described in the Report of Facility Information, will be reported as follows:

	Program	Reporting Frequency	Agency Reported To
1.	Monthly volume of both private and public vehicles using the site	Upon request	LEA
2.	Weight/volume of waste destined for disposal	Monthly	LEA
3.	Equipment down time	Upon request	LEA
4.	Waste water hauled	Upon request	LEA
5.	Number of recycle bins transported off site	Upon request	LEA
6.	Log of Special Occurrences. The operator shall maintain a daily log of special occurrences. These occurrances include: fires, property damage, accidents, explosions, incidents regarding hazardous wastes, or other unusual occurrences.	Upon request	LEA
7.	Results of bi-monthly hazardous materials screening inspections	Quarterly	LEA

SOLID WASTE FACILITY PERMIT	Facility/Permit Number: 49-AA-0245

17. LEA Conditions:

1. The design and operation of this facility must comply with all of the State Minimum Standards for Solid Waste Handling and Disposal.

2. The design and operation of this facility must comply with all Federal, State, and local requirements and enactments.

3. This permit supersedes the existing permit dated March 28, 1995.

4. Additional information concerning the design and operation of this facility must be furnished upon request of the enforcement agency.

5. This facility has an average daily loading of 195 tons per day and a peak loading design capacity of 450 tons per day.

6. This permit is subject to review by the enforcement agency, and may be suspended, revoked, modified, or revised at any time for sufficient cause.

7. The grey water tank must be emptied out and removed from the facility by a licensed septic tank pumper when the tank is 2/3 full.

8. All separated materials shall be placed in approved receiving containers.

9. Hazardous wastes recovered from the refuse shall be properly stored and removed from the premises by a hazardous waste hauler, not less than every 90 days. All elements of the Household Hazardous Waste Exclusion Program shall be operated in strict adherence to the requirements of the CCR Title 22, DHS guidelines SCDPW Generator ID Number CAD 983597527.

10. All refuse delivered to the facility is stored under roof and removed from the facility within 24 hours.

11. Recycling bins are removed when full or in less than 90 days.

12. All equipment and facility noise abatements referred to in the EIR shall be adhered to.

13. Wood and yard waste must be removed within 90 days, or when a receiving container is full, which ever occurs first. Yard waste shall be removed immediately if odors or other nuisance conditions exist.

14. Recycle bins used for holding tires, if not placed under the roof, must be covered during times of precipitation to prevent the potential for mosquito breeding.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
March 19, 1997

AGENDA ITEM 7

ITEM: CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR CUMMINGS ROAD LANDFILL, HUMBOLDT COUNTY

I. BACKGROUND:

Facility Facts

Name:	Cummings Road Landfill Facility No. 12-AA-0005
Facility Type:	Class III Landfill
Location:	South end of Cummings Rd; 2 miles southeast of the City of Eureka
Area Permitted:	100 acres; 31 acre landfill
Setting:	Residential, Timber Production
Operational Status:	Active, 1978 Permit, operating under Notice and Order No. 97-01
Tonnage Permitted: Tonnage Proposed:	175 tons per day (**tpd**) 500 tpd
Capacity:	3,449,667 cubic yards (**cy**) Design capacity of 3,449,667 cy; approximately 1,165,667 cy remaining (10/95); estimated closure in 2003
Operator/Owner:	City Garbage Co. of Eureka, Inc., a subsidiary of Norcal Waste Systems, Inc., Michael Leggins, General Manager
Local Enforcement Agency(**LEA**):	Humboldt County Health Dept. Environmental Health Div. Dennis Kalson, Director

Proposed Project:

The proposed permit is to allow for the following:

- Increase in tonnage from 175 tpd to 500 tpd
- Specify a maximum elevation of 550 feet above MSL
- Specify the allowable daily total number of vehicles
- Add sewage sludge, ash, non-friable asbestos, small dead animals, and fish waste

- Increase operating hours
- Change the closure date from 2007 to 2003
- Change landfill design
- Add environmental controls (drainage controls, liners, leachate collection and removal system, methane gas monitoring probes, collection and control system)

II. SUMMARY:

Site History

Cummings Road Landfill was originally operated as a burn dump in the 1930's. In 1969, the site was converted from a burn dump to a sanitary landfill. The Solid Waste Facility Permit was issued September 1978, and allows 175 tons of non-hazardous solid waste per day. To address permit terms and conditions violations, the LEA issued Notice and Order No. 92-02 to the operator on September 2, 1992. The Notice and Order was revised June 8, 1993 (No. 93-01) and April 11, 1996 (No. 96-01). Notice and Order 97-01 was issued on February 20, 1997 to establish the conditions of operation until a revised permit is issued and to address the violation of Title 14 of the California Code of Regulations (14 CCR), Section 17258.23(a)(2), methane gas concentration in excess of the lower explosive limit (**LEL**) for methane at the facility boundary. This violation was documented during quarterly monitoring of newly installed monitoring probes on November 1, 1996. Quarterly monitoring by the operator on February 3, 1997 measured methane concentrations exceeding the LEL at all of the gas monitoring probes. Notice and Order 97-01, in part, orders the operator to install a landfill gas collection system which shall be operational by October 30, 1997. Compliance with 14 CCR 17258.23(a)(2) is required July 1, 1998.

Facility Description

The landfill is located two miles southeast of the City of Eureka at the south end of Cummings Road. The majority of the land south, east, northeast and west of the site is forested and zoned Timber Production zone (TPZ). Residential areas extend up Pigeon Point and Cummings Road to the north and northwest of the site. The nearest residence is located approximately 600 feet to the north of the site.

Municipal solid waste(**MSW**)from Humboldt County and incorporated cities is delivered to the landfill by local refuse collection services and commercial haulers. All vehicles delivering MSW must contain loads greater than 10 tons. The landfill is not open to the public. Loads of MSW under 10 tons and public self-haulers are directed to transfer stations and county container sites. Solid waste is either taken directly to the landfill or to the City Garbage Company Transfer Station in Eureka (where the majority of

solid waste is handled) and then hauled to the landfill in transfer trucks. A small number of commercial and industrial vehicles transport waste directly to the landfill.

Waste received at the facility includes residential, commercial, municipal, construction, demolition, non-hazardous ash from wood-fired power plants, non-friable asbestos, fish waste, small dead animals, sludge, and tires.

Environmental Controls
The August, 1996 Report of Disposal Site Information adequately describes site environmental controls for litter, odors, dust, noise, gas, leachate, traffic, rodents, insects, fires and exclusion of hazardous waste.

Resource Recovery Programs
No salvaging, volume reduction or recycling is currently conducted at the landfill. Gravel, sand, rock and concrete are reused for on-site road and tipping pad construction, and soil is reused for daily or intermediate cover.

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 Facility Permit. Since the proposed permit for this facility was received on February 21, 1997, the last day the Board may act is April 22, 1997.

Board Staff have reviewed the permit application, proposed permit, Report of Disposal Site Information, and other supporting documentation and have found that the permit is acceptable for Board's consideration of concurrence. In making this determination the following items were considered:

12-AA-0005	Accept-able	Unaccept-able	To Be Deter-mined	Not Applic-able	See Details in Agenda Item
CIWMP Conformance (PRC 50001)	X				
CoSWMP Conformance (PRC 50000)				X	
General Plan Conformance (PRC 50000.5)				X	
Consistency with State Minimum Standards			X		X
California Environmental Quality Act	X				X
Closure/Post-Closure Maintenance Plan	X				
Funding for Closure/Post-Closure Maintenance	X				
Operating Liability	X				

In addition, Board staff offer the following analysis:

1. California Environmental Quality Act (CEQA)
   State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency. The LEA, acting as Lead Agency, prepared a Negative Declaration (ND) and submitted it to the Governor's Office of Planning and Research (the State Clearinghouse) for distribution to responsible agencies for review and comment (SCH No. 95073076). Board staff provided comments on the environmental document on August 3, 1995. The document was adopted by the lead agency on August 21, 1995. After reviewing the environmental documentation for the project, Board staff have determined that the ND is adequate and appropriate for the Board's use in evaluating the proposed permit.

2. Consistency with State Minimum Standards
   The LEA and Board staff will complete a pre-permit inspection prior to the March 19, 1997 Permitting and Enforcement Committee meeting, and staff will update the Committee at that time. (See also page 2, Site History.)

IV. STAFF RECOMMENDATION:

Because a revised Solid Waste Facility Permit is proposed, the Board must either object to or concur with the proposed permit as submitted by the LEA. Staff will make a recommendation at the Permitting and Enforcement Committee meeting after the pre-permit inspection has been completed.

