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MEETING
STATE OF CALIFORNIA
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND ENFORCEMENT COMMITTEE

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Board Room
8800 Cal Center Drive
Sacramento, California

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WEDNESDAY, AUGUST 16, 1995
10:00 A.M.

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Denise Hansen
Shorthand Reporter

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MEMBERS PRESENT

Mr. Robert C. Frazee, Chairman

Mr. Sam Egigian, Member

Mr. Paul Relis, Member

STAFF:

Mr. Douglas Y. Okumura, Deputy Director

Ms. Elizabeth Parker, Committee Secretary

Ms. Suzanne Hambleton

Mr. Terry Smith

Ms. Beatrice Cuenca Poroli

Mr. Don Dier

Mr. Russ Kanz

Ms. Sadie Galos

Mr. Ricardo Martinez

Ms. Charlotte Sabeh

Mr. Myron Amerine

Ms. Mary Coyl

Mr. Michael Kuhn

ALSO PRESENT:

Mr. Wesley Chesbro, Board Member

Mr. Ralph E. Chandler, Executive Director

Mr. Elliot Block, Staff Counsel

I N D E X

	Page
1	
2	
3	1
4	1
5	5
6	
7	
8	6
9	6
10	
11	8
12	8
13	11
14	
15	
16	11
17	11
18	
19	13
20	13
21	
22	15
23	15
24	20
25	22
	24

1	INDEX, continued . . .	
2	Agenda Item Number 4	29
3	Consideration of Concurrence in the Issuance	
4	of a New Solid Waste Facilities Permit for the	
5	Covelo Solid Waste Transfer and Recycling	
6	Center, Mendocino County	
7	Mr. Douglas Okumura	30
8	Mr. Russ Kanz	30
9	Agenda Item Number 5	32
10	Consideration of Concurrence in the Issuance	
11	of a Revised Solid Waste Facility Permit for	
12	the Kiefer Landfill, Sacramento County	
13	Mr. Douglas Okumura	32
14	Ms. Sadie Galos	32
15	Mr. Patrick Maxfield	36
16	Ms. Reina Schwartz	38
17	Mr. Kelly Smith	39
18	Ms. Marleen Merchant	53
19	Ms. Janice James	55
20	Ms. Friedman	67
21	Mr. Dier	67
22	Mr. Ricardo Martinez	74
23	Mr. Jim Cermak	76
24	Agenda Item Number 9	86
25	Consideration of Concurrence in a New	
26	Standardized Solid Waste Facilities Permit for	
27	the Grover/Spreckels Compost Facility,	
28	San Joaquin County	
29	Mr. Douglas Okumura	86
30	Mr. Jon Whitehill	86
31	Agenda Item Number 13	91
32	Consideration of Delegation of Authority to	
33	the Executive Director to Concur in the Issuance	
34	of Standardized Permits	
35	Mr. Douglas Okumura	91
36	Ms. Suzanne Hambleton	91
37	Mr. Don Dier	93
38	Mr. Rick Best	101
39	Agenda Item Number 10	107
40	Consideration of the Issuance of a New Major	
41	Tire Facility Permit for the Defense	
42	Reutilization and Marketing Office, United	
43	States Air Force Base, Kern County	
44	Mr. Douglas Okumura	107
45	Ms. Charlotte Sabeh	107

1	INDEX, continued . . .	
2	Agenda Item Number 11	112
3	Consideration of the Temporary Certification	
4	and Designation Approval of the City of	
5	Pittsburg's Solid Waste Management Division as	
6	the Local Enforcement Agency for the City	
7	of Pittsburg	
8	Mr. Douglas Okumura	112
9	Mr. Myron Amerine	113
10	Ms. Mary Coyle	113
11	Agenda Item Number 12	115
12	Consideration of the Certification and	
13	Designation of the Calaveras County Agriculture	
14	and Environmental Health Agency's Environmental	
15	Health Department as the Local Enforcement	
16	Agency for the County of Calaveras	
17	Mr. Douglas Okumura	116
18	Mr. Myron Amerine	116
19	Agenda Item Number 14	117
20	Consideration of the Definitions of "Source	
21	Separated" and "Separated for Reuse" and the	
22	Establishment of the Amount of Residual Waste	
23	that would Constitute Solid Waste Handling	
24	at Recycling Operations	
25	Mr. Douglas Okumura	118
26	Mr. Michael Kuhn	119
27	Mr. Mark Leary	127
28	Mr. Richard Perry	129
29	Ms. Denise Delmatier	131
30	Mr. Larry Sweetser	137
31	Mr. Arthur Boone	148
32	Mr. John Boss	152
33	Mr. Richard Lee	154
34	Mr. Tim Flanigan	157
35	Mr. Robert Bernheimer	161
36	Mr. Rick Best	166
37	Ms. Dianne Kelley	169
38	Mr. Michael Robinson	173
39	Ms. Karen Jarnell	176
40	Open Discussion	181
41	Mr. Arthur Boone	199
42	Adjournment	200
43	Reporter's Certificate	201

P R O C E E D I N G S

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2
3 COMMITTEE CHAIRMAN FRAZEE: This is the August
4 16th meeting of the Permitting and Enforcement Committee of
5 the California Integrated Waste Management Board. If the
6 secretary will call the roll, please.

7 COMMITTEE SECRETARY PARKER: Committee Members,
8 Relis?

9 COMMITTEE MEMBER RELIS: Here.

10 COMMITTEE SECRETARY PARKER: Egigian?

11 COMMITTEE MEMBER EGIGIAN: Here.

12 COMMITTEE SECRETARY PARKER: Chairman Frazee?

13 COMMITTEE CHAIRMAN FRAZEE: Here.

14 A quorum is present. Just a little housekeeping
15 before we get started.

16 There have been some changes, perhaps
17 rearrangement of the agenda today.

18 Item 8 has been pulled from consideration, that's
19 the Big Bear Sanitary Landfill. And then we have, in order
20 to accommodate some individuals who have transportation
21 requirements that necessitates them leaving earlier today,
22 we have rearranged the agenda a bit. But we will take in
23 order, in this order, Item 1 first, then jumping to 6 and
24 7, and then 2, 3, 4, and 5, and then inserting Item 9 there
25 and 13, and then going to 10, 11, 12, and 14. 14 is the

1 item on the Tiered Permitting. That will be last on our
2 agenda today.

3 Any ex parte -- yes.

4 COMMITTEE MEMBER RELIS: Just for point of
5 clarification. Did we get on Item 8, that's been pulled,
6 did we get a written notice from the staff?

7 COMMITTEE CHAIRMAN FRAZEE: The staff has
8 indicated we do have a written notice.

9 COMMITTEE MEMBER RELIS: Thank you.

10 COMMITTEE CHAIRMAN FRAZEE: Any ex parte
11 communications?

12 COMMITTEE MEMBER RELIS: Mr. Chairman, I'll just
13 read these into the record.

14 COMMITTEE CHAIRMAN FRAZEE: Okay.

15 COMMITTEE MEMBER RELIS: And there's probably
16 some overlap, but on Tuesday, 8/15, Rob Bernheimer, Tim
17 Flanigan, and Michael Robinson representing Slovac and
18 Baron, ISRI and ACRI regarding the Tiered Permit Rigs,
19 Patrick Maxfield, John Boss, and Eric Vanderburg
20 representing the Kiefer Item before us today in AB939
21 compliance, I met this morning at the Kiefer Landfill with
22 Patrick Maxfield, with Kelly Smith, who is representing the
23 Citizen's Coalition, who has concerns about Kiefer, and
24 Larry Sweetser and Denise Delmatier regarding the Tiered
25 Permit.

1 COMMITTEE CHAIRMAN FRAZEE: Mr. Egigian.

2 COMMITTEE MEMBER EGIGIAN: Yes, Mr. Chairman. I
3 had a short meeting today with Larry Sweetser and Denise
4 Delmatier. And then I ran into people from San Diego this
5 morning, they have to do with Escondido Disposal Company,
6 Mr. Ed Burr, Mr. McDermott was with Escondido, and it's
7 slipped my mind the other fellow, Chuck Tobin, yes. Sorry,
8 Chuck.

9 (Laughter.)

10 COMMITTEE CHAIRMAN FRAZEE: Any others?

11 COMMITTEE MEMBER EGIGIAN: That's it.

12 COMMITTEE CHAIRMAN FRAZEE: On my own I have
13 those that were noted by other members here. I have
14 already entered into the written record meetings with those
15 individuals during this week.

16 The only item where I have not submitted a
17 written record, this morning I also met with Ed Burr, Jack
18 McDermott, and Chuck Tobin. They are here on Item 1, but
19 also the meeting with them had to do with Item 14, with
20 Tiered Permitting.

21 In addition to that, I don't know if all the
22 members received a letter from Robert Bernheimer with
23 Slovak and Baron regarding tiered permitting, but I'd like
24 with that, I may be the only one with that copy. Do you
25 have that?

1 COMMITTEE MEMBER RELIS: I have that as well.

2 COMMITTEE CHAIRMAN FRAZEE: I wanted to be sure
3 that that goes into the record because that was hand
4 delivered yesterday.

5 COMMITTEE MEMBER RELIS: Mr. Chair, I omitted
6 one. I also had a telephone call from Mr. Abernathy from
7 Sacramento County also related to Kiefer and AB939
8 compliance. That was on Monday.

9 COMMITTEE CHAIRMAN FRAZEE: Let me also, before
10 we begin hearing permits read a statement for those who
11 are, well, for everyone's edification, but because we have
12 some permit applications today that may have some
13 controversy surrounding them I'd like to read a statement
14 and have this entered into the record, also. This regards
15 the Board's authority to concur or object on a permit.

16 The Public Resources Code, Section 44009 provides
17 that the "Board shall either concur or object to a proposed
18 Solid Waste Facilities Permit or a landfill within 60 days
19 of receipt.

20 The Board may only concur or object. It may not
21 change any terms of the proposed permit. In order to
22 object the Board must make the finding that there is
23 substantial evidence in the record that the permit is not
24 consistent with the three following:

25 State Minimum Standards adopted pursuant to the

1 Board's authority, financial assurance requirements, or
2 requirements for local plan conformance and consistency."

3 Please keep in mind that AB1220 by Eastin amended
4 Title 14 of the Resources Code, Section 43020, that
5 requires the Board to adopt regulations which set forth
6 minimum standards for solid waste handling that shall not
7 include any requirements that are already under the
8 authority of the State Air Resources Board for the
9 prevention of air pollution or the State Water Board for
10 the prevention of water pollution.

11 For the purposes of today's discussion we would
12 appreciate you limiting your comments to permits before us
13 on those items within the Board's jurisdiction.

14 Any questions on that statement?

15 Again, a reminder, if you do wish to speak on an
16 item before the Committee today, there are sign-up slips in
17 the back of the room. We would appreciate having you fill
18 one of those out, bring it forward to the Committee
19 Secretary indicating which item you wish to speak on and we
20 will be sure that you'll have an opportunity to be heard.

21 Now, do we have any staff reports before we begin
22 the agenda? Nothing.

23 Let's begin then with Item 1, which is a
24 Consideration of Concurrence in the Issuance of a New Solid
25 Waste Facilities Permit for Escondido Disposal, Materials

1 Recovery Facility in Escondido in San Diego County. I
2 might indicate for the record I have toured this facility
3 and met with the components.

4 MR. OKUMURA: Good morning, Mr. Chairman, Members
5 of the Committee. This proposed permit will allow for a
6 new MRF and transfer station in the City of Escondido.
7 Staff presentation will be made by Amalia Fernandez and
8 Suzanne Hambleton.

9 MS. HAMBLETON: The proposed operator is
10 identified as Escondido Disposal, Inc., also known as EDI.
11 The proposed project is in an industrial Zoned area.

12 The proposed facility will serve two functions:
13 First, as a transfer station for waste destined for
14 landfills, and second, as a materials processing operation
15 to separate recyclables out of the waste stream.

16 The facility could accept both mixed wastes and
17 commingled recyclables. The maximum permitted tonnage
18 would be 700 tons per day. All wastes, including
19 recyclable materials will be from the City of Escondido.

20 According to the proposed permit, the operator
21 must recover for reuse or recycling at least 15 percent of
22 the total daily volume of materials received by the
23 facility.

24 Environmental control measures for impacts from
25 potential problems have been addressed.

1 The LEA and Board staff have made the following
2 determinations:

3 The facility is in conformance with the San Diego
4 County Solid Waste Management Plan; the facility is
5 consistent with the City of Escondido's General Plan; the
6 project is consistent with the diversion goals of AB939;
7 and CEQA requirements have been satisfied.

8 Staff have reviewed the proposed permit and
9 supporting documentation and found them suitable for Board
10 consideration.

11 Board staff, therefore, recommend the Board adopt
12 Permit decision No. 95-647 concurring the issuance of Solid
13 Waste Facility Permit No. 37-AA-0906.

14 Representatives of the LEA and operator are
15 present to answer your questions.

16 This concludes the staff's presentation.

17 COMMITTEE CHAIRMAN FRAZEE: Thank you. Do either
18 the Applicant or the LEA wish to make a presentation on
19 this item? Apparently not. Any questions?

20 I might indicate also, that this is a case of
21 recycling of a facility. This new transfer station and
22 recovery facility will go into modification of an existing
23 building so that, that's really recycling to it greatest
24 extent.

25 Any questions? Yes.

1 COMMITTEE MEMBER EGIGIAN: I'm ready to move it.

2 COMMITTEE CHAIRMAN FRAZEE: Okay. We have a
3 motion by Mr. Egigian. Seconded by Mr. Relis. If the
4 secretary would call the roll, please.

5 COMMITTEE SECRETARY PARKER: Committee Members,
6 Relis?

7 COMMITTEE MEMBER RELIS: Aye.

8 COMMITTEE SECRETARY PARKER: Egigian?

9 COMMITTEE MEMBER EGIGIAN: Aye.

10 COMMITTEE SECRETARY PARKER: Chairman Frazee?

11 COMMITTEE CHAIRMAN FRAZEE: Aye.

12 That motion is carried. If there is no objection
13 we'll place this item on the consent calendar.

14 Now, I lost my list of the order that we were
15 going to go in.

16 MR. OKUMURA: Number 6.

17 COMMITTEE CHAIRMAN FRAZEE: We're going to go to
18 Number 6 next. Staff report please.

19 MR. OKUMURA: Agenda Item No. 6 is for
20 Consideration of Concurrence in the Issuance of a New Solid
21 Waste Facility Permit for the New Cuyama Small Volume
22 Transfer Station, Santa Barbara County. Staff presentation
23 made by Mr. Terry Smith.

24 MR. SMITH: Good morning. The Board concurrence
25 with Item No. 6 will allow the Santa Barbara Department of

1 Public Works to construct and operate a new small volume
2 transfer station at 5073, Highway 166, in the Cuyama
3 Valley.

4 The transfer station will consist of three, 50
5 cubic yard roll-off boxes. Two of the roll-off boxes will
6 be placed below ground level in an excavated and paved pit.
7 The tops of these boxes will set flush with grade level.
8 Dischargers will empty their wastes into these boxes. The
9 third roll-off box at the site will be used to store tires
10 and white metal materials.

11 An attendant at the transfer station will be
12 available at all times during operating hours. The
13 attendant will direct incoming traffic, screen the waste
14 for unacceptable waste types, keep a traffic count, record
15 waste volumes, record special occurrences, and clean the
16 facility as necessary.

17 After reviewing the submitted documentation, the
18 LEA and Board staff have determined that this project's
19 proposed design and operation will meet State Minimum
20 Standards.

21 The project is in conformance with Santa Barbara
22 County's Solid Waste Management Plan. It is consistent
23 with Santa Barbara County's General Plan and diversion
24 goals, and CEQA requirements have been satisfied.

25 Staff have concluded that the proposed permit and

1 supporting documentation are acceptable for Board's
2 consideration.

3 Staff recommend that the Board adopt Permit
4 Decision No. 95-644 concurring with the issuance of Solid
5 Waste Facility Permit No. 42-AA-0052.

6 The Operator and LEA are available to answer
7 questions.

8 This concludes staff presentation.

9 COMMITTEE CHAIRMAN FRAZEE: Thank you. Any
10 questions? The Applicant or the LEA wish to be heard on
11 this item?

12 COMMITTEE MEMBER RELIS: Mr. Chair, I'll move the
13 item.

14 COMMITTEE CHAIRMAN FRAZEE: We have a motion by
15 Mr. Relis.

16 COMMITTEE MEMBER EGIGIAN: I'll second it.

17 COMMITTEE CHAIRMAN FRAZEE: Seconded by
18 Mr. Egigian. If the secretary would call the roll, please.

19 COMMITTEE SECRETARY PARKER: Committee Members,
20 Relis?

21 COMMITTEE MEMBER RELIS: Aye.

22 COMMITTEE SECRETARY PARKER: Egigian?

23 COMMITTEE MEMBER EGIGIAN: Aye.

24 COMMITTEE SECRETARY PARKER: Chairman Frazee?

25 COMMITTEE CHAIRMAN FRAZEE: Aye.

1 The motion is carried. If there is no objection,
2 we'll place this item on the recommended consent calender
3 for the full Board. Then, we're going to take Item 7 next.

4 MR. OKUMURA: Agenda Item No. 7 is Consideration
5 of Concurrence in the Issuance of a New Solid Waste
6 Facility Permit for the Ventucopa Small Volume Transfer
7 Station, Santa Barbara County. Staff presentation made by
8 Mr. Terry Smith.

9 MR. SMITH: The concurrence of Item No. 7 will
10 allow the Santa Barbara Department of Public Works to
11 construct and operate a new small volume transfer station
12 within the boundaries of the existing Ventucopa Landfill.

13 The transfer station will not be placed above
14 waste and thus, the operations of the transfer station will
15 not interfere with closure of the landfill.

16 The transfer station will consist of ten, 4-cubic
17 yard dumpsters. A site attendant will be available during
18 business hours to direct incoming traffic, screen the
19 waste, keep traffic counts, record waste volumes, record
20 special occurrences, and clean the facility.

21 The facility can be accessed from a dirt road
22 west of Highway 33 near the community of Ventucopa.

23 After analyzing the proposed permit and
24 supporting documentation the LEA and Board staff have
25 determined that the project's proposed design and operation

1 will meet State Minimum Standards.

2 The project is in conformance with Santa Barbara
3 County's Solid Waste Management Plan. It is consistent
4 with Santa Barbara County's General Plan and diversion
5 goals and CEQA requirements have been satisfied.

6 Consequently, staff have concluded that the
7 proposed permit and supporting documentation is acceptable
8 for Board's consideration.

9 Staff recommend that the Board adopt Permit
10 Decision No. 95-645 concurring with the issuance of Solid
11 Waste Facility Permit No. 42-AA-0051.

12 The Operator and LEA are available to answer any
13 questions you may have.

14 COMMITTEE CHAIRMAN FRAZEE: Okay. Do you have
15 any questions? Anyone wish to be heard on this item? If
16 not, a motion is in order.

17 COMMITTEE MEMBER RELIS: Mr. Chair, I'd like to
18 make a motion. New Cuyoma and Ventucopa are about as rural
19 as it gets in Santa Barbara County. These are almost like
20 dumpster transfer stations. So, I'll be happy to move it.

21 COMMITTEE CHAIRMAN FRAZEE: We have a motion by
22 Mr. Relis.

23 COMMITTEE MEMBER EGIGIAN: I'll second it.

24 COMMITTEE CHAIRMAN FRAZEE: Seconded by
25 Mr. Egigian that we approve Permit Decision No. 95-645. If

1 the secretary will call the roll, please.

2 COMMITTEE SECRETARY PARKER: Committee Members,
3 Relis?

4 COMMITTEE MEMBER RELIS: Aye.

5 COMMITTEE SECRETARY PARKER: Egigian?

6 COMMITTEE MEMBER EGIGIAN: Aye.

7 COMMITTEE SECRETARY PARKER: Chairman Frazee?

8 COMMITTEE CHAIRMAN FRAZEE: Aye.

9 Now, we're going to Item 2.

10 MR. OKUMURA: Agenda Item No. 2 is for
11 Consideration of Concurrence in the Issuance of a Revised
12 Solid Waste Facilities Permit for the Foresthill Transfer
13 Station in Placer County. Staff presentation will be made
14 by Ms. Beatrice Poroli and Mr. Cody Begley.

15 MS. POROLI: Good morning. This proposed permit
16 is to allow an increase in the permitted tonnage from 12.24
17 to 47.6 tons per day and change the classification of the
18 facility from a small to a large volume transfer station.
19 The LEA and Board staff have determined the following:

20 CEQA has been complied with. The proposed permit
21 would neither impair nor substantially prevent the County
22 of Placer from achieving its waste diversion requirements.
23 The proposed facility is in conformance with the Placer
24 County General Plan and the Placer County Solid Waste
25 Management Plan.

1 The operation of the facility is in compliance
2 with the State Minimum Standards. However, the facility is
3 operating out of compliance with the terms and conditions
4 of the permit.

5 Board concurrence with the proposed permit and
6 the subsequent issuance by the LEA will correct this
7 violation.

8 The staff have reviewed the proposed permit and
9 supporting documentation and have found them to be
10 acceptable.

11 The staff recommend that the Board adopt Solid
12 Waste Facilities Permit Decision No. 95-637, concurring in
13 the issuance of a Solid Waste Facilities Permit,
14 No. 31-AA-0621.

15 Mr. Dave Altman representing the LEA is here to
16 answer any questions. This concludes staff's presentation.

17 COMMITTEE CHAIRMAN FRAZEE: Thank you. Any
18 questions of the Applicant on this item? If not, does
19 anyone wish to be heard on this item? If not, a motion is
20 in order.

21 COMMITTEE MEMBER EGIGIAN: I'll move it.

22 COMMITTEE CHAIRMAN FRAZEE: Moved by Mr. Egigian.

23 COMMITTEE MEMBER RELIS: I'll second it.

24 COMMITTEE CHAIRMAN FRAZEE: Seconded by
25 Mr. Relis that the Committee recommend to the full Board

1 the approval of Decision 95-637 on the Placer County
2 application. If the secretary would call the roll, please.

3 COMMITTEE SECRETARY PARKER: Committee Members,
4 Relis?

5 COMMITTEE MEMBER RELIS: Aye.

6 COMMITTEE SECRETARY PARKER: Egigian?

7 COMMITTEE MEMBER EGIGIAN: Aye.

8 COMMITTEE SECRETARY PARKER: Chairman Frazee?

9 COMMITTEE CHAIRMAN FRAZEE: Aye..

10 That motion is carried. And I failed to seek
11 approval for consent on Item 7. So, without objection
12 we'll place both Item 2 and Item 7 on the consent calendar.

13 Now, we're ready to move on to Item 3, which is
14 the Consideration of Concurrence in the Issuance of a
15 Revised Solid Waste Facilities Permit for the University of
16 California, Davis Sanitary Landfill. Could we have a staff
17 report on that?

18 MR. OKUMURA: Staff presentation will be made by
19 Ms. Beatrice Poroli.

20 MS. POROLI: The proposed permit is for the
21 following:

22 To increase the permitted tonnage from 32.5 to
23 500 tons per day. The landfill will receive an average of
24 40 tons per day, and only during special events will the
25 University receive up to the maximum of 500 tons.

1 The proposed permit will also allow an increase
2 in the landfill size from 19 to 53 acres. An increase in
3 the elevation to 102 feet above mean sea level. It will
4 also incorporate a manure composting operation and
5 incorporate a metal and wood salvaging operation.

6 The LEA and Board staff have determined that all
7 of the following required findings have been made:

8 CEQA has been complied with. The proposed permit
9 would neither impair nor substantially prevent Yolo County
10 from achieving its waste diversion requirement. The
11 proposed permit is in conformance with the Yolo County
12 General Plan. The facility is in conformance with the Yolo
13 County Solid Waste Management Plan.

14 The design and operation of the landfill, as
15 described in the submitted Report of Disposal Site
16 Information, would allow for the site operation and
17 compliance with the State Standards for Solid Waste
18 Handling and Disposal.

19 There is a known ground water contamination at
20 the University of California at Davis Sanitary Landfill.
21 However, in 1993, Assembly Bill 1220 was enacted to
22 eliminate regulatory overlap and to put the issue between
23 the Board and the staff and the State Water Board.

24 Therefore, issues regarding ground water, ground
25 water contaminations and related matters are within the

1 jurisdiction of the Central Valley Regional Water Quality
2 Control Board.

3 There is one outstanding permit violation. That
4 is of Public Resource Code, Section 44014 (b). - Terms and
5 Conditions of the Solid Waste Facilities Permit.

6 Since 1991 the operator has been operating the
7 site under a series of notice and orders until such time
8 that a permit is revised.

9 The Board's concurrence with the proposed permit
10 and the subsequent issuance by the LEA will correct this
11 violation. One violation in the State Minimum Standards
12 has been identified in the operations of the University
13 Landfill.

14 Before I go on into the details of the violation
15 I would like to make a correction on the staff report on
16 page 39 of the agenda package.

17 As they have it currently the staff report
18 identifies at the permitted site boundary -- I'm sorry.

19 The staff report identifies that the landfill gas
20 in excess of five percent was identified at the permitted
21 site boundary in December of 1993. But, in fact, the
22 landfill gas in excess of five percent was detected at the
23 permitted site boundary on August 26th of 1994.

24 December 1993 was the period when the operator
25 first detected landfill gas at the outer limits of where

1 waste had been disposed and not the permitted site
2 boundary.

3 On September 21st, 1994, the LEA conducted an
4 inspection at the site and identified a State Minimum
5 Standard violation.

6 The identified State Minimum Standard Violation
7 was that of landfill gas in excess of a lower explosive
8 limit at the property boundary. This is a violation of
9 Title 14, Section 17258.23.

10 The LEA recognizes the outstanding violation and
11 has characterized the violation as a type of violation that
12 requires a long-term correction plan.

13 The LEA has issued an Operator Notice of
14 Violation to address the problem.

15 In July of 1994 the Board adopted a policy that
16 established a procedure for the Board's consideration of
17 permits for violation of State Minimum Standards requiring
18 long-term correction plans to achieve compliance.

19 Pursuant to the adopted policy the LEA submitted
20 the proposed permit for Board consideration of concurrence.

21 In submitting the proposed permit the LEA has
22 stated that the violation does not constitute a significant
23 threat to public health and safety or the environment.
24 Furthermore, it is the LEA's position that the operator has
25 taken appropriate measures to abate the violation.

1 The University initiated quarterly monitoring of
2 the landfill gas and began the study to design and
3 implement a program to control landfill gas.

4 Title 14, Section 17258.23, requires that within
5 60 days of detection of landfill gas the operator put in
6 place a plan for implementation to remediate the landfill
7 gas.

8 The operator submitted a request to the Board for
9 approval on an alternative schedule to demonstrate
10 compliance. The Board approved the request, approved the
11 alternative schedule, and the operator has demonstrated
12 compliance with that schedule.

13 The schedule stipulates that the landfill gas
14 remediation system be completed no later than
15 September 30, 1995.

16 The Board staff are in agreement with the LEA
17 stipulation that the violation does not constitute a
18 significant and immediate threat to the public health and
19 safety of the environment.

20 Furthermore, the existing and proposed measures
21 to evaluate and remediate the violation by the installation
22 of a landfill gas monitoring system will achieve the
23 desired goal of compliance with the State Minimum
24 Standards.

25 Staff recommends that the Board adopt Solid Waste

1 Facilities Permit Decision No. 95-638 concurring in the
2 issuance of the Solid Waste Facilities Permit
3 No. 57-AA-0004.

4 Mr. Craig Walker representing the LEA is present
5 to answer any questions. This concludes staff
6 presentation.

7 COMMITTEE CHAIRMAN FRAZEE: Questions?

8 COMMITTEE MEMBER RELIS: I have a question for
9 the LEA.

10 COMMITTEE CHAIRMAN FRAZEE: Would the LEA on this
11 please come forward. Identify yourself for the record,
12 please.

13 MR. WALKER: Good morning. My name is Craig
14 Walker and I'm the LEA for Yolo County Waste Facility.

15 COMMITTEE MEMBER RELIS: A couple of questions,
16 Mr. Walker. First of all, related to the 500 ton threshold
17 or maximum that would be allowed if this permit is agreed
18 to. What would be your enforcement mechanism for assuring
19 that that reflects an event type situation and doesn't
20 become a regular occurrence?

21 MR. WALKER: Well, since 1991, the acceptance of
22 material in that quantity has been limited to construction
23 and demolition debris that occurs on campus projects. In
24 the event that that were to change, we would consider it a
25 violation of the permit and take appropriate enforcement

1 action beginning with the Notice of Violation on the
2 routine monthly inspection, and then taking increased
3 appropriate enforcement action if compliance was not made.

4 COMMITTEE MEMBER RELIS: The reason I bring that
5 up is, the compliance history here hasn't been exactly a
6 sterling one, and I have concerns about the enforcement as
7 it would -- so, I will be repeating that on a few other
8 areas.

