

BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
FOR THE STATE OF CALIFORNIA

IN THE MATTER OF THE:)
REGULAR MONTHLY BOARD MEETING)
JANUARY 24, 1990)
_____)

DATE AND TIME: WEDNESDAY, JANUARY 24, 1990, 10 A.M.

PLACE: BOARD HEARING ROOM
1020 NINTH STREET
SACRAMENTO, CALIFORNIA

REPORTER: BETH C. DRAIN, RPR, CSR
CERTIFICATE NO. 7152

(Handwritten initials)

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reporting service

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701
TELEPHONE (714) 953-4447

10/10/10

APPEARANCES

MR. JOHN E. GALLAGHER, CHAIRMAN
MR. JOHN C. MOSCONE
MS. GINGER BREMBERG
MR. E. L. VARNER
MR. LES BROWN
MR. JAMES LOCKINGTON
DR. GEORGE TCHOBANOGLIOUS
DR. RICHARD GEARHEART (NOT PRESENT)

STAFF PRESENT

MR. GEORGE LARSON, CHIEF EXECUTIVE OFFICER
MR. HERBERT IWAHIRO, CHIEF DEPUTY EXECUTIVE
OFFICER
MR. ALAN OLDALL, DEPUTY EXECUTIVE OFFICER
MS. JOELLEN JACKSON, DIRECTOR OF LEGISLATION
AND PUBLIC AFFAIRS
MR. ROBERT F. CONHEIM, GENERAL COUNSEL

MR. JOHN SMITH
MS. CAROLE BROW
MR. STEVEN AULT
MS. CAREN TRGOVCICH

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3

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

4

5

CHAIRMAN GALLAGHER: BRING THE MEETING OF THE CALIFORNIA WASTE MANAGEMENT BOARD TO ORDER.

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14

WE FIND OURSELVES IN A KIND OF A CATCH 22 SITUATION THIS MORNING. WE'RE GOING TO RECESS THIS MEETING IN JUST A MINUTE OR TWO TO GO INTO A CLOSED SESSION TO DISCUSS SOME EMERGENCIES THAT HAVE ARISEN. WE WILL ASK YOU TO KEEP YOUR SEAT. THE LOGISTICS ARE BETTER IF WE LEAVE AND NOT ASK YOU TO LEAVE THE ROOM. BUT BEFORE WE RECESS FOR THE CLOSED SESSION, LET ME SAY A COUPLE OF HOUSEKEEPING THINGS.

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20

FIRST OF ALL, WE WANT TO GET MAXIMUM PARTICIPATION, AND WE ARE HAVING SOME TROUBLE AT THE AIRPORT WITH FOG. PEOPLE HAVE CALLED IN AND ASKED US TO SAVE SPACE, DO WHAT IS NECESSARY. I'M SURE THAT AFTER WE'VE COMPLETED CLOSED SESSION, PROBABLY WE'LL HAVE MAXIMUM ATTENDANCE, AND WE'LL GO FROM THAT POINT.

21

22

23

BUT BEFORE WE RECESS, ALSO, MR. VARNER HAS REQUESTED THE OPPORTUNITY TO READ A STATEMENT INTO THE RECORD. MR. VARNER.

24

25

BOARD MEMBER VARNER: THANK YOU, MR. CHAIRMAN.

I WANTED TO GET THIS INTO THE RECORD BEFORE THE FIRST



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1 OFFICIAL BUSINESS IS TAKEN PLACE HERE SO THAT EVERYONE
2 UNDERSTANDS EXACTLY WHO I AM AND WHAT MY POSITION IS.

3 I BELIEVE THAT IT IS A WELL-KNOWN FACT THAT
4 I AM PRESIDENT AND MAJORITY STOCKHOLDER IN A RUBBISH
5 HAULING COMPANY IN BAKERSFIELD, CALIFORNIA. I AM ALSO
6 THE INDUSTRY REPRESENTATIVE FROM SOUTHERN CALIFORNIA AS A
7 MEMBER OF THE CALIFORNIA WASTE MANAGEMENT BOARD.

8 A QUESTION HAS ARISEN AS TO WHETHER THE
9 SECTION OF THE NEW LAW CREATING THE CALIFORNIA INTEGRATED
10 WASTE MANAGEMENT BOARD, WHICH PROHIBITS A MEMBER OF THE
11 NEW BOARD TO RECEIVE COMPENSATION FROM ANY COMPANY
12 ENGAGED IN THE REFUSE BUSINESS APPLIES TO A HOLD-OVER
13 MEMBER OF THE OLD CALIFORNIA WASTE MANAGEMENT BOARD.

14 A CLARIFYING OPINION HAS BEEN SOUGHT FROM
15 THE ATTORNEY GENERAL'S OFFICE AND FROM THE OFFICE OF THE
16 LEGISLATIVE COUNSEL. I HAVE RECEIVED -- JUST YESTERDAY
17 AFTERNOON, I HAVE RECEIVED AN OPINION FROM THE OFFICE OF
18 LEGISLATIVE COUNSEL STATING THAT SECTIONS 4402 AND
19 4203 -- OR 403 OF THE NEW LAW REGARDING EARNED INCOME
20 DOES NOT APPLY TO HOLD-OVER BOARD MEMBERS.

21 AS A RESULT OF THAT OPINION, I AM PREPARED
22 AT THE PRESENT TO SERVE AS A HOLD-OVER BOARD MEMBER.
23 HOWEVER, I RESERVE THE RIGHT TO CHANGE THAT DECISION IN
24 THE FUTURE. MY PERSONAL ATTORNEY, A FORMER ASSOCIATE
25 JUSTICE OF THE FIFTH DISTRICT COURT OF APPEALS, HAS NOT

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1 HAD AN OPPORTUNITY TO SEE THIS OPINION OR TO STUDY WHAT
2 HAS BEEN SAID. I LOOK TO HIM FOR ADVICE TO ADVISE ME ON
3 WHAT IS A PROPER COURSE OF ACTION FOR ME.

4 UNLESS I'M ADVISED OTHERWISE, I SHALL
5 CONTINUE TO PUT FORTH MY BEST EFFORTS TO PERFORM THE
6 DUTIES OF THIS BOARD IN A RESPONSIBLE MANNER AND TO MAKE
7 AS SMOOTH A TRANSITION AS POSSIBLE WHEN THE NEW BOARD
8 TAKES OFFICE.

9 I WOULD LIKE TO THANK MR. BOB CONEHIM, THE
10 BOARD'S GENERAL COUNSEL, FOR HIS DILIGENT EFFORTS IN
11 ATTEMPTING TO SOLVE AND CLARIFY THESE DIFFICULT ISSUES.
12 HE HAS BEEN MOST HELPFUL, AND I APPRECIATE IT VERY MUCH.
13 THANK YOU.

14 CHAIRMAN GALLAGHER: ALL RIGHT, MR. VARNER. IT
15 IS A MATTER OF RECORD.

16 AND WE ARE NOW GOING TO RECESS FOR AS SHORT
17 A PERIOD OF TIME AS WE POSSIBLY CAN FOR A CLOSED SESSION.
18 KEEP YOUR SEATS. WE'LL TRY TO GET BACK AS QUICKLY AS
19 POSSIBLE.

20 ATTORNEY CONHEIM: MR. CHAIRMAN, IF WE MIGHT,
21 JUST BEFORE WE GO OFF THE RECORD, TO STATE FOR THE RECORD
22 THAT THE CLOSED SESSION IS TO DISCUSS PERSONNEL MATTERS.

23 CHAIRMAN GALLAGHER: THANK YOU. AND KEEP YOUR
24 SEATS.

25 (THE BOARD THEN WENT INTO CLOSED SESSION.)



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1 (THE FOLLOWING PROCEEDINGS WERE THEN HAD IN
2 OPEN SESSION.)

3 CHAIRMAN GALLAGHER: BRING THE MEETING OF THE
4 CALIFORNIA WASTE MANAGEMENT BOARD BACK TO ORDER, PLEASE.

5 AS A FIRST ORDER OF BUSINESS BEFORE THIS
6 BOARD, WE WILL ASK OUR SECRETARY, MS. CONNIE DUNN, TO
7 READ INTO THE RECORD THE RECORD OF EX PARTE
8 COMMUNICATIONS WHICH HAVE OCCURRED BETWEEN BOARD MEMBERS
9 AND THE PUBLIC SINCE OUR LAST MEETING. MS. DUNN.

10 SECRETARY DUNN: ALL RIGHT. WE HAD A PHONE CALL
11 ON JANUARY 11, 1990, TO CHAIRMAN GALLAGHER FROM MICHELLE
12 SWANSON, CITY OF ROLLING HILLS ESTATES, REGARDING
13 RECYCLING GRANTS.