V. ATTACHMENTS:

1. Location Map
2. Site Map
3. Proposed Permit No. 12-AA-0005

VI. APPROVALS:

Prepared By: Sadie Galos Phone: 255-4163

Approved By: Cody Begley/Don Dier, Jr. C.B. 2/28/97 Phone: 255-4165

Approved By: Dorothy Rice D. Rice 2/28/97 Phone: 255-2431

Legal Review: Kathryn J. Obrien Date/Time: 3/3/97

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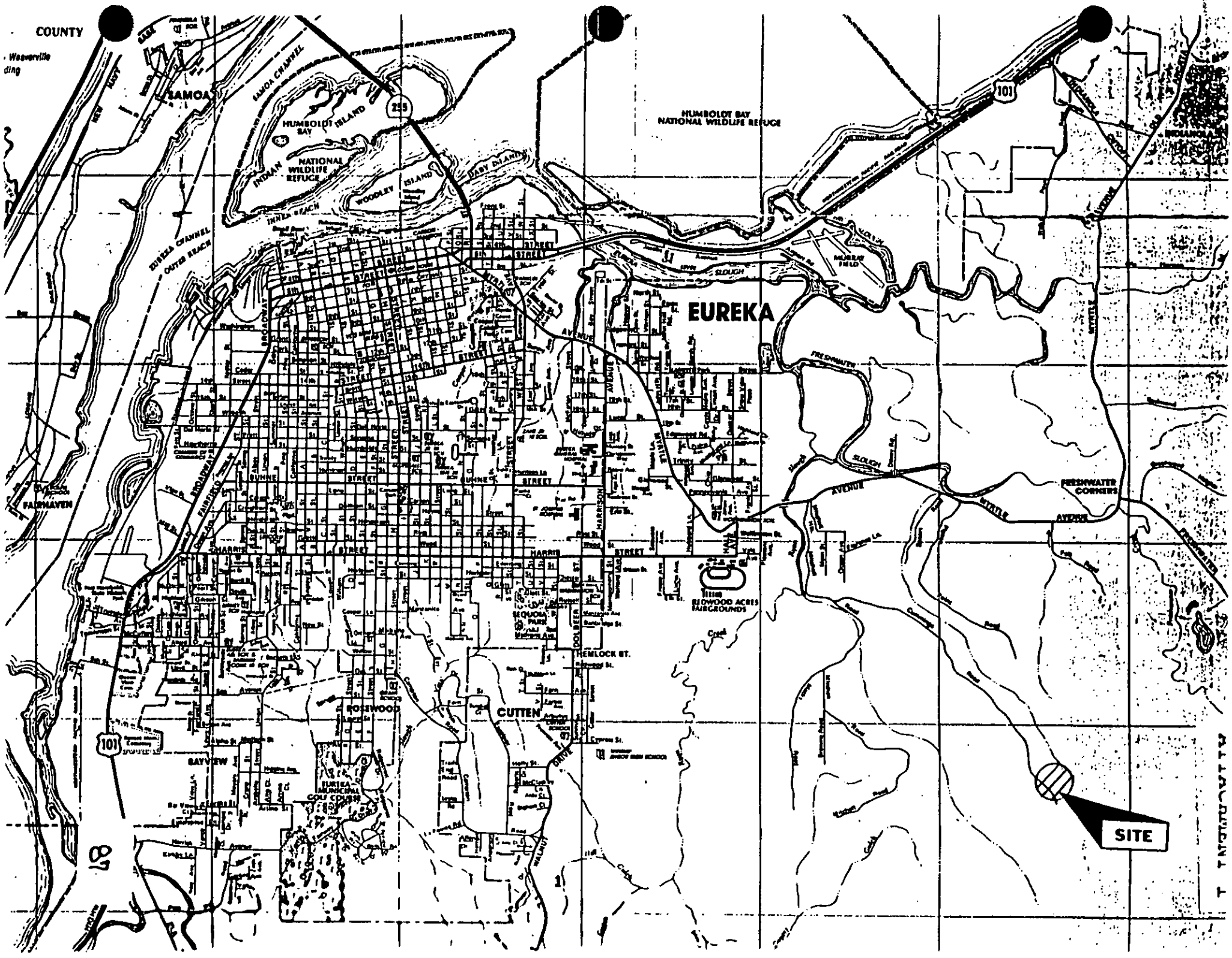
COUNTY
SAMOA
SAMOA CHANNEL
HUMBOLDT ISLAND BAY
NATIONAL WILDLIFE REFUGE
INDIAN
WOODLEY ISLAND
DAISY ISLAND
INNER BEACH
EUREKA CHANNEL
OUTER BEACH
HUMBOLDT BAY NATIONAL WILDLIFE REFUGE
EUREKA
FAIRHAVEN
BAYVIEW
ROSEWOOD
CUTTEN
HEMLOCK ST.
REDWOOD ACRES FAIRGROUNDS
SEQUOIA PARK
FRESHWATER CORNERS
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SLOUGH
MURRAY FIELD
SITE
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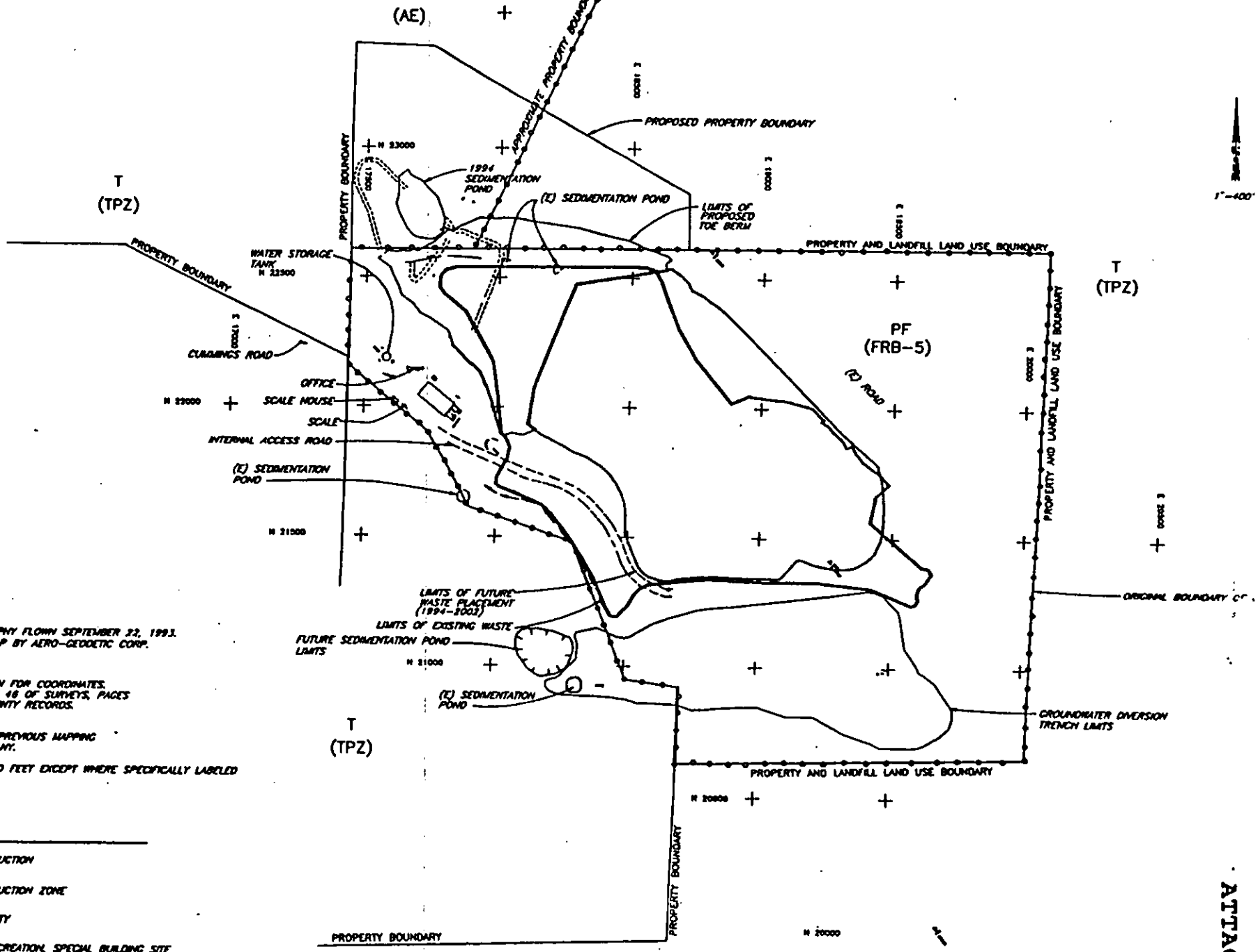

BASED ON AERIAL TOPOGRAPHY FLOWN SEPTEMBER 22, 1993, AND TOPOGRAPHIC BASE MAP BY AERO-GEODETIC CORP.

BASIS OF BEARINGS:
ASSUMED POINT OF ORIGIN FOR COORDINATES.
BEARING BASED ON BOOK 48 OF SURVEYS, PAGES 85 & 86, HUMBOLDT COUNTY RECORDS.

BASIS OF ELEVATIONS:
LOCAL DATUM BASED ON PREVIOUS MAPPING FOR CITY GARBAGE COMPANY.

FINAL CONTOUR INTERVAL: 10 FEET EXCEPT WHERE SPECIFICALLY LABELED

LAND USE ZONING

T	TIMBER PRODUCTION
(TPZ)	TIMBER PRODUCTION ZONE
PF	PUBLIC FACILITY
(FRB-5)	FORESTRY RECREATION, SPECIAL BUILDING SITE
AL	AGRICULTURAL LANDS (20 ACRES FILL
(AE)	AGRICULTURAL EXCLUSIVE

ATTACHMENT 2

SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number: 12-AA-0005

2. Name and Street Address of Facility:

Cummings Road Landfill
5775 Cummings Road
Eureka, CA 95503

3. Name and Mailing Address of Operator:

City Garbage Co. of Eureka, Inc.
949 West Hawthorne Street
Eureka, CA 95501

4. Name and Mailing Address of Owner:

City Garbage Co. of Eureka, Inc.
949 West Hawthorne Street
Eureka, CA 95501

5. Specifications:

a. Permitted Operations:

[ ] Composting Facility (mixed waste)
[ ] Composting Facility (yard waste)
[X] Landfill Disposal Site
[ ] Material Recovery Facility
[ ] Processing Facility
[ ] Transfer Station
[ ] Transformation Facility
[ ] Other:

b. Permitted Hours of Operation: Monday through Saturday 6:30 am to 6:30 pm (during periods of Standard Time)
Monday through Saturday 6:30 am to one hour before sunset (during periods of Daylight Savings Time)
Sundays Closed

c. Permitted Tons Per Operating Day:

Total: Maximum 500 Tons/Day
Monthly Average 400 Tons/Day

Non-Hazardous - Mixed municipal wastes	400 Tons/Day
Non-Hazardous - Sludge/Septage (see 17.a.10.)	any within total Tons/Day
Non-Hazardous - Demolition debris	any within total Tons/Day
Designated - Ash (see 17.a.9.)	any within total Tons/Day
Designated - Fish wastes	any within total Tons/Day
Designated - Altered tires	any within total Tons/Day
Designated - Asbestos (see 17.a.11.)	any within total Tons/Day

d. Permitted Traffic Volume: Maximum 81 Vehicles/Day

Transfer trucks	Maximum 28
Concrete, rock, soil, and asphalt trucks	Maximum 28
Other solid waste vehicles (ash, fish wastes, septage, sludge, asbestos, tires)	Maximum 25

e. Key design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	100 a	31 a	NA	NA	NA	NA
Design Capacity (remaining as of October 1995) Total Design Capacity		1,165,667 cy 3,449,667 cy	NA	NA	NA	NA
Max. Elevation (Ft. MSL)		550 ft				
Lowest Depth of Waste (Ft. MSL)		200 ft				
Estimated Closure Date (August 1996 RDSI)		July 2003				

This permit is granted solely to the operator named above, and is not transferable. Upon a change of operator, the permit is no longer valid. Further, upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permits.