9 The next one would be this, the gas, proposed gas
10 system that is to be in place by September 30th, I believe,
11 '95, just around the corner, what assurance does this Board
12 have that this facility will, in fact, be on-line and
13 operating, and what would be the consequences of it not
14 going on-line?

15 MR. WALKER: Right now the University has awarded
16 a contract to Landfill Gas Control Engineering for them to
17 design and install a system.

18 Currently, Landfill Gas Control Engineering has
19 contacted the Yolo/Solano Air Quality Management District
20 in an effort to obtain the authority to construct permit
21 for the system design and installation.

22 My understanding of the Yolo/Solano Air Quality
23 Management District is they have a new stream-line permit
24 process that should be able to provide the permit for
25 authority to construct within a few weeks, one to two.

1 Immediately thereafter the operator has indicated
2 to us they will request that the consultant begin
3 installation of the landfill gas extraction wells, and they
4 should be completed by September 30th. If that does not
5 occur, then again, we will take appropriate enforcement
6 action up to and including a formal enforcement.

7 COMMITTEE MEMBER RELIS: Now, if it didn't occur,
8 let's suppose we hit winter, and I don't know what kind of
9 trenching and other activities, is it conceivable that that
10 would be postponed until the spring if wet conditions were
11 encountered?

12 MR. WALKER: I don't believe so, but I'd like to
13 introduce the operator to answer any additional questions,
14 if it's all right with the Committee.

15 COMMITTEE CHAIRMAN FRAZEE: That's fine.

16 MR. WALKER: Mr. Joseph Stagger. Mr. Stagger is
17 the Solid Waste Division Manager for the University of
18 California, Davis.

19 MR. STAGGER: Thank you. As Craig said, my name
20 is Joe Stagger. In response to your question about the
21 landfill gas system, we anticipate, based on the schedule
22 that the consultant provided us we reviewed in the
23 solicitation process, that we should have no problem
24 installing the active gas collection system, the wells and
25 the lateral piping and headers and what not, by winter.

1 We should also be able to install a landfill gas
2 flare station, a temporary candlestick flare, to run the
3 system for a while to determine the quality and quantity of
4 gas, and then we could move on to a final installation of
5 the proposed ground flare.

6 So, I believe we will be able to have the system
7 installed before this winter and it won't stretch into
8 spring.

9 And clarification on the 500 tons a day. There
10 is a stipulation on the order that there is a monthly
11 maximum with I think about 4,500 tons. That's an
12 intermediate control that would give the LEA assurance in
13 enforcement capability that we're not taking in 500 tons a
14 day. And we only accept refuse from the campus not the
15 general public. And so we have relative predictability and
16 control on our waste stream and we don't expect to start
17 getting 500 tons a day on any routine basis.

18 COMMITTEE MEMBER RELIS: So the LEA will be
19 looking at this on a monthly basis in examining in the
20 records?

21 MR. WALKER: Yes. During each routine monthly
22 inspection I examine the weight and volume records for each
23 day and calculate them out for the month.

24 COMMITTEE CHAIRMAN FRAZEE: Any questions,
25 Mr. Egigian?

1 COMMITTEE MEMBER EGIGIAN: I have questions but
2 not to the gentleman up here.

3 I just want to make a statement to the Committee
4 here, that about a year and a half ago the County of Los
5 Angeles came in with an expandable tonnage rate that they
6 wanted to put into their permit. And this permitting
7 Committee, as well as the full Board, denied that request
8 and made them stipulate the number of that tonnage that was
9 on a daily basis that was going into that landfill.

10 Now, if we're going to change this method of
11 trying to evaluate what the tonnage is going to be at what
12 time, then I think that we should not be picking out
13 certain areas to enforce this rule and others to let it go
14 through. So, if we should get another one of these
15 expandable-type tonnage requirements I would like to send
16 it back to staff and then find out just what our rules on
17 this are going to be and what we're going to adhere to.

18 MR. DIER: Mr. Chairman, Don Dier, Manager of the
19 Permits Branch. When we evaluate a permit that's sent to
20 us by an LEA what we look at is pretty much the entire
21 package. And if the operator has performed the analysis
22 necessary to support a certain amount of activity within a
23 permit we review that, and if they coincide, if the
24 environmental analysis supports a certain amount specified
25 in the permit, than staff finds that acceptable.

1 This permit is very similar to the permits that
2 exist in Southern California with regard to it not only has
3 a daily cap but it also has a monthly cap. In some permits
4 in Southern California there's a weekly cap imposed by
5 local jurisdictions.

6 This permit does have the monthly cap so that,
7 even though the 500 hundred tons per day may seem like an
8 awful lot, it does have 4,578 specified per tons per month.
9 So, in effect, the permit limits the facility to something
10 much, much, much less than 500 tons per day.

11 But that provision was sought by the operator to
12 handle those times during the year, and there may be
13 clean-up days when there may be construction, and some days
14 there may be the need for accepting that amount.

15 COMMITTEE MEMBER EGIGIAN: Well, I can understand
16 it, but I just want this Committee to be enlightened with
17 all of these situations that come up and not to go from one
18 area to another area.

19 MR. DIER: And that's a goal of staff, too, to
20 try to have consistency, perhaps we might be able to
21 present these a little clearer so that consistency is
22 apparent. But it really is our goal for consistency
23 throughout the State for these permits.

24 COMMITTEE MEMBER EGIGIAN: Thank you.

25 COMMITTEE CHAIRMAN FRAZEE: A question of the

1 staff, also. This permit is rather unique in the sense,
2 that is, the generator and the operator of the landfill are
3 one in the same. Does this permit restrict landfill input
4 solely from the campus of the University of California? Is
5 that a condition of the permit?

6 MS. POROLI: No, it's not in the permit.

7 COMMITTEE CHAIRMAN FRAZEE: Is there the ability
8 for the University to accept waste from other state-owned
9 facilities in the area?

10 MS. POROLI: They don't. But there's nothing in
11 the permit that would prohibit them from doing that.

12 COMMITTEE CHAIRMAN FRAZEE: And again, because of
13 the uniqueness of this permit, we are collecting the full
14 fees on this?

15 MS. POROLI: Right.

16 COMMITTEE CHAIRMAN FRAZEE: Where you have a
17 generator and a disposer that's one in the same?

18 MR. DIER: Yes.

19 COMMITTEE MEMBER RELIS: The University isn't
20 exempted then from the fee to us?

21 MS. POROLI: No.

22 COMMITTEE CHAIRMAN FRAZEE: I didn't want to
23 suggest that but I, but I think that it might be worth a
24 legal review to be sure that we're on solid ground and this
25 one doesn't jump up at some time in the future and someone

1 get the idea -- I noticed in the report that is indicated,
2 this also was consistent with the County's General Plan and
3 I believe the University is exempt from, are they not,
4 from conditions of the County's General Plan?

5 MS. POROLI: From the CUP they are.

6 COMMITTEE MEMBER EGIGIAN: Just one other
7 question, Mr. Chairman. If they're going to be doing a
8 compost operation I want to find out if they're taking
9 sludge in here, and if -- it illustrates on page three that
10 they are going to be composting year around and they're
11 going to take manure and bedding materials in there, are
12 these all from the campus?

13 MS. POROLI: Yes. Only from the campus. And
14 it's only manure.

15 COMMITTEE MEMBER EGIGIAN: Okay.

16 COMMITTEE MEMBER RELIS: Mr. Chair, I had one
17 other question related to the U.C. Representative,
18 concerning your financial assurance requirement.

19 Could you please explain what we do to assure
20 that there is closure and post-closure moneys available. I
21 know the University's under a lot of stress, too, and I
22 just want to make sure that when the time comes the money
23 is there.

24 MR. STAGGER: Sure. A revised cost estimate was
25 prepared with the revised preliminary closure and a

1 post-closure maintenance plan was generated, the last --
2 two years ago, approximately.

3 At that time we identified that we only had about
4 six hundred thousand dollars of the estimated one million
5 that would be required for closure of the existing unit,
6 and the University then promptly added the additional funds
7 so that we have a closure amount now in excess of one
8 million dollars for the current cost estimate to close that
9 unit. We have post-closure maintenance, have a pledge of
10 revenue in place, and both these financial assurance
11 documents have been approved by the Board staff.

12 COMMITTEE MEMBER RELIS: What's your pledge of
13 revenue? That's like pledging, we'll collect so much from
14 each department?

15 MR. STAGGER: The actual mechanism --

16 COMMITTEE MEMBER EGIGIAN: To raise taxes.

17 (Laughter.)

18 MR. STAGGER: Well, some may not think it but we
19 do have a source of revenue from the State occasionally.

20 (Laughter.)

21 And it's those operations of maintenance funds of
22 the plant, of the campus infrastructure that were pledged
23 to operate and maintain the landfill as part of that
24 infrastructure, just as we have our own sewer system and so
25 forth.

1 COMMITTEE MEMBER RELIS: Thank you.

2 COMMITTEE CHAIRMAN FRAZEE: Anything else? Is
3 there anyone here to be heard on this matter? If not, the
4 item is before us and a motion is in order.

5 COMMITTEE MEMBER EGIGIAN: Mr. Chairman, I will
6 move this motion.

7 COMMITTEE MEMBER RELIS: Second.

8 COMMITTEE CHAIRMAN FRAZEE: The motion by
9 Mr. Egigian, seconded by Mr. Relis that the Committee
10 approve Decision 95-638 and forward it to the full Board.

11 With that recommendation would the secretary call
12 the roll, please.

13 COMMITTEE SECRETARY PARKER: Committee Members,
14 Relis?

15 COMMITTEE MEMBER RELIS: Aye.

16 COMMITTEE SECRETARY PARKER: Egigian?

17 COMMITTEE MEMBER EGIGIAN: Aye.

18 COMMITTEE SECRETARY PARKER: Chairman Frazee?

19 COMMITTEE CHAIRMAN FRAZEE: Aye.

20 The motion is carried. Is there any objection to
21 consent on this item? If not, we'll recommend it for
22 consent.

23 Now, the next item is Item 4. This is the
24 Consideration of Concurrence in the Issuance of a New Solid
25 Waste Facilities Permit for the Covelo Solid Waste Transfer

1 and Recycling Center in Mendocino County.

2 MR. OKUMURA: Staff presentation will be made by
3 Mr. Russ Kanz. Russ.

4 MR. KANZ: Good morning. The Solid Waste of
5 Willits, Inc. is requesting a new Solid Waste Facilities
6 Permit to operate the Covelo Solid Waste Transfer and
7 Recycling Center.

8 The facility is currently being operated by the
9 County of Mendocino Solid Waste Division under a permit
10 issued on August 14th, 1990.

11 Solid Waste of Willits has entered into a
12 contract with Mendocino County to operate the transfer
13 station. The only changes in operation are the addition of
14 recycling activities, including a certified buy back
15 center, drop off bins for recyclables, batteries, and used
16 motor oil.

17 The facility covers approximately 3 acres of a
18 10 acre site that includes a closed landfill.

19 The proposed permit will restrict the operator to
20 receive a maximum of 99 cubic yards of waste per day, which
21 will include a maximum of 30 cubic yards per day of
22 recyclables.

23 The operator has constructed a certified buy back
24 center where the public can return California Redemption
25 Value containers. There is also a drop off area with bins

1 for the collection of mixed paper, cardboard, plastics, tin
2 cans, glass, and office paper. Separate areas are provided
3 for the public to drop off miscellaneous metals,
4 appliances, wood, and tires. In addition, the operator
5 accepts motor oil and batteries.

6 The LEA and Board staff have determined that the
7 facilities found in the Mendocino County Solid Waste
8 Management Plan Project is consistent with the Mendocino
9 County General Plan. The project is consistent with the
10 waste diversion goals of AB939, and CEQA has been provided.

11 In conclusion, staff recommends the Board adopt
12 Solid Waste Facilities Permit Decision No. 95-641
13 concurring in the issuance of Solid Waste Facilities Permit
14 No. 23-AA-0004. This concludes staff's presentation.

15 COMMITTEE CHAIRMAN FRAZEE: Any questions from
16 the Committee? If not, is there anyone here to be heard on
17 this item? Apparently not. The motion would be in order
18 on this item. Motion by Mr. Relis. Seconded by
19 Mr. Egigian. If the secretary would call the roll, please.

20 COMMITTEE SECRETARY PARKER: Committee Members,
21 Relis?

22 COMMITTEE MEMBER RELIS: Aye.

23 COMMITTEE SECRETARY PARKER: Egigian?

24 COMMITTEE MEMBER EGIGIAN: Aye.

25 COMMITTEE SECRETARY PARKER: Chairman Frazee?

1 COMMITTEE CHAIRMAN FRAZEE: Aye.

2 The motion is carried and if there is no
3 objection we would recommend that item to the consent
4 calendar.

5 We're going to do Item 5, which is the
6 Consideration of Concurrence in the Issuance of a Revised
7 Solid Waste Facilities Permit for Kiefer Landfill in
8 Sacramento County.

9 MR. OKUMURA: Staff presentation will be made by
10 Ms. Sadie Galos. Sadie.

11 MS. GALOS: Good morning, Chairman and Members.
12 Kiefer Landfill is located in Sacramento County on Kiefer
13 Boulevard at Grant Line Road approximately 15 miles
14 Southeast and approximately one half mile north of
15 Sloughhouse.

16 The facility was first operated by the County of
17 Sacramento in 1967. The current Solid Waste Facility
18 Permit was issued in 1978 for a 650 acre facility to
19 receive an average of 1500 tons per day of waste. Landfill
20 height or disposal area limitations are not specified in
21 the 1978 permit.

22 The proposed permit before the Committee today
23 will allow a maximum of 5,738 tons of waste property tons
24 per day in 1995 scaled up to a maximum of 6,196 tons per
25 day in 1998.

1 Tonnage on the proposed permit is based on the
2 1994 final Environmental Impact Report certified by the
3 Sacramento County Board of Supervisors on May 31st, 1994.

4 The permit also specifies a 232 acre disposal
5 area and established the maximum elevation of 325 feet
6 above mean sea level. It reflects a decrease in operating
7 hours, an addition of recycling activities, and
8 incorporates by reference the 1995 reported disposal site
9 information.

10 There are a couple amendments that I received
11 from the Local Enforcement Agency on the proposed permit on
12 pages 2 and 6 that I would like to point out, and they have
13 been submitted.

14 On page 2, 13 (h) in the Findings has been
15 changed regarding the distance to the nearest off-site
16 structure is 1410 feet instead of 2740 feet.

17 And then on page 6, condition No. 29 has been
18 changed to eliminate the reference to the final EIR,
19 Environmental Impact Report. It now reads, "The operator
20 shall limit the tonnage placed at the facility to the
21 amounts identified below."

22 Also, for clarification, the proposed revision
23 does not include the Kiefer Landfill Expansion Project for
24 county purchase of a buffer around the site.

25 Public Resources Code, Section 44009, requires

1 that if the Board determines, based on substantial evidence
2 in the record, that issuance of the permit would prevent or
3 substantially impair achievement of the 25 and 50 percent
4 diversion requirements, the Board shall object to the
5 permit.

6 The staff of the Planning Diversion and Local
7 Assistance Division have determined that insufficient
8 evidence exists to make a determination of whether Board
9 concurrence on the issuance of the proposed permit would
10 prevent or substantially impair achievement of the
11 diversion requirements.

12 During an inspection of the Kiefer Landfill by
13 the Local Enforcement Agency and Board Enforcement Staff on
14 July 3rd, 1995, a violation of Title 14, California Code of
15 Regulations, Section 17258.23, was cited when methane gas
16 was detected in excess of five percent of the property
17 boundary.

18 As described in Agenda, during Agenda Item No. 3
19 presentation, the Board adopted a policy move for review of
20 Solid Waste Facilities Permit in violation of State Minimum
21 Standards in July of last year.

22 The LEA and Board staff have determined that the
23 facilities design and operation are in compliance with
24 State Minimum Standards for solid waste handling and
25 disposal except for a violation of methane gas in excess of

1 five percent of the facility boundary.

2 The LEA has issued a Notice and Order to the
3 operator on August 15, 1995 specifying a gas collection
4 system installation completion date of October 16th, 1996,
5 and a compliance date of March 1st, 1997. And the operator
6 has demonstrated a good-faith effort to correct the
7 violation by submittal of the gas and management plan.

8 The site is located in a sparsely populated area
9 and its nearest occupied structure is approximately 1640
10 feet from the property boundary.

11 The Local Enforcement Agency and Board staff have
12 further determined that the facility is in conformance with
13 the Sacramento County Solid Waste Management Plan and
14 Sacramento County General Plan. And the California
15 Environmental Quality Act has been addressed.

16 So, in conclusion, staff recommends that the
17 Board adopt Resolution No. 95-640 concurring in the
18 issuance of Solid Waste Facility Permit No. 34-AA-0001.

19 Representing the Local Enforcement Agency Mr. Art
20 Seipel and Jim Cermak are here today to answer questions,
21 and also, representing the operator, Mr. Patrick Maxfield
22 and Eric Vanderburg. This concludes staff's presentation.

23 COMMITTEE CHAIRMAN FRAZEE: Thank you. Does
24 anyone representing the Applicant wish to be heard at this
25 time? We do not have speaker slips but it might be

1 available in case there are questions.

2 MR. MAXFIELD: Yes. I'm Patrick Maxfield and I
3 am representing the Public Works Agency of Sacramento
4 County in our Solid Waste Management Division.

5 And we've worked closely with the Board staff and
6 the LEA to prepare an application for this permit revision.
7 And one year from now, approximately, there should be
8 another application before you for an expanded landfill.
9 So, today, what we're doing is revising the existing permit
10 to cover our existing landfill.

11 One up-front issue that I'd like to discuss, and
12 that's the County's commitment to meet AB939 diversion
13 goals. There may be some concern from your Board on this
14 issue. And next Tuesday we have an item before our Board
15 of Supervisors, which will have our Board adopting a
16 resolution which we'll be transmitting to your Board, which
17 fully commits our Board to meeting the AB939 goals. Our
18 County intends to meet those goals, and we will be passing
19 that resolution on to you.

20 As far as public comment, you might hear public
21 comments today speaking against this permit issuance and
22 possibly several issues might be raised. And we've had
23 many local meetings on these issues.

24 We've examined this for many years at local
25 community meetings, our Solid Waste Advisory Committee,

1 Planning Commission, our Board of Supervisors, before our
2 Solid Waste Authority, which is a body composed of both our
3 Board of Supervisors and our City Council, the Regional
4 Water Quality Control Board, and now we're here before your
5 Board.

6 You'll hear comments about alternative landfills
7 here discussed. We believe these have all been adequately
8 dealt with, they're discussed and in our certified EIR.

9 Traffic is another matter, and we believe that's
10 covered and has been adequately handled in our certified
11 EIR.

12 And as far as aesthetics, the height of the
13 landfill was thoroughly discussed in front of our Board,
14 and they made a policy decision on the height.

15 And with that, I would just appreciate the
16 timeliness of your Board in considering this permit. If
17 you have any questions I'd be happy to answer them.

18 COMMITTEE CHAIRMAN FRAZEE: Questions?

19 COMMITTEE MEMBER RELIS: I'll hold mine.

20 COMMITTEE CHAIRMAN FRAZEE: You might be
21 available in case we have questions.

22 MR. MAXFIELD: Sure. I'll be right here.

23 COMMITTEE CHAIRMAN FRAZEE: Let's go on then with
24 those who wish to speak on this item. First, Reina
25 Schwartz.

1 MS. SCHWARTZ: Good morning. I'm Reina Schwartz,
2 City of Sacramento Solid Waste Manager. And I'm here today
3 to speak in support of the County's application for
4 increased tonnage at its landfill.

5 Increasing the daily tonnage at Kiefer Landfill
6 won't lessen the City's commitment, nor, as just heard from
7 Patrick, the County's commitment to meeting the AB939
8 goals.

9 The City, with its separately collected yard
10 waste program, is already in compliance with the 1995 goal
11 in excess of 25-percent diversion, and with our approved
12 SRRE we'll be going forward to meet the 50-percent goal.
13 Some of that is in conjunction with the County in terms of
14 region-wide planning for commercial recycling, et cetera.

15 We've been working quite closely with the County
16 to make sure that all alternatives for processing and
17 diversion are analyzed and taken into account, and we
18 believe that we have an aggressive program to continue
19 those goals.

20 One interesting fact, that was actually included
21 in the City's SRRE, is that even with diversion in excess
22 of 50 percent, that is, the City in compliance with AB939
23 in the year 2000, the landfill will be more in the year
24 2005 than we were in the year 1990, or slightly more, not
25 much more. But waste growth in the area due to economic

1 growth, population, et cetera, is still going to increase
2 our need for viable economic landfill space.

3 So, as aggressive as the mandates are in AB939,
4 we do believe we will be able to meet them. That doesn't
5 alleviate the need for us for cost-effective landfill.

6 And finally, just in support of the permit. The
7 alternatives to disposal outside of the area will be quite
8 costly if we are forced to go to those in terms of both
9 hauling costs, environmental costs, et cetera.

10 So, with that, I ask the Board to support the
11 permit. Thank you.

12 COMMITTEE CHAIRMAN FRAZEE: Thank you. Next we
13 have Marleen Merchant. Do you want to -- okay, Kelly Smith
14 we'll have first, then, I think these three are together.

15 MR. SMITH: Thank you. Chairman, Board Members,
16 I'm representing the Coalition for Alternatives to Kiefer
17 Landfill. My name is Kelly Smith.

18 We are recommending that you recommend to reject
19 the permit. The Coalition is a group of county residents
20 seeking alternatives to the landfill and its proper
21 management.

22 We are urging rejection for the following
23 reasons:

24 The proposed permit would, would approve illegal
25 actions after the fact. It would validate the acceptance

1 of doubling the daily permitted limit at the landfill which
2 occurred when the City of Sacramento started taking this
3 waste. It's completely contrary to what your permitting
4 laws require to be done. You're supposed to permit before
5 you start dumping waste in the landfill.

6 Second, granting this permit would promote the
7 history of flawed enforcement, which has resulted in
8 Sacramento County, by the fact that the LEA is a county
9 agency policing the operation of a landfill by another
10 county agency.

11 Third, this permit would sanction, would approve
12 arrangements between the City and County of Sacramento,
13 arrangements which we will argue financially strangle the
14 development of alternatives to Kiefer Landfill and
15 substantially impair progress to implementing the diversion
16 goals under the Integrated Waste Management Act.

17 Fourth, the proposed permit fails to meet the
18 requirements of CEQA, contrary to what you've heard. It's
19 very clear that this permit would authorize up to 6100 tons
20 a day, as you just heard. There is no reference to 6100
21 tons a day in the EIR.

22 And it's very clear that it is referring to a
23 baseline figure of 2500 that references a chart with
24 increasing tonnages by projection, projections which have
25 borne out to be inaccurate based on the waste that goes

1 into that facility in the interim and therefore, approval
2 of this permit would be in violation of CEQA.

3 Fifth, the proposed permit indeed somewhat,
4 because of some of the reasons above, fails to assure the
5 operations will be conducted to meet State Minimum
6 Standards. Report of station information does not provide
7 adequate design parameters with which to assure that those
8 minimum standards will be met.

9 And very simply, there is no clear figure for the
10 waste that is required to go in there, which will be going
11 in there. And that's the description of how State Minimum
12 Standards will be met, is seriously flawed because of that
13 lack of very basic information.

14 But first, I'd like to discuss a little bit of
15 background, I think, why this decision is particularly
16 important on your part.

17 Sacramento, Sacramento County's Kiefer Road
18 Landfill is actually the largest landfill in Northern
19 California after Altamont, which, of course, is the
20 granddaddy of all of them. But it is the second largest,
21 according to your very recent report, for insuring adequate
22 disposal capacity.

23 It is, according to the figures in that report,
24 the ninth largest in the State, it is the ninth largest
25 landfill in the State. And yet this facility has never had

1 an Environmental Impact Report until this point. This
2 facility has never been operating according to any Report
3 of Station Information, the fundamental regulatory of
4 guidance that is provided in the modern era of waste
5 management in these facilities.

6 This facility has had a very lax time since 1978
7 when the permit it's operating under was issued and, and
8 indeed, that permit consists of just a couple pages.

9 The one clear requirement in that permit is that
10 this landfill be limited to 1500 tons. And it is very
11 clear from state law then, since, and now, that any change
12 increase above that 1500 tons, any significant change,
13 requires a revision of the permit and they come before you,
14 and there be assurance that State Minimum Standards and the
15 basic impacts that accrue when you start hauling garbage
16 into a landfill are going to be addressed ahead of the
17 fact, not years afterwards, which is where we're at right
18 now.

19 So, I think, in detailing some of our objections
20 here now that you might keep in mind that this is more
21 along the lines of approving a new landfill facility in
22 California, one of the top ten in the State, rather than
23 just a mere revision that's going to just put in place the
24 way business has been as usual.

25 And one of the things that we want to bring out

1 is the fact that business as usual here is totally
2 inadequate and something needs to be done about it now.
3 And unfortunately, because of the enforcement structure at
4 the local level, you're the ones that have to do it.

5 First of all, the objection on the basis of prior
6 legal activity is based on the fact that there have never
7 been, despite a history of problems at the landfill,
8 including the fact that they haven't been really permitted,
9 according to State law, for a long time there's never been
10 any real sanctions imposed by the Local Enforcement Agency,
11 and this indicates a lack of a good-faith effort to meet
12 any permitting and enforcement responsibilities.

13 Kiefer Landfill operations have historically
14 failed to meet State Minimum Standards. Recently, the most
15 recent example is that over the most recent two-year
16 period, daily cover of waste, a fundamental, essential,
17 public health requirement, has failed to be met.

18 During that two-year period, 11 months of that
19 time, the landfill was cited for inadequate daily cover.
20 In other words, based on that prior history we have a 50-50
21 chance now and here out that that landfill will be safely
22 operated.

23 The operators indeed have displayed a flagrant
24 disregard for the conditions of the facility permit also.
25 And the most wanton act is probably the fact that they

1 started taking the City of Sacramento waste a couple years
2 ago, we're talking about six to eight hundred tons a day,
3 accepted from the City landfill, with no prior review. And
4 you know, I mean, they had to take it somewhere, granted,
5 the City decided to do it, fine, but you're talking about a
6 lot of garbage going over city streets.

7 And indeed, there were several decisions that
8 could have been made at that time, that if anybody had any
9 say over it, it might have been considered, such as,
10 bailing that waste and minimizing the truck traffic, a very
11 simple operational procedure. Instead, the County required
12 that the City close an already operating bail operation and
13 bring the waste the way that they wanted it.

14 Another citation of their prior illegal activity
15 would be the, the almost purposeful delinquency in meeting
16 the planning requirements under AB939.

17 And that's, this is the major contention that we
18 have, is that, now is the time to assure that an integrated
19 waste management plan and source reduction recycling
20 element and some of the basic requirements that everybody
21 else has to live up to are met before this is adopted.
22 Because, as we'll argue further, this permit will preclude
23 a lot of opportunities under that integrated waste
24 management plan.

25 In fact, as the project proponent just said, they

1 come up with new things all the time. Like the most recent
2 proposal, which is only a proposal from staff to the Board
3 of Supervisors, which would in essence be the cornerstone
4 of this source reduction recycling element, which has never
5 been considered before.

6 One of the implications of that to the operations
7 of the landfill, are we going to even need the permit up to
8 this level if those kinds of things are adopted first in a
9 SRRE, one of the few in the state which has been rejected
10 by this Board and for good reason, really. The reason is,
11 there's a pattern of this scoff-law attitude on the part of
12 the County, and it's more than a technicality that it was
13 turned back.

14 They should be required to complete that document
15 and include that in the integrated waste management plan,
16 which indeed, governs not just the County but the city and
17 many other jurisdictions in this area as far as what kind
18 of facilities we are going to have and plan for an
19 integrated fashion in this county. And obviously, the
20 largest sole major disposal facility, Kiefer Landfill, will
21 affect and be affected by that integrated waste management
22 plan.

23 Our second objection to concurring in this permit
24 is the history of flawed enforcement on the part of the
25 local enforcement agency.

1 As you know, the LEA's function is vital to the
2 performance of your role and could under pending
3 legislation be even more vital. And for that reason I
4 think it's essential that this Board is assured that those
5 activities are carrying out the interest of the public
6 health and safety that are required, not making sure that
7 this landfill goes on in operation.

8 This is basically how the county agency policing
9 another county agency, the Board of Supervisors -- the
10 Board of Supervisors is responsible for ultimately both the
11 project proponent and the, and the LEA. They approve the
12 budget for the LEA. The LEA's funds, indeed the largest
13 great lion's share, comes from proceeds from the landfill,
14 you know, it's biting the hand that feeds you kind of
15 thing, very clearly.

16 Both the Solid Waste Division and the
17 Environmental Management Division utilize the same county
18 counsel for their legal direction. We find over and over
19 again in trying to find out some objective basis for what
20 the LEA is required to do that they're referring to the
21 County Counsel, who is the same one who is essentially
22 defending the operator. This self-policing also tends to
23 significantly limit public interest participation, anybody
24 that has any concerns.