14 JANUARY 4TH, 1990, LETTER TO BOARD MEMBERS
15 FROM THOMAS F. WINFIELD, III, BROWN, WINFIELD &
16 CANZONERI, REGARDING MODIFICATIONS TO TEXT OF
17 CLOSURE/POSTCLOSURE REGULATIONS.

18 JANUARY 17, 1990, LETTER TO BOARD MEMBERS
19 FROM LAURIE J. HANSEN, THE COUNCIL FOR SOLID WASTE
20 SOLUTIONS, REGARDING AB 939.

21 JANUARY 17, 1990, LETTER TO BOARD MEMBERS
22 FROM FRANK MOFFETT, NORTHERN CALIFORNIA GROCERS
23 ASSOCIATION, REGARDING EMERGENCY REGULATIONS FOR WASTE
24 REDUCTION AND RECYCLING.

25 JANUARY 18, 1990, LETTER TO BOARD MEMBERS

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1 FROM DAVID C. MALONE, AMOCO FOAM PRODUCTS COMPANY,
2 REGARDING AB 939.

3 JANUARY 18, 1990, LETTER TO BOARD MEMBERS
4 FROM JACK MOLNAR, UNION CARBIDE CORPORATION, REGARDING AB
5 939.

6 JANUARY 18, 1990, LETTER TO BOARD MEMBERS
7 FROM HUGH PRICE, DART CONTAINER CORPORATION OF NORTHERN
8 CALIFORNIA, REGARDING AB 939.

9 JANUARY 19, 1990, LETTER TO BOARD MEMBERS
10 FROM T. T. HAWKSWORTH, MOBIL CHEMICAL COMPANY, REGARDING
11 CALIFORNIA INTEGRATED SOLID WASTE MANAGEMENT ACT DRAFT
12 REGULATIONS.

13 JANUARY 19, 1990, LETTER TO BOARD MEMBERS
14 FROM DOUG ROGERS, TEMPO PLASTIC COMPANY, INC., REGARDING
15 AB 939.

16 JANUARY 19, 1990, LETTER TO BOARD MEMBERS
17 FROM GREG B. LAUDER, AMOCO FOAM PRODUCTS COMPANY,
18 REGARDING AB 939.

19 JANUARY 19, 1990, LETTER TO BOARD MEMBERS
20 FROM E. A. MELENDEZ, ARCO, REGARDING AB 939.

21 JANUARY 22, 1990, LETTER TO BOARD MEMBERS
22 FROM MS. ANNE CREWS, MARY KAY COSMETICS, INC., REGARDING
23 AB 939.

24 JANUARY 23, 1990, LETTER TO BOARD MEMBERS
25 FROM DON H. OLSEN, HUNTSMAN CHEMICAL CORPORATION,



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1 REGARDING AB 939.

2 REPORT DATED JANUARY 15, 1990, TO BOARD
3 MEMBERS FROM JOHN HEATH, HOMEOWNERS FOR PROPERTY RIGHTS
4 COMMITTEE, REGARDING THE MCCOURTNEY ROAD LANDFILL.

5 THAT'S ALL.

6 ATTORNEY CONHEIM: MR. CHAIRMAN, IN ORDER TO
7 COMPLY WITH PUBLIC RESOURCES CODE SECTION 40412, THE
8 SECTION THAT COVERS THESE EX PARTE COMMUNICATIONS, I'D
9 LIKE IT STATED FOR THE RECORD THAT IT'S THE INTENT OF THE
10 BOARD MEMBERS TO REQUEST THAT THIS -- THESE DISCLOSURES
11 OF EX PARTE COMMUNICATIONS BE INCLUDED IN THE RECORD OF
12 THE BOARD AS IT'S NOW BEING CONSTITUTED IN THIS MEETING.

13 IS THAT THE INTENT OF THE BOARD?

14 CHAIRMAN GALLAGHER: THANK YOU, MR. CONHEIM.

15 BOARD MEMBER BREMBERG: MR. CHAIRMAN?

16 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

17 BOARD MEMBER BREMBERG: I DON'T KNOW THAT I
18 SHOULD BE COUNTED IN THERE BECAUSE ALL OF THOSE LETTERS
19 CAME WITH MY NAME MISSPELLED THE SAME WRONG WAY. SO I
20 SUGGEST THEY CHECK THEIR WORD PROCESSORS AND THEIR
21 WONDERFUL MAGIC MACHINES AND LEARN HOW TO SPELL THE BOARD
22 MEMBERS' NAMES. I TEND TO DISCOUNT LOBBYING IF THEY
23 DON'T KNOW WHO I AM.

24 CHAIRMAN GALLAGHER: MR. VARNER.

25 BOARD MEMBER VARNER: MR. CHAIRMAN. I HAVE A



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1 COUPLE OF COMMUNICATIONS I WILL PUT IN THE RECORD. I'M
2 NOT EXACTLY SURE WHETHER THEY'RE -- COME UNDER EX PARTE
3 OR JUST PROCEDURAL.

4 ONE OF THEM WAS A LETTER THAT WAS SENT TO
5 ME BY ASSEMBLYMAN PHIL WYMAN. WITHOUT ANY REMARKS, IT
6 WAS A LETTER THAT WAS WRITTEN TO THE PUBLIC WORKS
7 DIRECTOR IN KERN COUNTY OVER WHAT THE STATUS OF PERMITTED
8 CAPACITY WAS IN THE COUNTY. THERE WAS SOME QUESTION
9 ABOUT IT. AND I DON'T KNOW EXACTLY WHAT DATE I RECEIVED
10 IT. I WAS OUT OF MY OFFICE FOR A WHILE, SO IT WAS
11 SOMEWHERE ABOUT THE SECOND WEEK OF JANUARY.

12 ALSO, AT AN OUTLOOK CONFERENCE IN
13 BAKERSFIELD, CHAIRMAN OF THE BOARD OF SUPERVISORS ASKED
14 ME THE SAME QUESTION. I REFERRED IT TO MR. CONHEIM FOR
15 AN OPINION. HE GAVE ME AN OPINION, AND I HAVE NOT YET
16 COMMUNICATED THAT BACK TO HER, BUT IT'S ONE OF THOSE
17 ISSUES. I THINK IT'S PROBABLY A PROCEDURAL MATTER, BUT
18 IN CASE IT ISN'T, IT'S IN THE RECORD.

19 CHAIRMAN GALLAGHER: ALL RIGHT. THANK YOU.

20 WE ARE NOW READY TO GET TO ITEM 1 ON THE
21 AGENDA. WE HAVE HELD A DISCUSSION OF REGULATIONS IN
22 SOUTHERN CALIFORNIA ON TUESDAY. WE'RE GOING TO TRY TO
23 FOLLOW THE SAME FORMAT HERE THAT WE FOLLOWED THERE. AND
24 IN THE PAST, WE HAVE ALWAYS TRIED TO CALL UPON YOU IN
25 ORDER OF RECEIPT OF THESE LITTLE REQUESTS TO ADDRESS THE



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1 BOARD.

2 IN ORDER TO SPEED THIS UP AND TO KEEP IT IN
3 THE CONTEXT. WE ARE NOW GOING TO CHANGE THAT SLIGHTLY.
4 YOUR REQUEST WILL BE RECORDED, BUT WE'LL ASK YOU TO SPEAK
5 AT THE TIME ON THE PARTICULAR SUBJECT THAT'S BEING
6 DISCUSSED. WE'RE GOING TO TAKE VARIOUS SECTIONS HAVING
7 TO DO WITH THE REGULATIONS AND SPEAK TO THEM EXCLUSIVELY,
8 AND THEN MOVE TO ANOTHER SECTION.

9 AND MR. LARSON WILL HAVE HIS STAFF REVIEW
10 THE SECTIONS THAT ARE IN QUESTION SO THAT WE'LL HAVE A
11 CONTINUOUS FLOW OF INFORMATION FROM THE ENTIRE STAFF AND
12 WE'LL NOT HAVE TOO MUCH IN THE WAY OF INTERRUPTION,
13 EXCEPT AS THE BOARD MEMBERS FEEL THEY NEED CLARIFICATION.
14 MR. LARSON.

15 MR. LARSON: THANK YOU, MR. CHAIRMAN.

16 IN ORDER TO NOTE FOR THE RECORD THE DRAFT
17 EMERGENCY REGULATIONS THAT WE ARE DISCUSSING TODAY
18 EMANATE FROM THE ENACTMENT OF ASSEMBLY BILL 939 BY THE
19 LEGISLATURE IN 1989. AND SPECIFICALLY THAT LAW REQUIRED
20 THAT THIS BOARD DEVELOP EMERGENCY REGULATIONS BY JANUARY
21 1 OF 1990 TO ASSIST CITIES AND COUNTIES IN THE
22 IMPLEMENTATION OF WHAT ARE DESCRIBED AS SOURCE REDUCTION
23 AND RECYCLING ELEMENTS THAT FOLD INTO WHAT WILL
24 ULTIMATELY BE THE COUNTY INTEGRATED WASTE MANAGEMENT
25 PLAN.