6. Approval:

Approving Officer Signature

Dennis Kalson, Director

7. Enforcement Agency Name and Address:

Humboldt County Health Department
Division of Environmental Health
100 H Street, Suite 100
Eureka, CA 95501

8. Received by CIWMB: FEB 21 1997

9. CIWMB Concurrence Date: 89

10. Permit Review Due Date:

11. Permit Issue Date:

ATTACHMENT 3

SOLID WASTE FACILITY PERMIT

Facility/Permit Number: 12-AA-0006

12. Legal Description of Facility (map included in RDSI):
NE 1/4 S5, T4N, R1E HB&M; 2 mi SE of Eureka at the end of Cummings Road (Latitude: 40°46'00" Longitude: 124°05'30")

13. Findings:

a. A County Integrated Waste Management Plan (CIWMP) was approved by the California Integrated Waste Management Board (CIWMB) on January 22, 1997.

b. This permit is consistent with the CIWMP. Public Resources Code Section 50001.(a)(1).

c. This permit is consistent with standards adopted by the CIWMB. Public Resources Code, Section 44010.

d. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the Humboldt County Division of Environmental Health (LEA) except for a violation of 14 California Code of Regulations Section 17258.23. (a)(2). The LEA has issued a Notice and Order No. 97-1, dated February 20, 1997, to the operator which requires compliance with 14 CCR Section 17258.23. (a)(2) and specifies compliance dates for the implementation of corrective actions.

e. The California Department of Forestry (CDF), Humboldt Ranger Unit, has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151 (CDF letter and inspection report of 9/10/96).

f. A Negative Declaration (SCH #95073076) was adopted on August 21, 1995, by the LEA acting as the lead agency. The environmental document and Notice of Completion was filed with the State Clearinghouse on July 7, 1995, for the facility pursuant to Public Resources Code, Section 21081.6.

14. Prohibitions:

The permittee is prohibited from accepting any hazardous, radioactive, medical, liquid, sludge, designated, or other wastes requiring special treatment or handling, except as identified in the Report of Disposal Site Information (RDSI) and as approved by the LEA and other federal, state, and local agencies.

The permittee may accept the following:

1. Non-hazardous wood ash.
2. De-watered sewage sludge from permitted sewage treatment plants.
3. Non-friable asbestos containing waste.
4. Fish wastes from the fish processing industry.
5. Small dead animals.
6. Properly altered waste tires.
7. De-watered domestic septic tank septage.

15. The following documents also describe and/or restrict the operation of this facility:

	Date:		Date:
[X] Report of Disposal Site Information	Aug. 1996	[X] Solid Waste Disposal Agreement, between Humboldt County and operator	Sept. 12, 1978
[X] Land Use Permits and Conditional Use Permits	Aug. 1979	[X] Waste Discharge Requirements 93-46	April, 1993
[ ] Air Pollution Permits and Variances		[ ] Local & County Ordinances	
[X] Negative Declaration	July 7, 1995	[ ] Final Closure & Postclosure Maintenance Plans	
[ ] Lease Agreements - owner and operator		[X] Amendment to RDSI	Dec. 26, 1996
[X] Preliminary Closure/Post Closure Plan	Aug. 1994	[X] Other (list): Toe Berm Stability Evaluation	Dec. 3, 1996
[X] Closure Financial Responsibility Document	Nov. 18, 1996	[X] Operating Liability	Nov. 18, 1996

SOLID WASTE FACILITY PERMIT

Facility/Permit Number: 12-AA-0005

3. Self Monitoring:

a. Results of all self-monitoring programs will be reported as follows:

Program	Reporting Frequency	Agency Reported To
Maintain records of the types and quantities of solid wastes received and diverted, reported in tons/day. Daily records shall be available to the LEA upon request. Monthly summaries shall be completed and submitted.	Quarterly*	LEA
Maintain daily records of the type and number of vehicles using the facility per day. Daily records shall be available to the LEA upon request. Monthly summaries shall be completed and submitted.	Quarterly*	LEA
Results of water quality control monitoring, reporting, leachate disposal, remediation, and related programs as specified by Waste Discharge Requirements (WDRs) by the Regional Water Quality Control Board (RWQCB).	Quarterly/Annually*	LEA
Winter Operations Plan as specified by WDRs issued by the RWQCB.	Annually*	LEA
Results of the landfill gas monitoring program for on-site structures and facility property boundary.	Quarterly*	LEA
Topographic map showing all current fill locations and all cuts into native material for the previous year to the present date.	Annually*	LEA
Remaining refuse capacity and calculations report.	Annually*	LEA
Maintain records of the types and quantities of hazardous, infectious, radioactive, or prohibited wastes found during screening of incoming wastes and the disposition of these wastes.	N/A	Available upon request
Maintain a log of special, and/or unusual occurrences.	N/A	Available upon request
Hazardous materials business plan.	Annually or as required by California statute and regulation	HCDEH Hazmat Unit
	*reporting due by the 15th of the month following the end of the reporting period, or else when due as specified by the controlling regulatory agency	

SOLID WASTE FACILITY PERMIT	Facility/Permit Number: 12-AA-0005

17. LEA Conditions:

A. Requirements:

1. This facility shall comply with all state and local statutes and regulations for solid waste handling and disposal. The operator shall not operate this facility without possession of all required permits and regulatory approvals. The operator shall inspect the site at least once each day of operation to ensure compliance with all applicable standards/ conditions/ mitigation/ permits/ regulations.

2. The operator shall notify the LEA in writing [with proposed amendments to the Report of Disposal Site Information (RDSI)], at least one hundred twenty (120) days in advance of proposed significant changes (as determined by the LEA), in the design/operation of the facility to allow for early consultation, completion of all required documents/ due process review/ filing and the completion of all related permitting processes. Such notification shall also include, but not limited to, changes (including new additions) of: processing/ composting/ baling materials recovery facility (MRF)/ transfer station and/or transformation facility, changes in permitted hours/ days of operation, permitted tons/day per category, permitted traffic volumes/day per category, permitted total area, disposal footprint, maximum elevation, maximum depth of waste, and/or estimated closure year, which may be later proposed for this facility.

3. The operator shall maintain a copy of this permit at the facility so as to be available at all times to facility personnel and to regulatory agencies.

4. This SWFP is subject to review by the LEA and may be suspended, revoked or modified at any time for sufficient cause.

5. The LEA reserves the right to suspend and/or modify operations at this facility when deemed necessary due to any emergency, potential health hazard, and/or public nuisance.

6. Additional information concerning the design and operation of this facility shall be furnished on request and within a time frame specified by the LEA.

7. The operator shall properly maintain all facility equipment and structures according to the manufacturer's specifications and good engineering/ maintenance practices.

8. The operator shall monitor the site in accordance with the landfill gas monitoring plan to ensure that methane gas concentrations do not exceed 25 percent of the lower explosive limit (LEL) within on-site structures and 100 percent of the lower explosive limit (LEL) at the facility property boundary. Quarterly monitoring shall be conducted according to the following schedule; January, April, July, and October. Results of monitoring shall be submitted by the 15th of the month following the month of the monitoring event.

9. The operator shall sufficiently wet ash to minimize the creation of dust during the landfilling processes and inform haulers disposing ash at the landfill of acceptance criteria that includes measures to minimize the creation of dust on Cummings Road as a result of hauling ash to the landfill. The LEA may require additional measures if necessary to control dust, and to reduce employee exposure to dust. Ash may not be stockpiled at the disposal site without prior written approval from the RWQCB and the LEA.

10. The operator may accept partially de-watered sludge from permitted municipal sewage treatment plants and de-watered domestic septic tank septage in quantities which maintain a daily minimum solid waste to sludge ratio of 5:1 by weight, or as specified by the RWQCB.

11. Non-friable asbestos-containing wastes (ACW) must be handled and disposed of in a manner consistent Cummings Road Landfill/City Garbage Company of Eureka asbestos acceptance policy, and with CIWMB/LEA policy and applicable minimum standards. Landfill personnel shall be trained in the proper handling and special disposal requirements of ACW. ACW shall be disposed of in a dedicated location in the landfill, and records of quantities and locations of disposal shall be kept in the facility operating records.

12. The operator shall comply with the hazardous waste screening program on page 78 and Appendix E Load Checking Program of the August 1996 RDSI.

13. The operator shall comply with the provisions of Health & Safety Code Chapter 6.5 (Hazardous Waste Control Law) and California Code of Regulations Title 22.

14. The operator has the responsibility to comply with CCR Title 8, Section 3203 (OSHA Regulations) in the development of an Illness & Injury Prevention Plan (IIPP) for the facility.

15. The operator has the responsibility to comply with all conditions and requirements contained in the Waste Discharge Requirements, Order No. 93-46, or any revised order(s), issued by the RWQCB.

17. LEA Conditions continued:

B. Provisions:

1. By May 31, 1997, the operator shall submit an updated gas monitoring plan to incorporate recent changes and descriptive information regarding gas generation and air emissions as an amendment to the RDSI.

2. By May 31, 1997, the operator shall submit plans for the design and construction of a permanent landfill gas collection and control system, to the LEA, CIWMB, North Coast Unified Air Quality Management District, and RWQCB for review and comment.

3. By September 1, 1997, the operator shall submit an updated topographical map including, but not limited to, revisions to the gas probe monitoring network, accurate locations of facility property boundaries, and changes in the topography for the toe berm and groundwater diversion trench, as an amendment to the RDSI.

4. By October 31, 1997, the operator shall have an operational landfill gas collection and control system and submit an operation and maintenance procedures manual to the LEA, CIWMB, North Coast Unified Air Quality Management District, and RWQCB for review and comment.

5. By December 31, 1997, the operator shall revise and resubmit the August 1994 Preliminary Closure and Postclosure Maintenance Plans (Preliminary Plans) for a new completeness review pursuant to 14 CCR Section 18271. The Preliminary Plans shall address conditions at the site relevant to closure and postclosure, such as the areas of landfill gas monitoring and control, corrective action, and anticipated closure date, which have changed significantly since the original plans were submitted. The Preliminary Plans shall be submitted to the CIWMB, LEA, RWQCB, and the Humboldt County Department of Public Works Solid Waste Division. If the site is to cease receiving waste within two years, then Final Plans are due in lieu of Preliminary Plans.