25 We have found the LEA courteous and, you know,

1 and attempting to be responsive, but that it really comes
2 down to turning a deaf ear on doing anything that's, that's
3 asked for in the public interest that runs counter to the
4 operator out there anyway.

5 The LEA has issued several Notice and Orders to
6 Kiefer, but as I said before, never has a hearing been held
7 to implement sanctions that -- they're within their power.

8 And indeed these Notice and Orders run for a year
9 at a time, years at a time, and this contributes to a clear
10 lack of a good-faith effort in complying with State Minimum
11 Operation and Performance Standards. It's very simply
12 that, if you know you're never going to be spanked, you
13 don't worry about it.

14 The LEA has known of the violations of the
15 facilities permits for many years, indeed this Board staff
16 has known about these violations. The public without some
17 clear action on the part of you, the Board, can have no
18 confidence that the proposed permit, the terms of the
19 proposed permit would be heeded any better than they have
20 in the past, which is, that they could be taking twice as
21 much garbage as, as they are authorized to do in the
22 future.

23 The third thing is, the concern that granting
24 this permit will impede or impair or prevent or
25 substantially impair the alternatives necessary for

1 jurisdictions that use that facility to reach 50-percent
2 recycling by the turn of the century. Coincidentally, that
3 is the same period in which this permit would run, through
4 the year 2000, 2001, if they were to actually revise it
5 when they're legally required to.

6 And there's an implicit disposal arrangement
7 between the City and County that was formed at the time
8 that the City started taking its waste to Kiefer. These,
9 this arrangement is formed under a joint power agency, much
10 along the lines that we would call collusion if it occurred
11 in private sector.

12 The disposal arrangement impairs the economic
13 viability of alternatives, particularly private
14 alternatives. The costs are kept low at Kiefer to attract
15 waste on a per tonnage basis, and it, it thwarts the
16 economics of implementing the alternatives to landfill.
17 And there are many operators in the surveying, some of
18 those who might come in and provide those alternatives.

19 The cost of Kiefer and the commitment on the
20 City's part to disposing there, is very much -- limits the
21 interests of private alternatives to come in and begin
22 providing alternatives.

23 The County Solid Waste Management Division has
24 consistently used the landfill as an economic lever to
25 control flow economically into the landfill. By ratifying

1 this arrangement the permit precludes the City and others
2 from implementing economically marginal diversion
3 activities. The permit would drive all decisions yet to be
4 determined by the County Integrated Waste Management Plan.

5 Fourth, regarding CEQA nonconformance. This
6 termination of waste quantity handled at the facility is
7 probably the single most important parameter in evaluating
8 the environmental impacts.

9 Our argument is not that this EIR is
10 insufficient, understand. It's plainly sufficient for the
11 project that it's talking about, which is not this project.
12 This project talks about a facility handling up to 6100
13 tons a day. The EIR talks about a facility handling 2500
14 tons a day. It is intended to be a stand-alone document.
15 reference to the RSI is, is not, you can't, you don't allow
16 that it's -- besides, the RSI has changed since that time
17 so it would be referring to another RSI.

18 So that's a significant difference, obviously.
19 You're talking about twice as much garbage going in there,
20 and that's never been studied in as far as environmental
21 impact.

22 Fifth, the failure to meet minimum standard
23 requirements is also an argument we have for objecting to
24 concurring in this permit. Again, and there is some backup
25 material in the attachments, in the material that I have

1 given you.

2 The references to the amount of the waste going
3 in there is seriously flawed. I think it has a lot to do
4 with the fact that the RSI was developed in 1990 and sort
5 of patched together with recent additions in order to get
6 it through for this permit, and reflects -- we really don't
7 know, and this may seem quibbling, but the problem is, the
8 public, the decision makers, and anybody else, has a very
9 hard time establishing what we're talking about in terms of
10 what garbage goes in there, how much capacity there needs
11 to be, how long that landfill is going to have capacity,
12 and these are very important questions. As Patrick
13 Maxfield said, there is a process for an expansion of this
14 facility.

15 It is by no means a given that you will have an
16 expansion permit before you. Understand, the Board of
17 Supervisors in refusing to certify the EIR for that
18 expansion project directed that alternatives be evaluated
19 and, of course, a supplemental EIR by an advisory committee
20 group. And the results of that supplemental EIR by no
21 means determine, so -- and those figures, the lifetime of
22 this landfill, and how much goes, all those kinds of things
23 will have to be known for an accurate discussion of
24 alternatives and so forth.

25 And I don't think we have that basis for making

1 that determination now. I don't think it's in the
2 documents that you have before you. And when you don't
3 have that how can you say that in one paragraph the traffic
4 is not going to be a problem because we only have so many
5 trucks now when you're talking about two or three times as
6 many tons coming in.

7 And common sense would make you realize that
8 we're talking about two or three times more trucks, we're
9 talking about how much more noise. And if they have a hard
10 enough time finding daily cover now, how much harder time
11 are they going to have finding it for three times as much
12 waste?

13 In the attachment we cited the appropriate CCR
14 sections pertaining to those minimum standards.

15 Finally, in our recommendations and our
16 conclusions and our petition to you, we'd like to stress
17 that we're not actually urging that you ultimately reject a
18 permit for them to operate. We are urging that this
19 permit, that you recommend against concurring in this
20 permit, and that possibly a 30-day waiver will be provided.
21 Or that you delay it and that you direct, while you are
22 prohibited statutorily from specifying conditions to be in
23 there, you can certainly direct the LEA that more work
24 needs to be done on the thing and recommend that that be
25 done.

1 The Coalition would like to extend a clear
2 willingness, we've already indicated, I think that
3 everybody at the staff level -- to work out some
4 improvements. And some of the basic ones we think relate
5 to requiring that the County have, perform an Integrated
6 Waste Management Plan with this condition be tied
7 provisionally to completing that Integrated Waste
8 Management Plan, and that a revision be brought back.

9 Staff is, County staff has said, well, we're
10 going to be back within a year with an expansion. I'd like
11 to see in a year be back with a real Integrated Waste
12 Management Plan with which this County can really see
13 what's before it as far as this waste management and where
14 this facility falls in with that plan.

15 We urge that you take these steps or whatever
16 else you think is appropriate to maintain the integrity and
17 equity of the State's permitting and enforcement and
18 planning laws.

19 Unfortunately, because some of the problems that
20 are detailed with that being performed at the local level
21 it falls on this Committee, this Board, to take care of
22 assuring that the State's laws are upheld.

23 And you should send a message to the operators
24 that their history of performance so far has not been
25 adequate and better is going to be required. Thank you.

1 COMMITTEE CHAIRMAN FRAZEE: Okay. Thank you.
2 Questions?

3 COMMITTEE MEMBER RELIS: I will hold mine for
4 now.

5 COMMITTEE CHAIRMAN FRAZEE: Next we have Marleen
6 Merchant.

7 MS. MERCHANT: I'd like to reinforce some of the
8 comments that Kelly made, as a person of the public and
9 also the Coalition for Alternatives to keep the landfill.

10 If you are viewing it from a position as a
11 citizen in this community you would find that the overall
12 view that the, that the citizenry has about the County
13 meeting its integrated waste management goals are clearly
14 deficient. The one mere article that appeared in the Bee
15 in 1994, or close to January of this year, indicated that
16 they were at 13 percent.

17 I ask you, as a Board and as a reviewing agency,
18 how is a county without a plan that has not been approved
19 by your Board going to meet the goals by 1995 clearly
20 indicated in AB939?

21 And then, again, with a clearly mandated
22 expansion, which this permit goes way beyond the
23 housekeeping needs of the County, but in fact establishes
24 the role or the need of taking in additional waste and
25 clearly shows an expansionary mode, how that does not

1 impede and impair AB939 goals for the year 2000?

2 In reference to that, the County has showed again
3 a number of pilot programs and basic recycling at the
4 county level, the unincorporated level of Sacramento, but
5 yet, has yet to implement those programs on a County basis.
6 Even their wastepaper recycling program, I believe, has not
7 been implemented as I, as a residence, have not been
8 assured of that implementation. And the indications in the
9 paper were that it's slated for a year from now. That,
10 again, is after the 25-percent goal of 1995 that they're
11 supposed to meet.

12 So, I urge you to keep or send back this permit
13 to the LEA with whatever recommendations you, as a Board,
14 can make to indicate that they need to do a housekeeping
15 permit. At this time, clearly, to take in exactly the
16 amount of waste that they are in necessity to cover the
17 City and unincorporated areas of the County, and not the
18 additional tonnage which from the documentation in the RSI
19 and in their EIR they clearly do not meet. They do not
20 coordinate those numbers.

21 And under the circumstances it would be sending a
22 message to the County that an expansion is okay without the
23 proper permitting process being in place. Thank you.

24 COMMITTEE CHAIRMAN FRAZEE: Okay. Thank you.
25 And finally, Janice James, a representative for Coalition

1 for Alternatives to the Kiefer Landfill.

2 MS. JAMES: I belong to the Coalition for
3 Alternatives to Kiefer Landfill and I'm here today to ask
4 you to reject the permit application.

5 I like to think of the Coalition as a bunch of
6 designated citizens who represent the frustration of
7 everyone who's had to deal with Sacramento County Solid
8 Waste Management Department.

9 That includes, but is not limited to,
10 environmental interests who promote waste reduction,
11 private businesses who are eager to tackle our waste
12 problems, state regulators, we've talked to a lot of those
13 in the last couple of years and they are as frustrated as
14 we are, at times, even members of our own County Board of
15 Supervisors, who don't seem to be able to control them,
16 neighbors of the dump, and everyone in Sacramento County
17 who would like to avoid a costly cleanup at a poorly
18 planned and maintained landfill.

19 The folks who run solid waste may be able to move
20 on to other jobs when the going gets tough, but the rest of
21 us will be here to pay for their mistakes.

22 We are reasonable people. We want a waste
23 management program that at least complies with state
24 regulations. We want cost accounting. We want a thorough
25 investigation of private and public alternatives to

1 creating a landfill monstrosity.

2 We believe these things are consistent with your
3 authority and we're asking you to exercise it. A landfill
4 that is immune to outside influences is not in anyone's
5 best interest. Thank you.

6 COMMITTEE CHAIRMAN FRAZEE: Thank you. Now, is
7 there anyone else to be heard on this item? Would the
8 Applicant like to respond to any of the issues that were
9 raised?

10 I, as one member of this Committee, I think there
11 are some serious implications in the issues that were
12 raised and that they fall within the guidelines that I read
13 earlier that are a proper matter before this Board.

14 MR. MAXFIELD: Well, there were quite a few
15 issues that were raised. But there was one statement made,
16 that our Board failed to certify the EIR, that is not what
17 happened.

18 We had a proposal before our Board for an
19 expanded landfill with the height elevation to 450 feet.
20 And our Board, in looking at that, made a public policy
21 decision that they wanted a lower landfill.

22 So they redirected our department to redesign the
23 landfill to a lower elevation, which we are doing. And
24 they additionally requested that we prepare a supplemental
25 EIR to address the issues of redesign. So the EIR for

1 expansion was not rejected by our Board.

2 Now, there was a whole variety of other issues,
3 and it might be better just to respond to questions, if
4 your Board has any.

5 COMMITTEE CHAIRMAN FRAZEE: The EIR that you
6 referenced, was that one for the expanded landfill that's
7 not a subject of this permit?

8 MR. MAXFIELD: That's correct.

9 COMMITTEE CHAIRMAN FRAZEE: And so this permit is
10 an increment or a lesser amount of that?

11 MR. MAXFIELD: That's correct.

12 COMMITTEE CHAIRMAN FRAZEE: The total that was
13 indicated.

14 MR. MAXFIELD: The project before you today is a
15 stand-alone project with its own EIR which has been
16 certified by our Board of Supervisors.

17 COMMITTEE CHAIRMAN FRAZEE: It's not a reduction
18 of the EIR that was done for the expanded project? It's a
19 new --

20 MR. MAXFIELD: That's correct.

21 COMMITTEE CHAIRMAN FRAZEE: -- independent
22 stand-alone EIR?

23 MR. MAXFIELD: That's correct. The expansion
24 permit has its own separate Environmental Impact Report
25 that is distinct and separate from the project in front of

1 you today.

2 COMMITTEE CHAIRMAN FRAZEE: On the matter that
3 was raised, and this one does cause me some concern, about
4 the failure of the County in a timely matter to meet the
5 planning requirements, and I think that is an issue that is
6 before the Board on this particular application.

7 MR. MAXFIELD: That's correct. We actually have
8 a date set by your staff for submittal of our SRRE, and I
9 believe that's January of '96, in several months. In fact,
10 we will have a draft of the SRRE prepared in October of
11 this year. And one of the most important pieces of that
12 SRRE was just completed in policy decision making by our
13 solid waste authority just a couple of weeks ago.

14 The SRRE that was submitted to you fell short of
15 looking at what the County was going to do from 1995 to the
16 year 2000. It didn't provide detail. We now have a very
17 well-defined plan that's going to take us from now to the
18 year 2000 to allow us to meet that 50-percent diversion.

19 And the actual diversion level today, as we
20 speak, is in the low 20-percent range, and we expect to
21 have a 25-percent diversion by the end of this year. By
22 1995 we will achieve the 25-percent diversion. And we are
23 well on our way to implementing programs that will assure
24 that we will achieve the 50-percent diversion by the year
25 2000.

1 We are, as a county and as a Board,
2 wholeheartedly committed to meeting those goals. And to
3 accomplish that in the unincorporated area we will be
4 implementing the Green Waste Collection Program at all 160
5 thousand accounts in the unincorporated area in a
6 three-year phase in, beginning in 1996, it's fully budgeted
7 and we're prepared and ready to do that, the second
8 two-thirds the following year, and then the final in 1998.

9 So, in 1998, we will have that fully implemented
10 and that, with other programs, should take us to the
11 40-percent diversion level in 1998.

12 The recent decisions made by our Solid Waste
13 Authority looked at the commercial waste component. Our
14 local politicians have been grappling with how to deal with
15 that commercial component for quite some time. And they've
16 looked at a public MRF versus a private MRF, and we're
17 convinced that it's going to take a MRF to solve the
18 problem.

19 And two weeks ago a decision was made and
20 concurred in by the private collectors in our community
21 that the private sector will pick up the ball to implement
22 this MRF. They will provide the capital. They will
23 construct it. They will operate it. And when they have
24 their program operating by the year 2000 we will have
25 achieved the 50-percent diversion.

1 Now, all of what I just told you will be in our
2 draft SRRE, which will be here in October, and a final SRRE
3 to your Board and approved, we hope, depending upon your
4 acceptance of that, by January of next year.

5 So, as a County, and furthermore, to add one
6 final point, which I had mentioned, we will be supplying
7 you with a resolution from our Board, which states their
8 intent and commitment to meet AB939. And that will be in,
9 they will be adopting that next Tuesday and it will be in
10 your hands on Wednesday.

11 COMMITTEE CHAIRMAN FRAZEE: What is the
12 percentage split on the input to the landfill, City versus
13 unincorporated area?

14 MR. MAXFIELD: The City's percentage, I believe,
15 is in the 20-percent range, 20 to 25-percent range.

16 COMMITTEE CHAIRMAN FRAZEE: And the City already
17 has an adopted and approved SRRE; is that correct?

18 MR. MAXFIELD: I believe so.

19 COMMITTEE CHAIRMAN FRAZEE: So the only division
20 one is the County's?

21 MR. MAXFIELD: That's correct.

22 COMMITTEE MEMBER RELIS: Mr. Chair, I have many
23 questions. It would take me a while to go through them.

24 I'd like to preface my statement with -- it seems
25 that why there are so many questions here today have to do

1 with, we have a defined landfill plan before us. We don't
2 have, or until you made some verbal statements here, not a
3 defined Integrated Waste Management Plan. And I think
4 that's at the root of some of the, both the controversy
5 around this landfill, as well as at the core of a number of
6 questions that I'd like to explore now.

7 And I'd like to begin with taking the Board back
8 a ways to a discussion that went on for about two and a
9 half years at the Board about the prevent and impair issue.

10 There was a law, a law 3001 by Assemblyman
11 Cortesi that raised the question, what happens during, in
12 that period it was the gap period, from the plans to when
13 we see permits come before us. What do we do about issues
14 that would question whether a jurisdiction could reach the
15 25 and 50 percent diversion requirements.

16 We debated our approach to that over a period of
17 time. And I know there are a number of new board members,
18 and I thought I'd like to go over that history just a bit,
19 because it is a direct concern of mine, it's been set in
20 the record in this meeting as I understand it.

21 First of all, the staff analysis that we have
22 received could draw no conclusive picture as to whether the
23 County was in a situation where there could be prevent or
24 impair or not. It was inconclusive.

25 I've done some research on that, with the help of

1 my staff, and as I look back on it one of the questions
2 was, what's on the record. That's one of the issues that
3 we came down to as a Board. What constituted a record of
4 concern of whether prevention or impair was in fact
5 occurring. So, I've heard testimony today that I think it
6 is now part of the record that raises this.

7 Secondly, we submitted, we went through the
8 records here, we have a LEA advisory dated July 26, '95,
9 just less than a month ago, on the prevent or substantially
10 impaired policy for the Board, and it states:

11 Whether the LEA -- one of the issues here is in
12 taking up this matter, prevent or impair. There was to be
13 the question asked, whether the operator has any contracts
14 of financial arrangements which could prevent or impair
15 diversion in a given jurisdiction. The operator would list
16 appropriate contracts on the permit application.

17 Secondly, we would ask the jurisdiction how they
18 plan to meet the mandates, and whether they have something
19 in place that would prevent or impair their ability to meet
20 the requirements. This is an advisory to the LEAs. It
21 does not become effective, as I read it, until October of
22 1995. So I'm just reading that into the record about where
23 we are on this matter.

24 Because it has not been required, the Sacramento
25 County LEA has made no certification that there are no

1 contracts or other, and this is the area I think we need
2 discussion on, other relevant information in place which
3 might affect the County's diversion efforts.

4 In pursuing this point, the relationship which
5 Mr. Frazee raised earlier about tonnage, how does this
6 affect the County's plan. An assertion has been made that
7 perhaps tonnage received at this landfill with an expansion
8 of tonnage allowed could possibly have an impact on the
9 diversion. I don't know whether it would or not at this
10 point.

11 And lacking the specificity that's required in
12 the SRRE in which is now being extended, it's very
13 difficult for Board members to see, on record, what the
14 County intends to do. I mean, I know you're going to have
15 a resolution. I don't have a copy of the resolution. I
16 don't know what a resolution means, really, in this regard
17 yet.

18 Okay. Third. How does the increased disposal
19 impact other jurisdictions in the area. Well, you serve
20 Sacramento County in the cities of Sacramento, Isleton,
21 Folsom, and Galt, at least at this point. I don't know
22 whether you have any plans to take any waste from outside
23 of those jurisdictions. You are a low-cost landfill, as
24 far as I can tell, and I don't know how ambitious you
25 intend to be, or the County intends to be, in terms of who

1 will deliver waste to this area, to this site. But I'll
2 just leave it there.

3 Finally, I think, and again, as I began, what we
4 have here is the question of a pattern of problems as I see
5 it relating to the SRRE.

6 An issue has been raised about whether the County
7 has in fact been meeting its State Minimum Standards. And
8 I will ask staff to give us an accounting on the assertion
9 that the daily cover has not been complied with, I'd like
10 to know that, but more importantly, a sense of a marginal
11 effort to meet AB939 at least to date. I think that's the,
12 the pattern that has come through, and that speaks to some
13 of my concerns about having such a substantial permit
14 before us.

15 In the context of you serving a million people,
16 or better, and soon to be more, you're the regional
17 landfill upon which many jurisdictions depend in the
18 County, at least as of today, does not have a complete
19 story to tell us about what it intends to do to meet AB939.

20 So, I feel that this prevent and impair issue is
21 a big question and it needs some work by our staff to get
22 back to us on from my perspective, and I'll stop there for
23 now.

24 COMMITTEE CHAIRMAN FRAZEE: Mr. Egigian.

25 COMMITTEE MEMBER EGIGIAN: Mr. Chairman, I have

1 the distinction of being the oldest Board member here,
2 which was made certain to me today. I have been on this
3 Board and on this Committee for a long, long time, and
4 actually, since it began.

5 I don't want to speak in favor or against
6 anything that has been said by either the County, the
7 Coalition or anybody else. But one thing becomes very
8 apparent to me and clear, that the citizens of an area that
9 are not satisfied with the supervisors often come to this
10 Board and expect us to take up where the supervisors are
11 not doing what they hoped that they would do.

12 I, myself, have not ventured into the areas that
13 Paul has and have put that much emphasis on it to the point
14 where if our staff recommends something, I figure that the
15 staff has gone into these issues and have come out with
16 something that is right and fair.

17 I, myself, am concerned more at this time with
18 the landfill. And I've talked to a couple of our members
19 who have seen this landfill and they have told me that it
20 appears to be a well-run landfill.

21 And therefore, I'm going to at this time go on
22 the premise that the landfill permit, the recommendation
23 that the LEA made, is a valid situation and, Mr. Chair, at
24 your wish I'm ready to make the motion on this.

25 COMMITTEE CHAIRMAN FRAZEE: A motion is in order

1 at any time.

2 COMMITTEE MEMBER EGIGIAN: I move that we go
3 along with the concurrence on this with staff
4 recommendation.

5 COMMITTEE MEMBER RELIS: Mr. Chair, with all due
6 respect to Mr. Egigian, I feel many questions have been
7 raised and we need to go through these systematically
8 before I feel I'd be ready for a vote, but if he chooses,
9 so be it.

10 COMMITTEE CHAIRMAN FRAZEE: I am not prepared at
11 this point to second the motion. So we'll let it stand at
12 this point. Just some additional questions of staff.

13 In looking over what our legal restrictions are,
14 in order to object to a permit the Board must make findings
15 if there is substantial evidence in the record that the
16 permit is not consistent with, and the one that troubles
17 me, requirements for local plan, conformance, and
18 consistency.

19 Would you like to bring us up-to-date on why you
20 feel that conformance has been met?

21 MR. MAXFIELD: I will briefly try to answer that,
22 and we do have planning staff here if I overstep myself and
23 say something wrong. But, with regard to the consistency
24 with the County Solid Waste Management plan, the facility
25 is identified and described in the 1988 County Plan, and

1 therefore, it does meet that particular requirement of the
2 Public Resources Code.

3 With regard, however, to the issue of prevent or
4 impair, the planning staff and Tracy Harper and Judy
5 Friedman are here to address that. I'll let Judy say
6 something.

7 MS. FRIEDMAN: Good morning, Board Members. With
8 regard to the PRC, Section 44009, the finding of prevent
9 and impair, because of the fact that the source reduction
10 recycling element has received disapproval from this Board
11 and is currently being developed to be submitted back to
12 this Board in February, I believe, by the compliance
13 schedule, staff could find no conclusive information to
14 indicate prevent or impair. This is not to suggest
15 however, a negative situation. We did not have evidence to
16 show either way. Thank you.

17 MR. DIER: And we take that recommendation, that
18 information from planning staff in preparing the permit
19 staff recommendation. And I felt comfortable in the
20 recommendation of concurrence on the basis that there is no
21 information one way or the other.

22 So, looking at the guidance in PRC, which says
23 that there's substantial evidence in the record that
24 issuance of the permit would prevent for substantial
25 impair, I concluded that it appeared there was no

1 substantial evidence that it would do so. And so that's
2 the basis for the staff recommending concurrence.

3 BOARD MEMBER CHESBRO: Mr. Chairman, may I?

4 COMMITTEE CHAIRMAN FRAZEE: Yes.

5 BOARD MEMBER CHESBRO: This is just a point of
6 inference of where the Local Assistance and Planning
7 Committee and the Board's action comply with regards to the
8 county.

9 Correct me, if I'm wrong, Ms. Friedman, but I
10 believe that the Notice of Deficiency is what they're
11 operating under, but we had granted an extension in essence
12 with a compliance schedule which we required, but that's
13 not the same thing as having an approved SRRE, and I just
14 wanted to make that distinction. They're a long ways from
15 that approval.

16 MS. FRIEDMAN: You're correct.

17 COMMITTEE CHAIRMAN FRAZEE: Now, on the question
18 that was raised about the insufficiency of the EIR,
19 you're -- and there was a response from the applicant
20 indicating that there is a separate EIR that has been
21 through the process, has been approved and staff is
22 comfortable with that.

23 MR. DIER: Staff of our branch who do the review
24 of the environmental document agree that the document is
25 adequate, and it does address and coincides with the terms

1 and conditions proposed in the permit. So, we're
2 comfortable with making the recommendation.

3 COMMITTEE CHAIRMAN FRAZEE: Can another staff or
4 the applicant address the issue of the tonnage? That one
5 gets confused in the translation. It would be helpful to
6 me if we could have a little discussion of that, perhaps a
7 representative of the applicant can respond to that,
8 Mr. Maxfield.

9 MR. MAXFIELD: Can you repeat the question,
10 please?

11 COMMITTEE CHAIRMAN FRAZEE: Yes. The question
12 had to do with the tonnage. The permit that you're
13 operating under specified a tonnage, there is the current
14 input which is in excess of the permitted amount, and the
15 tonnage covered by this permit. If you could get those all
16 in context I think that would be helpful.

17 MR. MAXFIELD: There's one thing that's unique
18 about this permit application, in that, we are agreeing to
19 a tiered tonnage, one that starts off low and increases.
20 And we have a table that the LEA has prepared that is a
21 condition of the permit. And it's my understanding that
22 this, that this has not been done before. But it also
23 fully factors in meeting AB939, which shows why the tonnage
24 drops out in the year 1999 and 2000 as we bring our MRF
25 on-line and complete our Green Waste Collection Program.

1 Also, I want to make a --

2 COMMITTEE MEMBER RELIS: Point of clarification.

3 MR. MAXFIELD: Sure.

4 COMMITTEE MEMBER RELIS: Let's go to that table,
5 because I haven't seen a table like this in our permits
6 either. I think it is unique. But let me see if I read
7 this correctly.

8 You show that the average daily tonnage based on
9 365 tons a day -- days a year, then there's an average
10 weekly and then there's a maximum daily. Is there a
11 maximum yearly?

12 MR. MAXFIELD: Well, the maximum yearly would be
13 52 times the weekly. The maximum daily is put in there to
14 cover what we call peak days.

15 Just the nature of solid waste collection for a
16 million people there's a wide variability in the tonnages
17 that are collected in each vehicle. As a consequence,
18 there are days where tonnages will peak and, in fact, we
19 have seen the peak of double --

20 COMMITTEE MEMBER RELIS: I understand peak
21 tonnages. But you just said that's a maximum daily.

22 MR. MAXFIELD: But this -- peak is probably the
23 more correct word. I didn't write this, but --

24 COMMITTEE MEMBER RELIS: I think that there's a
25 big difference --

1 MR. MAXFIELD: There is a big difference.

2 COMMITTEE MEMBER RELIS: -- of how it would be
3 interpreted by an LEA and otherwise, because if you don't
4 clarify that, even though you call it a peak it becomes the
5 effect of daily.

6 MR. MAXFIELD: But the -- probably the more
7 controlling number is the average weekly tonnage. And if
8 we were to attempt to try to receive what's labeled here as
9 "Maximum Daily Tonnage" every day for a week, we would
10 clearly be way beyond the average weekly tonnage.

11 And what we find is that, if you look back over
12 the course of a calender year, you will find days where you
13 have a number that's way up there. And on those days,
14 since the issue really is the ability of the landfill to
15 deal with that tonnage from a health and safety and
16 operational standpoint, if necessary, we'll use overtime.
17 We will keep the crews around on those peak days so that we
18 can, in fact, meet our requirements. I hope that answered
19 your question.

20 COMMITTEE CHAIRMAN FRAZEE: Just to follow-up a
21 bit on that. The peak more often than not has to do with
22 winter days versus summer days; is that correct?

23 MR. MAXFIELD: Sometimes.

24 COMMITTEE CHAIRMAN FRAZEE: In my short
25 investigations of this industry, it's been reported to me

1 that variations with the same volume of waste on a rain
2 period versus a dry period can increase the number of trips
3 and the tonnage by 50 percent or more from a wet day to a
4 dry day, and that does not reflect any greater volume of
5 trash from the weight of the trash that's being hauled.

6 MR. MAXFIELD: That's a good observation, and
7 there are many variables that impact the amount of waste
8 that we'll get on any given day.

9 But to get back to maybe an earlier point that's
10 related, we have no contracts with any persons bringing
11 waste to us. We operate on, customers arrive and if they
12 have waste that meets our requirements we will accept it.
13 And we have no designs or even desire to receive
14 out-of-county waste.

15 COMMITTEE MEMBER RELIS: You have no
16 prohibitions?

17 MR. MAXFIELD: We have no prohibitions. However,
18 if we were to receive a request from some outside source I
19 think that would be something that we would take to our
20 Board as a matter of policy, and I think with landfill
21 space being as valuable as it is, it's not clear.