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1 WRITTEN COMMENTS. PLEASE SUBMIT THEM BY FEBRUARY 2D,
2 FRIDAY. IN ORDER THAT WE HAVE SUFFICIENT TIME TO STUDY
3 AND ASSIMILATE THEM INTO THE REGULATIONS IN ORDER THAT WE
4 CAN INCLUDE THEM IN THE REVISED REGULATIONS FOR
5 CONSIDERATION BY THE BOARD AT THEIR FEBRUARY 23D MEETING.

6 IT IS OUR INTENT TO ADOPT EMERGENCY
7 REGULATIONS AT OUR FEBRUARY MEETING; HOWEVER, THAT INTENT
8 IS CAUTIONED BY THE DESIRE AND THE ACCEPTABILITY OF SUCH
9 REGULATIONS AS DETERMINED BY THE BOARD. HOWEVER, WE ARE
10 SETTING THE FEBRUARY BOARD MEETING AS THE ADOPTION DATE
11 FOR THE EMERGENCY REGULATIONS.

12 FURTHER, IN PROCEDURES FOR THE OAL, OFFICE
13 OF ADMINISTRATIVE LAW PROCESS, UPON THE ADOPTION OF THE
14 EMERGENCY REGULATIONS, THEY GO TO THE OFFICE OF
15 ADMINISTRATIVE LAW, A BODY THAT HAS TEN DAYS TO RESPOND
16 AS TO THEIR ACCEPTABILITY OR UNACCEPTABILITY.

17 UPON DETERMINATION OF ACCEPTABILITY
18 INITIATES 120-DAY TIME CLOCK, IF YOU WILL. DURING THAT
19 120-DAY TIME FRAME, WE FULLY INTEND TO TAKE EVERY
20 OPPORTUNITY TO PROVIDE PUBLIC WORKSHOPS, NORTH AND SOUTH,
21 AND TO SPECIAL INTEREST GROUPS TO FURTHER PROVIDE
22 OPPORTUNITIES FOR INPUT INTO THE DEVELOPMENT OF THE
23 FORMAL REGULATIONS WHICH WILL FOLLOW 120 DAYS AFTER THE
24 ADOPTION OF THE EMERGENCY REGS.

25 FOR THOSE OF YOU WHO HAD AN OPPORTUNITY TO



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1 EXAMINE THAT WHICH IS IN THE PACKET AND THE REGS THAT ARE
2 AVAILABLE IN THE BACK, YOU WILL NOTICE THAT WE HAVE THREE
3 MAJOR SECTIONS THAT ARE PROVIDED FOR REVIEW AND
4 DISCUSSION TODAY.

5 ARTICLE 3 DEALS WITH DEFINITIONS.

6 ARTICLE 6.1 DEALS WITH WASTE
7 CHARACTERIZATION STUDIES.

8 AND ARTICLE 6.2 DEALS WITH THE DEVELOPMENT
9 OF THE SOURCE REDUCTION AND RECYCLING ELEMENTS.

10 WE RECOMMEND THAT WE NOT GO THROUGH THE
11 ITEMIZED DISCUSSION ON THE DEFINITIONS FIRST, THAT WE
12 PROCEED TO ARTICLE 6.1 FOR DISCUSSION FIRST, THE WASTE
13 CHARACTERIZATION STUDY, THEN PROCEED TO ARTICLE 6.2, THE
14 SOURCE REDUCTION AND RECYCLING ELEMENTS, AND DISCUSS THE
15 DEFINITIONS WITHIN THE CONTEXT OF WHERE THEY ARE USED IN
16 THE REGULATIONS.

17 AFTER SUCH DISCUSSION, IF THERE ARE
18 ADDITIONAL QUESTIONS OR COMMENTS ABOUT DEFINITIONS THAT
19 WERE NOT RAISED, THEN WE CERTAINLY WOULD BE -- WELCOME
20 THOSE QUESTIONS POSED AT THAT TIME.

21 WITH THAT, I ONLY REITERATE THAT THE
22 SIGN-UP SHEET IS VERY IMPORTANT FOR THOSE OF YOU WHO WISH
23 TO ADDRESS THE BOARD AND STAFF AT THE PODIUM SO THAT WE
24 CAN ENSURE THAT, ONE, YOUR COMMENTS ARE OFFICIALLY
25 RECORDED IN THE RECORD; AND, TWO, THAT WE CAN ENSURE THAT



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1 YOU ARE ON A MAILING LIST SO THAT SUBSEQUENT VERSIONS AND
2 REVISED VERSIONS OF THE REGULATIONS CAN BE MAILED TO YOU.

3 WITH THAT, I WILL ASK OUR STAFF, WHO ARE
4 LOCATED IN THE FRONT OF THE DAIS, TO BEGIN THEIR
5 PRESENTATION BEGINNING WITH ARTICLE 6.1 ON THE WASTE
6 CHARACTERIZATION STUDY.

7 NOW, THE WASTE CHARACTERIZATION STUDY IS
8 GOING TO TAKE ABOUT FIVE OR TEN MINUTES TO GO THROUGH
9 THIS, AND IT'S GOING TO TAKE A LITTLE BIT OF TIME TO
10 EXPLAIN THE RELATIONSHIP BETWEEN THE DISPOSAL
11 CHARACTERIZATION AND THE DIVERSION CHARACTERIZATION AND
12 HOW THEY RELATE TO THE ENTIRE WASTE GENERATION STUDY.

13 AND WE'D LIKE TO GO AHEAD AND HAVE STEVEN
14 AULT OF OUR STAFF EXPLAIN THE WHOLE THING. AFTER HIS
15 PRESENTATION, THEN WE'D INVITE OPPORTUNITIES FOR
16 INDIVIDUALS TO POSE QUESTIONS TO THE BOARD AND THE STAFF.

17 AND THEN, AS WE GET INTO THE ARTICLE 6.2,
18 IT WORKED SUCCESSFULLY IN SOUTHERN CALIFORNIA TO PRESENT
19 EACH OF THE COMPONENTS UNDER THE SOURCE REDUCTION AND
20 RECYCLING ELEMENT AS ONE SET OF REGULATIONS OR
21 INFORMATION ITEM, AND THEN RECEIVE QUESTIONS ON EACH OF
22 THE SUBSETS.

23 SO WITH THAT, I NOW ASK STEVEN AULT OF OUR
24 PLANNING STAFF TO MAKE THE PRESENTATIONS ON ARTICLE 6.1.

25 MR. AULT: GOOD MORNING, LADIES AND GENTLEMEN.



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1 I'M STEVEN AULT WITH THE BOARD'S LOCAL PLANNING DIVISION.
2 I WILL BE OUTLINING FOR YOU ARTICLE 6.1, THE SOLID WASTE
3 GENERATION STUDY.

4 UNDER THE PROPOSED EMERGENCY REGULATIONS ON
5 SOURCE REDUCTION AND RECYCLING ELEMENTS, EACH
6 JURISDICTION MUST PREPARE A SOLID WASTE GENERATION STUDY.
7 THE STUDY IS TO BE PREPARED TO DETERMINE THE QUANTITY OF
8 SOLID WASTE GENERATED WITHIN YOUR JURISDICTION AND ALSO
9 TO DETERMINE THE COMPOSITION OF THAT SOLID WASTE
10 GENERATED WITHIN THE JURISDICTION.

11 THE STUDY IS TO BE CONDUCTED OVER A MINIMUM
12 OF A 12-MONTH PERIOD. ADDITIONALLY, THE -- IT WILL BE
13 NECESSARY TO MAKE PROJECTIONS OF SOLID WASTE GENERATED
14 WITHIN THE JURISDICTION OVER THE SHORT-TERM, MEDIUM-TERM,
15 AND LONG-TERM PERIODS. THESE REFER TO PERIODS OF TIME
16 FIVE YEARS, TEN YEARS, AND 20 YEARS INTO THE FUTURE.

17 THESE PROJECTIONS WILL NEED TO BE BASED
18 UPON; OF COURSE, LOCAL DEMOGRAPHIC CONDITIONS, EMPLOYMENT
19 DATA, AND BUSINESS AND COMMERCE DATA AVAILABLE FROM SOME
20 SPECIFIC COURSES THAT WE CITE IN THE DRAFT REGULATIONS.

21 IN ORDER TO MEASURE THE AMOUNT OF SOLID
22 WASTE GENERATED WITHIN THE JURISDICTION, THE
23 REGULATIONS -- DRAFT PROPOSED REGULATIONS WILL REQUIRE
24 THAT THE AMOUNTS BE REPORTED IN VOLUME, WHICH IS THE
25 PREFERABLE METHOD; HOWEVER, JURISDICTIONS MAY ALSO BE

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1 ABLE TO REPORT THE AMOUNT OF WASTE GENERATED IN WEIGHT OR
2 IN A COMBINATION OF WEIGHT AND VOLUME.