6. This permit supersedes the solid waste facility permit 12-AA-0005 issued September 15, 1978.

[end of document]

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
March 19, 1997

AGENDA ITEM 10

ITEM: CONSIDERATION OF SITE(S) FOR REMEDIATION UNDER THE WASTE TIRE STABILIZATION AND ABATEMENT PROGRAM

I. SUMMARY

Implementation of the Waste Tire Stabilization and Abatement Program was approved by the Board on August 31, 1994. Public Resources Code (PRC) section 42846 authorizes the Board to expend money from the California Tire Recycling Management Fund to perform any cleanup, abatement, or remedial work required to prevent substantial pollution, nuisance, or injury to the public health or safety at waste tires sites where responsible parties failed to take appropriate action as ordered by the Board. The Board has approved an $800,000 contract (1994/95 fiscal year encumbrance) for the stabilization and abatement of illegal waste tire sites.

The site being considered for remediation efforts is known as the Tri-County Waste Tire Site in Exeter. This site has been identified as the third largest site in California. In July 1996, the Board approved $25,000 for stabilization measures at the site. Stabilization measures identified were perimeter fencing, discing the property of weeds and brush, and determining if additional water would be needed on site in the event of a fire. Perimeter fencing has been repaired by the property owner. At this time no discing/mowing is necessary.

Staff are currently seeking property access for ten sites and will be remediating the Pete Navarro site this month. Depending on how successful we are in gaining access to sites, there could be over $200,000 remaining in the existing contract with Sukut. This contract will end in June.

Staff proposes to expend any remaining funds in the Sukut contract to begin removing whole tires and/or shreds in an effort to create fire breaks in the enormous piles. Full remediation efforts could continue in future fiscal years as funding is available for remediation. The waste tire site is described in more detail in Attachment 1.

II. PREVIOUS COMMITTEE (BOARD) ACTION

The Board is currently funding remediation of illegal waste tire sites with the $800,000 contract (FY 1994/95) for the

stabilization and abatement of illegal waste tire sites. In November 1996, the Board approved additional funding for the 1996/97 fiscal year contract for the stabilization and abatement of illegal waste tire sites. Staff is presently preparing the Request For Qualifications (RFQ) to encumber 1996/97 monies.

III. REMEDIATION ACTIVITY

Seven sites have been remediated by the Waste Tire Stabilization and Abatement Program. Remediation of one site is in progress. Below is a summary of the remediation efforts:

Name of Site	Tons Removed	Invoice	PTE*
Harris Dismantling	263.39 tons	$ 33,068	$ 1.25
Williams Street	433.21 tons	$ 48,647	$ 1.12
Hale Street	92.13 tons	$ 14,970	$ 1.62
Watts Street	892.60 tons	$113,885	$ 1.27
Perris/Wildomar	2,433.59 tons	$198,404	$ .79
Sunset	877.52 tons	$ 67,030	$ .76
Pete Navarro	in progress	$ 81,134 (work order)	
Total	4,992.44 tons	$557,138	

*Passenger tire equivalent (PTE)

Ten sites are pending property access for remediation at this time. Eleven sites have been remediated by the property owners or responsible parties. These sites were cleaned without the Board expending any contractual remediation funds.

Additionally, two other sites are pending stabilization (measures to prevent a fire from getting to the waste tire pile). Staff is pursuing property access on these sites.

IV. OPTIONS FOR THE COMMITTEE/BOARD

Committee members may decide to:

1. Approve the site as recommended by staff.

2. Direct staff to provide additional information at a future Permitting and Enforcement Committee meeting.

V. STAFF RECOMMENDATION

Staff recommends that the Board approve the site described in

Attachment 1 for remediation under the Waste Tire Stabilization and Abatement Program.

VI. ANALYSIS

The staff review process for sites submitted for approval include the following actions:

1. Research of Board records to determine site ownership and possible responsible parties.

2. Conduct a site visit, take photographs, make a rough determination of the quantities of waste tires and prepare a preliminary cost estimate for recommended action.

3. Issue a Letter of Violation, a Clean Up and Abatement Order, and refer to Administrative Hearing where appropriate.

Site selection is based on many criteria, including the severity of the problems and surrounding land uses. The site proposed in this item was selected based on investigation of many sites throughout the state. This site represents a threat to public health and safety or the environment.

Stabilization is designed to reduce an unmanageable risk to public health and the environment to a manageable risk through breaking the tire pile into manageable units; developing fire fighting plans, including fire fighter access to areas in and around the site; providing for mosquito control; and providing security to prevent pile growth, deter arson, and provide early detection of any fires. If tires are to be removed from the site, the destination and any processing that will be necessary will be specified. If tires are to be relocated on the site, the new location, method of movement, and any processing that will be necessary will be included.

Abatement entails the elimination of a waste tire stockpile. The ultimate objective of the Board's waste tire program is total abatement of the sites that come under PRC Section 42846(a); however, depending on the funds available and the need for prompt action to prevent substantial pollution, nuisance, or injury to the public health or safety, some sites may be stabilized prior to abatement by utilizing remedial activities.

VII. BACKGROUND

To address the issue of the growing accumulation of waste tires in landfills and stockpiles around the state and to promote the recycling of waste tires, Assembly Bill 1843 (Brown, Statutes of 1989) was signed into law in 1989. The passage of AB 1843 enacted, in part, a major environmental regulatory program to control the storage and disposal of waste tires. AB 1843, (later recodified by SB 937) required persons who store more than 500 waste tires at a specific location to register their stockpiles with the Board and required the Board to adopt emergency and final regulations for the permitting of waste tire facilities (WTF).

The Board adopted Emergency WTF Permitting Regulations followed by Final Regulations (Title 14, Division 7, Chapters 3 and 6, California Code of Regulations), which became effective on November 3, 1993. The purpose of the WTF Regulations is to implement technical standards for the storage of waste tires at WTFs and landfills that will conserve landfill capacity and promote the safe storage of waste tires and to establish a permitting system for WTFs.

Public Resources Code (PRC) Section 42845(a) states that any person who stores, stockpiles, or accumulates waste tires at a location for which a waste tire facility permit is required or in violation of a WTF permit, or the statute or regulations governing the permitting and storage of waste tires, shall, upon order of the Board, cleanup those waste tires or abate the effects thereof, or in the case of threatened pollution or nuisance, take other necessary remedial action.

PRC Section 42846(a) allows the Board to expend available money in the California Tire Recycling Management Fund. These moneys can be spent to perform any cleanup, abatement, or remedial work required under the circumstances set forth in section 42845 which in its judgment is required by the magnitude of endeavor or the need for prompt action to prevent substantial pollution, nuisance, or injury to the public health and safety.

VIII. CEQA

At the time this agenda item was prepared, the CEQA review was not completed. A CEQA review will be completed prior to the Committee meeting. Staff anticipates that this remediation project should be exempt from CEQA review under a CEQA Categorical Exemption, Class 8 (CCR Section 15308).

IX. ATTACHMENTS

1. Tri-County Tire Shredders Waste Tire Site, Tulare County (54-TI-0034)

2. Proposed Board Resolution 97 - 96

X. APPROVALS

Prepared By:	Gale Rehberg	Phone: 255-3895
Reviewed By:	Garth Adams	Phone: 255-4063
Reviewed By:	Don Dier, Jr. 2/28/97	Phone: 255-2453
Reviewed by:	Dorothy Rice D. Rice 2/28/97	Phone: 255-2431
Legal Review:	Kathryn Tobias	3/3/97

Tri-County Tire Shredders
Tulare County

Site Description and Background: Approximately 2,200,000 waste tires (whole and shreds) are stockpiled, uncovered, on this 9.8 acre property. Although this property is located in a rural-agricultural portion of Tulare County, there are about 20 single family residences within 1,000 feet of the site and four residences adjacent at the site's southern perimeter. The site is owned by Mr. Roman Silva and was operated by Mary Lou and William Sweet under the name of Tri-County Tire Shredders. In November 1992, Tri-County Tire Shredders filed for a Special Use Permit with the County of Tulare. the County Planning Commission approved the Special Use Permit on August 25, 1993 for the use of a waste tire recycling facility for collecting, sorting, shredding, and granulating of waste tires. The Special Use Permit was issued with various technical conditions which needed to be complied with within 90 days. On December 3, 1993, the County Planning Commission determined that Tri-County Tire Shredders failed to comply with the conditions of the Special Use Permit. The County immediately prohibited Tri-County Tire Shredders from accepting any additional waste tires until a followup compliance review was held in April 1994. On April 13, 1994, the County Planing Commission revoked the Special Use Permit for failure to comply with the conditions of the Special Use Permit.

In December 1994, Tri-County Tire Shredders filed Chapter 13 - Bankruptcy. Tri-County has not removed any of the tires from this site.

Location: 19048 Avenue 242, Exeter, California.

Site Priority: Illegal Waste Tire Site Priority 1

Owner: Roman Silva (Property Owner)
23157 Road 196
Lindsay, CA 93247

Operator: Mary Lou and William Sweet
(Transporter/Tire Owner)

Estimate of Remediation: $2,000,000

Permits: Tri-County Tire Shredders was issued a Special Use Permit on August 25, 1993 by the County of Tulare. The County revoked the Special Use Permit on April 13, 1994. Tri-County Tire Shredders has never applied for a waste tire facility permit with CIWMB.

Enforcement Actions:

CIWMB Letter of Violation dated June 23, 1994 for violations of Division 30 of the Public Resources Code (30 PRC) and Title 14, California Code of Regulations (14 CCR): 30 PRC 42822, 30 PRC 42850, 14 CCR 17351, 14 CCR 17352, 14 CCR 17353, 14 CCR 17354, 14 CCR 18423. Both Mr. Sweet and Mr. Silva were requested to submit a compliance schedule and removal plan. In August 1994, Mr. Sweet filed a compliance schedule for the removal of the waste tires and informed the CIWMB that the business was relocating in Tulare County. In August 1995, CIWMB issued a Notice and Order. To date no tires have been removed from the site. In January 1995 CIWMB referred Tri-County tire Shredders to the Attorney General in response to the bankruptcy in pursuit of cost recovery. In addition, CIWMB has filed an administrative complaint in the amount of $400,000. After the bankruptcy issue is resolved, the Attorney General will schedule a hearing with the Office of Administrative Hearings.