22 In fact, we would not receive it, at least from
23 my standpoint, but that's a local Board of Supervisor's
24 decision. But there are no proposals on the table. Nobody
25 is asking to bring their waste to us and we don't expect

1 that.

2 By the way, one final point. The, the \$21 a ton
3 that we're charging is the cost of operating the landfill.
4 And we like to think that that's because of efficient and
5 prudent management that we have one of the lowest rates in
6 the region. And we are very proud of the way it is
7 operated. And I'm saying that because of earlier
8 statements in that regard.

9 COMMITTEE CHAIRMAN FRAZEE: One of the things
10 that I was informed of when I visited the landfill was that
11 you had adequate material on site to perform daily cover in
12 conformance with requirements.

13 MR. MAXFIELD: That's correct. We are not
14 required to import any materials other than clay that we
15 might use for the bottom of our liners that were installed.

16 COMMITTEE CHAIRMAN FRAZEE: Have you ever been
17 cited by the LEA for failure to perform daily cover --

18 MR. MAXFIELD: Yes.

19 COMMITTEE CHAIRMAN FRAZEE: -- operations?

20 MR. MAXFIELD: Yes.

21 COMMITTEE CHAIRMAN FRAZEE: Is there a
22 circumstance that caused that or --

23 MR. MAXFIELD: Well, it's, it's a variety of
24 reasons. Generally, it's waste that was placed the day
25 before that. Because of the 24-hour rule, as you know, it

1 has to be covered every 24 hours. And we have prepared a
2 plan to prevent that from happening.

3 But, as any landfill operator knows, that
4 particular area is difficult to achieve 100 percent of the
5 time. And it's, it's a rare instance when we do not
6 achieve daily cover. It's rare.

7 COMMITTEE MEMBER RELIS: Can I pursue that point.
8 The assertion was made, and perhaps staff needs to clarify
9 on this, that 11 months out of 12 that the daily cover
10 requirement was not met. What's staff's take on that?

11 MR. OKUMURA: To address that point I'd like to
12 have Ricardo Martinez maybe just address what the cover
13 issues were and the violations and when they occurred, or
14 at least when they were documented.

15 MR. MARTINEZ: Actually, it was 11 inspections,
16 and out of the 11 inspections a total of 7 inspections were
17 violations.

18 More recently, in 1995, there was five
19 inspections and out of the five, three were found in
20 violation. When we were out there we did not discover any
21 violations. And as Mr. Maxfield stated, they have
22 submitted a plan to the LEA that will preclude future cover
23 violations.

24 COMMITTEE MEMBER RELIS: Let's pursue this again.
25 I mean, seven violations out of eleven inspections?

1 MR. MARTINEZ: That's correct. And that's
2 beginning from 1993.

3 COMMITTEE MEMBER RELIS: And then this year,
4 three out of five?

5 MR. MARTINEZ: That's correct.

6 COMMITTEE MEMBER RELIS: Then you're saying that
7 you are working out, or the LEA is working out an
8 arrangement to what, lower this number or eliminate it or,
9 and they've had plenty of time to work on that issue, I
10 would assume.

11 MR. MARTINEZ: That's correct. I understand it
12 precludes to eliminate, or at least try to achieve a
13 hundred percent.

14 COMMITTEE MEMBER RELIS: Why would we think that
15 would happen now when it hasn't happened over the last two
16 years?

17 MR. MARTINEZ: Again, that's something that I
18 probably can't respond to, probably the LEA would be the
19 one to respond.

20 COMMITTEE MEMBER RELIS: Well, maybe we need
21 to -- I don't know, Mr. Chair, is it all right if the
22 LEA --

23 COMMITTEE CHAIRMAN FRAZEE: If the LEA could come
24 forward. If you would identify yourself for the record,
25 please.

1 MR. CERMAK: Mr. Chairman, Members of the
2 Committee, Jim Cermak with the LEA. There have, in the
3 past there have been cover violations.

4 One thing I would like to point out is, as I
5 think we all realize here, we had a pretty severe winter.
6 And a number of those recent cover violations we could
7 attribute to winter conditions where, in fact, the operator
8 did make an attempt to place the proper cover on.

9 And there were some problems that had occurred in
10 the past that they were given a notice to correct, and they
11 could not get the equipment in there to actually place the
12 cover on. So, some of these recent violations we would say
13 were partially caused by weather conditions.

14 I'd also like to state that at no time were our
15 notices gone unanswered. If there was a cover violation
16 identified and there was due cause, the operator did
17 correct the violation in a timely manner.

18 Now, some of the cover violations, again, were
19 caused by weather conditions. That's why one of the things
20 that we are going to look at very seriously, is there a
21 better way to have winter conditions, operational plans for
22 the cover violations. So, I think these numbers, although
23 they do sound bad, I think there is an explanation for at
24 least part of them.

25 The other thing I'd like to say is that, in the

1 past there have been different site superintendents out
2 there that maybe didn't take our, our position seriously.

3 We are now -- there has been a new superintendent
4 appointed out there. We are working with him closely. And
5 I think we have a much better working relationship with the
6 Solid Waste Management Department, as far as what you see,
7 as far gas control, cover violations, et cetra.

8 The last, I would say within the last three
9 months or so and, I think some of you Board Members were
10 out to look at the landfill, it, it has improved
11 drastically from what it was three years ago, or when I got
12 involved in it as the LEA.

13 So, we will admit there have been cover
14 violations in the past. We are addressing those issues
15 now.

16 Part of the Notice in Order requires that the
17 operators submit a plan as to how they are going to abate
18 any of these, not abate, but prevent any of these cover
19 violations to occur in the future.

20 And I can assure you as an LEA this is one of the
21 things that we are going to be looking at. If it takes
22 more than the routine one inspection a month, that's what
23 we're going to do.

24 MR. OKUMURA: Mr. Chairman.

25 COMMITTEE CHAIRMAN FRAZEE: Yes.

1 MR. OKUMURA: I'd like to maybe give some light
2 on maybe the overall enforcement program or performance of
3 the LEA, I think there was some issues brought up here.

4 We, too, as staff, have had concerns about the
5 LEA's enforcement performance. And as a result of that,
6 Sacramento County was one of the first counties that the
7 Board selected, that we selected, for the evaluation
8 process, one of the first ones because of concerns we did
9 have.

10 The LEA evaluation did identify some concerns,
11 problems that we did see. We have since had a series of
12 meetings with them. In fact, they have come forward, met
13 with the executive director in an administrative conference
14 to explain some of the concerns that we had, and they've
15 been following the work plan.

16 So, I think what you're seeing is there's kind of
17 like, prior to the actual evaluation there has been a
18 history of concerns. Since that point I have discussed and
19 looked at all of the paperwork with staff, and we feel that
20 although there were problems in the past, that for this
21 site, and currently the work plan, will address the
22 enforcement issues. Staff will be working more closely
23 with them on the work plan to make sure the time frames are
24 met, and the appropriate enforcement actions are taken.

25 And part of this that I would like to recommend.

1 is that, we will continue to do the evaluation. And as
2 we've, as has been recommended in the past, we will come to
3 the Board and give you the performance evaluation as part
4 of the update.

5 We're still in the process of their nine-month
6 evaluation, that isn't concluded yet. But at least for
7 this site and all the violations, all the State Minimum
8 Standards and all the requirements and all the work plans
9 are all in place for the enforcement parts of the program.

10 COMMITTEE CHAIRMAN FRAZEE: Do you have anything?

11 COMMITTEE MEMBER RELIS: Yes, while the LEA is
12 up. The assertion was made at the time when the City of
13 Sacramento decided to send its waste to Sacramento County
14 in a mutual agreement. What was your situation at that
15 point when you knew that tonnage was going to increase
16 substantially? What did you do at that point, when you
17 learned that this was going to happen?

18 MR. CERMAK: Let me go back a little further than
19 that and state that this process for trying to get the
20 increased tonnage only, we're not talking about expansion
21 now, this process actually started back in 1991. And back
22 then it was, they did know, back at that time it was
23 addressed, the increased tonnage, in the EIR documentation
24 that was provided. And for reasons I can't explain the,
25 the process took a considerable amount of time. And part

1 of it was it took a great deal of time for the CEQA process
2 to be completed. Okay.

3 Back around 19, I think it was '92 or '93, the,
4 the Solid Waste Management Department decided to proceed on
5 a parallel course. They knew that they had to get an
6 increase, a permit revision for an increase in tonnage, and
7 at the same time they were looking down the road and they
8 knew that they probably, in order to get their capacity
9 into the year 2020 or 2030, they needed to also get a
10 permit for an expansion of the landfill. So, they were
11 proceeding on parallel courses.

12 And because of the time delay and because of the
13 Notice and Order we had advised, perhaps it would be wise
14 rather than going through the process twice, that we would,
15 we could combine these two issues and move forward with
16 just the one permit revision, which would take care of the
17 increase in tonnage, and also the expansion of the Kiefer
18 Landfill would take them through the year 2030.

19 And it was our perception at the time and, and
20 the Department of Solid Waste Management's perception at
21 the time that this process, the EIR, because all the other
22 work had been done, would move on through and it would go
23 parallel rather than going through the two processes. So,
24 that's why there was a delay in getting this particular
25 permit before you.

1 Okay. When it came to the Board of Supervisors
2 for now the, the EIR -- the EIR and the increased tonnage
3 was approved, I think that's been made clear. It was
4 approved by the Board, filed, everything was taken care of
5 on that. Now, we delayed it waiting for the EIR to be
6 approved on the expansion.

7 Well, when it got to the Board of Supervisors
8 they decided that there needed to be supplemental
9 information which would delay the combined permit revision
10 another eight, eight to nine months.

11 So at that time we, we issued a revised Notice
12 and Order saying that we can't wait that long, you're out
13 of compliance, therefore, you have to go forward with the
14 increase in tonnage.

15 And that's what's before your, your Board today,
16 your Committee today, is that particular item. We had
17 hoped that they were going together. And we did recognize,
18 and the Solid Waste Management Department recognized that,
19 yes, we are over the tonnage. And a lot of it has to do
20 with what was taken from the City.

21 So, it wasn't something that was overlooked.
22 That was, that was being addressed in the early '90s. And
23 the reason for the delay is what I explained here. So, it
24 kind of made it sound like we've been issuing Notice and
25 Orders and really just keep on extending those things, and

1 I don't think that's really the case. But, that's the
2 history of it.

3 COMMITTEE CHAIRMAN FRAZEE: Thank you. Would
4 staff give us a little discussion of the 30-day waiver. I
5 don't have a clear understanding of how that works. There
6 is a suggestion that this should be delayed in order to do
7 it.

8 MR. BLOCK: The reference to a 30-day waiver was
9 made. I'm not really sure what that was referencing. I
10 think it was Mr. Smith who made that comment. But I think
11 what he may have been referencing to is the fact that our
12 time line for reviewing this permit is not actually up
13 until after the September board meeting.

14 And so September 29 -- and the board meeting is
15 September 23 and 24, is that -- so, you have the ability, I
16 think what the reference was, is that you have the ability
17 to put this decision off until next month's meeting. So
18 that must have been what was referred to. There is no
19 specific provision about a 30-day waiver or anything like
20 that.

21 MR. DIER: No. There is provision for waiver if
22 the applicant and the operator agree to -- if this was the
23 only month that we could consider the permit, and the
24 applicant and operator agreed to allow the matter to be
25 carried over to a future date, then that could be

1 accommodated.

2 MR. BLOCK: And there's no time line on that at
3 all?

4 MR. DIER: No, there isn't. A point of
5 clarification. Mr. Block is correct that the 60-day time
6 frame for consideration of the permit does take us to the
7 December meeting if you so chose. We were accommodating
8 the request of the LEA and the operator to place it on this
9 agenda because they are under a Notice and Order to have
10 the permit revised by the end of August.

11 COMMITTEE CHAIRMAN FRAZEE: Okay. If there's
12 nothing else I just want to make a statement on this
13 perhaps, as an explanation of my action in this matter.

14 I'm troubled by several aspects of this permit
15 application. First and foremost that we're going on a
16 great deal of good faith that the County is going to
17 accomplish certain things in the future.

18 They're going to bring their planning documents
19 up to order. We have a promise that the Board of
20 Supervisors is going to vote in a certain way on a
21 resolution moving their plans ahead. And they're currently
22 looking at another county wherein the resolution of the
23 Board of Supervisors in my view has been violated. So not
24 to cast dispersions on the actions and the validity of
25 actions that the Board of Supervisors take, that one still

1 causes me some trouble.

2 But all things considered there must be action on
3 this permit and I don't know what denying it would
4 accomplish and I don't know what delaying it would
5 accomplish.

6 And I think the message is clear to Sacramento
7 County that there needs to be prompt action on this. And
8 I'm willing to go along with some faith on my side that
9 they're going to get their act in order and move things
10 along appropriately. So at this point I'm in a position to
11 second Mr. Egigian's motion.

12 COMMITTEE MEMBER RELIS: Mr. Chair --

13 COMMITTEE CHAIRMAN FRAZEE: Yes.

14 COMMITTEE MEMBER RELIS: I thought we were going
15 to -- we're not going to recess before we take this up for
16 a vote?

17 COMMITTEE CHAIRMAN FRAZEE: No.

18 COMMITTEE MEMBER RELIS: I misunderstood you.

19 COMMITTEE CHAIRMAN FRAZEE: I thought we'd
20 complete this item and then take our lunch break.

21 COMMITTEE MEMBER RELIS: Well, could we speak to
22 the motion?

23 COMMITTEE CHAIRMAN FRAZEE: Yes.

24 COMMITTEE MEMBER RELIS: I'm going to speak
25 against the motion because I feel, first of all, I have

1 more questions to ask.

2 Secondly, I think we certainly have a resolution
3 that is coming our way apparently by the Board of
4 Supervisors that would speak to some of the concerns. I
5 don't see why we're compelled to take action today with all
6 the issues that have been raised, and I would urge us not
7 to.

8 COMMITTEE CHAIRMAN FRAZEE: Okay. Is your motion
9 still standing?

10 COMMITTEE MEMBER EGIGIAN: My motion still
11 stands.

12 COMMITTEE CHAIRMAN FRAZEE: I will second. This
13 motion is a motion to concur in the issuance of a permit in
14 the matter of the Kiefer Landfill, Sacramento County. If
15 the secretary would call the roll, please.

16 COMMITTEE SECRETARY PARKER: Committee Members,
17 Relis?

18 COMMITTEE MEMBER RELIS: No.

19 COMMITTEE SECRETARY PARKER: Egigian?

20 COMMITTEE MEMBER EGIGIAN: Aye.

21 COMMITTEE SECRETARY PARKER: Chairman Frazee?

22 COMMITTEE CHAIRMAN FRAZEE: Aye.

23 The motion is carried. That item will be on the
24 full Board's agenda at our next regular meeting.

25 Now, at this point I think we should take a lunch

1 break until 1:30. We are recessed until 1:30 p.m. today.

2 (Lunch recess 12:10-1:30.)

3 COMMITTEE CHAIRMAN FRAZEE: The meeting will come
4 to order, please.

5 We are starting now with Agenda Item 9 which is
6 the Consideration of Concurrence in a New Standardized
7 Solid Waste Facilities Permit for the Grover-Spreckels
8 Compost Facility in San Joaquin County.

9 MR. OKUMURA: Mr. Chairman, this will be the
10 first permit to utilize the recently adopted tiered
11 permitting regulations. This will be a standardized
12 permit. And staff presentation will be made by Mr. Jon
13 Whitehill.

14 MR. WHITEHILL: Good afternoon, Mr. Chairman and
15 Members of the Committee. Yes, this is the first
16 Standardized Permit. This is because the operator proposes
17 to operate a compost facility which accepts only green
18 material, and because the maximum volume of feedstock and
19 active compost on site at any one time will exceed 10,000
20 cubic yards.

21 Therefore, the facility is eligible for a
22 Standardized Permit pursuant to the recently effective
23 compost regulations. If the facility were smaller the
24 operator would be eligible for either a registration or
25 possibly a notification hearing. However, this 34 acre

1 facility will be located near the City of Manteca on the
2 400 acre site of the Spreckels Sugar Company.

3 The operation's area is located northwest of the
4 intersection of Highway 99 and Highway 120. And a proposed
5 permit allows a maximum of 100,000 cubic yards of feedstock
6 and active compost on site, and that works out to about 250
7 to 500 tons per day of green material entering the site.

8 The Board has 30 calender days to concur and/or
9 object to the issuance of the proposed Standardized Permit,
10 as opposed to the 60 days for a full permit. Because of
11 the shortened review period the application had not been
12 deemed complete prior to the printing of the committee
13 item.

14 However, the LEA has since accepted the
15 application and submitted a proposed permit, which is
16 included as an attachment to the Board agenda items. The
17 Board has until September 7th to act on the permit.

18 Also, at the time the Board item went to print
19 the State Clearinghouse had not yet assigned a number,
20 which is required to be included in finding 14 (b) of the
21 proposed permit. And the State Clearinghouse has since
22 issued a number, and this will be included in the proposed
23 permit before it is issued by the LEA.

24 In summary, the LEA and Board staff have
25 determined that the operator has complied with the

1 requirements of the California Environmental Quality Act.
2 And that the facility will be able to operate in compliance
3 with the applicable minimum standards and the standardized
4 permit terms and conditions. That the project is
5 consistent with the waste diversion goals of AB939. That
6 the facility is in conformance with the general plan.

7 The facility is not identified in the San Joaquin
8 County Solid Waste Management Plan but the local task force
9 has reviewed and commented on the facility pursuant to PRC,
10 Section 50000 (a) (4).

11 Because a revised Solid Waste Facilities Permit
12 is proposed the Board must either concur or object to the
13 proposed permit as submitted by the LEA.

14 And in conclusion, staff has reviewed the
15 proposed permit and supporting documentation and found them
16 to be acceptable.

17 Staff recommend that the Board adopt Solid Waste
18 Facilities Permit Decision No. 95-636 concurring in the
19 issuance of Solid Waste Facilities Permit No. 39-AA-0027.

20 And I believe that the LEA and the operator are
21 still here if you'd like to ask any questions.

22 COMMITTEE CHAIRMAN FRAZEE: Any questions of the
23 Applicant? Is this for a standardized permit?

24 MR. WHITEHILL: Yes. The first standardized
25 permit that's ever been submitted to the Board.

1 COMMITTEE CHAIRMAN FRAZEE: Did you pass out to
2 the Board the resolution? The item that is in my packet is
3 incomplete and I don't know --

4 MR. WHITEHILL: Right. At the time that the --

5 COMMITTEE CHAIRMAN FRAZEE: I just failed to pick
6 up --

7 MR. WHITEHILL: At the time that the Committee
8 item went to print there was no recommendation. And there
9 was no resolution because we had not yet received a
10 complete application, and we had not yet received a
11 proposed permit. But the resolution is included in the
12 Board agenda item. I have copies of the proposed permit,
13 but I'm not sure that I have three copies of the resolution
14 with me.

15 COMMITTEE CHAIRMAN FRAZEE: Do you have one
16 copy --

17 MR. WHITEHILL: Yeah.

18 COMMITTEE CHAIRMAN FRAZEE: -- just so that we
19 can make reference to it in the minutes?

20 MR. WHITEHILL: It would be attachment four of
21 the Board agenda item. I didn't realize that they hadn't
22 gone to print yet.

23 COMMITTEE MEMBER RELIS: Mr. Chair?

24 COMMITTEE CHAIRMAN FRAZEE: Yes.

25 COMMITTEE MEMBER RELIS: If there is no further

1 discussion I'd be happy to move this item and commend
2 Grover and Spreckels for undertaking this project.

3 COMMITTEE CHAIRMAN FRAZEE: Is there a second to
4 the motion?

5 COMMITTEE MEMBER EGIGIAN: I'll second it.

6 COMMITTEE CHAIRMAN FRAZEE: Then we have before
7 us a motion to approve Resolution 95-636. With no further
8 questions or discussion the secretary will call the roll.

9 COMMITTEE SECRETARY PARKER: Committee Members,
10 Relis?

11 COMMITTEE MEMBER RELIS: Aye.

12 COMMITTEE SECRETARY PARKER: Egigian?

13 COMMITTEE MEMBER EGIGIAN: Aye.

14 COMMITTEE SECRETARY PARKER: Chairman Frazee?

15 COMMITTEE CHAIRMAN FRAZEE: Aye. The motion is
16 carried.

17 COMMITTEE MEMBER EGIGIAN: Mr. Chairman, have the
18 LEAs been instructed what to look for and how to inspect
19 and so forth on a standardized permit?

20 COMMITTEE CHAIRMAN FRAZEE: On a standardized
21 permit?

22 MR. OKUMURA: Mr. Chairman, we're in the process
23 now of kind of a long-range plan and a short-range plan.

24 The long-range plan would be to develop training
25 for the LEAs. And beginning right now we're going to go

1 through a first cut to provide training for them beginning
2 next month. So they are getting their training and we're
3 putting advisors together.

4 COMMITTEE CHAIRMAN FRAZEE: Now, we're going to
5 go to Item 13, which is the item that considers the
6 Delegation of Authority to the Executive Director to Concur
7 in the Issuance of Standardized Permits.

8 MR. OKUMURA: Yes, Mr. Chairman, as a result of
9 the time frames as required by the Board, we feel that it's
10 important that we bring this issue up to the Board for
11 decision, and staff presentation will be made by
12 Ms. Suzanne Hambleton.

13 MS. HAMBLETON: Good afternoon. As you know the
14 Regulatory Tier Requirements Regulations establishes
15 reduced permit application and review process providing
16 regulatory oversight which is commensurate with the
17 operations threat to public health, safety, and the
18 environment. The new compost regulations are effective and
19 incorporate the tiered permitting structure.

20 The standardized permit lies one level below the
21 "full" Solid Waste Facilities Permit familiar to the Board.

22 In order to obtain a standardized permit
23 operators must submit, and the LEA accept, a complete and
24 correct package in a manner similar to an application for a
25 full permit.

1 Standardized permits have prescribed uniform
2 conditions which LEAs will not have the opportunity to
3 delete, alter, or to add to in any way. An example of this
4 was the Grover/Spreckels Compost Permit that you just
5 heard.

6 Staff review includes an evaluation of the
7 proposed standardized permit and supporting documentation
8 that determine if regulatory requirements are satisfied.
9 Staff could prevent the recommendations on each proposed
10 standardized permit to the Board in the same manner as per
11 current practice.

12 However, if the regulations require that the
13 Board either concur in or object to the issuance of a
14 proposed standardized permit within 30 days of receipt due
15 to public notice requirements and predetermined schedule of
16 the monthly board meetings, bringing such, bringing each
17 standardized permit to the Board for consideration of
18 concurrence is not practicable.

19 A solution could be for the Board to hold special
20 meetings to allow consideration of a standardized permit.
21 Rather than schedule additional board meetings, as
22 necessary to accommodate each standardized permit, the
23 staff are requesting that the Board delegate the authority
24 to concur in standardized permits to the Executive
25 Director.

1 However, any standardized permit delegated to the
2 Executive Director may be considered by the Board at their
3 own recommendation of a board member, staff, or at the
4 request of any party. This would allow controversial items
5 to be considered by the Committee and the Board.

6 Additional language has been added to the
7 resolution that you, that was originally in your packet, I
8 believe you got it this morning, to address Board
9 consideration of standardized permits.

10 Therefore, staff recommend that the Board adopt
11 Resolution 95-649 and delegate the authority to concur in
12 the issuance of proposed standardized permits to the
13 Executive Director. And I'd be happy to answer any
14 questions you may have.

15 COMMITTEE CHAIRMAN FRAZEE: Yes.

16 COMMITTEE MEMBER EGIGIAN: Mr. Chairman, normally
17 I would be the one to make a motion that we concur.

18 Inasmuch as this is something new that I have not
19 been involved in or had a lot of experience, I would like,
20 at the present time, until the date later on, to pass this
21 authority off to the Executive Director. I would prefer it
22 coming before the Committee. I don't know how many of
23 these permits you're looking forward to, how frequent they
24 will come in here.

25 MR. DIER: We've suggested that that is an option

1 if you wish to retain that process. But what that may
2 necessitate is convening special board meetings to act
3 within 30 days to provide it.

4 MR. BLOCK: If I may also give a little context
5 for this to talk about the regulatory tier regulations
6 themselves.

7 The original regulations as they, they were first
8 formulated actually included the delegation in the
9 regulations. And at that time the Committee and the Board
10 decided, did not decide they did not want to delegate that,
11 but the idea was to allow some more flexibility so that the
12 delegation would occur through our normal delegation
13 process, as opposed to having them set in regulation, which
14 will allow some flexibilities if there were certain types
15 of facilities that the Board wanted to continue to hear,
16 and at that time it just wasn't known if that would be the
17 case. More, not so much of the question of not wanting to
18 delegate that, that wasn't the direction we got, which is
19 to allow a little bit more ease to have some flexibility
20 should that be necessary.

21 COMMITTEE MEMBER RELIS: Mr. Chairman?

22 COMMITTEE CHAIRMAN FRAZEE: Yes.

23 COMMITTEE MEMBER RELIS: My thought on this is
24 that the tiered permitting system, part of our effort to go
25 through that exercise was to minimize or lessen the

1 permitting hoops that would be taken.

2 And my only concern -- I'm in favor of
3 delegating, at least, get delegation with the option of
4 having certain permits come our way. And I had asked staff
5 in my briefing for, to help us define a process by which it
6 would be clear, if how, under what situations a
7 standardized permit might come our way. But I would hope
8 we would in the spirit of the tiered permitting system find
9 a way to delegate most of this responsibility.

10 COMMITTEE MEMBER EGIGIAN: Mr. Relis, how would
11 you feel about doing the same thing to the MRF transfer
12 stations and the landfills? And once they get rid of this
13 Board somebody is going to have to do that. So, if we want
14 to do it with a compost situation then let's do it with the
15 whole facility.

16 COMMITTEE MEMBER RELIS: Well, I wasn't speaking
17 to any specific facility in my comments. I mean, I thought
18 standardized would deal with all facilities that end up
19 being under that tier.

20 COMMITTEE CHAIRMAN FRAZEE: I think that's what
21 this authority is, it's not limited just to compost, but
22 across the board, even items that have not been placed in
23 tiers yet, in the future.

24 MR. BLOCK: As this item is phrased now, it's for
25 anything that would qualify for a standardized --

1 COMMITTEE CHAIRMAN FRAZEE: Standardized permit.

2 MR. BLOCK: And this discussion, this discussion
3 of the item that there would be some flexibility if at some
4 future point in time if you wanted to un-delegate, if you
5 will, for certain types of facilities, you could do that.

6 COMMITTEE MEMBER EGIGIAN: If the permit was
7 standardized, and I wanted to ask questions about it,
8 because I would not have the opportunity to ask questions
9 about it --

10 COMMITTEE MEMBER RELIS: You could pull it and
11 have it come --

12 COMMITTEE MEMBER EGIGIAN: We have a 30-day
13 situation as opposed to 60, and that might not be possible.
14 So, I would -- if we're going to be doing something that we
15 have not done before, we don't have the history and the
16 knowledge of doing that on this particular item, I would
17 think that we'd take a little more of a careful approach
18 until we got upstream on this and maybe in a few months or
19 whatever the time element might be, at that time we could
20 do this.

21 MR. BLOCK: Let me, for clarification purposes.
22 The 30-day clock is in regulations. And so what you're not
23 deciding today is that, if these items are still coming
24 before the Board, you're still reviewing, having 60 days to
25 review those. And so the decision today about delegation

1 will not change the fact that the standardized permits will
2 be due in 30 days.

3 COMMITTEE MEMBER RELIS: But that would
4 necessitate a special meeting --

5 MR. BLOCK: To meet the 30-day deadline, yes.

6 COMMITTEE MEMBER EGIGIAN: So, what's wrong with
7 that?

8 COMMITTEE MEMBER RELIS: I -- no, I would
9 consider it on a trial basis. I just was hoping that we
10 would -- we're not looking to, in fact, becoming I guess a
11 standard practice.

12 COMMITTEE CHAIRMAN FRAZEE: Are you suggesting
13 that we retain the same procedure with the vote going
14 through the Committee and to recommend to the full Board?

15 COMMITTEE MEMBER EGIGIAN: I would say for a
16 while, yes, until we learn about what is involved and what
17 is going to happen in these areas.

18 And we had a situation about a landfill this
19 morning and one of our members had a lot of questions that
20 he wanted answered, so he was able to ask those.

21 If the same thing applies to one of these permits
22 that we're talking about now, I would not have the
23 opportunity, if I had a question, to ask it.

24 MR. OKUMURA: Mr. Chairman, maybe we can get some
25 middle ground if we -- the potential for rather than coming

1 back to the Board, if maybe it was the Committee, it would
2 be a much easier situation to get the members of the
3 Committee for special meetings, we could try to work with
4 the LEAs on one hand, to say we'd like to try to schedule
5 these things so we're not having multiple meetings in a
6 month, and hopefully work with them in this process.