3 HOWEVER, WE WILL BE REQUESTING THAT LOCAL
4 JURISDICTIONS PROVIDE THE CONVERSION FACTORS THAT THEY
5 WOULD USE TO CONVERT WEIGHT TO VOLUME OR VOLUME TO WEIGHT
6 TO THE BOARD FOR OUR CONSIDERATION.

7 THE SOLID WASTE GENERATION STUDY, AND SOLID
8 WASTE GENERATION IN PARTICULAR, WE HAVE DEFINED AS THE
9 SUM OF SOLID WASTE DISPOSED AT PERMITTED LANDFILLS AND AT
10 PERMITTED TRANSFORMATION FACILITIES, TOGETHER WITH THE
11 SUM OF SOLID WASTE DIVERTED FROM PERMITTED LANDFILLS AND
12 FROM PERMITTED TRANSFORMATION FACILITIES.

13 I WANTED TO USE THIS OUTLINE ON MY LEFT, ON
14 YOUR RIGHT, TO BRIEFLY MAKE A FEW POINTS ABOUT THE
15 STRUCTURE OF THE SOLID WASTE GENERATION STUDY.

16 AS I'VE INDICATED HERE, THE STUDY IS TO BE
17 CONDUCTED IN TWO PARTS. THE FIRST ONE WE HAVE TITLED THE
18 "SOLID WASTE DISPOSAL CHARACTERIZATION." THE SPECIFIC
19 REQUIREMENTS FOR THAT ARE OUTLINED, OF COURSE, IN THE
20 DRAFT REGULATIONS; BUT, IN GENERAL, IT WILL BE
21 NECESSARY UNDER THIS DISPOSAL CHARACTERIZATION TO HAVE A
22 STATISTICALLY REPRESENTATIVE DETERMINATION OF BOTH THE
23 COMPOSITION AND OF THE QUANTITY OF SOLID WASTE DISPOSED
24 IN YOUR JURISDICTION.

25 THE SECOND PART OF THE SOLID WASTE



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1 GENERATION STUDY, WE HAVE TERMED "THE SOLID WASTE
2 DIVERSION CHARACTERIZATION." SIMILAR TO THE DISPOSAL
3 CHARACTERIZATION, THE DIVERSION CHARACTERIZATION WILL
4 ALSO NEED TO BE A STATISTICALLY REPRESENTATIVE
5 DETERMINATION OF BOTH COMPOSITION AND QUANTITY OF SOLID
6 WASTE DIVERTED FROM LANDFILLS -- PERMITTED LANDFILLS AND
7 PERMITTED TRANSFORMATION FACILITIES.

8 ADDITIONALLY, IT WILL BE NECESSARY FOR THE
9 JURISDICTION TO QUANTIFY SEASONAL VARIATIONS IN BOTH THE
10 AMOUNT OF WASTE GENERATED AND DISPOSED AND GENERATED AND
11 DIVERTED.

12 THE COMPOSITION ASPECT OF THE STUDY WILL
13 NEED TO BE BASED UPON SIX SOURCES OF SOLID WASTE
14 GENERATION, WHICH WE HAVE LISTED IN THE DRAFT
15 REGULATIONS. THESE SOURCES ARE SUCH SOURCES AS
16 RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND THREE OTHER
17 CATEGORIES THAT WE SPECIFY.

18 ADDITIONALLY, THE STUDY WILL BE CONDUCTED
19 UTILIZING EIGHT WASTE CATEGORIES THAT WE HAVE, AGAIN,
20 LISTED IN THE REGULATIONS, SUCH CATEGORIES AS GLASS,
21 PAPER, PLASTICS, AND THE LIKE.

22 UNDER EACH CATEGORY, THEN, IT WILL BE
23 NECESSARY TO SPECIFY THE VARIOUS WASTE TYPES, DIFFERENT
24 TYPES OF PLASTICS, DIFFERENT TYPES OF GLASS, AND THE LIKE
25 FOR THE STUDY.

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1 I WANTED TO BRIEFLY DISCUSS IN A LITTLE BIT
2 MORE DETAIL THE SOLID WASTE DISPOSAL CHARACTERIZATION.
3 FOR THAT I'LL USE ANOTHER CHART HERE.

4 UNDER THE SOLID WASTE DISPOSAL
5 CHARACTERIZATION, LOCAL JURISDICTIONS WILL BE ALLOWED TO
6 USE ONE OF FIVE DIFFERENT METHODS IN ORDER TO CONDUCT THE
7 DISPOSAL CHARACTERIZATION.

8 FIRST OF ALL WILL BE A QUANTITATIVE FIELD
9 ANALYSIS BY THE LOCAL JURISDICTION FOR SOLID WASTE
10 GENERATED WITHIN THAT JURISDICTION.

11 A SECTION -- SECOND OPTION WILL BE THE
12 UTILIZATION OF THE EPA MATERIALS FLOW METHODOLOGY, WHICH
13 WE HAVE CITED IN THE PROPOSED REGULATIONS.

14 A THIRD METHOD THAT LOCAL JURISDICTIONS
15 WILL BE ABLE TO UTILIZE WOULD BE TO USE EXISTING WASTE
16 COMPOSITION DATA FROM COMPARABLE JURISDICTIONS,
17 COMPARABLE IN TERMS OF DEMOGRAPHICS AND CERTAIN OTHER
18 CHARACTERISTICS THAT WE HAVE LISTED.

19 THE FOURTH METHOD WILL BE SOME COMBINATION
20 OF METHODS ONE THROUGH THREE. THESE COULD BE USED IN
21 CONJUNCTION.

22 AND LASTLY, LOOKING TOWARDS THE FUTURE,
23 WHEN THE BOARD MIGHT IDENTIFY FURTHER METHODS FOR THE
24 DISPOSAL CHARACTERIZATION, WE ARE SAYING THAT OTHER BOARD
25 APPROVED METHODS MAY BE UTILIZABLE.

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1 THE NEXT PORTION OF THE SOLID WASTE
2 GENERATION STUDY, WHICH I'LL OUTLINE, IS THAT FOR THE
3 SOLID WASTE DIVERSION CHARACTERIZATION. AGAIN, THAT IS
4 DIVERSION FROM PERMITTED LANDFILLS AND TRANSFORMATION
5 FACILITIES.

6 THE DIVERSION CHARACTERIZATION WILL REQUIRE
7 THAT THE JURISDICTION LIST AND DESCRIBE ALL THE KNOWN
8 SOURCE REDUCTION, RECYCLING, COMPOSTING, HOUSEHOLD
9 HAZARDOUS WASTE, AND SPECIAL WASTE PROGRAMS AND
10 ACTIVITIES WITHIN THE JURISDICTION.

11 ADDITIONALLY, UNDER THE DIVERSION
12 CHARACTERIZATION, THE JURISDICTION WILL BE COUNTING ONLY
13 THOSE SOLID WASTES WHICH ARE NORMALLY DISPOSED OF AT
14 PERMITTED SOLID WASTE LANDFILLS AND PERMITTED
15 TRANSFORMATION FACILITIES.

16 SO WITH THAT BRIEF INTRODUCTION AND
17 OVERVIEW, WE WILL TURN TO COMMENTS FROM THE AUDIENCE.

18 MR. LARSON: IS THERE ANYONE IN THE AUDIENCE
19 THAT WISHES TO POSE QUESTIONS OR SEEK CLARIFICATION,
20 PLEASE -- IF -- JUST COME UP TO THE PODIUM AND POSE YOUR
21 QUESTION, AND WE'LL TAKE THEM IN THE ORDER THAT THE
22 QUESTIONS ARISE.

23 FOR THE RECORD, PLEASE, WE REQUEST YOU
24 IDENTIFY YOURSELF AND WITH WHOM YOU ARE AFFILIATED.

25 MR. BARLY: RIGHT. I'M MARK BARLY, EXECUTIVE



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1 DIRECTOR OF THE WEST CONTRA COSTA WASTE MANAGEMENT
2 AUTHORITY.

3 MY QUESTION ARISES -- IS RELEVANT TO THE
4 SECTIONS JUST DISCUSSED, BUT IT REALLY ARISES FROM THE
5 ANSWERS TO QUESTIONS THAT WERE GIVEN ON -- UNDER THE
6 HEADING "REGULATORY DEVELOPMENT ISSUES, SOURCE
7 REDUCTION/RECYCLING ELEMENTS." THE AUTHORITY -- THIS
8 RELATES TO THE ACCEPTABILITY OF LOCAL JURISDICTIONS
9 JOINING TOGETHER TO DO THESE STUDIES.