Attachment 2

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION # 97 - 96

APPROVAL OF ONE SITE FOR REMEDIATION UNDER THE WASTE TIRE STABILIZATION AND ABATEMENT PROGRAM

WHEREAS, Public Resources Code (PRC) section 42846 authorizes the Board to expend money from the California Tire Recycling Management Fund to perform any cleanup, abatement, or remedial work required to prevent substantial pollution, nuisance, or injury to the public health or safety at waste tire sites where responsible parties failed to take appropriate action as ordered by the Board.

WHEREAS, the owner/operators of the following site have not complied with either the Letter of Violations or the Clean Up and Abatement Orders issued by the Board:

Tri-County Tire Shredders Waste Tire Site 54-TI-0034

NOW THEREFORE, BE IT RESOLVED, that the Board approves the above site for immediate funding for remediation under the Waste Tire Stabilization and Abatement Program. The Board directs staff to implement remediation measures and to encumber the funding for the cleanup of these sites and to consider cost recovery pursuant to Section 42847 Public Resources Code.

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 March 26, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
March 19, 1997

AGENDA ITEM 11

ITEM: CONSIDERATION OF CERTIFICATION OF THE SHASTA COUNTY DEPARTMENT OF RESOURCE MANAGEMENT DIVISION OF ENVIRONMENTAL HEALTH AS THE LOCAL ENFORCEMENT AGENCY FOR SHASTA AND TRINITY COUNTIES

I. SUMMARY:

The Shasta County Local Enforcement Agency (LEA) has applied to the California Integrated Waste Management Board (CIWMB) for full certification as the LEA for the contract LEA jurisdiction of Shasta and Trinity Counties. Trinity County has contracted for LEA services authorizing Shasta County LEA to assume the responsibilities of the Local Enforcement Agency in Trinity County for solid waste as allowed in law. The Shasta County Department of Resource Management, Environmental Health Division has been a certified LEA since July 1992 for Shasta County. Trinity County designated the Trinity County Department of Health and Human Services, Health Services Section to be the Enforcement Agency (EA) for Trinity County. At this time Trinity does not have an authorized LEA. The Trinity County EA has contracted with Shasta County LEA to provide LEA services in Trinity as required by law. Both agencies are requesting full Certification of the Shasta County LEA and approval of the contract jurisdiction.

II. PREVIOUS COMMITTEE (BOARD) ACTION:

The Permitting and Enforcement Committee and Board were apprised of the Trinity County LEA's staffing deficiencies in January 1996; and the Board directed staff to notify the Trinity LEA of the Board's intent to withdraw designation approval. In February 1996 Trinity County notified the Board of its intent to contract for LEA services with Shasta County. CIWMB staff responded with a March 15, 1996 letter to Trinity County which explained the CIWMB's actions at its February 27, 1996 meeting and related CIWMB staff's intent to recommend recision of the CIWMB's notice to withdraw its approval of the Trinity County LEA's designation.

On April 17, 1997 the Board voted to rescind the notification of the Trinity County LEA of the CIWMB's intent to withdraw its approval of the designation and to provide ongoing guidance to the Shasta County LEA for submittal of the new EPP reflecting the new contract jurisdiction.

III. OPTIONS FOR THE COMMITTEE (BOARD):

The Board has the following options:

1. Approve the EPP, contract, and issue the requested certifications.

2. Approve the EPP, contract and issue temporary LEA certifications.

3. Disapprove the EPP and/or not issue the requested certifications and appoint the Board as the enforcement agency for the Trinity County jurisdiction. This option would allow the Shasta County LEA to remain the LEA for Shasta County under the existing CIWMB resolution.

4. Take no action. This option provides for no certified and authorized enforcement agency in Trinity County. The Board would need to perform the enforcement agency duties in Trinity County.

IV. STAFF RECOMMENDATIONS:

Board staff recommends option number 1.

V. ANALYSIS:

Statute allows local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction. Regulations require a designated local agency to develop, submit for Board approval, and adopt an Enforcement Program Plan (EPP) pursuant to statute.

The Board, after approval of the EPP, may issue certifications to the designated enforcement agency per Title 14 California Code of Regulations (14 CCR) Section 18071 for one or more of the following types of duties and responsibilities:

"A": Permitting, inspection and enforcement of regulations at solid waste disposal sites
"B": Permitting, inspection and enforcement of regulations at solid waste transformation facilities
"C": Permitting, inspection and enforcement of regulations at solid waste transfer and processing stations, materials recovery facilities, and composting facilities
"D": Inspections and enforcement of litter, odor, and nuisance regulations at solid waste landfills

On February 26, 1996, representatives of Shasta and Trinity Counties signed an addendum to a personal services agreement that addressed solid waste LEA responsibilities. On March 6, 1996,

the Shasta County LEA provided documentation that demonstrated their understanding of the requirements for forming a "contract jurisdiction" for LEA program responsibilities in Shasta and Trinity Counties. These two counties would form one jurisdiction and utilize the technical expertise from Shasta County.

The Shasta County LEA is currently fulfilling the requirements for technical staff adequacy and the LEA duties as defined in the existing EPP for Trinity County.

Board staff has reviewed the updated EPP from the Shasta and Trinity County Boards of Supervisors requesting approval for the Shasta County LEA (by contract) to be the local enforcement agency for Shasta and Trinity Counties.

The documentation provided meets the general requirements of PRC 43200 - 43219 and 14 CCR 18010 - 18084. Board staff find that the EPP, and the contract pursuant to 14 CCR 18072(b), are complete and acceptable for the Board to consider the approval of the EPP, issuance of the requested certifications, and approval of the contract jurisdiction of Shasta and Trinity Counties.

VI. ATTACHMENTS:

1. CIWMB resolution for approval the EPP, and issuance of certifications for the Shasta County Local Enforcement Agency for contract jurisdiction of Shasta County and Trinity County.

VII. APPROVALS:

Prepared By:	Myron H. Amerine MHA	Phone: 255-3848
Reviewed By:	Mary T. Coyle MC/Thomas Unsell MTU	Phone: 255-3849
Approved By:	Dorothy Rice MC for D. Rice	Phone: 255-2185
Legal Review:	Kathryn J. O'Brien	Phone: 3/10/97

ATTACHMENT 1

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 97-84
March 26, 1997

CONSIDERATION OF CERTIFICATION OF THE SHASTA COUNTY DEPARTMENT OF RESOURCE MANAGEMENT DIVISION OF ENVIRONMENTAL HEALTH AS THE LOCAL ENFORCEMENT AGENCY FOR SHASTA AND TRINITY COUNTIES

WHEREAS, the California Integrated Waste Management Act of 1989 allows local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction; and

WHEREAS, the County of Shasta and the County of Trinity, pursuant to Title 14, California Code of Regulations, Section 18072, have joined to provide for solid waste issues via a contract naming the Shasta County LEA as the proposed Local Enforcement Agency for Shasta and Trinity Counties; and

WHEREAS, the Board has now received a completed contract defining the contract jurisdiction; and

WHEREAS, the California Integrated Waste Management Board has received on January 3, 1997 and reviewed the Enforcement Program Plan for the contract jurisdiction; and

WHEREAS, the Board finds that the Shasta County LEA has demonstrated, via the Enforcement Program Plan for the contract jurisdiction that it meets the requirements of Public Resources Code Section 43200, et seq, and Title 14 California Code of Regulations Section 18010 et seq;

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing considerations, the California Integrated Waste Management Board pursuant to Public Resources Code Division 30 Part 4, Chapter 2, Article 1 approves the Enforcement Program Plan and designation and issues certification types "A", "C" & "D" to the Shasta County Department of Resource Management, Environmental Health Division as the Local Enforcement Agency for the contract jurisdiction consisting of Shasta and Trinity Counties.

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 March 26, 1997.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee Meeting
March 19, 1997

AGENDA ITEM 12

ITEM: Consideration of Designation Approval and Certification of the Santa Barbara County Environmental Health Services Division, Health Care Services Department as the Local Enforcement Agency for Santa Barbara County.

I. SUMMARY

Staff are presenting this item to update the Santa Barbara LEA certification reflecting local organizational restructuring. The LEA continues to comply with certification requirements and its Enforcement Program Plan.

II. PREVIOUS COMMITTEE/BOARD ACTION

On July 16, 1992, the Santa Barbara County Environmental Health Services Department having met the requirements of PRC Section 43200, et seq; and Title 14 California Code of Regulations Section 18010 et seq; had its designation and EPP approved, and was issued certification types "A","B","C", and "D" by California Integrated Waste Management Board Resolution No. 92-94. Subsequently, the county underwent a reorganization which resulted in the LEA (Environmental Health Services Division) becoming part of the Agriculture and Environmental Management Department. On October 27, 1994, the Board approved the LEA's reorganization through resolution 94-146. Once again the county has reorganized and staff are presenting the change.

III. OPTIONS FOR THE COMMITTEE (BOARD:

The following options are identified for consideration:

1. Concur with the issuance of a resolution reflecting the LEA re-organization.

2. Object to the issuance of a resolution reflecting the LEA re-organization specifying reasons for selecting this option and staff guidance.

3. Take no action. This option would result in an LEA which is not accurately reflected in its certification resolution.

IV. STAFF RECOMMENDATION:

The revised documents meet statutory and regulatory designation and certification requirements. Therefore, option 1 is recommended.

V. ANALYSIS:

In 1994, the Environmental Health Services Department was merged with several other county departments to form the new Agriculture and Environmental Management Department, Environmental Health Services Division. The LEA designation and certification update was accomplished via Board Resolution 94-146. At this time, similar Committee/Board action is required to reflect the latest county re-organization. The Santa Barbara County Environmental Health Services Division is now a division of the Santa Barbara County Health Care Services Department. The name of the LEA is "Environmental Health Services Division".

Board Staff received notification of the latest Santa Barbara County LEA re-organization in January of this year. The departmental re-organization and name change results in an inaccurate description of the LEA in several documents including the Notice of Designation and related designation resolutions. The LEA supplied locally revised documents which accurately reflect the LEA designation. These documents were reviewed and accepted by Board staff as meeting designation and certification requirements. The newly formed county department remains separate and distinct from solid waste facility and disposal site owners, operators, and county solid waste operation/administration department(s). The LEA staff organization remains intact.