7 And then if we do have to have special meetings,
8 if it just came back to the Committee it would, might make
9 it easier on a 30-day timeframe, at least until Mr. Egigian
10 feels comfortable, that we are getting enough through the
11 process and staff is doing an adequate evaluation, and
12 Mr. Egigian feels comfortable, that may be one option.

13 COMMITTEE CHAIRMAN FRAZEE: So under that
14 proposal this Committee then would be the final authority
15 rather than delegating to the Executive Director?

16 MR. CHANDLER: Well, Mr. Chairman, let me help.
17 We're kind of doing this on the fly. If you hear the item
18 at Committee, and you felt you were comfortable with it at
19 the Committee level you would turn it over directly to the
20 Executive Director through the delegation to sign off on
21 the permit.

22 If at the Committee you hear the item and it
23 appears to be one that you're not comfortable delegating,
24 you would then have --

25 COMMITTEE CHAIRMAN FRAZEE: Move it over.

1 MR. CHANDLER: -- have notice, and probably that
2 day a board meeting to bring it forward and try to --

3 MR. DIER: And that's the difficulty that staff
4 is concerned with is that there may not be time because the
5 notice for the board meeting would have already been out.

6 COMMITTEE MEMBER EGIGIAN: Well, let me tell you
7 why I brought this up. A while back I'd been to a facility
8 that would not require a permit, okay, based on what they
9 told me they were going to do and how they were going to do
10 it. I recently learned that that's not what they're doing,
11 okay. And I want to be able to ask the questions that I
12 didn't ask when I was talking to that facility before.

13 Without elaborating and tipping off what I'm
14 after I just want you to know that there are, I hate to say
15 this, but there are compost people that are going to lie to
16 us, okay. And I just want to make sure that I'm in a
17 position to ask questions before this permit is given.
18 Maybe they require a full permit.

19 MR. OKUMURA: Mr. Chairman, perhaps what we could
20 do is, we're kind of like Ralph said, we're doing this on
21 the fly here, and if what we could do is, if we can have
22 until the board meeting to take Mr. Egigian's
23 consideration, we'll try to figure out some kind of process
24 we can do. I think that we could probably come up with
25 something that will satisfy keeping the streamlining plus

1 Mr. Egigian's concerns.

2 So, what I'd like to do is maybe, if we forward
3 this to the Board for discussion, and staff will come back
4 with a proposal on how we can address Mr. Egigian's
5 concerns, I think we would be able to work something out.

6 COMMITTEE MEMBER EGIGIAN: Mr. Chairman, I could
7 live with that.

8 COMMITTEE MEMBER RELIS: And maybe if you could
9 just, when you make your presentation give us some
10 hypotheticals so we would, you know, what if, that kind of
11 thing.

12 MR. OKUMURA: Okay. You mean the potential for a
13 special board meeting and how that potentially could come
14 up? Okay. We could do that.

15 COMMITTEE CHAIRMAN FRAZEE: Do we need a motion
16 to forward this to the Board if we do it by consensus or
17 forward it to the Board with --

18 MR. BLOCK: A motion to the Board with that
19 recommendation.

20 COMMITTEE CHAIRMAN FRAZEE: Or with the
21 recommendation that in the interim some work be done on
22 accommodating better Committee access to the procedure.

23 MR. BLOCK: That would be appropriate.

24 COMMITTEE CHAIRMAN FRAZEE: Is that a fair
25 statement?

1 COMMITTEE MEMBER EGIGIAN: I'll make that motion.

2 COMMITTEE CHAIRMAN FRAZEE: We have a motion on
3 that by Mr. Egigian. Yes, I'm sorry. Rick Best does want
4 to testify on this particular item. We do have the motion
5 before us.

6 MR. BEST: Thank you, Mr. Chairman and Committee
7 Members. I apologize, I just arrived so I didn't hear the
8 staff presentation on this item, but I'm, I'm sorry, Rick
9 Best with Californians Against Waste.

10 We are very concerned about this proposal thus
11 far as we have seen it. We understand certainly the
12 situation facing the Board in terms of the time lines and
13 can appreciate the difficulty in terms of the Board wanting
14 to make sure that it can comply with its responsibility for
15 concurring in permits, and time lines at this point are
16 preventing it from doing it in a timely manner.

17 But rather than fix the situation in terms of the
18 Board's regulation that was adopted, in terms of the 30-day
19 requirement that this Board is proposing to take away its
20 concurring authority in terms of reviewing it at a board
21 meeting, and instead simply to delegate this to the
22 Executive Director or to the Market Development, excuse me,
23 the Permit's Committee for its consideration, I think is
24 appropriate for the Board, in order to fix what is
25 essentially a timing issue, to deal with that issue

1 directly in terms of changing regulations to the 60 days
2 that's allotted in law. And that would allow the Board to
3 deal with it at the appropriate board meeting in the time
4 that's been a allotted.

5 From our position, to take away this concurring
6 role from the Board, it ignores a number of issues that the
7 Board has a responsibility to consider.

8 There are issues in terms of, you know, Board
9 policies on prevent and impair, for example. Looking at
10 the issues that Mr. Egigian has raised in terms of, is it
11 appropriate for this, this activity to be in the
12 standardized permit, as opposed to the full permit tier.

13 And we feel it's inappropriate for the Board to
14 simply delegate its authority for all facilities. I mean,
15 there may be particular facilities where it's appropriate,
16 but there are other facilities where it may not be
17 appropriate, and the Board has not gone through the process
18 of slotting these facilities in deciding what's going to be
19 falling into the standardized tier, or what's going to be
20 falling into the full permit tier.

21 And to delegate that authority before its gone
22 through any of the process of saying, who's going to be in
23 the standardized permit tier, I think is inappropriate.

24 And I would say the Board should instead of
25 proceeding down this avenue, instead, fix the regulations

1 or postpone this discussion until after the slotting of
2 facilities has been established.

3 COMMITTEE MEMBER EGIGIAN: Mr. Chairman?

4 COMMITTEE CHAIRMAN FRAZEE: Yes.

5 COMMITTEE MEMBER EGIGIAN: Rick, I knew I could
6 bring you around to my way of thinking sooner or later.

7 (Laughter.)

8 MR. BEST: I appreciate it. We should mark this
9 date.

10 COMMITTEE CHAIRMAN FRAZEE: The 30 versus 60 days
11 modification regulation that, that's not easily done, is
12 it?

13 MR. BEST: Well, certainly you have to go through
14 that process.

15 COMMITTEE CHAIRMAN FRAZEE: Process. Okay.

16 MR. DIER: Mr. Chairman, just for clarification,
17 it's my understanding that the Board is allowed 30 days in
18 the spirit of streamlining on the understanding that the
19 standardized permit has no unique conditions on them. In
20 fact, the standardized permit itself appears in regulation,
21 so the LEA really has no ability to make any changes to
22 that permit.

23 In fact, the regulations specifically provide
24 that if the LEA adds a condition that the Board takes it
25 out -- and, in fact, that is a part, would be a part of

1 this delegation, that we would be reviewing those
2 standardized permits and for that, that consistency with
3 regulation. Just for clarification that it was the intent
4 to streamline it, I think that's what the 30 days requires.

5 COMMITTEE MEMBER RELIS: Mr. Chair, I was
6 thinking in light of what was just said that maybe we
7 could, I mean, I'm for not changing the 30-day period
8 because that's why we went through the whole exercise, but
9 if the issue is to put it off until we complete our
10 tiering, I don't mind that. That would give us time to, to
11 work with this as Sam suggested, and we would be slotting
12 our projects down the line. It might mean some
13 inconvenience for a period of time, but I have no objection
14 to that.

15 COMMITTEE MEMBER EGIGIAN: I have a motion that,
16 if he's agreeing with it then I've got a motion.

17 COMMITTEE CHAIRMAN FRAZEE: His suggestion is
18 delaying until such time as we complete the, the slotting
19 of other facilities.

20 COMMITTEE MEMBER RELIS: Then we'll all know
21 what's in standard and what's --

22 COMMITTEE MEMBER EGIGIAN: Then I'll have to have
23 more from staff on it to understand it at this point, when
24 these other facilities are going to be slotted. And that's
25 the primary reason why I brought up what I did, I'd like to

1 be into it a little bit so I understand what we're doing.

2 MR. CHANDLER: Are you referring to slotting of
3 all of the material types of facilities that go on --

4 COMMITTEE MEMBER RELIS: We're looking at that on
5 what, on the outside of a year?

6 MR. CHANDLER: 18 months to two years.

7 COMMITTEE MEMBER RELIS: Oh, two years.

8 MR. CHANDLER: You get into some of the issues
9 for next year. If it's just recycling facilities, of
10 course, we are committed to trying to get that in this
11 year, this calendar year. But we are carrying obviously
12 some of the issues into the spring and into next year that
13 deal with some of the other nontraditional types of ash and
14 some of the others that are up for consideration under the
15 recyclables.

16 COMMITTEE CHAIRMAN FRAZEE: This is the end of
17 the motion, did you have something --

18 MR. OKUMURA: Maybe what we could do then is
19 being that there is -- like, Mr. Egigian and Mr. Relis both
20 have some ideas on how they should be handled, maybe if
21 staff could take the information we've received today on
22 this and come back with a recommendation to address all the
23 concerns it might be a little bit easier.

24 Because, like Mr. Chandler said, we're kind of
25 new in this area and we'll have to figure out some of the

1 issues whether we can -- as an example, staff was thinking
2 maybe we can just designate composting or something. But
3 delaying it will not prevent applicants or LEAs from having
4 to forward these forward to us. So, irregardless of what
5 position we take we'll have to react to these within the 30
6 days.

7 So, taking that into consideration I'd like to
8 maybe be able to take all the facts we've heard today and
9 come back with an alternative recommendation that would
10 address all of these issues at the full Board meeting.

11 COMMITTEE CHAIRMAN FRAZEE: And we could do that
12 at the board meeting?

13 MR. OKUMURA: At the full board meeting.

14 COMMITTEE CHAIRMAN FRAZEE: So the motion that we
15 have to continue this item, to send it forward to the full
16 board --

17 MR. OKUMURA: For discussion.

18 COMMITTEE CHAIRMAN FRAZEE: For discussion, and
19 additional staff meeting. With that motion, if the
20 secretary would call the roll.

21 COMMITTEE SECRETARY PARKER: Mr. Chairman, did
22 Mr. Relis second it?

23 COMMITTEE CHAIRMAN FRAZEE: Second it, oh --

24 COMMITTEE MEMBER RELIS: I second it.

25 COMMITTEE SECRETARY PARKER: Thank you. Okay.

1 Committee Members, Relis?

2 COMMITTEE MEMBER RELIS: Aye.

3 COMMITTEE SECRETARY PARKER: Egigian?

4 COMMITTEE MEMBER EGIGIAN: Aye.

5 COMMITTEE SECRETARY PARKER: Chairman Frazee?

6 COMMITTEE CHAIRMAN FRAZEE: Aye. The motion is
7 carried.

8 Now, that, the effect on the previous item will
9 have no effect, and then there's no reason that we cannot
10 place that previous item on the consent calendar then?

11 COMMITTEE MEMBER RELIS: The Grover item?

12 COMMITTEE CHAIRMAN FRAZEE: Yes. The Grover
13 item. Without objection to Item 9 we will recommend it for
14 the consent calendar.

15 Okay. Now, we're ready to go to Item 10, I
16 believe. And Item 10 is the Consideration of the Issuance
17 of a New Major Waste Tire Facility Permit for the Defense
18 Utilization, Reutilization and Marketing Office, United
19 States Air Force, Edwards Air Force Base in Kern County.
20 Staff report, please.

21 MR. OKUMURA: Mr. Chairman, this will be the
22 second major waste toxic facility brought forth for
23 consideration by the Committee. Staff presentation will be
24 made by Ms. Charlotte Sabeh.

25 MS. SABEH: Good afternoon, Mr. Chairman and

1 Committee Members. The Defense Reutilization and Marketing
2 Office, or DRMO, at Edwards Air Force Base submitted a
3 complete application for a new Major Waste Tire Facility
4 Permit to the Board on June 22nd, 1995.

5 On July 21st, 1995, the application was deemed
6 complete. Edwards Air Force Base is located 15 miles east
7 of Mojave. Edwards Air Force Base is a 300,000 acre Air
8 Force Flight Test Center and NASA Test Center.

9 The DRMO's recycling yard began receiving and
10 storing waste tires prior to 1990. The DRMO receives whole
11 passenger, whole truck, whole tractor, whole earth mover
12 construction equipment, and whole aircraft and aerospace
13 ground equipment tires.

14 No on-site processing occurs at the site. The
15 facility is not open to the public. The recycling yard
16 covers 11 acres with large aisles and no surrounding
17 structures. The Waste Tire Storage Facility is an area of
18 approximately half an acre in the larger DRMO facility.

19 The surrounding area is used for military
20 equipment storage. A total of 250 waste tire equivalents
21 are presently stored at the DRMO Recycling Yard.

22 The DRMO has applied for the storage of 9000
23 waste tires. This facility is less than a mile from the
24 flight line. Every required precaution and additional
25 safety measures have been taken in the area of fire

1 prevention.

2 A pre-permit inspection of the site has been
3 performed by Board staff. Board staff have reviewed the
4 application and supporting documentation and make the
5 following findings.

6 Concerning the California Environmental Quality
7 Act. In accordance with Public Resources Code, Section
8 42812, an environmental review was not performed in the
9 consideration of the issuance of this Major Waste Tire
10 Facility Permit.

11 This finding is supported by the statement in the
12 item and resolution that states, "There has been no
13 substantial change in the design or operation of the
14 facility between January 1, 1990, and the date the permit
15 is initially issued."

16 Consistency with State Minimum Standards. Board
17 staff have made the determination that the facility's
18 design and operation is in compliance with the Waste Tire
19 Storage and Disposal Standards contained in Article 5.5 of
20 the State Minimum Standards for solid waste handling and
21 disposal.

22 Closure Plan and Reduction Elimination Plan. The
23 closure plan and the reduction elimination plan submitted
24 by the operator have been reviewed by staff and have been
25 determined to meet the Major Waste Tire Facility Permitting

1 Requirements.

2 Financial Assurance. There are no financial
3 assurance requirements for either closure or operating
4 liability for the DRMO because the Waste Tire Facility
5 Permitting Regulations do not require operators of State
6 and Federal facilities to comply with the financial
7 assurance requirements contained in the regulations.

8 Staff Recommendation. Based on these findings
9 and the facts presented in the agenda item, staff finds
10 that the application is in compliance with PRC sections
11 42800 et seq, the Waste Tire Storage and Disposal
12 Standards, and the Waste Tire Facility Permitting
13 Regulations.

14 Therefore, staff recommends that the Board adopt
15 permit, the Board adopt Permit Decision 95-648 approving
16 the issuance of a Major Waste Tire Facility Permit
17 No. 15-TI-0145. And since this is a Board-issued permit
18 this item cannot be on consent.

19 COMMITTEE CHAIRMAN FRAZEE: As I understand, this
20 facility will be accumulating tires from, only from Federal
21 Government operated --

22 MS. SABEH: That's correct.

23 COMMITTEE CHAIRMAN FRAZEE: -- facilities, and it
24 will be accumulated in a manner that they can then be
25 available for bidding or --

1 MS. SABEH: Exactly. They have four areas set
2 aside with concrete barriers around them that they call
3 bins, and each one holds about 2200 tires. And as one
4 fills up they will have people come in and make bids on
5 that particular bin. So, they do not anticipate having
6 more than two bins with tires at all.

7 COMMITTEE CHAIRMAN FRAZEE: Okay. Any questions?

8 COMMITTEE MEMBER EGIGIAN: Mr. Chairman, I wish
9 there was some way that I could stall this situation. I
10 know they're doing the right thing. But we hauled the
11 trash from that place in the early 70s, and when we took
12 over a contract that had existing containers for the people
13 who lived on the base, and the containers had never been
14 cleaned, okay. So, when we took over the contract this
15 sergeant just ran me through the hoops. So, if that
16 sergeant could be found I would like to give the same
17 treatment, but I'm sure he's not around.

18 (Laughter.)

19 COMMITTEE CHAIRMAN FRAZEE: The sergeants are the
20 backbone of the military, so having been one, I speak in
21 defense. Is there a motion on this item?

22 COMMITTEE MEMBER RELIS: I'll make a motion.

23 COMMITTEE CHAIRMAN FRAZEE: We have a motion by
24 Mr. Relis.

25 COMMITTEE MEMBER EGIGIAN: I'll second it.

1 COMMITTEE CHAIRMAN FRAZEE: And seconded by
2 Mr. Egigian. The Committee approve Permit Decision
3 No. 95-648 and forward it to the full Board for
4 consideration. If the secretary would call the roll.

5 COMMITTEE SECRETARY PARKER: Committee Members,
6 Relis?

7 COMMITTEE MEMBER RELIS: Aye.

8 COMMITTEE SECRETARY PARKER: Egigian?

9 COMMITTEE MEMBER EGIGIAN: Aye.

10 COMMITTEE SECRETARY PARKER: Chairman Frazee?

11 COMMITTEE CHAIRMAN FRAZEE: Aye.

12 The motion is carried and this item, again, for
13 the record is not a consent calendar permit item.

14 COMMITTEE MEMBER EGIGIAN: I didn't know you'd
15 been a sergeant, so, I'm sorry if I hurt your feelings.

16 COMMITTEE CHAIRMAN FRAZEE: That's as far as I
17 go.

18 Now, we're ready for Item 12. And this is the --
19 I'm sorry, Item 11. Consideration of the Temporary
20 Certification and Designation Approval of the City of
21 Pittsburg's Solid Waste Management Division as the Local
22 Enforcement Agency for the City of Pittsburg. And staff
23 report, please.

24 MR. OKUMURA: Staff presentation will be made by
25 Mr. Myron Amerine and Ms. Mary Coyle.

1 MR. AMERINE: Good afternoon, Chairman and
2 Committee Members. In December of '93 the Board
3 temporarily certified the City of Pittsburg's Solid Waste
4 Management Division as a Local Enforcement Agency for the
5 City of Pittsburg, and this is a full-time staff
6 requirement at that time.

7 Subsequently, AB457 of 1993 allowed
8 post-jurisdictions under 50,000 to apply for part-time
9 staffing under this new statute.

10 In June of '95 the LEA submitted a new
11 Enforcement Program Plan reflecting less than one full-time
12 staff for the jurisdiction.

13 The Board has found that the Designation
14 Information Package and Enforcement Program Plan are
15 complete and acceptable for Board consideration and
16 approval of the EPP, issuance of temporary certification
17 (Types, A, C, & D), and approval of the designation of the
18 City of Pittsburg's Solid Waste Management Division as the
19 Local Enforcement Agency for the City of Pittsburg.

20 A new Board resolution is necessary issuing
21 temporary certification for this agency, and the staff so
22 recommends. And we have a written response from the LEA.

23 MS. COYLE: Yes, Mr. Chairman and Members, Mary
24 Coyle, manager of the LEA section.

25 The LEA wasn't able to attend today's meeting but

1 he did sent a letter of appreciation thanking the Board for
2 their assistance during the certification process.

3 The temporary certification is as allowed in
4 regulation to enable us to do an evaluation to insure that
5 they're able to carry out their duties and responsibilities
6 under a less than full-time staff.

7 COMMITTEE CHAIRMAN FRAZEE: I just wanted to make
8 a comment on this. I've expressed concerns in the past
9 about small cities serving as their own LEA, and I think
10 this is kind of a prime example.

11 This city has three facilities, zero landfills, a
12 proposed transfer station, a closed site, and an exempt
13 site. And I guess it's appropriate they only need
14 part-time staff, but that raises a number of issues.

15 LEA, they're always questioned because of their,
16 their parent organization and how they separate their
17 responsibilities. And here you have a case of two people
18 spending less than half the time on this and the majority
19 of their time probably on the city's payroll.

20 And I just wonder how effective an LEA can be in
21 that circumstance. I wish there were some way to encourage
22 these things to be done on a county-wide basis, but I guess
23 they have the right to do this. And so we do not have any
24 real option other than to approve it. So, do we have a
25 motion?

1 COMMITTEE MEMBER RELIS: I move the designation.

2 COMMITTEE MEMBER EGIGIAN: Which one of the,
3 which one of the actions are we moving here?

4 COMMITTEE CHAIRMAN FRAZEE: We're moving the
5 temporary certification and designation approval.

6 COMMITTEE MEMBER EGIGIAN: Types A, C, and D?

7 COMMITTEE CHAIRMAN FRAZEE: This is the approval
8 of the designation of the LEA.

9 COMMITTEE MEMBER EGIGIAN: This is staff
10 recommendation?

11 COMMITTEE CHAIRMAN FRAZEE: Yes.

12 COMMITTEE MEMBER EGIGIAN: I'll second it.

13 COMMITTEE CHAIRMAN FRAZEE: Okay. We have a
14 motion and second on the approval of Resolution No. 95-658.
15 If the secretary would call the roll.

16 COMMITTEE SECRETARY PARKER: Committee Members,
17 Relis?

18 COMMITTEE MEMBER RELIS: Aye.

19 COMMITTEE SECRETARY PARKER: Egigian?

20 COMMITTEE MEMBER EGIGIAN: Aye.

21 COMMITTEE SECRETARY PARKER: Chairman Frazee?

22 COMMITTEE CHAIRMAN FRAZEE: Aye. That motion is
23 carried and without objection we'll recommend the consent
24 calendar on that one.

25 And now Item 12 is the Consideration of the

1 Certification and Designation of the Calaveras County
2 Agriculture and Environmental Health Agency's Environmental
3 Health Department as the Local Enforcement Agency for the
4 County of Calaveras.

5 MR. OKUMURA: Mr. Amerine will once again make
6 staff presentation.

7 MR. AMERINE: January 27, 1993, the Board
8 approved the Designation of the Calaveras County Health
9 Department as the LEA for the jurisdiction of the Calaveras
10 County. Subsequently, in November of '94, the County
11 established a new agency, the Calaveras County Agriculture
12 and Environmental Health Agency.

13 On April 17th, '95, this agency was designated as
14 the new LEA replacing the Health Department. And Board
15 staff received a complete EPP and it found it acceptable
16 for approval of the EPP issuance of the requested
17 certification Types A, C, & D, and approval of the
18 designation of the Calaveras County Environmental Health
19 Division, a division of the County Agriculture and
20 Environmental Health Agency.

21 A new Board resolution is necessary certifying
22 the new agency as the LEA, and the Board and staff so
23 recommend.

24 MS. COYLE: Mr. Chairman and Members, Mr. Brian
25 Moss, the Director of the Division of Environmental Health

1 is in the audience and I would like to acknowledge his
2 involvement in participation in getting this certification
3 process completed.

4 COMMITTEE CHAIRMAN FRAZEE: Okay. Thank you. Is
5 there a motion on this one?

6 COMMITTEE MEMBER RELIS: I'll move the
7 certification and designation.

8 COMMITTEE CHAIRMAN FRAZEE: Okay. Mr. Egigian,
9 will you second it?

10 COMMITTEE MEMBER EGIGIAN: Yes, sir.

11 COMMITTEE CHAIRMAN FRAZEE: We have a motion and
12 second on the adoption of Resolution 95-657. If the
13 secretary would call the roll, please.

14 COMMITTEE SECRETARY PARKER: Committee Members,
15 Relis?

16 COMMITTEE MEMBER RELIS: Aye.

17 COMMITTEE SECRETARY PARKER: Egigian?

18 COMMITTEE MEMBER EGIGIAN: Aye.

19 COMMITTEE SECRETARY PARKER: Chairman Frazee?

20 COMMITTEE CHAIRMAN FRAZEE: Aye. The motion's
21 carried without objection. We'll move for the full Board
22 for the recommendation for the consent calendar.

23 Now, we all have been waiting for Item 14. This
24 is the Consideration of the Definitions of "Source
25 Separated" and "Separated for Reuse" and the Establishment

1 of the Amount of Residual Waste that would Constitute Solid
2 Waste Handling at Recycling Operations. Do you have a
3 staff report?

4 MR OKUMURA: Thank you, Mr. Chairman. At the
5 June board meeting the Board approved the concept of using
6 source separated to make the in or out decision.

7 At the same time the Board directed staff to come
8 back with a recommendation regarding the amount of residual
9 that would constitute solid waste handling at recycling
10 operations and develop definitions for source separated and
11 separated for reuse. And those items have been presented
12 to you in the package.

13 In addition to that, Mr. Chairman, between the
14 June board meeting and this meeting, up until 10:30 this
15 morning, we've been receiving comments and a lot of input,
16 and I'm sure you have also.

17 We've gone through two public workshops, one in
18 Southern California and one in the Sacramento area. We've
19 toured numerous potential regulatory facilities that could
20 potentially fall into our regulatory requirements. We've
21 had numerous meetings entailing our conferences with
22 interested parties. We've had discussions with the
23 environmental health officers. And we've continued through
24 a survey that we started to try to get as much input as we
25 could from the Regulating Committee as well as the LEAs.

1 Just to summarize what our presentation will be
2 today, in all honesty, it's a first cut in an attempt to
3 keep with the Board direction and time frames. It's a
4 rough cut. We've put this first cut out so that we could
5 get some input from the Regulating Committee as well as the
6 LEAs.

7 And in addition to all of the input and trying to
8 understand and validate a lot of the input that we got, we
9 also had to consider some of the issues that the Board
10 asked us to look at in this process.

11 We're also addressing in this proposal permit
12 streamlining, we're attempting to establish a local playing
13 field, adopt enforceable standards, promoting diversion,
14 and protecting environmental health and safety.

15 The proposal that I'd like Mike Kuhn to get into
16 before he gets to the actual proposal -- I'd like to say,
17 I'd like Mike to just present a summary of some of the
18 comments that we're receiving during the process, because I
19 think it's important for the Board Members to hear some of
20 this. Mike.

21 MR. KUHN: Thank you. Throughout the last month
22 we've received a large volume of comments from interested
23 parties and local enforcement agencies. The largest volume
24 of the comments concern butrescible residue, the residual.
25 That is, residual is the organic material and decomposes

1 quickly resulting in odors, vector attraction, and other
2 public health problems. __

3 Many of the commentors have indicated that
4 butrescible residue is very difficult to measure separately
5 from total residue. Although difficult to measure, the
6 majority of the comments regarding residual have focused on
7 butrescible fraction and the associated public health
8 impact.

9 Another area of significant comment has been the
10 measurement of residual waste. Although the measurement of
11 contamination at the front end is desirable, the majority
12 of commentors recognize that this is difficult, if not
13 impossible.

14 Measurement of residual at the back end, however,
15 introduces other problems. Waste generated by the business
16 itself, in its normal course of business, and commodities
17 that have been inadvertently contaminated as they go
18 through the process, cannot be distinguished from incoming
19 contaminants, they all end up as residual.

20 Another area of significant comment was the
21 tonnage limit of the cap. Many recyclers have commented
22 that a tonnage limit will unfairly discriminate against
23 large recycling operations.

24 LEAs on the other hand have commented that a
25 tonnage limit, or some type of LEA discretion may be

1 necessary to control public health problems related to
2 butrescibles.

3 Many commentors have suggested that Board staff
4 conduct a survey of potentially regulated operations to
5 determine the actual range of the residual percentage at
6 operations that are currently not under Board regulations.

7 And finally, many commentors, including most
8 recently the Solid Waste Policy Committee of the California
9 Conference of Environmental Health Wreckers, that's a
10 mouthful, has suggested that all igloos, buy backs, drop
11 off centers and the like, should be categorically excluded
12 from Waste Board Regulation.

13 MR. OKUMURA: As I had spoken to earlier, we
14 received some comments from the CCDHs, California
15 Conference of Directors of Environmental Health, up until
16 the meeting. They faxed us a letter this morning at 10:30.

17 We've taken a lot of these comments and in this
18 first-cut proposal we think we put together a reasonable
19 approach. There's one correction. Before I have Mike go
20 into the actual presentation of what our proposal is, I'd
21 like to have the Board Members take a look at a correction
22 we'd like to make.

23 In receiving a letter from the Environmental
24 Health Officers we had kind of a mixed review from them.
25 Some of them felt they needed to have some more local

1 control. Some of them felt that, no, they already had
2 jurisdictions. We received a letter now from their
3 association that basically says they don't think it's
4 necessary to be in there.

5 So, what I'd like to do is, under the proposal
6 we'd like to take, under the chart here, Item No. 3, to
7 take Item No. 3 and completely remove that and to change
8 the, the following two-part test.

9 So, with that, our proposal would now drop No. 3,
10 which is the Demonstrate Public Health and Safety Nuisance
11 Issue. We'd like to drop that from our proposal.

12 And I'd like to have Mike go over what the actual
13 proposal is and briefly explain how this impacts where
14 we're trying to go. Mike.