10 AND THE QUESTION WAS ASKED THERE, IT WAS
11 THE VERY FIRST QUESTION, SHOULD SUCH LOCAL COMBINATIONS
12 BE ENCOURAGED AND ALLOWED. AND THE QUESTION -- AND THE
13 RESPONSE IS A LITTLE BIT AMBIGUOUS IN THIS RESPECT. IT
14 SAYS IT SHOULD BE ALLOWED, BUT THEN THE LANGUAGE OF THE
15 LAST SENTENCE, THAT'S WHERE THE AMBIGUITY, I THINK,
16 ARISES, SO I'M ASKING FOR SOME CLARIFICATION.

17 IT SAYS, "IT WILL BE THE RESPONSIBILITY OF
18 EACH LOCAL GOVERNMENT RESPONSIBLE FOR PREPARING ITS
19 INDIVIDUAL SOURCE REDUCTION AND RECYCLING ELEMENT, NOT
20 THE JOINT PREPARER OF THE STUDY --" IN THIS CASE, WE
21 WOULD BE -- THE AUTHORITY WOULD BE THE JOINT PREPARER FOR
22 FIVE CITIES AND THE SANITARY DISTRICT WHICH FRANCHISES IN
23 WEST CONTRA COSTA COUNTY -- "TO DEMONSTRATE THE
24 APPROPRIATENESS AND THE RELEVANCY OF THE STUDY DATA."

25 SO I THINK THE AMBIGUITY IS HOW WOULD YOU

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1 DEMONSTRATE THAT? ARE YOU SUGGESTING THAT SOME -- IT
 2 MIGHT BE INTERPRETED THAT SOME ADDITIONAL STUDY IS NEEDED
 3 TO DEMONSTRATE THE APPROPRIATENESS, SAY, OF THE
 4 METHODOLOGIES USED FOR THAT LOCAL JURISDICTION, OR WOULD
 5 IT BE ACCEPTABLE FOR THE JOINT PREPARER, LET'S SAY, A
 6 JOINT POWERS AUTHORITY, TO DEMONSTRATE THAT ON BEHALF OF
 7 THE LOCAL JURISDICTION?

8 WE UNDERSTAND THE LOCAL JURISDICTIONS ARE
 9 ON THE HOOK FOR ANY FINE THAT MY ARISE, BUT WE DO WANT TO
 10 SAVE THE RATEPAYERS SOME MONEY AND REDUCE THE DEMAND ON
 11 COMPETENT CONSULTANTS IN THIS FIELD BY DOING THIS ON A
 12 JOINT BASIS. IT'S A QUESTION OF EFFICIENCY. SO THAT
 13 WOULD BE MY QUESTION TO BE ANSWERED NOW OR LATER.

14 MR. AULT: YES. IN BRIEF RESPONSE TO YOUR
 15 QUESTION, THE JOINT PREPARER OF THE SOLID WASTE
 16 GENERATION STUDY WOULD PRESUMABLY BE WORKING CLOSELY WITH
 17 THE LOCAL JURISDICTION FOR WHICH IT'S PREPARING THAT
 18 SOLID WASTE GENERATION STUDY. AND THE METHODOLOGY, AS
 19 LONG AS IT FOLLOWS THE CHOICE OF ONE OF FIVE DIFFERENT
 20 METHODS THAT WE'VE OUTLINED IN THE REGULATIONS, WOULD BE
 21 ACCEPTABLE.

22 THE INTENT OF THE STATUTE IS ONE IN WHICH,
 23 WHEN THE SOLID WASTE CHARACTERIZATION STUDIES ARE
 24 COMPLETED, IS THAT EACH JURISDICTION HAVE CLEARLY IN MIND
 25 THAT AMOUNT OF WASTE WHICH IS GENERATED FROM WITHIN THEIR

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1 JURISDICTION. SO IN A STUDY THAT'S PREPARED JOINTLY, AS
 2 LONG AS THE RESULTS OF THAT STUDY ARE DISAGGREGATED SO
 3 THAT EACH JURISDICTION HAS A CLEAR ASSIGNMENT OF THE
 4 AMOUNTS OF WASTE GENERATED, DISPOSED, AND DIVERTED, THEN
 5 THAT WOULD BE SATISFACTORY IN CONJUNCTION WITH THE
 6 METHODS THAT WE'RE ALLOWING.

7 MR. BARLY: THAT'S HELPFUL. THANK YOU.

8 CHAIRMAN GALLAGHER: MR. VALENTINE.

9 MR. VALENTINE: THANK YOU, MR. CHAIRMAN,
 10 MEMBERS. DENNY VALENTINE, REPRESENTING THE INSTITUTE OF
 11 SCRAP RECYCLING INDUSTRIES.

12 IN THE APPROACH THAT YOU'VE TAKEN, IT FIRST
 13 SHOWS UP HERE, BUT IT'S A QUESTION THAT IS GIVING US SOME
 14 PROBLEM, AND THAT IS, FIRST, THE DEFINITION OF "NORMAL"
 15 WHEN YOU ARE TALKING ABOUT NORMALLY AS OPPOSED OF WHAT
 16 ARE YOU THINKING ABOUT -- TRACE ELEMENT OF SOMETHING.

17 MR. AULT: I WOULD PROPOSE TO ASK A RESPONSE TO
 18 YOUR QUESTION FROM JOHN SMITH, WHO HAS BEEN WORKING WITH
 19 THE DEFINITIONS SECTION CAREFULLY.

20 MR. SMITH: OKAY. THE WAY IT'S PRESENTED IN THE
 21 REGULATIONS IS THAT IF A MATERIAL SHOWS UP IN THE
 22 DISPOSAL PORTION OF THAT STUDY, THEN RECYCLING PROGRAMS
 23 THAT DIVERT THAT MATERIAL WOULD QUALIFY AS RECYCLING
 24 PROGRAMS. THE REVERSE WOULD BE TRUE IF YOU HAD A
 25 RECYCLING PROGRAMS THAT DIDN'T PULL OUT MATERIALS THAT



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1 ARE GOING TO THE LANDFILL. YOU COULDN'T CREDIT THEM.

2 SO YOU HAVE TO SHOW IN THE WASTE DISPOSAL
3 PART OF THAT STUDY THAT THESE MATERIALS ARE GOING TO THE
4 LANDFILL IN ORDER TO HAVE QUALIFYING RECYCLING PROGRAMS.

5 MR. VALENTINE: HYPOTHETICALLY, THEN, WE -- OUR
6 MEMBERSHIP. UNDER THE TERMINOLOGY WE'RE NOW USING, IS
7 INVOLVED IN THE DIVERSION OF ABOUT 80 MILLION TONS OF
8 MATERIAL A YEAR, BUT LET'S JUST TAKE WHITE GOODS.

9 IF -- WHICH NORMALLY THEY HANDLE. BUT IF A
10 REFRIGERATOR IS FOUND IN A DUMP IN A PARTICULAR
11 JURISDICTION OR A LANDFILL IN A PARTICULAR JURISDICTION,
12 IS THAT THEN ASSUMED TO BE NORMALLY DISPOSED OF; AND,
13 THEREFORE, THE EFFORTS OF THAT SCRAP YARD IN THAT
14 JURISDICTION WHICH TRADITIONALLY HANDLES WHITE GOODS IS
15 THEN A DIVERTER?

16 MR. SMITH: IN GENERAL, THAT'S HOW WE WOULD SEE
17 IT. I MEAN IF IT'S .001 PERCENT, YOU KNOW, IF THERE WAS
18 JUST ONE REFRIGERATOR, I THINK WE WOULD HAVE SOME
19 QUESTION ABOUT WHETHER PROGRAMS THAT DIVERT THOSE
20 REFRIGERATORS COULD QUALIFY. THERE'S SOME JUDGMENT CALL
21 WHEN IT GETS DOWN TO A VERY SMALL QUANTITIES.

22 OKAY. IN GENERAL, WE'RE LOOKING AT
23 QUALIFYING PROGRAMS FOR THOSE MATERIALS -- ARE BASED ON
24 THE MATERIALS THAT DO GO INTO LANDFILLS. THEY HAVE TO
25 SHOW UP IN THAT WASTE DISPOSAL PORTION OF THAT STUDY.

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1 MR. VALENTINE: OKAY. THEN ABOVE THAT IN WHAT
2 WOULD BE SECTION, I GUESS, 17126(B), WHERE THE -- WHERE
3 IT SAYS THAT THE SOLID WASTE DIVERSION CHARACTERIZATION
4 SHALL LIST AND DESCRIBE ALL KNOWN SOURCE REDUCTION,
5 RECYCLING, COMPOSTING, HOUSEHOLD HAZARDOUS WHICH DIVERT
6 SOLID WASTE FROM SOLID WASTE LANDFILLS, HOW DO YOU
7 ANTICIPATE THAT THESE LOCAL JURISDICTIONS WILL GO ABOUT
8 IDENTIFYING ALL OF THESE FOLKS?