Background

The Public Resources Code (PRC) allows local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction. Regulations require a designated local agency to develop, submit for Board approval, and adopt an Enforcement Program Plan (EPP) pursuant to statute. The Santa Barbara County Local governing bodies exercised this option. On July 16, 1992, the Santa Barbara County Environmental Health Services Department having met the requirements of PRC Section 43200, et seq; and

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Title 14 California Code of Regulations Section 18010 et seq; had its designation and EPP approved, and was issued certification types "A","B","C", and "D" by California Integrated Waste Management Board Resolution No. 92-94 as follows:

"A": Permitting, inspection and enforcement of regulations at solid waste disposal sites
"B": Permitting, inspection and enforcement of regulations at solid waste transformation facilities
"C": Permitting, inspection and enforcement of regulations at solid waste transfer and processing stations, materials recovery facilities, and composting facilities
"D": Inspections and enforcement of litter, odor, and nuisance regulations at solid waste landfills

VI. ATTACHMENTS:

1. CIWMB resolution reflecting the LEA departmental re-organization County of Santa Barbara.

VII. APPROVALS:

Prepared by: Gabe Aboushanab — Phone: 255-3854

Reviewed by: Mary Coyle/H. Thomas Unsell — Phone: 255-2298

Approved by: Dorothy Rice — Phone: 255-2285

Legal Review: Kathryn J. O'Brien — ~~Phone:~~ Date 3/3/97

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 97-87

March 26, 1997

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the Santa Barbara County Health Care Services Department, Environmental Health Services Division as the Local Enforcement Agency for the County of Santa Barbara.

WHEREAS, the California Integrated Waste Management Act of 1989 allows local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction; and

WHEREAS, the Santa Barbara County Environmental Services Department met the requirements of Public Resources Code Division 30 Part 4, Chapter 2, Article 1, and Title 14 California Code of Regulations Division 7, Chapter 5, Articles 1.0 - 2.2, and had its Enforcement Program Plan and designation approved, and was issued certification types "A","B","C" and "D" by California Integrated Waste Management Board Resolution No. 92-94 thus becoming the Local Enforcement Agency for Santa Barbara County and all its incorporated cities; and

WHEREAS, subsequent to local re-organization, the Board finds that the Santa Barbara County Health Care Services Department, Environmental Health Services Division continues to meet the requirements of Public Resources Code Division 30 Part 4, Chapter 2, Article 1 and Title 14 California Code of Regulations Division 7, Chapter 5, Articles 1.0 - 2.2;

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing considerations, the California Integrated Waste Management Board pursuant to Public Resources Code Division 30 Part 4, Chapter 2, Article 1 approves the Enforcement Program Plan and designation and issues certification types "A","B","C" and "D" to the Santa Barbara County Health Care Services Department, Environmental Health Services Division as the Local Enforcement Agency for Santa Barbara County and all its incorporated cities.

CERTIFICATION
(Resolution 97-87)

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 March 26, 1997.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee Meeting
March 19, 1997

AGENDA ITEM 13

ITEM: Consideration to Revise the Designation Approval and Certification of the Inyo County Department of Environmental Health Services as the Local Enforcement Agency for Inyo County to a Probationary Status.

I. SUMMARY

This item is presented as a result of the nine month monitoring of the Inyo County Local Enforcement Agency's (LEA) evaluation workplan. Several workplan tasks remain outstanding. Therefore, pursuant to the LEA Evaluation Procedure, an Administrative Conference was held on January 17, 1997. The conference provided the LEA, the Permitting and Enforcement Division Deputy Director, and Board staff a forum to discuss and assess LEA workplan compliance issues.

Inyo County's approved jurisdictional compliance proposal for meeting permitting requirements and state minimum standards at its solid waste facilities (where outstanding, see background under "V") spans five years. The facts that: 1) proposal compliance has faltered barely one year into the plan implementation; and 2) the LEA has not effectively enforced compliance, compel staff to bring this item before the Board. This item outlines the jurisdictional compliance status, possible Board options, and staff recommendations.

II. PREVIOUS COMMITTEE/BOARD ACTION

There is no previous Committee or Board action specific to the Inyo County LEA evaluation or subsequent evaluation workplan. However, at the April, 1994 Committee and Board meetings, the Committee and Board accepted with no re-direction the "LEA Evaluation Procedure Implementation Manual", and its implementation was initiated. The Manual establishes the process for evaluations and identifies that if LEA program issues are found, LEAs shall prepare corrective action workplans and/or attend an administrative conference. It also establishes the possibility that a Committee and Board agenda item may be prepared to consider options available to the Board. All of the evaluation procedure options are as authorized by the Public Resources Code or Title 14 regulations adopted thereof.

III. OPTIONS FOR THE COMMITTEE (BOARD):

Pursuant to PRC Sections 43214, 43215, 43216.5, and the LEA evaluation procedure, the Board has the following options:

Option 1- If the lack of LEA performance has contributed to significant non-compliance with state minimum standards at solid waste facilities, the Board shall withdraw its approval of designation (43214(c)).

Option 2- If the Board finds that conditions at solid waste facilities threaten public health and safety or the environment, the Board shall, within 10 days of notifying the LEA, become the enforcement agency until another local agency is designated and certified (43214(c)).

The findings to support options 1 and 2 have not been made.

Option 3- If the Board finds the LEA is not fulfilling its responsibilities, it shall notify the LEA of the particular reasons and of the Board's intention to withdraw its approval of the designation if, within no less than 30 days, the LEA does not take the corrective action specified by the Board (43215).

The above option was in essence exercised during the evaluation process. The LEA provided an evaluation workplan as required.

Option 4- The Board may take any actions it determines to be necessary to ensure LEAs fulfill their obligations (43216.5)

The above option is appropriate for consideration.

Option 5- The Board may conduct more frequent inspections and evaluations (43216.5)

The above option has already identified the issues during the LEA evaluation. More frequent inspections would only confirm those issues already identified.

Option 6- The Board may establish a schedule and probationary period for improved LEA performance (43216.5)

The above option is appropriate for consideration.

Option 7- The Board may assume partial responsibility for specified LEA duties (43216.5).

While appropriate for consideration, the above option would essentially revise the LEA certification to a "partial status". This would result in the Board's EA Section staff assuming resolution of outstanding issues for enforcement. The related costs would be billed to the jurisdiction.

Option 8- The Board may implement any other measures which it determines to be necessary to improve LEA compliance (43216.5)

The above option is appropriate for consideration.

For options (4) and (8) the Board can:

1) mandate specific LEA actions for outstanding issues.

2) mandate specific LEA actions which if not met result in a specific Board action(s).

3) Fully decertify the LEA and withdraw its designation approval. This option would result in the Board's EA Section staff assuming LEA duties for Inyo County. The related costs would be billed to the jurisdiction.

4) Recommend withholding the Enforcement Assistance Grant disbursal until the Jurisdictional Compliance Proposal (JCP) is on track. Disbursement of the grant monies could become quarterly instead of at once, while linked to acceptable JCP progress.

5) For any landfills which are on the State list of non-complying facilities or the State list of facilities having significant change, the Board may direct the LEA to revoke/suspend the permit(s) until regulatory requirements are met.

IV. STAFF RECOMMENDATION:

Having considered all the options available to the Board and the analysis below, staff recommend a combination of options six (6) and seven (7). This combination would include: 1) revising the LEA's designation approval and certification to a probationary status for the duration of this evaluation cycle which was initiated in May, 1995 and ends in May, 1998; and 2) placing the LEA on notice that failure to exercise the enforcement options identified in its enforcement orders, or any other effective measures, issued pursuant to the LEA evaluation workplan will

result in CIWMB assumption of the agency's enforcement duties to assure appropriate enforcement actions are taken within Inyo County as determined by the CIWMB.

V. ANALYSIS:

Essentially, the LEA has not exercised the enforcement options identified in its enforcement orders, or any other effective measures, when the county operator failed to meet several tasks stipulated in the jurisdictional compliance proposal. Attachment (1) provides tables containing compliance tasks, their schedule, status, and re-establishes due dates (within the existing plan timeframe) for outstanding tasks. Additionally, the LEA is updating appropriate enforcement orders to reflect the re-established schedules.

Findings

PRC Sections 43215, 43216, 43216.5, 43219, and 43220 outline Board actions when an LEA is not fulfilling its responsibilities.

> *This staff finding has been made through: 1) the Inyo County LEA Evaluation, and 2) the evaluation workplan monitoring.*

Staff carefully considered the options in section III above in conjunction with the current LEA performance issues, and the following Board goals and policies:

- Strong local government involvement in solid waste management is desirable for California.
- Direct state enforcement and regulation of solid waste management is not desirable, except where there is no LEA or where there is significant poor LEA performance.
- Enforcement agencies, to be effective, must have adequate autonomy from local politics.
- Conflicts of interest between solid waste regulatory responsibilities and the operation of solid waste handling and disposal facilities is unacceptable.
- A comprehensive LEA program is desirable within a local government jurisdiction. The program must include inspection, enforcement, and permitting as appropriate for active, closed, illegal, abandoned, exempt, and planned facilities.
- LEA staff should have the education and technical expertise to make engineering, public health, environmental health, and financial decisions.
- Local agencies designated to be approved and certified by the Board must have adequate training, equipment, personnel, technical expertise, legal assistance, and budget to be

effective.

- LEAs must be accountable for their performance. The Board assures this through its LEA program.

Therefore considering: 1) the above Board goals and policies; 2) the LEA's positive cooperation; and 3)due process; staff recommend providing the local governing body a final opportunity to support the Board in achieving the above goals. This would be through the Board's: 1) revising the LEA's designation approval and certification to a probationary status for the duration of this evaluation cycle which was initiated in May, 1995 and ends in May, 1998; and 2) placing the LEA on notice that failure to exercise the enforcement options identified in its enforcement orders, or any other effective measures, issued pursuant to the LEA evaluation workplan will result in CIWMB assumption of the agency's enforcement duties to assure appropriate enforcement actions are taken within Inyo County as determined by the CIWMB.

Background

Historically, CIWMB inspections of Inyo County's solid waste facilities have consistently revealed instances of ongoing violations of state minimum standards, permit terms and conditions, and several unpermitted facilities. For years, Enforcement Branch inspection reports and related correspondence to the LEA have advised, suggested, or required some form of LEA enforcement action. Currently, all county landfills are on the State list of non-complying facilities (the inventory).