15 MR. KUHN: Thank you.

16 COMMITTEE CHAIRMAN FRAZEE: Can I interrupt just
17 for a moment. For purposes of the record, the letter that
18 you referred to was delivered after we made our ex parte
19 disclosure this morning, so I would like to enter that into
20 the record. A letter from the California Conference of
21 Directors of Environmental Health.

22 COMMITTEE MEMBER RELIS: Is that on behalf of
23 all --

24 COMMITTEE CHAIRMAN FRAZEE: Yes. On behalf of
25 all three members of the Committee. I think we all three

1 received that.

2 MR. KUHN: Today's proposal is embodied in a
3 handout that's available for the public in the back of the
4 boardroom.

5 At this time I'd like to enter the handout into
6 the record as an attachment to Item 14. There's two sides
7 to the proposal, it's just a one-page handout.

8 The proposed definitions for "Source Separated"
9 and "Separated for Reuse" are as follows:

10 Separated for Reuse. Recyclables separated for
11 reuse are materials, including commingled recyclables, that
12 have been separated or kept separate from the solid waste
13 stream by their owner for the purpose of recycling or
14 reuse.

15 Source Separated. Very similar. Source
16 separated recyclables are materials, including commingled
17 recyclables, that have been kept separate, have been
18 separated, or kept separate from the solid waste stream by
19 their owner, at the point of generation, for the purpose of
20 recycling or reuse.

21 The only difference between these two is that
22 Source Separated is a subset of Separated for Reuse. If
23 something has been source separated it's separated for
24 reuse. But Separated for Reuse also includes materials
25 that have been separated at material recovery facilities

1 and any other type of sorting process that may be
2 permitted.

3 And then on the other side of the paper is the
4 actual proposal. And what we're proposing is to draw the
5 line between what's in and what's out according to a, at
6 this point, a two-part test.

7 If the materials have been separated for reuse or
8 source separated, and the amount of residual is less than
9 10 percent by weight of the incoming tonnage and the
10 residual does not exceed a maximum of ten tons per day, the
11 operation or facility would be outside the Regulatory Tier
12 Structure.

13 Examples of facilities that we foresee falling
14 out of the regulatory tiers are, Scrap Metal and Paper
15 Recyclers, Most Curbside Programs, Curbside Recycling, Buy
16 back Centers, Drop off Centers, all manufacturers and
17 generators of waste that don't handle waste, what we've
18 deemed or termed demanufacturer.

19 There what we're talking about is a business that
20 receives 100 percent source separated materials and then
21 they disassemble those materials.

22 So, for instance, couch and mattress recycling
23 may have residual that exceeds 10 percent, but the incoming
24 materials that they're dealing with are completely free of
25 mixed solid waste.

1 Inside the Regulatory Tier Structure would be.
2 Material Recovery Facilities that are receiving
3 mixed solid waste, Transfer Stations, Landfills, and
4 Recycling Operations that don't pass the, now, two-part
5 test.

6 That pretty much concludes staff presentation.

7 MR. OKUMURA: I think we addressed most of the
8 issues and I'm sure -- from our discussions we've had a lot
9 of real good input from the regulated industry, both sides.
10 Unfortunately, a lot of it we got just recently in the last
11 24 hours or so. So, I think at that we'll conclude staff
12 presentation.

13 COMMITTEE CHAIRMAN FRAZEE: Okay. Thank you.

14 MR. CHANDLER: Let me just ask, you had at one
15 time a three structure here and you're down to a two-part
16 test, yet your right-hand column still refers to the
17 three-part test. So, you're acknowledging that that's a,
18 oh, that's a typographical?

19 MR. OKUMURA: That's correct.

20 MR. CHANDLER: It needs to be changed to a
21 two-part test on the right-hand side?

22 MR. OKUMURA: That's correct.

23 MR. CHANDLER: It will be changed to read
24 two-part test?

25 MR. OKUMURA: That's correct.

1 MR. CHANDLER: And it shows up in a couple of
2 places on that right-hand side.

3 COMMITTEE CHAIRMAN FRAZEE: In the proposal as it
4 stands now the residual waste does not define whether
5 that's butrescible or not. We're not attempting to make
6 that separated?

7 MR. KUHN: That's correct. In the course of the
8 workshops almost everyone that testified about butrescibles
9 stated that they were concerned about it, but that the
10 major impact comes from butrescibles, but the difficulty is
11 trying to separate butrescible from non-butrescible.

12 If you ask ten different people how much
13 butrescible is in that residue you're going to get ten
14 different answers, and they're going to vary widely
15 depending on how they make that measurement. And it was
16 the consensus of, almost everyone we spoke with, that
17 measuring butrescible would be very difficult to do.

18 COMMITTEE CHAIRMAN FRAZEE: I think that it might
19 be helpful, if the Committee agrees, that we take the
20 public comment on this item right now, and we'll take our
21 discussion after that.

22 Just to settle the groundwork for that and
23 perhaps make it a little easier to get through, at least in
24 my discussions with all the parties that have an interest
25 in this item, there is general agreement with the basic

1 thrust of the document. And it really comes down to a
2 couple of items, and that's the, Item 2, the 10-percent
3 residual and the 10 ton per day fee.

4 Now, there was concern over Item 3. That is out
5 of the recommendation at this time. I think for the reason
6 that, if there is a need for local enforcement agencies to
7 step in, in this area, they have authority under other
8 statutes to do that, and to enforce statute and local
9 ordinances based on health and safety concerns, and things
10 of that nature.

11 MR. OKUMURA: That's correct.

12 COMMITTEE CHAIRMAN FRAZEE: So, with that
13 understanding, let's start here with our list of interested
14 parties. Start with Mark Leary.

15 MR. LEARY: Thank you, Mr. Chairman. My name is
16 Mark Leary representing Browning-Ferris Industries.

17 You couldn't have introduced it better. I think
18 generally, Mr. Chairman, there is general agreement to the
19 conceptual thrust of the staff proposal. I'm here to speak
20 in support of the definitions mostly. I think that they
21 work and they're a good basis for defining the regulatory
22 tier structure.

23 I'm also here to speak in support of the general
24 outline of the two-part test, and our area of concern
25 largely is with the numbers.

1 BFI would like to at least initially propose that
2 the numbers be less than the ten percent as proposed,
3 somewhere in the neighborhood of two to five, but with a
4 caveat that I don't think that we, as a company, maybe
5 industry as a whole, or maybe the overall participants in
6 this effort really know what those numbers ought to be at
7 this point.

8 And I think the thrust of my comments, what I'd
9 like you to come away with, from, with, come away with from
10 my comment is that, I think we ought to take another month
11 or so and allow us to work with staff, to work with other
12 players, to discuss these numbers a little more thoroughly.

13 Maybe for staff to do a little more survey work
14 of the potentially regulated or outside of the regulation
15 industry to determine whether ten percent, five percent,
16 fifteen percent, has some real-world basis for defining
17 this regulatory structure.

18 This is a new area for the Board. The
19 discussions of the numbers really only started about a week
20 or so ago. Although, we had, it was kicked around in some
21 workshops, I don't know that a lot of us were able to bring
22 real-world experience to the table to talk about what those
23 numbers ought to be.

24 So, again, I'm very appreciative of the effort of
25 staff to bring us all on board, to bring us into many rooms

1 over many hours to discuss some of these things. I think
2 we ought to just take a little more time and try to do it
3 right.

4 COMMITTEE CHAIRMAN FRAZEE: Let me pose one
5 question to you and to everyone else that will be
6 testifying. Would your company be willing to work with
7 Board staff on determining an acceptable number provided
8 that there is confidentiality and proprietary information?

9 MR. LEARY: Absolutely.

10 COMMITTEE CHAIRMAN FRAZEE: Would you feel
11 comfortable with the Board assuring you of that
12 confidentiality?

13 MR. LEARY: Absolutely. No discomfort
14 whatsoever. Happy to explain the numbers and the, what our
15 operations result in and our recycleries throughout the
16 state, and participate in that, would be no problem at all.

17 COMMITTEE CHAIRMAN FRAZEE: Okay. Thank you very
18 much. Richard Perry.

19 MR. PERRY: Mr. Chairman and Members, Richard
20 Perry from California Refuse Removal Council. Evan Edgar
21 on my staff has been working on this with you. He is out
22 of town today, so he asked for the second team to come in,
23 that's me, and, to wit, we agree again on the concept.

24 The concept is very good. It's something that I
25 know that Evan has worked quite long and hard with. He has

1 given me a very thorough understanding. I know our
2 association is also willing to kind of open up the books
3 for staff to come up with real-world numbers that Mr. Leary
4 was speaking of.

5 Ten percent seems extremely high, especially when
6 you made it with ten tons per day, you start to, we start
7 to question that number. I know that we have had some
8 people in the association who have wanted zero, and we have
9 others who have wanted up to five percent. So we're
10 working with that two to five percent residual right now,
11 as far as in-house.

12 This is an opportunity for regulations to not be
13 a burden on industry but to work towards, perhaps even
14 market development that the cleaner that your products
15 going into these facilities are the cleaner they come out,
16 the easier, the better it is to try to facilitate these
17 into markets.

18 And I think it works much into what the Governor
19 and the administration has mentioned several times about
20 the new regulations coming forward in California, and that
21 being, again, less of a burden more of an opportunity.

22 I will let the rest of the folks come up and give
23 their particular points on this. Again, we hope that there
24 is some time for staff to go through and, and look at some
25 of the real-world numbers and come to a good agreement

1 between all parties.

2 COMMITTEE CHAIRMAN FRAZEE: Okay. Thank you.

3 Next representing NORCAL Larry Sweetser and Denise

4 Delmatier.

5 MS. DELMATIER: Good afternoon, Mr. Chairman,
6 Members of the Committee. My name is Denise Delmatier, I'm
7 with The Gualco Group on behalf of NORCAL Waste Systems.

8 Larry and I want to address a couple of points
9 this afternoon regarding the proposals, but first, I want
10 to compliment Mr. Okumura and Mr. Pennington in particular
11 for their long hard work on this issue.

12 As we all know, it's been a long time coming and
13 to come to this point where I think we have general
14 consensus on the concepts that are contained in the outline
15 that staff has prepared, I think that we have an issue
16 before us that possibly we can go forward with today, in
17 concept form at least.

18 I know we have some remaining issues to determine
19 as far as the numbers are concerned, but we're very
20 encouraged that staff has been able to bring very desperate
21 parties together in putting this proposal together, and the
22 concepts here seem to work for the majority of the
23 interests that have been involved in these negotiations.

24 The first issue however, that I want to address
25 are the proposed definitions. And if I can address first

1 the issue of Separated for Reuse.

2 We have, in particular, been advocating a
3 necessity for the two definitions as opposed to a single
4 definition. And in previous committee hearings and
5 workshops the popular term of art that's utilized in
6 industry is the term Source Separated. And we acknowledge
7 that and recognize that.

8 However, as the Board Members well know, we are
9 constrained in fact by statute. And the only term that is
10 utilized for purposes of exclusion outside the regulatory
11 tiers as proposed in the Public Resources Code, is the term
12 Separated for Reuse. And so that's why we think in
13 promoting this package and moving it on to OAL eventually
14 we have to acknowledge that the statute use the term
15 Separated for Reuse.

16 In looking at the term Separated for Reuse we
17 have consistently advocated at the Board and over the
18 years, that when this term was proposed in statute under
19 AB939 that it was at that time contemplated in the
20 Definition of Exclusion for Transfer and Processing
21 Station, that if you look at the exact language that it
22 utilizes the verb term of past tense. And so that under
23 the exclusion the definition states that these are
24 materials that have already been separated for reuse.

25 And so for purposes of definition then, we

1 advocate that once materials are separated for reuse we
2 have been, those materials have been processed to the point
3 that they are now ready to enter the marketplace, they are
4 now ready to meet the quality standards to enter the
5 economic mainstream, et cetera.

6 So we think that then separated for reuse is the
7 more "limiting" term, if you will, and that Source
8 Separated is the "broader" more encompassing term.

9 And so we actually differ then with staff in
10 their recommendation that Source Separated is -- we
11 actually believe that source separated is the broader term,
12 and Separated for Reuse is the more limited term because of
13 the tie-in to the recycling definition. And we have been,
14 of course, advocating that, we have been consistent with
15 that approach for some time.

16 So, with that in mind --

17 COMMITTEE MEMBER RELIS: Point of clarification.

18 COMMITTEE CHAIRMAN FRAZEE: Yes.

19 COMMITTEE MEMBER RELIS: Are you then at, with
20 No. 1 then, in the way you wish it be, materials received
21 are source separated and separated for reuse, or you would
22 drop source separated?

23 MS. DELMATIER: No. We advocate that both terms
24 be utilized --

25 COMMITTEE MEMBER RELIS: You just remove the or.

1 MS. DELMATIER: Under Separated for -- which are
2 you referring to, Mr. Relis?

3 COMMITTEE MEMBER RELIS: On No. 1. Oh, I'm
4 sorry, I guess I better -- we have the definitions, but in
5 the proposal --

6 MS. DELMATIER: In the proposal both can remain
7 because what actually governs is the number. So we, in
8 fact -- and you bring up a good point, and I'm glad you
9 did.

10 We actually agreed with the recycling industry
11 that materials can, by a generator, and this gets a little
12 confusing, but materials can by a generator for example be
13 both source separated and separated for reuse at the same
14 time.

15 And let me provide an example. Let's say we in
16 fact promote this adamantly with our clients in trying to
17 educate our clients to do the best clean processing at the
18 point of generation possible.

19 For example, in the Financial District in the
20 City and County of San Francisco, we encourage those
21 clients that we collect wastepaper from, to actually, in
22 fact, grade those materials at the generation site, as
23 opposed to bringing those materials to the processing
24 facility and do further processing.

25 So, in working with our clients we're actually

1 asking them to do separation for reuse at the point of
2 generation. So they're actually separating from the waste
3 stream and, in fact, separating for reuse at the same time.

4 And under that scenario in terms of our
5 wastepaper flows, those types of facilities who receive
6 materials from a generator who have minimal residual and
7 are pretty much a hundred percent clean, you know,
8 obviously should not enter the regulatory tiers.

9 And so we want to make sure that those folks who
10 encourage that activity and provide the public education,
11 and provide the client information promotion should not be
12 penalized for providing that service to their clients.

13 So, you can have source separation, you can have
14 or separation for reuse, or you can have both at the same
15 time.

16 Now, let me provide you an example of where
17 you're going to have source separation without separation
18 for reuse, and that's the single bin system.

19 Many curbside programs, there are many in the
20 state who provide a blue bag or single bin system, where
21 you have commingled recyclable materials that may not
22 necessarily have the public education, public information
23 service provided, and in fact you're going to have a very
24 high residual at that point by the generator.

25 And so those coming in the door and going out the

1 back end of those types of facilities you may, in fact,
2 exceed the ten percent as proposed, or the five percent, or
3 the two percent, whatever the Board eventually decides on,
4 but you may actually exceed that threshold. And if you
5 decide up front that source separation materials are
6 outside the regulatory framework without that magic number
7 applied, then you run into problems.

8 And, in fact, you can have, you can have
9 residuals that exceed a small volume transfer station. And
10 Larry's going to get into that momentarily, but you can
11 have residuals that exceed a small volume transfer station
12 outside the regulatory framework because of the high
13 residual.

14 So, that's why we think that you need both terms,
15 both defined, one, the reality of what actually occurs in
16 the field, and two, the staff that's required, the
17 definition of separated for reuse. And in order to be
18 successful -- well, we all know that both terms are
19 necessary.

20 So, the bottom line is, we support the concepts.
21 We think they're great. We think that staff has done an
22 excellent job in bringing this forward and getting all the
23 interested parties together, and there's been a lot of
24 negotiation and a lot of discussion active and lively. And
25 we think that at least in concept this proposal is fully

1 baked. The numbers remain at issue and we need to work on
2 those. We welcome staff, third-party staff coming out and
3 actually doing a real live survey of what those numbers
4 really are.

5 Obviously, when we get into the final stages of
6 this negotiation and everyone is effecting their best and
7 putting up numbers that they think they might need, but,
8 you know, but let's ask for a little more, in reality
9 somewhere in between.

10 We think that staff will do an excellent job in
11 going out in the field and taking a real hard look and
12 doing a reality check on what those numbers really are, and
13 so, we welcome that and encourage that.

14 I'd be happy to answer any questions.

15 COMMITTEE CHAIRMAN FRAZEE: Any questions? Larry
16 Sweetser, do you wish to comment also?

17 MR. SWEETSER: Part two here. Larry Sweetser
18 Director of Regulatory Affairs of NORCAL Waste Systems.

19 As we said, I think we have come a long way in a
20 short amount of time. I've been with this process from the
21 beginning, about four years ago, and I think recently we
22 made a whole lot of progress in a short amount of time. I
23 think that's a credit to staff, in particular, in
24 developing a system that I think is, a lot of us are in
25 agreement on in that framework.

1 And I want to take the time to cover a number of
2 issues, real-life examples and mindful of the three tests
3 that I think we're trying to do here. That is, that one is
4 defensible LELs, whatever number or concept we come up with
5 have to be done, have to meet their satisfaction. It's got
6 to be practical from an implementation standpoint, and it's
7 going to have to be enforceable. That's why we need basis
8 and some real numbers. And I don't think we have it here
9 yet on the numbers. The framework is there, but the
10 numbers need some work.

11 We're not dealing with slotting of facilities. I
12 think we need to keep that in mind, everyone else does too.
13 What we're trying to do is figure out who's in, who's out,
14 who's within the Board's purview and who isn't. We're
15 trying to figure out what a clean operation is essentially.
16 And once we set that kind of a limit it's going to be very
17 difficult to go back.

18 These people that are going to be outside the
19 loop won't even be on the notifications. You won't even
20 know who they are. I think that needs to be kept in line.

21 There's three issues I'll mostly touch upon,
22 essentially demanufacturing the assembly issue, the
23 residual percentage, and the upper limit.

24 I think first from the demanufacturing standpoint
25 that, I know there's concern over that word, so we'll be

1 changing that word.

2 COMMITTEE MEMBER RELIS: Is that a new term in
3 the English language?

4 MR. SWEETSER: People rename things all the time.
5 I don't think there's been any interest in us or anybody
6 regulating those people, that should be outside the issue.
7 I think what we're trying to do is establish criteria that
8 doesn't inadvertently capture those people into it. And
9 I'd like to suggest a concept as far as that goes.

10 I think there's a fundamental difference between
11 somebody that's taking out material and essentially
12 deassembling it for recycling purposes versus somebody
13 that's taking the mixed loads and then doing similar things
14 with it. I'll draw it on a little graphic here.

15 The examples we've thrown out there are the
16 copper choppers and computer terminals, and even flower
17 manufacturing. And this is an example of something that's
18 coming in the unit and being disassembled, being taken
19 apart. That material is being sent in various directions.
20 Some solid waste is being generated from it.

21 I think that's a whole lot different than this
22 concept where you have that same computer terminal full of
23 other things in it, some of which are butrescible. Our
24 famous banana argument, as well as other material, like
25 paper, depending on what that facility is doing may or may

1 not be pulled out of that facility. There's an inherent
2 difference between whether those materials there are in
3 there in the first place.

4 If you've got garbage going in on a load, you're
5 going to have it coming out. If that material was there in
6 the first place, it's coming out. It's a fundamental
7 difference on what those types of facilities handle. And I
8 think that rule could apply to most of the ones we're
9 concerned about not inadvertently capturing.

10 The second point is the residual. And the
11 concern is, and in all the workshops I've been to, on
12 trying to figure out what's coming in the facility, and
13 we're all trying to watch out for that, particularly the
14 butrescibles. But since there's no way to measure that,
15 other than tearing apart the load, you have to measure on
16 the back end in the field. It's a simple way to have a
17 requirement. I think that's one of the things that we're
18 striving for.

19 And I'd like to propose a perfect model of what
20 that is, trying to encourage clean facilities, and that's a
21 curbside program. All these other facilities we're dealing
22 with have various gradations making it a little bit
23 different than somebody else is doing.

24 But a curbside program is a curbside program.
25 People know what a curbside program is and what it does.

1 And from the look we've seen around in our numbers, most of
2 those are doing less than two percent residual, they're
3 very clean facilities. I think that's a good benchmark to
4 build upon.

5 So, what we're trying to do is encourage good
6 clean facilities, to get them out of the, get them into the
7 exclusionary, not put facilities that are dirty in, or
8 allow those in. So curbside is a good program. And there
9 are a few dirty curbside programs out there, but I don't
10 think they're following the three rules.

11 One is, source separation of materials, keeping
12 it clean at the curb in the beginning. And educate, the
13 second one is, educate the people, customers, what should
14 go in and what shouldn't. And the third one is the
15 enforcement side. Unless a curbside program operator is
16 willing to send material back and not take it in the first
17 place people are going to put it out there. As long as you
18 take it, they'll keep putting it out.

19 So unless somebody is going through those three
20 steps you're going to continue, you could continue to have
21 those dirty curbside programs, and by that criteria they
22 probably need to be in the loop. That would be a good
23 incentive for them to be a cleaner operation is to be
24 outside the loop, if you do it right.

25 And so that's why we're proposing the two percent

1 number, because I think that is a reality for those types
2 of operations.

3 As far as the butrescible level, we were one of
4 the ones that was as concerned as anybody else about that
5 being the issue, I mean the dirty, stinking, rotten garbage
6 is what most people are concerned about. But, there's no
7 way to measure butrescibles. Nobody's come up with one.

8 At some of the workshops there was concepts of
9 trying to deal with butrescible levels. We had many
10 different types of materials types coming in, and I think
11 that fails our practical test. Because once we start
12 trying to define residuals and butrescibles by the
13 different types of materials out there we'll have so much
14 varied criteria, so many different tests you'll need a
15 little score card when you're going in the facility to
16 figure out what they are.

17 So, I think the butrescible number has to be in
18 the residual. I think we can come up with one number. But
19 that number also has to include the potential that that two
20 percent is a hundred percent butrescible, otherwise, we'll
21 end up with various tests.

22 COMMITTEE MEMBER RELIS: Excuse me. I'm not sure
23 I -- two percent is a hundred percent butrescible?

24 MR. SWEETSER: If the upper limit is two percent
25 butrescible and whether you're totally excluded from Board

1 authority, unless we're trying to come up with more numbers
2 or reinvent definitions of butrescible, you have to take
3 into account that that percent residual could contain a
4 hundred percent butrescible. Somebody's going to do that.

5 You've all seen the variety of operations that
6 those of us out in the industry have put together.
7 Somebody will have a facility like that. And that's one of
8 the other reasons we're asking for the lower percentage.
9 We'll take that into account.

10 Lastly, the upper limit, I think that's a
11 necessary criteria. I think we need something out there as
12 a guidance, upper limit, if you will. And keeping in mind
13 that what we're trying to do is draw that line. We're
14 trying to set up a line that people are outside the Board's
15 authority. There's nothing out there for anybody to point
16 to. We're also saying that there's no concern over that
17 amount of material that they're handling. That residual is
18 not a concern from the public health and safety standpoint.

19 And as far as the concern on the demonstration,
20 Criteria No. 3, removing that from the list, I think that's
21 acceptable because I think in everybody's mind that's
22 inheriting the definition of being excluded, is that if you
23 are on that excluded side you have already demonstrated
24 that you are not an impact on public health and safety.
25 So, I think we move that into the definition of that

1 category, I think that takes everybody's concern into
2 account.

3 So, with putting an upper limit on it I think
4 that gives us some boundaries to work with. And some
5 examples I'd like to throw out is, the ten ton per day
6 number that staff put in the proposal is just mind-boggling
7 to us out there.

8 Keep in mind a garbage truck, everybody knows
9 what that is, handles between eight to ten tons in that
10 truck. We're saying somebody that generates that amount of
11 garbage on a daily basis is totally outside the authority.
12 That's a lot of material. They're not even on the
13 notifications. Ten tons a week is about 70 tons, or ten
14 tons a day, that's about 70 tons a week.

15 I did a little calculation here of this room and
16 we used that as the example. Again, this whole room will
17 probably only contain about five days worth of garbage at a
18 generation rate of ten tons a day. This room with
19 everybody in it covered with garbage on a weekly basis, and
20 you're saying that's not --

21 COMMITTEE MEMBER RELIS: Good graphic.

22 COMMITTEE MEMBER EGIGIAN: Would you start
23 dumping in the back of the room?

24 (Laughter.)

25 MR. SWEETSER: It would probably fill up the

1 lobby as well. But it's hard to imagine that amount of
2 material would be totally outside the Board's authority.
3 It's very hard for us to imagine. And by being outside of
4 the authority you're saying that's -- that's a lot of
5 material.

6 The other thing to keep in mind is, we've got a
7 disparage sort of a distinction here between transfer and
8 processing facilities. And for the most part that's clear
9 to understand, a transfer station just picks it up and puts
10 it over here. A processing facility tears it apart, does
11 more recycling than a transfer station does.

12 But a transfer station is inherently more safe
13 than a processing facility. All a transfer station does is
14 pick it up here and put it over there. A processing
15 facility tears that thing apart, there's people exposed,
16 there's people handling that, it's a public potential
17 exposure. A transfer station is inherently safer. With
18 that kind of number on the upper threshold it's hard to
19 understand how a transfer station isn't in the loop.

20 And one of the concepts is if you have a facility
21 that's doing a hundred tons a day with only nine percent
22 residual they would fall under the threshold. They'd only
23 have nine tons of garbage. But if you have a transfer
24 station handling twelve tons a day they'd be in it. I
25 don't see the logic there, at all, on why a transfer

1 station that's safer handling a little bit more garbage
2 would be subject to a permit or notification or one of the
3 other terms. Somebody handling a lot more material with
4 just a little less garbage is out. Something to think
5 about.

6 And that also brings up the concern on the buy
7 back and the drop off centers. Those aren't familiar terms
8 over here to some people. And from the study of years ago,
9 even though there was no numbers in that information, that
10 study did point out that there are very, very large drop
11 offs and very, very large buy back centers. And so unless
12 we apply that criteria to those two kinds of operations I
13 think we're running into issues of large amounts of
14 residual to be concerned about.

15 So, I think those things considered, I don't
16 think that's the kinds of statements that the Board's
17 trying to make, that a room full of this size of garbage is
18 not an issue.

19 As far as the guidelines we've had from the LEAs,
20 I've been to the workshops too. There's been a whole lot
21 of spread of numbers, everything to why are we regulating
22 anybody to, if they've got garbage in the beginning within
23 the load then they probably should be in the loop, that's
24 what some of the LEAs were saying. But if you look at a
25 load coming in, if there's garbage there it should be

1 regulated, two numbers that have been hit hard in the
2 Committee.

3 I think what the LEA is striving for is, just
4 give us a number that we can enforce that makes sense. And
5 I don't think any of them will deny that. I haven't heard
6 any LEA advocating for a particular number.

7 So, in conclusion, I'd just like to bring the
8 Board back to keeping in mind that we're trying to do
9 something that's defensible, practical, and enforceable.
10 And I think we've got the framework to do that. I think
11 there needs to be a little more time with the numbers.

12 I think Board staff has a pretty good sense of
13 facilities out there, which was our main concern. I don't
14 think it would take much time for them to come up with
15 numbers. We're more than willing to share our numbers with
16 that. We're proud of how clean our facilities are. In
17 fact, many of you have been to our dinners at the dumps in
18 our transfer station. We think that's a pretty clean
19 operation and we don't mind sharing those numbers.

20 So, with that, I'd like to urge you to go ahead
21 with the framework, but let's give it a little bit more
22 time with the numbers, because once we set a number we
23 can't go back. Thank you.

24 COMMITTEE CHAIRMAN FRAZEE: Thank you very much.
25 Next let's move to Arthur Boone.

1 MR. BOONE: My name is Arthur Boone. I'm from
2 Oakland, California. I am a member of the Legislative
3 Committee of the Northern California Recycling Association.

4 The proposal that was distributed today, I
5 believe this is it's first actual airing as a completed
6 document. And at our board meeting tomorrow night we will
7 discuss and consider this.

8 Sometimes when I come up here I think I'm Frank
9 and sometimes I think that I'm the only wise man in the
10 room.

11 COMMITTEE MEMBER EGIGIAN: How do you feel today?

12 (Laughter.)

13 MR. BOONE: I think I feel like a wise man today,
14 thank you very much.

15 I had the privilege of working in, what I believe
16 was the first mixed-recyclables facility in the State. And
17 the concept was invented by a man who wanted to pick up
18 mixed commercial loads of materials in an area where there
19 was an exclusive garbage franchise.

20 And he knew that if he said he was going to pick
21 up trash that the garbage company would put him out of
22 business. So he said I'm going to pick up something and he
23 invented the term, I believe in 1985, called mixed
24 recyclables. And he told people put cardboard and this and
25 that and the other stuff in the bin, but don't put the

1 other stuff.

2 My job in 1989 was to make sure that the 20
3 people we had standing alongside the conveyer belt were
4 supposed to pull off all the things that we had shoots for
5 and so we could get the revenue for selling those
6 materials. And the LEA then and would today still be
7 scratching their heads as to whether this guy is in the
8 garbage business or whether he's in the recycling business.