9 MR. AULT: THE LOCAL JURISDICTIONS WILL BE
10 WORKING IN CONJUNCTION WITH THE PRIVATE SECTOR AND WITH,
11 OF COURSE, OTHER ASPECTS OF THE PUBLIC SECTOR WITHIN
12 THEIR JURISDICTION AND NONPROFIT ORGANIZATIONS TO
13 IDENTIFY THE TYPES OF MATERIALS THAT BOTH ARE DISPOSED OF
14 AT SOLID WASTE FACILITIES AND ARE DIVERTED FROM THEM.

15 ADDITIONALLY, THE BOARD ANTICIPATES BEING
16 ABLE TO PROVIDE TECHNICAL ASSISTANCE TO LOCAL
17 JURISDICTIONS FOR THE CONDUCT OF THESE SOLID WASTE
18 GENERATION STUDIES, INCLUDING THIS ASPECT OF IT.

19 MR. VALENTINE: WELL, I'M REALLY LOOKING FOR
20 DEFINITION. I'M NOT TRYING TO BE DIFFICULT AND I'M NOT
21 SURE -- YOU PEOPLE ARE ALREADY, HAVE BECOME THE WORLD'S
22 EXPERTS ON 939. THE DETAIL WITH WHICH YOU'RE DELVING
23 INTO THAT PROBABLY IS GOING TO BE THE BEST SOURCE OF
24 INPUT FOR THE FURTHER CLEANUP THAT'S GOING TO BE REQUIRED
25 ON THAT LEGISLATION. KIND OF WHY WE'RE GETTING INTO THIS

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1 A LITTLE MORE DEEPLY.

2 BUT THE WHITE GOODS THAT ARE RECEIVED IN A
3 PARTICULAR SCRAP YARD MAY COME FROM ANY NUMBER OF
4 JURISDICTIONS THROUGHOUT THE STATE, CERTAINLY IN
5 NEIGHBORING MUNICIPALITIES. IF NOT OTHER STATES.

6 SO IS IT ANTICIPATED THAT THE SCRAP YARD,
7 AS A RESULT OF THIS KIND OF DETAIL BEING REQUIRED IN THE
8 CHARACTERIZATION, WILL BE WANTING FROM THOSE SCRAP YARDS
9 A WHOLE LOT OF INFORMATION DETAILING THE SOURCE OF THAT
10 SUPPLY AS TO JURISDICTION?

11 MR. AULT: THE STATUTES DO NOT SPECIFY THAT THAT
12 TYPE OF INFORMATION BE REQUIRED. HOWEVER, IT IS THE HOPE
13 THAT LOCAL JURISDICTIONS WILL BE ABLE TO WORK CLOSELY
14 WITH ALL THE IDENTIFIED DIVERSION FACILITIES IN THE
15 JURISDICTION TO DEVELOP INFORMAL OR FORMAL PROCEDURES FOR
16 IDENTIFYING THE ORIGIN OF THE VARIOUS TYPES OF MATERIALS
17 THAT WOULD BE DIVERTED FROM LANDFILLS.

18 THIS WILL BE ONE OF THE -- PERHAPS THE
19 CHALLENGING TASKS OF LOCAL JURISDICTIONS.

20 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

21 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

22 BOARD MEMBER BREMBERG: SPEAKING -- I THINK I
23 KNOW WHAT YOU ARE TRYING TO GET AT, AND YOU CANNOT GET TO
24 A LOGICAL CONCLUSION. IN LOS ANGELES COUNTY, THERE ARE
25 WHAT ARE CALLED CONTRACT CITIES. I DON'T CONSIDER THEM



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1 CITIES; I CONSIDER THEM INCORPORATED NEIGHBORHOODS. BUT
2 ALL THEY DO IS SIGN CONTRACTS. THEY DON'T HAVE THE
3 VAGUEST IDEA WHAT THEIR CONSTITUENTS ARE THROWING AWAY,
4 THE SOURCE OF THE TRASH. THEY SIT AND THEY HAVE A
5 CONTRACT THAT SAYS XYZ SCAVENGERS WILL PICK UP WHITE
6 GOODS, ABC WILL PICK UP FOOD WASTE, AND EDF WILL PICK UP
7 SOMETHING ELSE. THEY HAVE NO CONCEPT. IT IS OF -- IT'S
8 A LOGISTICAL NIGHTMARE, AND THEY HAVE NO WAY OF KNOWING.

9 AND I DON'T SEE THAT THE REGULATIONS ARE
10 GOING TO MAKE IT ANY EASIER. THEY CAN READ THE
11 REGULATIONS. AND UNLESS THEIR PEOPLE GO OUT ON THE
12 STREET AND KEEP TRACK OF EVERY HOME WITHIN THEIR
13 JURISDICTION, THEY'RE NOT GOING TO KNOW.

14 I THINK YOU JUST HAVE TO USE YOUR VERY BEST
15 JUDGMENT AND POINT OUT WHAT YOU DO AND PUT IT IN YOUR
16 REPORT AND SAY, "WE THINK WE GOT A REFRIGERATOR FROM
17 ARIZONA." BECAUSE SOMETIMES I HAVE SEEN OUT-OF-STATE
18 TRUCKS BRINGING IN WHITE GOODS TO GO TO A PORT TO BE
19 SHREDED AND SENT SOMEWHERE IN THE PACIFIC RIM. THEY GO
20 THROUGH OUR JURISDICTION, PERHAPS. THEY MAY END UP IN
21 YOUR YARD, PERHAPS, BUT DOES THAT REQUIRE YOU TO ADD THAT
22 TO THE ELEMENTS THAT YOU'RE WRITING?

23 I THINK THAT YOU'VE GOT TO USE A LITTLE
24 COMMON SENSE HERE. HOME RULE CITIES, CHARTER CITIES
25 GENERAL LAW CITIES BEEN PRETTY EASY, BUT THE 46 OR SO



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1 CONTRACT CITIES. I DON'T -- I HAVEN'T THE VAGUEST IDEA
2 HOW THEY'RE GOING TO DO IT EXCEPT THROUGH THE PRIVATE
3 HAULERS.

4 MR. VALENTINE: IF I COULD, FOR THE RECORD, I'D
5 LIKE TO REQUEST THAT AS THE -- AS YOU FURTHER CONSIDER
6 THE TYPE OF DETAIL THAT MIGHT BE NECESSARY WITH REGARD TO
7 THE SOURCE OF SUPPLY OF THIS MATERIAL, AND ALSO WHERE
8 IT'S THEN ULTIMATELY GOING TO GO TO, AS WAS SUGGESTED,
9 THAT IT WILL BE SHIPPED OUT OF THE STATE OFTEN TIMES, THAT
10 WE -- THAT YOU LOOK TO INCLUDING WITHIN YOUR REGS A
11 STANDARDIZED FORMAT OF INFORMATION THAT SHOULD BE
12 REQUESTED.

13 IF WE END UP WITH SCRAP COMPANIES WITH
14 YARDS IN A NUMBER OF DIFFERENT JURISDICTIONS TRYING TO
15 SET UP ON THEIR COMPUTER A SYSTEM OF RECORDKEEPING THAT'S
16 RESPONSIVE TO A VARIETY OF DIFFERENT JURISDICTIONS, IT'S
17 GOING TO BE VERY DIFFICULT.

18 AND SO IF I COULD ASK FOR THAT AS THE FIRST
19 STEP, AND THEN WE CAN LOOK AT THAT AND SEE IF WE EVEN
20 HAVE AVAILABLE THE TYPE OF INFORMATION YOU MIGHT BE
21 LOOKING FOR, IT MY START US ON THE PROCESS OF
22 ACCUMULATING THIS.

23 MR. AULT: I CERTAINLY SEE A NEED TO CLARIFY
24 THIS PARTICULAR QUESTION THAT YOU'VE RAISED. AND I
25 BELIEVE CAREN WOULD LIKE TO ALSO MAKE A COMMENT.



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1 MS. TRGOVCICH: JUST ONE COMMENT ON THAT NOTE.
2 THAT WAS A COMMENT THAT WAS RAISED AT THE SOUTHERN
3 CALIFORNIA WORKSHOP AS WELL. AND IN DISCUSSING THAT
4 AMONGST OURSELVES, THE KEY ISSUE THAT WE BEGIN TALKING
5 ABOUT WAS ACCOUNTABILITY AND THE FACT THAT WHAT'S GOING
6 TO BE ABSOLUTELY NECESSARY IS, AS MS. BREMBERG SAID,
7 COMMON SENSE. BUT IT IS GOING TO BE UP TO THE CITY AND
8 COUNTY TO BE ABLE TO WORK OUT SOME SORT OF AGREEMENT
9 THROUGH THE CONTRACTUAL RELATIONSHIPS THAT THEY MAY HAVE
10 OR OTHER FORMS OF AGREEMENTS OR SERVICES THAT THEY MAKE
11 UP TO WORK WITH THEIR RECYCLERS AND HAULERS TO BE ABLE TO
12 GAIN ACCESS TO THIS INFORMATION.