Subsequent to meeting certification requirements (including technical expertise and budget resources) and being certified by the CIWMB in July, 1992, the LEA became poised to effect positive changes in the jurisdictional compliance status. Furthermore, since 1992, the CIWMB has conducted numerous training seminars focused on inspections, enforcement, permitting, closure, and CEQA compliance. Most of the training was attended by Inyo County LEA staff. The level of staff knowledge and expertise within this LEA is impressive and therefore inconsistent with the achieved results.

In 1994, a staff review of statewide enforcement orders revealed a number of Inyo County LEA enforcement orders had lapsed or were extended repeatedly without facility compliance. The CIWMB, recognizing the seriousness of Inyo's jurisdictional compliance status, contacted the LEA in June of 1994 and made it aware of issues jeopardizing its certification. The LEA was directed to review the status of its existing enforcement orders implementing any penalties for non-compliance as identified. The LEA responded by requesting the P&E Division Deputy Director and LEA Branch Manager attend an LEA sponsored workshop for the local governing body (Board of Supervisors).

In July, 1994 the LEA Branch Manager and LEA Section Supervisor traveled to Inyo County and participated in the workshop. The workshop outlined the jurisdictional compliance status, explained the CIWMB position on compliance, and outlined the costs associated with the CIWMB becoming the enforcement agency. During the discussion, all jurisdictional solid waste issues were placed on the table. The Local Governing Body committed to having a workable and effective LEA with financial resources available to accomplish the job. Facilities, their project priorities, and an accomplishment matrix were discussed. The extent of financial commitment necessary for compliance, after so many years, was difficult if not impossible for the jurisdiction to meet short term. Therefore, attending Board staff conditionally agreed to consider reviewing a schedule addressing CIWMB, Regional Water Quality Control Board, and Inyo County compliance issues.

The LEA picked up where the workshop left off with an innovative approach to jurisdictional compliance. The agency held several meetings intended to resolve local site compliance issues. These meetings involved the *county operator, the RWQCB, the CIWMB, and the local governing body*. As a result, the operator's consultant (Vector Engineering, Inc.) submitted an initial compliance proposal in September of 1994. Several revisions followed extensive reviews and comments by all the participants. The "Five Year Integrated Waste Management Implementation and Compliance Schedule for The County of Inyo, California" was finalized in September of 1995, a year later. It was also brought before the Inyo County Board of Supervisors for final approval and commitment as it entailed financial elements in order to be accomplished.

The five year schedule became known as the jurisdictional compliance proposal (JCP). It outlines tasks and budget allocations for a period of five years beginning with the 1995/96 fiscal year. It addresses permit and closure issues for the *Bishop-Sunland, Independence, Lone Pine, Shoshone, Tecopa, Sawmill, and Keeler solid waste facilities*. The jurisdictional compliance proposal was integrated into the LEA Evaluation Workplan and approved by the CIWMB for implementation on November 8, 1995.

VI. ATTACHMENTS:

1. Evaluation workplan tables reflecting accomplished tasks and re-establishing due dates for outstanding tasks which must be met to avoid further Board action on LEA performance issues.

2. A CIWMB Resolution 97-86.

VII. APPROVALS:

Prepared by: Gabe Aboushanab — Phone: 255-3854

Reviewed by: Mary Coyle/H. Thomas Unsell — Phone: 255-2298

Approved by: Dorothy Rice 3/4/97 — Phone: 255-2285

Legal Review: Kathryn J. Johnson — Phone: 255 2825

Bishop Sunland Solid Waste Site
(amended 2/97)

14-AA-0005	Compliance accomplished by:	Completed by December 31, 1995 (3 month)	Completed by March 31, 1996 (6 month)	Completed by June 30, 1996 (9 month)	Completed beyond the 9 months
PSR	Notice and Order 95-01	August 30, 1995 Completed			
RDSI	Notice and Order 95-01	August 30, 1995 Completed			
Security	Notice and Order 95-01	December 29, 1995 In and Out			
Daily cover	Notice and Order 95-01	December 29, 1995 In and Out			
Hazardous Waste Screening	Notice and Order 95-01	December 29, 1995 Completed			
Explosive Gas Monitoring Plan	Notice and Order 95-01	December 29, 1995 Completed			
Implement gas monitoring plan	Notice and Order 95-01				July 31, 1996 *completed 8/96*
Closure Plans	Notice and Order 95-01		February 1, 1996 Completed		
Financial assurance	Notice and Order 95-01		January 31, 1995		
CEQA	Notice and Order 95-01				July 1. 1996 *completed 12/96*
SWFP revision application	Notice and Order 95-01				August 15, 1996 *completed 1/10/97*
Operating liability	Notice and Order 95-01				August 15, 1996 Completed
Proposed Revised SWFP	LEA				October 15, 1996 ***Change to 5/30/97***

Lone Pine Landfill
(amended 2/97)

14-AA-0003	Compliance accomplished by:	Completed by December 31, 1995 (3 month)	Completed by March 31, 1996 (6 month)	Completed by June 30, 1996 (9 month)	Completed beyond the 9 months
RDSI	Notice and Order 95-01		March 1, 1996 Completed		
Security	Notice and Order 95-01				July 31, 1996 ***Change to 5/6/97***
Daily cover	Notice and Order 95-01			June 28, 1996 ***Change to 6/1/97***	
Hazardous Waste Screening	Notice and Order 95-01	December 29, 1995 Completed			
Explosive Gas Monitoring Plan	Notice and Order 95-01	December 29, 1995 Completed			
Implement gas monitoring plan	Notice and Order 95-01				July 31, 1996 *completed 8/96*
Closure Plans	Notice and Order 95-01	July 31, 1995 Completed			
Financial assurance	Notice and Order 95-01		January 31, 1995		
CEQA Submitted for circulation	Notice and Order 95-01				July 1, 1996 ***Change to 7/3/97***
SWFP revision application	Notice and Order 95-01				August 15, 1996 *completed 1/10/97*
Operating liability	Notice and Order 95-01				August 15, 1996 Completed
Litter Control	Notice and Order 95-02				August 1, 1996 ***Change to 6/1/97***
Site Attendant	Notice and Order 95-02				July 31, 1996 ***Change to 6/1/97***
Proposed Revised SWFP	*LEA*				*October 15, 1996* ***Change to 7/30/97***

Attachment 2

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 97-86

March 26, 1997

Resolution revising the designation approval and certification of the Inyo County Division of Environmental Health Services as the Local Enforcement Agency for Inyo County to a probationary status, and conditionally approving CIWMB assumption of LEA enforcement responsibilities.

WHEREAS, the California Integrated Waste Management Act of 1989 allows local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction; and

WHEREAS, the Inyo County Board of Supervisors and the majority of the City Councils with the majority of the incorporated population of the designated jurisdiction have designated the above local agency and requested Board approval of their designation; and

WHEREAS, based on the foregoing considerations and Resolution 92-64, the California Integrated Waste Management Board, pursuant to Public Resources Code Division 30 Part 4, Chapter 2, Article 1, previously approved the Enforcement Program Plan and designation and issued certification types "A","B","C" and "D" to the Inyo County Division of Environmental Health Services as the Local Enforcement Agency for Inyo County and all its incorporated cities; and

WHEREAS, the LEA evaluation results found the Inyo County Division of Environmental Health Services not to be fulfilling all its responsibilities and required the development, approval, and implementation of an evaluation workplan addressing the LEA's program implementation issues; and

WHEREAS, the evaluation workplan monitoring results reveal incomplete fulfillment of the workplan stipulations committed to by the Inyo County Division of Environmental Health Services;

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing considerations, the California Integrated Waste Management Board, pursuant to Public Resources Code Division 30 Part 4, Chapter 2, Article 1, Section 43216.5 hereby revises the designation approval and certification of the Inyo County Division of Environmental Health Services as the Local Enforcement Agency for Inyo County to a probationary status for the duration of this evaluation cycle which was initiated in May, 1995 and ends in May, 1998;

NOW, THEREFORE, BE IT FURTHER RESOLVED, based on the foregoing considerations, the California Integrated Waste Management Board, pursuant to Public Resources Code Division 30 Part 4, Chapter 2, Article 1, Section 43216.5, hereby places the Inyo County Division of Environmental Health Services as the Local Enforcement Agency for Inyo County on notice that failure to exercise the enforcement options identified in its enforcement orders, or any other effective measures, issued pursuant to the LEA evaluation workplan will result in CIWMB assumption of the agency's enforcement duties to assure appropriate enforcement actions are taken within Inyo County as determined by the CIWMB.

CERTIFICATION
Resolution # 97-86

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 March 26, 1997.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
March 19, 1997

AGENDA ITEM 14

ITEM: CONSIDERATION OF AN UPDATE TO THE SCHEDULE FOR PLACEMENT OF OPERATIONS/FACILITIES INTO REGULATORY TIERS AND DEVELOPMENT OF MINIMUM STANDARDS

I. SUMMARY

This agenda item presents proposed updates to the Schedule for Placement of Operations/Facilities into Regulatory Tiers and Development of Minimum Standards (Schedule).

As staff complete the regulatory packages associated with the classes or types of operations/facilities on the Schedule, it is necessary to update the Schedule. Priorities also change necessitating movement of classes of operations/facilities sooner or later in the Schedule. We also experience variances in staff resources requiring modification of previously scheduled timelines.

Staff will continue to bring updates of the Schedule to the Permitting and Enforcement Committee and the Board annually for approval.

II. BACKGROUND

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 General Methodology is a five step process that uses environmental indicators to evaluate the potential impacts that an operation/facility may pose to public health, safety, and the environment.

After the Board determines that it has authority to regulate a particular class or type of operation/facility, the first step is to define the class or type of operation/facility based on critical factors (e.g., the nature of the material handled, the handling methods used, the quantity of material, and locational considerations). The second step is to identify environmental indicators (e.g., gas, noise, airborne particles, general safety) whose thresholds would be exceeded by the operation/facility and determine if the CIWMB is the appropriate regulator. The third step is to identify types of mitigation activities for each environmental indicator identified. The fourth step is to determine the level of CIWMB review and oversight needed to achieve those mitigation measures and to match that level of review and oversight to the appropriate regulatory tier. Finally, the fifth step is to develop State Minimum Standards that define the classes or types of operations/facilities and the mitigation activities necessary to ensure safe operation of those operations/facilities.