9 It seems to me, as I've listened to everybody
10 talk about this, that the fundamental purpose of this line
11 drive, whether you're aware of it or not, essentially is to
12 put a lot of screws on so-called mixed recyclables. That
13 will be the ultimate effect of that.

14 In my city, Oakland, there is a section in the
15 Local Municipal Code which says nobody can haul solid waste
16 over the streets of the city local except the franchise
17 garbage company.

18 And so that if an independent recycler fails to
19 meet your tests and then wants to get a permit to be
20 inside, to be put inside the regulatory structure, then the
21 City will deny him the permit because of the fact that he's
22 now in the solid waste business.

23 I want to make sure you understand that, that's
24 what you're doing. Where you draw the line really isn't
25 important for the independent recyclers. It's the ability

1 of the garbage companies that will open its municipalities
2 to use that line as a way of saying that what you're doing
3 is illegal and that it's contrary to state regulations,
4 you're now in the waste business and you have to have a
5 permit, but you can't get a permit because there's only one
6 waste company in the city, according to our local
7 ordinance. That's what the real threat of however you draw
8 this line is, and I want to make sure you understand that.

9 The second thing you have to understand is that
10 when you're picking stuff off a conveyer belt, when the
11 price of the material goes up you put more people on the
12 conveyer belt and when the price of the material goes down
13 you take them off because you can't make any money.

14 We experimented over the seven months that I
15 worked for Mr. Dinci in 1989 with having 12 people on the
16 belt, 14, 16, 18, 20, and every week the accountant and
17 everybody ran all these numbers and tried to figure out how
18 many bales of cardboard did we get out of this pile of
19 stuff, and how many bales of newspaper and all this other
20 kind of stuff. And so all that is, is a function that
21 markets. What we should have told everybody is don't put
22 any piece of cardboard in your bin that's smaller than a,
23 than a square foot, because we don't have enough people on
24 the conveyer belt to pull that off.

25 If the price of cardboard went to what it is

1 today we'd put on another five or six people and we'd get
2 off the pieces of cardboard that small. If you have any
3 idea about how you're going to teach people who are already
4 working to put mixed recycles in one bin and garbage in
5 another bin, how are you going to teach them that we can't
6 do anything with small pieces, I don't know.

7 The alternative is, that we leave ourselves
8 captives to the garbage company that are the only people
9 that can do mixed recycling. That is my prospective of the
10 defensive result of these regulations.

11 State Supreme Court said last year that with the
12 Waste Management Decision, the fundamental purpose of the
13 act is to reduce the amount of material entering into the
14 waste stream. If this line is drawn too high, what that
15 means is that the only people that are going to be able to
16 pick through the mixed materials is, in fact, the garbage
17 companies. Because they will use their power through this
18 to go to local governments and put all the independent
19 recyclers out of business. I think that's unfortunate.

20 I think none of the people who are independent
21 recyclers, the non-franchise garbage people who do not hold
22 garbage franchises who are collecting and processing
23 materials in exclusively franchised areas, not one of those
24 people have appeared at any public meeting that I've
25 attended, and that was what -- I attended the meeting two

1 weeks ago, and three weeks ago, and I also attended the
2 meeting that was held here in some sort of a public forum
3 10 days ago.

4 Now, whether they're hiding, whether they're
5 faxing, I don't know. But what I would say is what we have
6 is the garbage companies and the so-called true recyclers,
7 a term that was used by some of the scrap metal people and
8 the white paper people. That's okay.

9 What we're trying to do with the mixed
10 recyclables is, we're trying to invent a new business.
11 Okay. It's a new industry. And the question is, are you
12 going to use the power that you have to regulate solid
13 waste and the ability to draw lines as a way of making it
14 very difficult for these people to stay in business, and
15 that's a critical question.

16 Personally, I don't think that this proposal
17 knows what's necessary. Personally, I would be very
18 comfortable if you had one and three and left out number
19 two all together. Thank you.

20 COMMITTEE CHAIRMAN FRAZEE: Okay. Thank you.
21 Next, John Boss.

22 MR. BOSS: Mr. Chairman, Members of the
23 Committee, John Boss of EPCON representing SWANA, the three
24 California chapters of SWANA.

25 I'd like to say that in concept SWANA does

1 support the concept and the definitions, we have no
2 problems with that. I'm kind of repeating myself with the
3 other speakers that we really do have some problems with
4 the numbers.

5 I sat in back of the room and did a similar
6 calculation that Larry Sweetser did and came up with about
7 the same result that ten tons per day is quite a large
8 number, that, depending upon the compaction, that certainly
9 can fill the room very quickly. And that, in our opinion,
10 is not a clean operation. So, that something I think we
11 would like to work with your staff to, to look at that
12 number.

13 The same thing with the 10 percent. We're not
14 sure what a good number is but we do have a lot of
15 operators who would be very happy to participate in opening
16 up their books, if necessary. We're meeting tomorrow, the
17 Legislative Task Force is meeting, and we will get a
18 working committee to put together a report for your staff
19 in developing these numbers.

20 One last comment I would make, and it's really
21 not part of this proposal but should be considered is that,
22 no matter what number is established that there should be
23 some sort of criterion established that, similar to
24 transfer stations and other operations, that the floor be
25 cleaned at least once a day, that there is a potential that

1 even if it is less than a ton per day that, that could
2 accumulate in part of a building without it having to be
3 taken care of. Thank you.

4 COMMITTEE CHAIRMAN FRAZEE: Thank you. Now,
5 let's go to Richard Lee.

6 MR. LEE: Good afternoon. My name is Richard
7 Lee. I'm the Supervisor Program Manager for the Contra
8 Costa County Environmental Health Solid Waste LEA.

9 The outside regulatory tier structure puzzled us
10 because we didn't receive any information about the third
11 level being taken out. We could understand No. 1 as
12 basically identifying the facility type, whether it's a
13 true recycler, processor, MRF, or transfer station, that
14 can kind of determine what kind of facility.

15 Number two to us looks like it's a benchmark in
16 which, as an LEA you can go in there and say, well, this
17 month because of a complaint we went in, you have 12
18 percent, let's see if we can get it down to ten, or
19 whatever the number might be.

20 Three, basically to us is a litmus test because
21 since industry really doesn't know what the percentage
22 really is, anywhere from five to seven to ten to fifteen
23 percent, to an LEA, to look at the facility and say, are
24 there really any health significance, any impacts to the
25 community, whether it's going to be vectors, odors,

1 nuisance, if we could take a look at that and the
2 percentage, we could kind of determine if there is going to
3 be any significant health problems to that facility.

4 And that's why we really urge that the Board
5 consider to keep in No. 3. Don't take it out. Because
6 that's like a litmus test for us with that number.

7 I didn't receive any letter. I don't know if the
8 letter said -- my question was to Doug, what did it really
9 say, why was it --

10 MR. OKUMURA: Couldn't share it with you. I got
11 it at 10:30 this morning.

12 MR. LEE: I heard that and that's why we didn't
13 receive any word on it. But to the LEAs I think No. 3 is
14 also a determining factor with that number. I mean, 12
15 percent would be clean, no vectors, no odor, nothing, if
16 properly maintained the garbage, take it away, transfer it
17 out, no problems.

18 Eight percent can be there but it would be spewed
19 all over the place and it causes flies, rodents, and
20 impacts the community and we get tons of complaints. But
21 at least a number, and one to three can give us a measuring
22 devise, some parameters in which we can judge, is this
23 facility in or out or causing the problem. We need those
24 parameters.

25 COMMITTEE CHAIRMAN FRAZEE: I think part of it,

1 just to have a little exchange with you, part of the reason
2 in that letter for taking it out is explained. And it was
3 a concern that I had also that local jurisdictions, health
4 officers, and others, already have the ability under other
5 statutes and local ordinances to do those kinds of things
6 without bringing it into a category of a solid waste
7 facility.

8 And I think you could find those kinds of
9 conditions in a restaurant, and I don't think that we want
10 to get into the business of regulating restaurants as a
11 percentage.

12 COMMITTEE MEMBER RELIS: Well, that's already
13 in --

14 COMMITTEE CHAIRMAN FRAZEE: Percentage --

15 COMMITTEE MEMBER RELIS: That's already in the
16 California --

17 COMMITTEE CHAIRMAN FRAZEE: Yes, and you have the
18 ability to pursue that. Because we're constrained by, by
19 statute and by the only defending court case in dealing
20 with identifying solid waste. And that's what we are
21 struggling with is to try to stay within those parameters.

22 MR. LEE: But not all local ordinances are the
23 same, some have it some don't. And the LEA is for the
24 whole county, we are also dealing with cities, whether they
25 adopt county ordinances. Individual cities have their own

1 ordinances. They may or may not include what we are
2 looking for to help us enforce it. LEAs are in that kind
3 of a position.

4 So, if we have someone from the State saying
5 across the board the LEAs would do this, it gives us a
6 little bit more even playing field throughout the county
7 who will do the services without it being, having to do
8 with 18 ordinances.

9 COMMITTEE MEMBER EGIGIAN: Did you say that Item
10 3 should stay in there?

11 MR. LEE: Yes.

12 COMMITTEE MEMBER EGIGIAN: I kind of agree with
13 you because that was the premise on the whole situation
14 when we started this four years ago.

15 MR. LEE: Thank you, sir.

16 COMMITTEE CHAIRMAN FRAZEE: Okay. Thank you.
17 Now, Tim Flanigan.

18 MR. FLANIGAN: Thank you very much, Mr. Chairman,
19 Members of the Board. I'd like to address the last issue
20 first. I think it was appropriate to remove No. 3.

21 I used to represent the restaurant industry. I
22 was their general counsel. And local health officers may
23 have the most police authority of anybody in the State of
24 California, and LEAs are usually local agencies, either
25 counties or cities or division thereof. The types of

1 issues that they would address can much more rapidly be
2 addressed through local health ordinances and through
3 uniform state health laws. So, I don't think that's a
4 necessity.

5 And there's another even more important reason to
6 take that out. And the reason is, and I premise this by
7 saying that the, the definitions that have been set forth,
8 that have been worked on very arduously by staff and by a
9 lot of different people who ordinarily don't agree were
10 good, it's moving in the right direction. The problem is,
11 there's two very basic problems.

12 One was No. 3. No. 3 was basically the Board,
13 and I understand why the Board has done this, but in terms
14 of trying to get this to OAL -- it's going to be tough
15 enough getting this through OAL. No. 3 creates another
16 issue of statutory authority.

17 In terms of the Board being able to give the
18 decision-making power to a third party, and number two, to
19 give it to a third party on an ambiguous set of standards
20 that aren't even stated. I mean, that third party can,
21 without any statement of standards in here, choose to make
22 someone part of the permitting process. That is a classic
23 ambiguity challenge. It will be raised. We'll raise it.
24 And we don't really want to do that, and that will in some
25 ways put everything else in jeopardy.

1 So, I think it's best to follow the letter of the
2 health officials themselves. I think they are correct when
3 they say they have the authority they need, they don't need
4 this Board to grant them permit authority.

5 Going back to the other two issues. We are very
6 pleased with the definitions of Source Separated and
7 Separated for Reuse.

8 We are very concerned about No. 2 for two
9 reasons. One is, we believe that for ten percent, or
10 whatever percentage that is, is going to be difficult
11 enough to justify to give to OAL. And we want to work with
12 this Board in trying to get a justification.

13 We support the ten percent. We originally came
14 in at fifteen percent. We do support the ten percent for
15 reasons that I'm not going to get into at this particular
16 point. But when you then add "does not exceed a maximum of
17 ten tons per day," that now puts us at odds with this
18 definition. Because what it does is it creates an
19 arbitrary discriminatory line between large recyclers and
20 small recyclers.

21 Mr. Sweetser got up here earlier and talked about
22 if you take ten tons a day, that's a lot, a lot of waste,
23 and that if somebody's doing that they certainly should be
24 under the authority of this Board, just as a general
25 statement. Well, I mean, if you applied that logic,

1 Disneyland, Universal City, I mean, you could go on and on
2 and on, people could produce lots and lots of waste.

3 The issue here is a percentage issue. And
4 percentage, whatever that percentage is finally decided,
5 the percentage of what? Well, the percentage of everything
6 that comes in the front. By putting a cap on it you now
7 start arbitrarily discriminating between the small and the
8 large. I just don't think that's going to stand up. That
9 will be challenged. It will not stand up. It will be
10 construed as being arbitrary.

11 I think it's going to be tough enough trying to
12 get a percentage through. Ten percent, fifteen percent,
13 five percent, that's where we should be placing all of our
14 emphasis and time. And that's where I think we as a group
15 need to stand together so we all can come in and somehow
16 stand up and say, okay, this is an industry standard or
17 here's our rational, here's our basis.

18 And we've all been battling on this in these
19 workshops that staff has been coming up with, and we
20 thought we were coming up with some consensus, and maybe we
21 still need to battle it out. But when you put a cap on it,
22 it just divides the group, and now we're adversaries again.
23 The cap just does not make sense. The percentage, like I
24 say, would be tough enough.

25 We support ten percent. I'm sure others will get

1 up and support other percentages. Whatever that percentage
2 is though, staff and the Board is going to have to be able
3 to justify it so OAL looks at it and sees it's not just an
4 arbitrary standard.

5 So, I encourage you to keep three out and to
6 seriously consider and remove the ten tons per day cap.

7 Thank you very much. By the way, I'm here on
8 behalf of ISRI, the Institute of Scrap Recycling
9 Industries. Thank you.

10 COMMITTEE CHAIRMAN FRAZEE: Thank you. Let's
11 see, Robert Bernheimer and, Rick, you're coming up next.

12 MR. BERNHEIMER: Thank you, Mr. Chairman and
13 Committee Members. Rob Bernheimer with Slovak and Baron
14 the Association of California Recycling Industries, ACRI.

15 I appreciate the opportunity to address you on
16 what has been long in coming to a workable concept in
17 determining what is in and what is outside the Board's
18 purview of solid waste handling.

19 I really want to thank staff for the work they've
20 done in putting some meetings together and in coming up
21 with definitions that are truly workable and bringing some
22 adversaries together to come up with those definitions. I
23 think they've done a good job.

24 And I do want to echo some of the comments that
25 Mr. Flanigan made in regards to Point No. 3. I will not

1 reiterate them but just adopt them for what he said.

2 I'd like to spend some time talking about point
3 No. 2. But before I do, I think we need to take one quick
4 step back and look, what are we trying to do? And that is,
5 determine not trying to define what recyclables are, what
6 recycling is, but we're trying to define what the Board's
7 authority over solid waste handling is.

8 And I think if we remember back to the June
9 meeting, Mr. Block got up here and stated and issued a
10 written opinion that the Board actually doesn't have
11 authority over solid waste, they don't have authority over
12 recycling, they have authority over solid waste handling.
13 And if somebody is handling solid waste that's when the
14 Board gets involved.

15 We also have to remember that when somebody isn't
16 handling solid waste it doesn't mean that they're just out
17 there somewhere floating in nowhere and not being
18 regulated, they're just being regulated in a different
19 manner than through the Solid Waste Board.

20 When we get to the issue of percentage, whatever
21 that percentage is, again, I agree with Tim in that, we
22 have to be able to justify the percentage.

23 We initially believed that somewhere between 12
24 to 15 percent is the appropriate level of residue in order
25 to allow recycling to go forward without being subject to

1 some of the flow control issues and all of the things that
2 we've come up here before and discussed.

3 And we came up with that figure by doing a quick
4 and formal analysis of our association and determined that
5 some of the percentages for recycling range between 6, 7,
6 8, 10 percent, somewhere in that range. And allowing for
7 some sort of a buffer, 12 to 15 percent was an appropriate
8 figure.

9 Particularly, when we balance that against what
10 we're trying to protect against, which is, people handling
11 mixed waste and sham recycling, if that term is still
12 appropriate, whatever that percentage is, those people
13 can't drop below 20 percent or 15 percent and still
14 operate, it would be a danger to the public. So, if you
15 set the number at 10 percent or 15 percent I think we get
16 to that objective.

17 In regards to the cap of ten tons a day, which is
18 really what I want to address, the way we measure if a
19 facility is handling source separated materials. And you
20 first have to ask, are you handling source separated
21 material or are you handling material set for reuse. The
22 real question is, what kind of materials is this facility
23 handling?

24 And it's important to know what kind of
25 facilities (sic) are coming into the front door of this

1 facility. And if they're source separated and meet the
2 percentage materials, percentage requirements, then that
3 facility is only handling source separated recyclable
4 materials, and they're not handling solid waste.

5 The only time you look towards the end result of
6 their residue level is through the backdoor of what's going
7 to the landfill, and you try to use that as a gauge of
8 what's coming in through the front door, and that's when
9 you say, okay, 10 percent or 15 percent, or whatever
10 percent that is. But that's just a gauge of what's coming
11 through the front door.

12 Now, if you say that as soon as you get to the
13 back side and it gets up to ten tons, we just are blind to
14 what's going in through the front door, if it's source
15 separated it's only ten percent or less residue, and all of
16 a sudden because you're a large facility you're somehow
17 handling mixed solid waste. In, in some ways, it just
18 doesn't make any sense. And it becomes, as Tim stated,
19 you're benefiting the small recyclers and burdening large
20 recyclers. And it's kind of antithetical to the whole
21 purpose of the Integrated Waste Management Act, which is to
22 promote efficient recycling anyway.

23 As to the issue that's been raised in regards to
24 ten tons of material is a lot of material a day. And do we
25 want to have these facilities out there being unregulated

1 by the Board. Well, they're not totally unregulated by the
2 Board.

3 The Board has a regulation which says you have
4 to, anybody out there who has solid waste, you have to have
5 it picked up on a regular basis. Which means that facility
6 is going to have to have a contract with a solid waste
7 hauler to have it picked up on a regular basis, and do so
8 in a manner that's going to protect the public health and
9 safety. And if they're not doing that the public health
10 and safety laws are going to be invoked to make sure they
11 are doing it properly.

12 So, that material is not unregulated by the
13 Board. When it enters into the solid waste stream, when it
14 leaves that facility, it then becomes within the Board's
15 purview to make sure that material is handled properly.
16 And that may be every day or every other day, depending on
17 how much materials are flowing through that facility.

18 But we certainly don't want to just stop and put
19 a cap on it and say, what's coming in through the front
20 door is all of a sudden mixed solid waste because you're a
21 big facility. That's really what the majority of what our
22 opposition to this proposal is at this point.

23 And we'll pledge to work with staff in trying to
24 come up with more justification and groundwork so this can
25 get through OAL, whatever percentage we come up with,

1 whether it be 10 percent, 12 percent, 15 percent.

2 But at this time we stand opposed to the cap, how
3 much solid waste can leave the facility a day. Thanks for
4 the opportunity to come up.

5 COMMITTEE CHAIRMAN FRAZEE: Thank you. Next,
6 Rick Best representing Californians Against Waste.

7 MR. BEST: Rick Best with Californians Against
8 Waste. I want to speak to two issues that have been
9 raised. The first is the issue of the definitions that
10 have been established.

11 From our prospective I think the definitions that
12 have been laid out make a lot of sense in terms of having a
13 distinction of source separated, those materials that have
14 indeed been separated at the source or the point of
15 generation, and in a broader scope, materials that have
16 been separated for reuse, whether that material has been
17 separated at the source or separated at a later date.

18 The understanding being that those materials,
19 those that have been separated later, or those that been
20 separated at the source, both are materials that are
21 meeting the, the, are angled to enter the marketplace and
22 ultimately be reused in the manufacturing process.

23 I think for the Board's purposes though, the
24 Board needs to focus on the definition for separated for
25 reuse since that is the terminology used in statute and I

1 think what is going to be needed to ultimately have this
2 approved.

3 Secondly, the issue as it relates to the
4 residues. I guess at this point I'm not here to endorse a
5 percentage one way or the other. I think ten percent has
6 seemed to be a percentage representative of a number of
7 recycling operations.

8 But I think the Board before it adopts any
9 percentage really needs to make sure that it's based upon
10 some real-world phenomenon in the sense of, what is the
11 Board going to be basing it on. There's two components to
12 that.

13 Number one, being whether that reflects what's
14 going on in the recycling industry in terms of the fact
15 that the material is being source separated and is not
16 simply the result of what's been termed as sham recycler.

17 And then the second issue is, what is the
18 appropriate residue for health and safety issues. So, to
19 begin with, the ten percent I think needs to be based upon,
20 you know, I think a further more detailed understanding of
21 what's going on.

22 But I think the residue issue the way it's been
23 approached here -- and Mr. Kuhn presented in his opening
24 testimony that the ten tons per day maximum was in order to
25 address the health and safety issue. But the fact is the

1 ten tons per day is dealing with all types of residue and
2 not just those that pose a potential health and safety
3 risk.

4 So, at this point we can't support the ten tons
5 per day cap because it's not based upon what I think this
6 was intended to address, it's based upon the health and
7 safety issues.

8 And finally, I wanted to kind of address the
9 issue of, the issue of whether a cap is appropriate, excuse
10 me.

11 I wanted to address the issue of, a landfill is
12 handling solid waste regardless of whether it handles ten
13 tons per day or whether it's handling a thousand tons per
14 day. And in the same vein, I think that a recycler that is
15 handling source-separated recyclable materials shouldn't be
16 considered handling recyclables when it's a low amount of
17 material and handling solid waste if it's a greater amount
18 of material.

19 So, I think the Board needs to understand that
20 we're talking about two different types of facilities. And
21 that the Board should base this distinction based on the
22 material that's coming in and not apply this cap in this
23 manner which seems to suggest that material, if you're
24 handling more than a certain amount of materials, it's now
25 suddenly solid waste and not source separated recycled

1 materials. And with that I will conclude my comments.

2 COMMITTEE CHAIRMAN FRAZEE: Okay. Thank you.

3 Next, Dianne Kelley representing Weyerhaeuser.

4 MS. KELLEY: Mr. Chairman, Committee Members, I'm
5 Dianne Kelley. I represent Weyerhaeuser Company. I, too,
6 had the great pleasure of working with staff in all the
7 workshops. And I really had a better time than I would
8 have if I had taken my scheduled vacation.

9 (Laughter.)

10 Okay. Moving right along. We have two major
11 concerns. One is a recycling company and one is a
12 manufacturer. I think that both problems stem from the
13 fact that we have not defined what residual is.

14 What is residual? I hear it being used
15 synonymously with butrescible, it is not. As a
16 manufacturer we can bring in, of course, we could be using
17 recycled newspaper to manufacture newsprint and have
18 residue coming out the back, so we should get a permit.
19 That is the one instance where I think residual needs to be
20 defined.

21 Also, in recycling we have residual, but it's not
22 butrescible. I believe the Board wants to control garbage
23 and we don't deal in garbage. And I think until we define
24 what residual is and what butrescible is we're never going
25 to come to agreement on this tiered permitting concept on

1 what should be in and what should be out.

2 We also oppose strongly any maximum tonnage. If,
3 in fact, you define residual appropriately for source
4 separated recyclables there would be no need for a maximum.

5 You could have a huge manufacturing facility or a
6 huge recycling facility, but if residual is defined
7 properly and butrescible you don't need a maximum. There's
8 no garbage coming out the back because there's no garbage
9 coming in the front. Thank you.

10 COMMITTEE CHAIRMAN FRAZEE: Thank you. While
11 you're there, Dianne, just a question or two perhaps --

12 MS. KELLEY: One.

13 (Laughter.)

14 COMMITTEE CHAIRMAN FRAZEE: Just one. Okay.
15 Considering a facility that takes scrap or wastepaper and
16 processes it into new paper, it's my understanding that in
17 that process there is an increment that is not suitable to
18 make into new paper, the fibers are too short, and in the
19 process those are taken off and they become waste.

20 MS. KELLEY: That's from a manufacturer's --

21 COMMITTEE CHAIRMAN FRAZEE: From a manufacturer.

22 MS. KELLEY: Manufacturer's perspective. Yes.

23 That's correct.

24 COMMITTEE CHAIRMAN FRAZEE: And if, I guess that
25 is probably not a good example because there isn't much of

1 that going on in California. It seems like it's all being
2 shipped somewhere else, although I am aware of a facility
3 in Southern California where that happens, and then a
4 rather large increment becomes waste.

5 MS. KELLEY: Right.

6 COMMITTEE CHAIRMAN FRAZEE: Now, is a good test
7 one of whether that material that goes out the backdoor
8 goes to a landfill versus some other kind if it's diverted?
9 It just seems to me that the goal of the act is to reduce
10 input in the landfill.

11 MS. KELLEY: That is the goal.

12 COMMITTEE CHAIRMAN FRAZEE: So, if you could
13 reuse that material in another way then, is that not
14 residual or waste?

15 MS. KELLEY: Well, Mr. Frazee, I'm confused about
16 the question. I believe that the way this tiered
17 permitting concept is outlined on this piece of paper that
18 was handed out today, that any manufacturer, not the paper
19 manufacturer, any manufacturer in the State of California
20 that manufactures any product whatsoever, that by all of
21 the tonnage coming in the front door -- if you're an auto
22 manufacturer, everything that comes in, no matter what
23 you're manufacturing in California, if, out of what comes
24 in there's ten percent that goes out the backdoor then
25 you're within the tiered permitting limits.

1 I see you shaking your head Mr. Okumura. I said
2 that's what I believe this says, or if you hit the maximum
3 of ten tons. Because manufacturers are listed on here as
4 an example of the people that would have to fit these
5 criterion in order to be out.

6 COMMITTEE CHAIRMAN FRAZEE: But if you have a,
7 well, let's take paper again, would that not be a
8 demanufacturer? Where you're taking wastepaper and making
9 it, that process of taking it in and breaking down is
10 demanufacturing then you're manufacturing a new item. So
11 does this, you'd have this residual waste --

12 MS. KELLEY: That's an interesting concept.
13 Perhaps we're not recyclers at all then were
14 demanufacturers, ha?

15 COMMITTEE CHAIRMAN FRAZEE: Well, I'm giving
16 you --

17 MS. KELLEY: I like it.

18 COMMITTEE CHAIRMAN FRAZEE: -- a new definition.
19 But would you still have residual and does that, does that
20 tend to draw you back in again?

21 MS. KELLEY: That's why I think you need to
22 define residual up front, or we can have everyone in the
23 State feeling that they are perhaps in a tiered permitting
24 concept of the Waste Management Board even though they
25 started with recycling in trying to decide what's in and

1 what's out. But I think by going over the residual there's
2 a chance of having a far bigger world feel that they're
3 going to be involved in this process than perhaps even the
4 Board wants to be looking at.

5 COMMITTEE CHAIRMAN FRAZEE: Okay. I'm just
6 trying to get you to help with my thought process on this
7 since you're going through it. Okay. Thank you.

8 MS. KELLEY: Thank you.

9 COMMITTEE CHAIRMAN FRAZEE: Now, Michael Robinson
10 from the Allan Company. Let's first take a little break.

11 (Short recess.)

12 COMMITTEE CHAIRMAN FRAZEE: Michael Robinson.

13 MR. ROBINSON: Thank you, Mr. Chairman, Members
14 of the Committee. I know it's been a long day for all of
15 you. I'll try and be very brief.

16 I'm an employee of Allan Company. We are in the
17 business of paper recycling and they're a new recycler.

18 First of all, I'd like to reiterate the comments
19 made by Mr. Bernheimer and just briefly adopt those on
20 behalf of Allan Company for the record. There have been
21 some comments about real-world experience and perhaps I can
22 shed a little bit of light on that.

23 We have a number of facilities in Southern
24 California that process curbside material. And if today
25 those facilities were to just process curbside material

1 some of the residual waste we would be looking at ranges
2 between seven and seventeen percent.

3 We have one facility that has a processing line
4 that right now to duplicate would run in the neighborhood
5 of \$3 million. I don't believe that that facility should
6 be used as a benchmark because, contrary to some of the
7 rather startling figures I've heard here, it's not running
8 two percent. And I don't believe that this Board or --
9 this Committee or the Board would be imposing that kind of
10 a requirement on someone to process curbside materials.

11 I think that what's paramount at this point is to
12 reach a definition of the term, or of solid waste, and that
13 in doing so you need to consider those facilities that are
14 intended to fall within the realm of that definition.

15 A number of members of the staff and this
16 Committee, as well as the Board, have visited our
17 facilities and it's my understanding, albe. . without the
18 definition of what an acceptable amount of residue is, that
19 our facilities would be out and that you're not intending
20 to include us.

21 And we are sort of here to insure that if that is
22 the case, I don't believe it's the intent to recycle -- or
23 to include us in your regulation, but in order to insure
24 that we are out there I think that you need to know what it
25 is that we're up against, when we receive curbside

1 material, when we process it, and when we have residue
2 coming out. As such, I think it's also important to take
3 note that we're a generator of solid waste and not handling
4 solid waste.