13 WITHOUT IT, THEY WILL NOT BE ABLE TO
14 QUANTIFY; AND, THEREFORE, THEY WILL NOT BE ABLE TO
15 DETERMINE AS TO THE INFORMATION'S ABILITY TO QUALIFY
16 TOWARDS THE 25- OR 50-PERCENT MANDATES THAT ARE SPECIFIED
17 IN THE STATUTE. SO THE KEY IS ACCOUNTABILITY AND COMMON
18 SENSE. AND WE WILL WORK, IN LOOKING AT THE SECTION,
19 TOWARDS COMING UP WITH COMMON REPORTING THAT PROVIDE THIS
20 INFORMATION, BUT IT WILL BE UP TO THE CITIES AND COUNTIES
21 TO BE ABLE TO WORK INTO THEIR AGREEMENTS AND CONTRACTS
22 METHODS TO GAIN ACCESS TO THIS INFORMATION.

23 MR. VALENTINE: LET ME MAKE TWO COMMENTS IN
24 RESPONSE. I DON'T TAKE LIGHTLY THE SUGGESTION THAT --
25 AND I KNOW THIS BOARD, OF ALL THE BOARDS THAT WE WORK

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1 WITH IN THE STATE. CAN BE RELIED ON TO APPROACH THINGS
 2 FROM A COMMON SENSE PERSPECTIVE. BUT WE HAVE HAD, FOR
 3 THE LAST THREE YEARS, AN OPPORTUNITY TO ENJOY THE COMMON
 4 SENSE SOMETIMES ASSOCIATED WITH THE IMPLEMENTATION OF THE
 5 BOTTLE BILL. AND I WANT TO TELL YOU, IT'S -- WHAT IS
 6 COMMON SENSE TO ONE MAY NOT BE COMMON TO THE OTHER.

7 AND, ALSO, AS YOU LOOK AT THIS, IF I COULD,
 8 THE DIFFERENCE BETWEEN A SCRAP DEALER, A RECYCLER, AND A
 9 HAULER, REFUSE HAULER, IS THAT A REFUSE HAULER IS UNDER
 10 CONTRACT AND IS PAID TO PICK UP THIS MATERIAL. A SCRAP
 11 YARD BY OPPOSITE -- OTHERWISE PAYS TO HAVE THE MATERIAL.
 12 THEY BUY THE MATERIAL FROM SOMEBODY, SO THEY'RE NOT IN A
 13 CONTRACTUAL OR FRANCHISE ARRANGEMENT WITH THE LOCAL
 14 JURISDICTION, YET THEY DO STAND READY AND WILLING TO
 15 COOPERATE. BUT THE -- EVERY DOLLAR THAT THEY SPEND IN
 16 RECORDKEEPING IS NOT A DOLLAR THAT THEY'RE ABLE TO LAY
 17 OFF ON A CONSUMER SOMEPLACE. THE MARGINS HERE ARE VERY
 18 THIN. AND IF WE'RE REALLY INTO RECYCLING, WE'VE GOT TO
 19 RECOGNIZE THAT THIN MARGIN IN ORDER TO PERPETUATE THE
 20 RECYCLING OF SOME OF THESE GOODS.

21 CHAIRMAN GALLAGHER: MR. VALENTINE, CAN I ASK
 22 YOU A QUESTION FOR MY OWN EDIFICATION BECAUSE I THINK
 23 IT'S GOING TO COME UP MANY, MANY TIMES?

24 DO YOUR MEMBERS KEEP A RECORD OF THE
 25 JURISDICTION FROM WHICH MATERIAL COMES THAT THEY BUY? I



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1 CAN SEE THIS, YOU KNOW. A COUNTY LINE IS A VERY NARROW
2 THING. I LIVE CLOSE TO A COUNTY LINE. I PICK UP MY
3 ALUMINUM CANS IN ONE COUNTY AND GO ACROSS THE COUNTY LINE
4 AND DISPOSE OF THEM AT A SCRAP YARD.

5 DOES THE -- HOW DO WE GET A RECORD OF HOW
6 MUCH WAS DIVERTED FROM MY COUNTY THAT WAS ACTUALLY
7 DISPOSED OF IN ANOTHER COUNTY?

8 MR. VALENTINE: YOU'RE RIGHT ON POINT, MR.
9 CHAIRMAN. THAT IS THE PROBLEM WE'RE CONCERNED ABOUT.
10 THE RECORDS THAT WE CURRENTLY KEEP, WHICH ARE PRIMARILY
11 IN RESPONSE TO CONCERNS FROM THE LOCAL POLICE DEPARTMENT,
12 THE SCRAP DETAIL OF THE POLICE DEPARTMENTS, TO ASSURE
13 AGAINST THEFT OR BE ABLE TO ACCOUNT FOR ITEMS WHICH HAVE
14 BEEN STOLEN THAT END UP IN OUR YARDS, THE INFORMATION WE
15 TAKE FROM A PERSON BRINGING A LOAD IN IS BASICALLY HIS
16 DRIVER'S LICENSE AND DRIVER IDENTIFICATION.

17 WHERE THE MATERIAL ON HIS TRUCK CAME FROM,
18 THAT MATERIAL COULD HAVE BEEN ACCUMULATED THROUGHOUT A
19 LOT OF OTHER JURISDICTIONS. HE'S COMING TO ONE YARD OVER
20 ANOTHER PRIMARILY EITHER BECAUSE OF CONVENIENCE, THAT'S
21 THE END OF WHERE HE'S PUT THE LOAD TOGETHER FOR A PRICE.
22 AND WHEN ONE YARD IS -- AND THAT PRICE JUMPS AROUND, SO
23 HE MAY NOT REGULARLY OR ALWAYS GO TO ONE PARTICULAR YARD.

24 AND THE SUPPLY THAT HE'S -- AND THAT'S --
25 YOU KNOW, SO AS WE LOOK AT THE TYPE OF INFORMATION YOU

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1 WANT THE LOCAL JURISDICTION TO PICK UP, I THINK WE'RE
2 GOING TO PROBABLY HAVE TO BACKTRACK AT LEAST ONE STEP TO
3 DETERMINE WHO IS MOST ABLE TO PICK THAT INFORMATION UP.
4 AND THE GUYS WHO ARE DRIVING THESE TRUCKS, THAT OWN THESE
5 TRUCKS, AND ARE AN IN THAT KIND OF BUSINESS, OFTENTIMES
6 AREN'T COPIOUS RECORDKEEPERS.

7 CHAIRMAN GALLAGHER: MR. VARNER, I THINK, HAD
8 THE FLOOR FIRST.

9 BOARD MEMBER VARNER: MR. CHAIRMAN. I WANT TO
10 GO BACK TO THAT STATEMENT OF "NORMALLY DISPOSED OF." I
11 DIDN'T COMPLETELY UNDERSTAND JOHN'S DEFINITION.

12 JOHN, WITH THAT, ACROSS THE STATE I'M QUITE
13 SURE THERE ARE A NUMBER OF DIFFERENT ITEMS THAT MAY BE
14 NORMALLY DISPOSED OF IN ANOTHER AREA, BUT IN ANOTHER AREA
15 THEY ARE NOT NORMALLY DISPOSED OF.

16 SO MY QUESTION IS DO YOU HAVE THE LEEWAY
17 THERE SO THAT THAT CAN BE ACCURATELY DESCRIBED?

18 MR. SMITH: THE INFORMATION IN THE DISPOSAL
19 PORTION OF THE WASTE GENERATION STUDY WOULD BE SPECIFIC
20 TO THE JURISDICTION PREPARING THE SOURCE REDUCTION AND
21 RECYCLING ELEMENTS. SO THEY WOULD HAVE TO SHOW THAT THAT
22 MATERIAL IS GOING TO THEIR LANDFILL IN ORDER TO CREDIT
23 RECYCLING PROGRAMS THAT DIVERT THAT MATERIAL FROM THE
24 LANDFILL. SO IT HAS TO GO TO THE SPECIFIC JURISDICTIONS
25 LANDFILL BEFORE THEY CAN --

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1 BOARD MEMBER VARNER: SO MY QUESTION IS THAT
2 "NORMALLY DISPOSED OF" ISN'T AN ABSOLUTE TERM FOR
3 EVERYBODY?