III. PREVIOUS COMMITTEE/BOARD ACTION

The CIWMB approved the first Schedule in January 1995 and an update to the Schedule in January 1996. The Permitting and Enforcement Committee postponed action on a revised Schedule in January 1997 to allow time for staff to assess what impact, if any, the California Department of Food and Agriculture's (CDFA) interest in regulating the land application of ash would have on the Schedule. CDFA's interest could have a profound effect on the CIWMB's Biosolids regulatory package, which was tentatively scheduled to begin in May 1997.

Two other classes or types of operations/facilities tentatively scheduled to begin shortly are Organics (green material not composted; woody material not composted) and Construction/Demolition/Inerts. These classes comprise a significant percentage of the total wastestream. Regulation of these classes could have a profound effect on waste diversion. Members of the Permitting and Enforcement Committee also expressed interest in considering priority for theses classes, if it would not compromise public health and safety.

The Permitting and Enforcement Committee directed staff to bring the Schedule back to the Committee for consideration in March 1997.

IV. ANALYSIS

The attached Schedule is essentially unchanged from January 1997. Staff received no strong sentiment persuading us to make a change. Feedback from the January series of LEA Roundtables gave some support for keeping Biosolids where it is. The CDFA is moving forward with their review of non-hazardous ash land application. This review may also impact other waste/material types, including biosolids. However, it is very likely that the CIWMB will have other, public health related issues to address that the CDFA cannot address. These issues will become apparent when biosolids are taken through the General Methodology.

V. OPTIONS

1. Approve the attached Schedule;

2. Modify the attached Schedule; or

3. Request additional information to further evaluate Schedule.

VI. RECOMMENDATIONS

Staff recommend the Committee approve the attached Schedule and recommend its approval by the CIWMB.

VII. ATTACHMENT

1. Schedule for Placement of Operations/Facilities into Regulatory Tiers and Development of Minimum Standards (March 1997)

VIII. APPROVALS

Prepared By:	Robert Holmes RH 2/28/97	Phone:	255-3856
Reviewed By:	H. Thomas Unsell HTU 2/28/97	Phone:	255-2298
Reviewed By:	Dorothy Rice D. Rice	Phone:	255-2431
Legal Review:	EB	Date/Time:	3/6/97

SCHEDULE FOR PLACEMENT OF OPERATIONS/FACILITIES INTO REGULATORY TIERS AND DEVELOPMENT OF MINIMUM STANDARDS (MARCH 1997)

DRAFT

Operation/Facility	Task	Start Date*
MRFs and Transfer Stations that Handle Mixed Solid Waste, and Recyclers	CIWMB staff apply General Methodology and use the previous LEA and interested parties suggestions to initially slot operations and facilities into the regulatory tier structure. Staff conduct site visits and have preliminary discussions with industry and LEAs. Staff develop draft informal regulations for MRFs and TSs that accept municipal solid waste (includes slotting and state minimum standards), and Recyclers (in/out regulations)	October 1996 - January 1997
	Route draft regulations to workgroup (CIWMB staff and LEAs) regarding application of the general methodology and the appropriate slotting and state minimum standards for the MRFs and Transfer Stations that handle municipal solid waste, and the in/out regulations for Recyclers.	February 1997
	Staff revise draft regulations where appropriate to reflect the workgroup comments.	March 1997
	Route draft regulations to LEAs and interested parties.	April/May 1997
	Informal workshops with LEAs and interested parties to discuss the draft regulations proposed by CIWMB staff	June/July 1997
	Staff revise draft regulations where appropriate to reflect public comment.	August 1997
	Staff work with legal office regarding environment indicators associated with the proposed regulations and to identify any authority issues using input from prior steps	September 1997
	Agenda item to P&E Committee to update the Committee on the progress of draft regulations for the MRFs, TS, and Recyclers and obtain further direction from the Committee.	October 1997
	Staff revise draft regulations based on the P&E Committee direction.	November 1997
	Consideration item to P&E Committee for approval to begin formal rulemaking process	December 1997
	Begin formal Office of Administrative Law process - (Rulemaking file: Public Notice, ISORs, and Fiscal Impact Statement)	February 1998
	Begin CEQA analysis	February 1998
	Respond to comments	March/April 1998
	Formal public hearing held after 45- day comment period	May 1998
	Consideration by P&E Committee of final proposed regulations	May 1998
	Begin 15-day public comment period (if needed)	May 1998
	Respond to comments (if needed)	May/June 1998
	Consideration by P&E Committee and CIWMB of final proposed regulations and CEQA document	June 1998
	Complete the rulemaking file	July 1998
	Legal review/approval	August 1998
	Fiscal and economic impact statement reviewed and approved by Department of Finance and Cal/EPA	September 1998

* Dates are approximate and subject to change.

SCHEDULE FOR PLACEMENT OF OPERATIONS/FACILITIES INTO REGULATORY TIERS AND DEVELOPMENT OF MINIMUM STANDARDS (MARCH 1997)

DRAFT

	Regulations submitted to OAL for approval	October 1998
Biosolids	Informal workshops regarding CIWMB authority, application of the General Methodology and the appropriate slotting	May 1997
	Site visits and preliminary discussions with industry, other regulators, environmental groups, etc.	June 1997
	CIWMB staff work with Legal Office to identify CIWMB authority and environmental indicators associated with the proposed operations/facilities using input from prior steps	July 1997
	Agenda item to P&E Committee and CIWMB to determine authority	August 1997
	CIWMB staff apply General Methodology and initially slot operations/facilities and develop draft informal regulations (including slotting regulations and State Minimum Standards)	September 1997
	Route draft regulations for in-house and outhouse review	October 1997
	Informal workshops with LEAs, the regulated community, and interested parties to discuss the draft regulations	Nov./Dec. 1997
	Staff revise draft regulations where appropriate to reflect public comment	January 1998
	Consideration item to P&E Committee for approval to begin formal rulemaking process	March 1998
	Begin formal Office of Administrative Law process - (Rulemaking File: Public Notice, ISORs, Fiscal Impact Statement)	June 1998
	Begin CEQA analysis	June 1998
	Formal public hearing held after 45-day comment period	August 1998
	Respond to comments	Aug./Sep. 1998
	Consideration by P&E Committee of final proposed regulations	October 1998
	Begin 15-day public comment period (if needed)	October 1998
	Consideration by P&E Committee and CIWMB of final proposed regulations and CEQA document	November 1998
	Finish rulemaking file	December 1998
	Legal review/approval	January 1999
	Regulations reviewed and approved by Department of Finance	January 1999
	Regulations submitted to OAL for approval	February 1999
Organics (green material-not composted: woody material-not composted)	Informal workshops regarding CIWMB authority, application of the General Methodology and the appropriate slotting	July 1997
	Site visits and preliminary discussions with industry, other regulators, environmental groups, etc.	August 1997

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SCHEDULE FOR PLACEMENT OF OPERATIONS/FACILITIES INTO REGULATORY TIERS AND DEVELOPMENT OF MINIMUM STANDARDS (MARCH 1997)

DRAFT

	CIWMB staff work with Legal Office to identify CIWMB authority and environmental indicators associated with the proposed operations/facilities using input from prior steps	September 1997
	Agenda item to P&E Committee and CIWMB to determine authority	October 1997
	CIWMB staff apply General Methodology and initially slot operations/facilities and develop draft informal regulations (including slotting regulations and State Minimum Standards)	November 1997
	Route draft regulations for in-house and outhouse review	December 1997
	Informal workshops with LEAs, the regulated community, and interested parties to discuss the draft regulations	January 1998
	Staff revise draft regulations where appropriate to reflect public comment	February 1998
	Consideration item to P&E Committee for approval to begin formal rulemaking process	April 1998
	Begin formal Office of Administrative Law process - (Rulemaking File: Public Notice, ISORs, Fiscal Impact Statement)	May 1998
	Begin CEQA analysis	May 1998
	Respond to comments	May 1998
	Formal public hearing held after 45-day comment period	July 1998
	Consideration by P&E Committee of final proposed regulations	July 1998
	Begin 15-day public comment period (if needed)	July 1998
	Consideration by P&E Committee and CIWMB of final proposed regulations and CEQA document	August 1998
	Finish rulemaking file	September 1998
	Legal review/approval	October 1998
	Regulations reviewed and approved by Department of Finance	November 1998
	Regulations submitted to OAL for approval	December 1998
Construction/Demolition/ Inerts	Informal workshops regarding CIWMB authority, application of the General Methodology and the appropriate slotting	October 1997
	Site visits and preliminary discussions with industry, other regulators, environmental groups, etc.	November 1997
	CIWMB staff work with Legal Office to identify CIWMB authority and environmental indicators associated with the proposed operations/facilities using input from prior steps	December 1997
	Agenda item to P&E Committee and CIWMB to determine authority	January 1998
	CIWMB staff apply General Methodology and initially slot operations/facilities and develop draft informal regulations (including slotting regulations and State Minimum Standards)	February 1998
	Route draft regulations for in-house and outhouse review	March 1998

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SCHEDULE FOR PLACEMENT OF OPERATIONS/FACILITIES INTO REGULATORY TIERS AND DEVELOPMENT OF MINIMUM STANDARDS (MARCH 1997)

DRAFT

	Informal workshops with LEAs, the regulated community, and interested parties to discuss the draft regulations	March 1998
	Staff revise draft regulations where appropriate to reflect public comment	April 1998
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	Begin formal Office of Administrative Law process - (Rulemaking File: Public Notice, ISORs, Fiscal Impact Statement)	June 1998
	Begin CEQA analysis	June 1998
	Respond to comments	June 1998
	Formal public hearing held after 45-day comment period	August 1998
	Consideration by P&E Committee of final proposed regulations	August 1998
	Begin 15-day public comment period (if needed)	August 1998
	Consideration by P&E Committee and CIWMB of final proposed regulations and CEQA document	September 1998
	Finish rulemaking file	October 1998
	Legal review/approval Regulations reviewed and approved by Department of Finance	November 1998 December 1998
	Regulations submitted to OAL for approval	January 1999
Landfills (including monofills)		January 1998
Liquids (car wash grits, manufacturing effluent, other non-haz. liquids)		April 1998
Other Sludges (grease trap pumpings, non-haz. tank bottoms)		July 1998
Muds (geothermal, dredgings, drilling mud sumps)		October 1998
		January 1999

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