5 We're paying a good amount of money for the
6 materials that we bring in. Before we separate it out and
7 before we bundle it, we have to take out the residue in
8 order to create a marketable product. Without doing that
9 we can't sell our materials at the highest available price.

10 I would again emphasize that we will cooperate
11 with the staff in any further analysis of what's being done
12 to try and determine what numbers really are acceptable.

13 But we would advocate ten percent or even higher
14 because of some of our facilities which the general
15 consensus again was that we were out, are still working,
16 trying to be as efficient as possible are still working at
17 between seven and seventeen percent.

18 Can I answer any questions that anybody might
19 have in that regard?

20 COMMITTEE CHAIRMAN FRAZEE: Any questions? I
21 guess not.

22 Thank you.

23 COMMITTEE CHAIRMAN FRAZEE: On the point made
24 there, it's been my observation that at the few facilities
25 and operations that I've looked at, there's a wide range of

1 operations and styles in which people operate in the
2 curbside program. Ranging all the way from our experience
3 here in Sacramento, if you have an item in your recyclable
4 bin that's not acceptable it gets thrown out or left in the
5 bin. Where another operator who told me, our instructions
6 are to our customers, if you think it's recyclable, put it
7 in the bin and we'll make the decision on whether we can
8 use it or not.

9 And it's that wide range of input, and I guess
10 that causes us to have some problems in determining this
11 percentage number and in the weight number if it's
12 appropriate.

13 Our final request to speak is from Karen Jarnell
14 representing Smurfit Recycler.

15 MS. JARNELL: Thank you. Karen Jarnell with
16 Jefferson Smurfit Corporation and our Smurfit Recycling
17 Division and Smurfit Newsprint Division, so maybe I can
18 answer some of the questions you posed earlier.

19 In an interest of time I will merely say that we
20 would echo some of the remarks made by the recyclers.

21 We're adamantly opposed to any tie-in of a
22 residential number with a cap. We think that's
23 discriminatory against larger recycling facilities.

24 On the chart that was distributed I guess one of
25 the main questions that I would have, because I'm also

1 chair of California Manufactures Associations Solid Waste
2 and Recycling Committee, we thought we put this issue to
3 bed, but, it lists the two-part test and then it lists
4 examples.

5 Are we now saying that manufacturers will need to
6 adhere to this two-part test, and if they don't then
7 they're going to have to be solid waste handlers?

8 COMMITTEE CHAIRMAN FRAZEE: That I think was part
9 of the question that I was getting at.

10 MR. OKUMURA: I think legal counsel can handle
11 that question.

12 MR. BLOCK: I'm sorry. I was turned the other
13 way. I didn't realize that question was directed my way.

14 As we have already, as the Board has already
15 considered in the past with the contaminated soil items,
16 manufacturers were out and I think -- if it's giving that
17 impression, the placement of Manufacturers and Generators
18 and Demanufacturers on this column, were not meant to imply
19 that they were subject to the two to one test.

20 MS. JARNELL: Okay.

21 MR. BLOCK: Looking at it now I could see how you
22 might get that impression. It's not supposed to be that
23 way. So we can certainly clarify that they're not, there
24 should basically maybe be a line above that.

25 MS. JARNELL: Okay. All right. Thank you. In

1 answer to your question about the newsprint, we do have the
2 only newsprint manufacturing facility in California in
3 Pamona's Smurfit Newsprint.

4 We will have residuals that may be a combination
5 of the short fibers which you're talking about, the
6 coatings, sludge, general business waste, process waste,
7 where we have taken material in, and because of our own
8 process we've contaminated it and it has to go to the
9 landfill, some of that will be recycled.

10 In terms that we may sell the sludge to a farmer
11 who goes to worm manufacturers, manufactures worms for a
12 living, for lack of a better terminology, we do not think
13 that's a solid waste handling facility. We're taking a
14 commodity and we're making a product, just like any other
15 manufacturer that takes a commodity and makes a product out
16 of it.

17 So, we would say, as far as the newsprint part of
18 it goes, no, we're not handling solid waste we're handling
19 recyclable materials.

20 COMMITTEE CHAIRMAN FRAZEE: Yes. And it goes to
21 the question that was raised earlier about, how is this
22 list -- this list of examples doesn't mean that those can
23 be pulled in because they have a high residual.

24 MS. JARNELL: Right.

25 COMMITTEE CHAIRMAN FRAZEE: They're excluded by

1 nature and the type of facility. This came up in the soils
2 issue, as was mentioned, where we excluded manufacturers
3 using petroleum contaminated soil, and would we put a
4 threshold in that one, what was it, 20,000 yards on site, I
5 believe was the number.

6 And so the question comes up then, do we exclude
7 manufacturers all together or would they be subject to
8 that. And my answer from staff was that we had excluded
9 manufacturers all together.

10 MS. JARNELL: Good.

11 COMMITTEE CHAIRMAN FRAZEE: Even though there was
12 a threshold on the size of the facility and I think the
13 same applies here. I'm sure that's our intent.

14 MS. JARNELL: Good. We appreciate that
15 clarification.

16 COMMITTEE CHAIRMAN FRAZEE: Larry, do you have a
17 point?

18 MR. SWEETSER: Larry Sweetser, again, Director of
19 Regulatory Affairs for NORCAL Waste System. I think
20 there's a need for me to clarify a point that I made
21 because there were some concerns raised, and I think it may
22 help with your question also.

23 I think what we're seeing is a common problem in
24 that throughout this whole process where people are using
25 the same concepts with different terms. And I'll throw up,

1 again, those examples that I have. What we've got is that
2 fundamental difference again.

3 I guess this is as fuzzy as the issue is.
4 There's a fundamental difference between somebody that's
5 got garbage going in and garbage going out versus somebody
6 that truly is a type of manufacturer.

7 And in this case garbage was there in the first
8 place, it's still there on the end, and that's a
9 fundamental difference no matter what you call the
10 facility.

11 I mean, for those people that haven't been to the
12 facilities out there, I mean, there's an inherent
13 difference between what a transfer station and a MRF does
14 and what Disneyland does, they're fundamentally different,
15 one's a generator or manufacturer per se, and are
16 fundamentally different in terms of the process.

17 And where a lot of our concern comes on these
18 definitional issues is we have seen San Francisco people
19 calling themselves recycling facilities, buy back centers,
20 drop offs, manufacturers, if you will, who were indeed
21 handling lots and lots of garbage, 70 percent residuals,
22 and they were saying they're recyclers.

23 So, we have a difference in interpretation in
24 these definitions, and I think that's what the Board needs
25 to focus on clarifying. Because I think once we do that I

1 think it will address both sides of concerns.

2 I think we are in fundamental agreement, we just
3 need the same basis to start from. Thank you.

4 COMMITTEE CHAIRMAN FRAZEE: I think that
5 completes all of our speakers. The Committee has the item
6 before us.

7 Let me try to structure this a little bit because
8 I think that we should reach a consensus on this item and
9 move it along in some fashion today and move it to the
10 Board.

11 I believe there is general agreement on, on,
12 everything except the weight and the tons per day. And I
13 know that I don't know whether 10 percent is appropriate or
14 not.

15 I would like us to either leave a number in there
16 or to leave that item with the understanding that we're
17 going to do some further review on it but adopt everything
18 else in concept.

19 After hearing a lot of testimony and input on the
20 tons per day figure it's my view that, that is not
21 appropriate because of the variance in sizes of facilities
22 that could be drawn in and left out.

23 Thinking about both that and the 10 percent by
24 weight of incoming tonnage raises another issue I think
25 staff needs to look at, and that's how we measure. We can

1 measure the input on the input basis, the output, there is
2 an accumulation factor there. And someone raised the issue
3 about this can be on site for a long period of time, so how
4 do you measure that.

5 And I think we need to look at the issue of, does
6 that need to move on a weekly basis, and then do these
7 figures need to be adjusted for an, averaged over a week
8 rather than trying -- I don't think you can pin down
9 day-by-day because the facility is hauling a dumpster load
10 every day, probably is not, does not fall in the category
11 of being exempt. And so I think we need a little more work
12 on defining that particular part of it.

13 So, whatever the consensus is here, what other
14 members of the Committee would like to do, I think it's
15 appropriate that we move ahead with this, as I say, either
16 with, either with a blank or leaving an arbitrary figure in
17 there that can be adjusted as we get better figures on it.

18 COMMITTEE MEMBER EGIGIAN: Mr. Chairman, we have
19 been on this thing for four years, and it looks like the
20 longer it goes, the less people feel that they should be
21 included in any kind of a regulation, whether it's just a
22 registration-type situation or a full permit.

23 While sitting here I was thinking of how many
24 people don't want to be in, concerned with any kind of
25 regulation at all. You know, we started off with the

1 farmers on the compost deal, they didn't want to be
2 involved. The metal people don't want to be involved
3 because they're a big outfit and if you don't agree with us
4 we'll go to court. Okay.

5 Now, I've dealt with the metal people and the
6 metal people are in the trash business. They do this as a
7 normal way of doing business. They go in to somebody that
8 creates a lot of metal, and they haul their trash for
9 nothing to get the metal. So, they're in the metal
10 business, and this is a residue.

11 The paper company, I think their argument is a
12 little better because they always, because of what they
13 have to put in to the cycle of making paper and cardboard
14 and the craft, they put materials in there that they end up
15 with this sludge type deal, and if they're selling it to
16 farmers or to whoever, that's fine.

17 But then we have the doctors, lay off the
18 doctors, don't tell us what to do. We have the lawyers,
19 hey, never, you know. Then we come back to the elected
20 officials and that's being resolved a little bit because of
21 what happened in the congress, and they're up against the
22 same walls that we are now. Okay? And then we have a
23 little bit of this in the composting business.

24 Nobody wants to be in the circle of regulation.
25 But they want to haul this material which was originally

1 trash and convert it into something else, have a residue,
2 and not be responsible for the residue going into the
3 landfill. That's fine. And I guess if I was in the metal
4 business I'd fight the same fight.

5 But we have a problem here, and we're concerned
6 about reaching 50 percent by the year 2000. And if we go
7 along with these situations that have been presented to us
8 today and go for less than a clean operation and -- and one
9 of the reasons why -- some of you made the recommendation
10 that staff look at some of these operations.

11 I took a look at them about six months ago, and
12 if you'll set yourself up properly you can have a MRF that
13 does one-and-a-half percent a day, because you're demanding
14 that curbside collection be clean, the glass, the bottles,
15 and whatever, be clean. We have clean green, even in the
16 composting.

17 I heard some stories about clean green today,
18 Paul, I'll tell you.

19 COMMITTEE MEMBER RELIS: It's not so clean.

20 (Laughter.)

21 COMMITTEE MEMBER EGIGIAN: Yeah. But the
22 situation is that, if we go for less than what's good or
23 right, we're not going to reach the 50 percent. All of
24 this effort is going to go by the wayside and you're still
25 going to need landfills at the rate that we needed them

1 before, they've cut down a little bit because we've reached
2 25 percent.

3 But with the amount of people coming into this
4 country, this state, we're going to continue to need
5 landfills and more of them, or we're going to have more
6 train tracks going through California going in every
7 direction hauling this material out.

8 I go along with the arguments. I'll join up with
9 those arguments. Mr. Boone, you talked about franchise.
10 If you're a real recycler you can go in and if it's donated
11 to you, you can take it for nothing, or if you buy it, you
12 can buy it and nobody with a franchise can stop you.

13 So, there's a lot of situations here where we're
14 looking for excuses and we're not looking for taking care
15 of the problem.

16 I for one am for both the low percentage and the
17 caps. And I don't think that either one of those figures
18 that have been presented to us today are what I couldn't go
19 along with.

20 So, Mr. Chairman, I don't want to slow the train,
21 okay? I will go along with everything but the numbers and
22 then before the board meeting, that we come back with
23 numbers that were acceptable to us, and we can go ahead and
24 vote on them. I don't know, Relis, how do you feel about
25 it?

1 COMMITTEE MEMBER RELIS: Well, I'd like to just
2 first to ask a question to the maker of the motion, the
3 Chairman. I'm trying to understand the -- we want to bring
4 this before the Board. You feel that that's important this
5 month, as a full Board or --

6 COMMITTEE CHAIRMAN FRAZEE: Yes.

7 COMMITTEE MEMBER RELIS: Let me tell you where
8 I'm going with that. It seems to me, based on what we've
9 heard today, we have no agreement on the numbers, but I'd
10 certainly go along with supporting the concept as laid out.
11 I've heard there's broad agreement on that. We would be
12 eliminating the third item, I think which was the LEA.

13 But I was wondering if we could direct the staff
14 in the interim or by bringing back to the Committee some
15 survey work, because I don't think, I'm not comfortable
16 with putting numbers down today, even if it's a preliminary
17 number, because I don't think it means anything, and then
18 have them do some work, come back to this Committee so we
19 would be -- perhaps that the Board be adopting the concept,
20 is that what --

21 COMMITTEE CHAIRMAN FRAZEE: First of all, I did
22 not make a motion.

23 COMMITTEE MEMBER RELIS: Oh, I'm sorry.

24 COMMITTEE CHAIRMAN FRAZEE: I was just laying a
25 little groundwork in the hope that we could come together.

1 COMMITTEE MEMBER RELIS: Okay. Could I try a
2 motion then?

3 COMMITTEE CHAIRMAN FRAZEE: Certainly.

4 COMMITTEE MEMBER RELIS: Let me try this. Let's
5 see where this goes. We would adopt the concept, the Board
6 authority over recycling, handling and recycling
7 operations, without numbers, were blanks, and eliminating
8 No. 3 that's in the present draft.

9 We would direct staff to survey and make site
10 visits and any other method to determine residual based on
11 some empirical evidence and report back to this Committee
12 within blank period of time to then hopefully finalize
13 this. That would be the motion.

14 I would only ask one, propose one additional
15 idea, and that is the question of residual. Because I
16 think the only reason we keep going around and around is if
17 we had not been able to define residual. I'm told it's
18 undefinable based on all the parties out there. I would
19 give it the old college try, one more time, if you could,
20 but if you can at least keep the word residual somewhere in
21 the body of the text so that the LEA would know what our
22 major concern is, is residual.

23 I don't think we have a concern, at least I
24 don't, with non, the non-butrescible portion of the waste
25 stream because I don't think that's a problem for us. But

1 when residual equals butrescible, and if you can't define
2 butrescible, just reference it somewhere in there as a
3 guidance to the LEA, because they know what the difference
4 is between stinking garbage from -- I don't -- small
5 fragments of paper or other things that don't cause a
6 health and safety problem, at least, I don't think so.

7 So, I don't know if that was clear but --

8 COMMITTEE MEMBER EGIGIAN: I wouldn't go for that
9 motion. You've been talking too long.

10 (Laughter.)

11 And, I, I'd like to ask a dumb question. On that
12 Item No. 3 that everybody wants out, if, in fact, somebody
13 sees an operator that's operating as, other than which
14 they're supposed to be by the regulations, if the LEAs not
15 involved then who would they go to? Who would the people
16 that are complaining about that situation go to?

17 COMMITTEE CHAIRMAN FRAZEE: I think they are
18 involved in their responsibility as a health officer and
19 have to take it to their jurisdiction. And they have,
20 generally, at least them or their colleagues in that local
21 health agency have the ability to step in and enforce all
22 kinds of laws. And in the process of that if it's
23 determined this is really a solid waste facility, then they
24 can insist upon a permit for that.

25 COMMITTEE MEMBER EGIGIAN: Yes. But in the solid

1 waste statutes, if I, if I'm not thinking wrong, there are
2 many situations in there where they talk about health
3 problems, okay? So why are we so eager to get it out of
4 this?

5 MR. OKUMURA: Maybe I should take a try.

6 COMMITTEE MEMBER EGIGIAN: Am I not understanding
7 this?

8 MR. OKUMURA: I think that the health issue is
9 that we are concerned about the health issue, but it
10 shouldn't be a health issue that triggers necessarily or a
11 requirement to get into the permitting system. But
12 instead, the health officers what they're saying is we, if
13 we go to a facility and it has health problems, we could
14 take care of it without a person necessarily having to go
15 to a permit.

16 In other words, they have under their own local
17 jurisdiction and local requirements the ability to make
18 this person come in compliance either through CAL-OSHA or
19 their other health issues to prevent that health issue from
20 continuing.

21 So, they don't need to necessarily say, I need to
22 get this guy a permit so he's going to fix the health
23 effect issue. They're saying, the health officer is
24 saying, that they have local jurisdiction where they could
25 take care of that health issue.

1 And so we're in the process of keeping this
2 strictly a -- streamlining its permits, we'd say, okay, use
3 your other authority that's already existing to address the
4 health issue and we'll just not require a permit issue.

5 Now, the LEAs are saying this, I mean, the health
6 officers are saying in that they have enough local
7 jurisdiction to do this, is what they're saying.

8 COMMITTEE MEMBER EGIGIAN: Well, by the same
9 token each city or county has requirements for people in
10 the solid waste industry and every other industry. Why
11 does the fact that when a person opens up a transfer
12 facility or a dirty MRF, why do they have to come before
13 this Board for a, for our concurrence, because they already
14 have that authority. They're the ones that are bringing
15 the permit forward.

16 There's a lot of things that just don't seem to
17 work on the same track. It seems as though -- we hear a
18 lot people say we don't want it then we go along with them,
19 rather than to look into the matter and see whether or not
20 legally is this right, or legally is it not right. And I'm
21 not casting dispersions on anybody, but I don't want to get
22 a bunch of double standards, and that looks like what we're
23 getting.

24 MR. BLOCK: And if I could help to clarify this.

25 COMMITTEE MEMBER EGIGIAN: Yes.

1 MR. BLOCK: It's basically what -- the discussion
2 that we're having is a function of the fact that there's an
3 exclusion in the statute itself which doesn't reference
4 health and safety matters, which is different from the
5 issues that we normally deal with, and that's the exclusion
6 in 40200B2 which references Separated for Reuse Materials.

7 Now, in terms of the proposal that we've put
8 forward, we're trying to factor in health and safety issues
9 as a function of determining when something is, in fact,
10 truly source separated, that's the function we're dealing
11 with.

12 But it is a different, conceptually it's a
13 different structure that's been thrown by the legislature
14 through this, this statutory exclusion at us, and that's
15 why it doesn't really fit as well, as easily, with
16 everything else that we have been dealing with.

17 COMMITTEE MEMBER EGIGIAN: Well, I'm not sure I
18 understand your explanation, but as a lawyer you're in a
19 better position to confuse me than I am to confuse myself.

20 (Laughter.)

21 MR. BLOCK: I'll take that as a compliment.

22 COMMITTEE MEMBER EGIGIAN: You know, I've told
23 you how I feel.

24 COMMITTEE CHAIRMAN FRAZEE: The, let me just
25 state my own position on this. And when it comes to

1 talking about what's included and what's not included I
2 have to go back to my basic philosophy of government, and
3 that is, that government shouldn't regulate anything
4 that's, unless it's proven it's necessary to protect the
5 health, safety and welfare of the citizens. And then that
6 is, whether that view and the fact that I believe that
7 local governments can best regulate these kinds of things,
8 I would probably come down on the side of not being in the
9 business of permitting any of this.

10 But we are constrained by statute, and we've been
11 given a charge under that statute to regulate this
12 industry. But I, it's my preference to regulate it to the
13 minimum that's necessary to accomplish the goals of the
14 acts.

15 So when it comes to -- I'm not looking at what we
16 can exclude. I think we should have been working from the
17 other end all along and seeing what can we justify to
18 exclude in permitting this. The more things that we can
19 exclude the better this Board can do its job and
20 concentrate on the charge that was given us by statute.

21 So, again, I think this is a reasonable balance.
22 I'd be willing to go along with Mr. Relis's motion which
23 leaves those two items blank, but adopts them principally,
24 the balance of the recommendation as it stands in the
25 document we were provided this morning.

1 COMMITTEE MEMBER EGIGIAN: If I could hear
2 Mr. Relis --

3 COMMITTEE MEMBER RELIS: I'll read it without --
4 see, I confused it by -- okay. Let me read the motion and
5 no extraneous.

6 Adopting concept of the Board authority over
7 recycling, handling, and recycling operations without
8 numbers, and eliminate No. 3, meaning No. 3, under the
9 Outside the Regulatory Tier Structure.

10 Direct staff to survey and make site visits and
11 any other method, use any other method, to determine
12 residual numbers based on empirical evidence, and report
13 back to this Committee within blank time, I don't know, 30
14 days, 60 days.

15 MR. CHANDLER: I think it's important that, I
16 guess inherent in your motion for the Board to adopt, or
17 the Committee to adopt, to acknowledge that. I think,
18 we're under a schedule that's been adopted, that we're to
19 come back to the next board meeting with draft regulations,
20 if I'm hearing that we need some foundation for any number,
21 if there's going to be numbers adopted.

22 So, I would strongly encourage that, if that's
23 the direction you're going, that you acknowledge that we're
24 going to need some time to put the analysis behind that.

25 COMMITTEE MEMBER EGIGIAN: How long do you think?

1 MR. CHANDLER: Well, I was going to ask
2 Mr. Okumura, if you think we can meet before the Board in
3 September?

4 MR. OKUMURA: Um --

5 MR. CHANDLER: Clearly not next week, I mean, so
6 we're not taking this to the Board.

7 MR. OKUMURA: I think maybe what I'd like to do
8 is attempt to put it on the agenda for September. We
9 basically, if we're coming back to the Committee we lose
10 actually two weeks in that one month period because we have
11 to have an agenda item ready.

12 So, I think, Mike's already been exhausted, but I
13 think we can attempt to try to work with the industry and
14 the regulated community, try to get some numbers, perhaps
15 make our report, that could be that we either made progress
16 or that we haven't, I mean, it's something we may have to
17 come back and request more time.

18 But I think -- I agree with Mr. Relis that if, we
19 need to substantiate these numbers, and if we do, in fact,
20 have support from the industry who are saying they have
21 numbers, we should be fairly well along in trying to
22 determine, come back to the Board and say, in all
23 practicality we've seen this out there as the true numbers.

24 So, in other words, we've heard from seven to
25 seventeen for the curbside. And if we come back with that

1 number, seven to seventeen, and the Board elects to include
2 them into the permitting process the numbers could be down
3 as far as five percent, because they'll all fall in.

4 So, I think if we do have -- I'd like to say
5 we'll try to come back with that. But I'd like to leave it
6 open that we may not have the answer then. But we'll do
7 our best to get as much of the discussions that came out
8 today resolved and get as far as we can on that.

9 MR. CHANDLER: We'd have to have a postmarked
10 agenda item for the Committee on Thursday, September,
11 excuse me, Friday, September 8th.

12 So, you can just see, as Mr. Okumura just said,
13 if you go to the Committee with the results of the next two
14 weeks worth of staff work, three weeks, or whatever -- and
15 I've already heard from some people who are asking the
16 question, well, what's the process going to be to disclose
17 numbers, and what confidentiality is going to be included,
18 and can you start aggregating groups of facilities to
19 protect, you know, the names of various companies.

20 So, I mean, there's going to be a lot of work
21 involved to make this happen properly and to have you
22 comfortable with whatever numbers, but we'd have to have a
23 postmarked agenda out for the Committee, Friday, September
24 8th.

25 COMMITTEE CHAIRMAN FRAZEE: Can we not put out

1 that agenda without finalizing those numbers? This item
2 was on the agenda but this format showed up at 10:30 this
3 morning.

4 MR. CHANDLER: Sure. I think that's kind of what
5 we're saying. We'd have a board meeting -- what's the date
6 on that, the 28th or something, maybe the 27th of
7 September. We would be obviously giving ourselves a lot
8 more time. We have the full month of September.

9 COMMITTEE MEMBER RELIS: Mr. Chairman, on that
10 point, I just wonder though, if we don't have it down and
11 we really want to take action, and some people come and
12 say -- say you left out the most important thing, the
13 numbers, would we then be opening ourselves up to falling
14 behind schedule at that point, just because of people that
15 protest they hadn't seen it. That's been my experience
16 around here, if we brought it out and it's complete, at
17 least that argument isn't one.

18 COMMITTEE MEMBER EGIGIAN: Well, I can second
19 your motion if you leave that Item 3 in there, with the
20 understanding that I would get back from staff something
21 that points to the other regulations that we have that this
22 is eliminated, okay, that will eliminate this.

23 COMMITTEE MEMBER RELIS: You mean it would be in
24 but not in?

25 COMMITTEE MEMBER EGIGIAN: It would be in until

1 it was explained to me that, that by what the other
2 ordinances we have, regulations, would make this impotent,
3 we wouldn't need it.

4 COMMITTEE MEMBER RELIS: But, Sam, I think we've
5 got that. I think it creates needless opposition.

6 COMMITTEE MEMBER EGIGIAN: It's not opposition,
7 it's just a point that would be made to me. You're sold on
8 it, it looks like the Chair is sold on it. All I want is
9 an explanation telling me that it's not necessary.

10 COMMITTEE CHAIRMAN FRAZEE: I think the LEAs did
11 that in their audit today; isn't that correct? Isn't that
12 the thrust of --

13 COMMITTEE MEMBER EGIGIAN: But the LEAs don't
14 want to do a lot of things.

15 COMMITTEE CHAIRMAN FRAZEE: I think they've made
16 a case for it.

17 COMMITTEE MEMBER RELIS: I think it's really
18 fundamental.

19 COMMITTEE MEMBER EGIGIAN: Okay.

20 COMMITTEE CHAIRMAN FRAZEE: We have your motion
21 then, and we have that properly in form.

22 COMMITTEE SECRETARY PARKER: I'm going to get
23 Mr. Relis's copy.

24 COMMITTEE CHAIRMAN FRAZEE: Yes, in writing. I
25 will second that motion.

1 COMMITTEE MEMBER EGIGIAN: How about the time
2 element? Have we decided on how we're going to handle
3 that?

4 MR. CHANDLER: Well, I think Mr. Okumura
5 indicated he would make every effort to be back before the
6 Board in September with results of the fieldwork that we
7 would undertake.

8 And recognize that we may not have a committee
9 package available but more just, I think, perhaps a
10 progress report so that you could see the kind of progress
11 we're making, but probably not going to be in a position to
12 have numbers in a mailed document by Friday, September 8th,
13 but shoot for the board meeting in September.

14 COMMITTEE CHAIRMAN FRAZEE: We would have an
15 opportunity to look at the progress in our September
16 committee meeting?

17 MR. CHANDLER: I think we could give you a
18 progress report on just how willing the individual
19 businesses are in opening up their books and their records
20 to give us a feel for what the true numbers look like.

21 COMMITTEE CHAIRMAN FRAZEE: Okay. We have that
22 motion before us. If the secretary will call the roll.

23 COMMITTEE SECRETARY PARKER: Committee Members,
24 Relis?

25 COMMITTEE MEMBER RELIS: Aye.

1 COMMITTEE SECRETARY PARKER: Egigian?

2 COMMITTEE MEMBER EGIGIAN: I'm opposed to it, but
3 I vote for aye.

4 COMMITTEE SECRETARY PARKER: Chairman Frazee?

5 COMMITTEE CHAIRMAN FRAZEE: Aye.

6 Now, the motion is carried with the understanding
7 that we will have a progress report at the next meeting.
8 Nothing will go forward to this month's board meeting other
9 than a report on how far we were able to march today.

10 Anything else now to come before the Committee?
11 Yes, some notations from the public?

12 MR. BOONE: I'd just like to say that I hope you
13 recognize that the people regulating --

14 COMMITTEE CHAIRMAN FRAZEE: Identify yourself,
15 please.

16 MR. BOONE: Oh, Arthur Boone from the Northern
17 California Recycling Association.

18 The regulated community is a so-called sham
19 recyclers. If you don't go out and talk to the people who
20 are currently doing this work without the benefit of a
21 permit, in the face of opposition from their local garbage
22 companies, you haven't dealt with the people who are, in
23 fact, going to have their businesses constrained and
24 diminished by inappropriate regulation.

25 So, I think that it's very important for staff to

1 understand that those are the people they have to talk to,
2 those are the people that you have to get information from,
3 and they have to understand that, because we haven't seen
4 them at any of these hearings. Thank you.

5 COMMITTEE CHAIRMAN FRAZEE: Thank you. If
6 there's nothing else to come before this Committee we will
7 stand adjourned.

8 (Thereupon the foregoing meeting
9 was concluded at 4:30 p.m.)

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1 CERTIFICATE OF SHORTHAND REPORTER

2
3 I, DENISE HANSEN, a Shorthand Reporter, in and
4 for the State of California, do hereby certify that I am
5 a disinterested person herein; that I reported the foregoing
6 hearing in shorthand writing and thereafter caused my
7 shorthand writing to be transcribed by computer.

8 I further certify that I am not of counsel or
9 attorney for any of the parties to said proceedings,
10 not in any way interested in the outcome of said
11 proceedings.

12 IN WITNESS WHEREOF, I have hereunto set my
13 hand as a Shorthand Reporter on the 16th day
14 of August, 1995.

15
16 

17 Denise Hansen

18 Shorthand Reporter
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