4 MR. SMITH: THEIR JURISDICTION IS THE BOTTOM
5 LINE.

6 BOARD MEMBER VARNER: THANKS.

7 CHAIRMAN GALLAGHER: MR. LARSON.

8 MR. LARSON: RECOGNIZING MR. VALENTINE'S POINTS
9 ARE ABSOLUTELY VALID, I THINK, AT THIS POINT IN THE
10 DISCUSSION, WE NEED TO RETURN TO THE BASIC LAW THAT WE'RE
11 TALKING ABOUT HERE, AND WE'RE TALKING ABOUT SOLID WASTE
12 TO BE DIVERTED FROM LANDFILLS THAT WHICH IS NORMALLY
13 DISPOSED OF IN LANDFILLS.

14 MOST OF THE CLIENTS AND THE TYPES OF
15 MATERIALS AT THE SCRAP DEALERS ARE NOT SOLID WASTE
16 FACILITIES. THESE PEOPLE HAVE BEEN RECYCLERS FOR YEARS
17 AND YEARS AND YEARS, AND THEY HAVE VERY SUCCESSFULLY
18 MANAGED TO KEEP A LOT OF MATERIALS THAT WOULD OTHERWISE
19 HAVE BECOME A SOLID WASTE TO PUT THEM BACK INTO THE
20 MAINSTREAM OF THE ECONOMIC SYSTEM.

21 SO I THINK THAT WE'RE OFF IN A NARROW
22 CORNER OF WHAT THE INTENT OF THE LAW IS. AND THIS WASTE
23 DISPOSAL CHARACTERIZATION IS TO IDENTIFY WHAT MATERIALS
24 NORMALLY GO INTO A PERMITTED SOLID WASTE FACILITY FOR THE
25 PURPOSES OF ESTABLISHING A SYSTEM TO MEASURE SO THAT FIVE



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1 YEARS DOWN THE LINE WE CAN SAY WITH SOME COMPETENCE, OR
2 LOCAL GOVERNMENT CAN SAY WITH SOME COMPETENCE, THAT WE
3 HAVE ATTAINED OR NOT ATTAINED OUR 25-PERCENT DIVERSION
4 RATE.

5 WHERE I THINK IT'S VERY CLOUDY, AND WHERE
6 MR. VALENTINE'S POINT IS VERY WELL TAKEN, IS THAT THERE'S
7 A DIFFERENCE. HIS INDUSTRIES ARE INVOLVED NOT ONLY IN
8 THE PROCESSING OF AUTO BODIES, BUT THEY ARE INVOLVED IN
9 CORRUGATED PROCESSING TO OTHER MATERIALS THAT ARE IN THE
10 SOLID WASTE STREAM.

11 NOW, RECYCLED MATERIALS, CORRUGATED IS
12 ACTIVELY RECYCLED OR SUCCESSFULLY RECYCLED; BUT IF YOU
13 HAVE ANY TRANSFER STATION OR LANDFILL, YOU WOULD SEE
14 CORRUGATED; THEREFORE, IT IS NORMALLY DISPOSED OF;
15 THEREFORE, IT COUNTS TOWARDS THE RECYCLING GOAL.

16 GENERALLY SPEAKING, YOU WON'T SEE CAR
17 BODIES. THERE ARE EXCEPTIONS TO THAT RULE, AS THERE ARE
18 FOR WHITE GOODS. SO I THINK WHAT WE NEED TO DO IS MAKE
19 SURE THAT THIS LAW ISN'T MISUNDERSTOOD TO SEEK AN AVENUE
20 TO GET INTO ALL OF THE RECORDKEEPING FOR ALL OF THE
21 SALVAGE DEALERS WHO HAVE BEEN SUCCESSFULLY IN THE
22 BUSINESS FOR YEARS.

23 WE'RE TRYING TO DIVERT RECYCLABLE MATERIALS
24 OUT OF CLASS III LANDFILLS OR TRANSFORMATION CENTERS --
25 FACILITIES. SO WITH THE RECOGNITION OF YOUR SPECIAL

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1 INTEREST, WHICH WE CERTAINLY TAKE TO HEART, I THINK THAT
2 WE'RE TALKING ABOUT GARBAGE IN GENERAL TERMS.

3 CHAIRMAN GALLAGHER: THANK YOU. WE WILL,
4 HOWEVER, BE SURE THAT THAT'S FURTHER ADDRESSED.

5 THERE WAS A GENTLEMAN BACK HERE HAD HIS
6 HAND UP FIRST. MAY I ASK ALL OF YOU, AS YOU COME
7 FORWARD, PLEASE, FOR THE RECORD, IDENTIFY YOURSELF AND
8 YOUR -- WHO YOU'RE REPRESENTING.

9 MR. HORTON: MY NAME IS TOM HORTON. I'M A SOLID
10 WASTE MANAGER FOR SAN JOAQUIN COUNTY, AND I'M ALSO
11 CHAIRMAN OF THE GOVERNMENT REFUSE COLLECTION AND DISPOSAL
12 ASSOCIATION LEGISLATIVE COMMITTEE FOR CALIFORNIA.

13 I WANT, FIRST OF ALL, TO APPLAUD YOU FOR
14 GETTING THESE DRAFT REGULATIONS OUT IN SUCH A SHORT TIME.
15 I FIND THAT THEY'RE GOING TO BE EXTREMELY USEFUL IN
16 HELPING US TO PREPARE THOSE SITING AND -- OR THOSE SOURCE
17 REDUCTION AND RECYCLING ELEMENTS THAT WE HAVE TO PUT OUT.
18 GRCDA WILL BE SUBMITTING SOME WRITTEN COMMENTS ON TO YOU
19 ON THE REGS.

20 ONE THOUGHT CAME TO ME WHEN WE STARTED THIS
21 WASTE GENERATION PORTION, AND THAT WAS THAT THE WASTE
22 GENERATION STUDY SHOULD BE CONDUCTED OVER A PERIOD OF A
23 YEAR. AND THAT'S TRUE BECAUSE OF THE SEASONAL VARIATIONS
24 AND THOSE VARIATIONS ARE CONSIDERABLE.

25 HOWEVER, THE COUNTIES ARE REQUIRED TO



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1 SUBMIT THEIR SOURCE REDUCTION AND RECYCLING PLAN BY
2 JANUARY 1ST OF 1991, AND THE CITIES BY JULY 1ST OF '91,
3 AND I UNDERSTAND THAT THERE MAY BE SOME EMERGENCY
4 LEGISLATION TO CHANGE THAT DATE FOR THE COUNTY. AND I
5 WAS WONDERING IF YOU WOULD CARE TO COMMENT ON THAT.

6 AND THEN, SECONDLY, EVEN THOUGH JULY --
7 EVEN IF IT IS CHANGED TO JULY 1ST OF '91, I DOUBT THAT
8 THERE'S ENOUGH PLANNING TIME OVER THE NEXT 14 OR 15
9 MONTHS TO DO A FULL YEAR'S WORTH OF WASTE GENERATION
10 STUDIES. SO WE'RE PROBABLY GOING TO BE LOOKING AT SOME
11 KIND OF SEASONAL VARIATIONS IN MOST OF THE PLANS.

12 CHAIRMAN GALLAGHER: THANK YOU.

13 MR. LARSON.

14 MR. LARSON: MR. CHAIRMAN, WITH YOUR
15 CONCURRENCE, I BELIEVE THAT WE HAVE IN THE AUDIENCE THE
16 PERSON MOST CAPABLE OF RESPONDING TO CHANGES THAT MAY BE
17 FORTHCOMING TO REALIGN THE SUBMITTAL OF THOSE SOURCE
18 REDUCTION AND RECYCLING ELEMENTS, MR. KIP LIPPER, CHIEF
19 CONSULTANT TO ASSEMBLYMAN BYRON SHER.

20 WOULD YOU CARE TO TAKE OPPORTUNITY TO
21 EXPLAIN WHAT CHANGES MAY BE FORTHCOMING IN THE SUBMITTAL
22 SEQUENCE FOR SOURCE REDUCTION AND RECYCLING ELEMENTS?

23 MR. LIPPER: THE LEGISLATION THAT ASSEMBLYMAN
24 SHER HAS INTRODUCED, MR. CHAIRMAN, AB 1820, CONTAINS AN
25 AMENDMENT TO THE DEADLINES THAT ARE ESTABLISHED FOR THE

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1 SUBMITTAL OF SOURCE REDUCTION AND RECYCLING ELEMENTS TO
2 MAKE THE CITY SUBMITTAL TO THE COUNTY AND THE COUNTY
3 SUBMITTAL TO THE BOARD CONSISTENT; THAT IS, JULY 1, 1991.
4 SO THAT IS CONTEMPLATED TO BE CORRECTED IN THE
5 LEGISLATION. AND WE'VE BEEN WORKING WITH YOUR STAFF TO
6 IDENTIFY ANY OTHER ISSUES THAT NEED TO BE ADDRESSED IN
7 TERMS OF THE TIMING.

8 CHAIRMAN GALLAGHER: THANK YOU, MR. LIPPER.

9 MR. MAGUIN.

10 MR. MAGUIN: MR. CHAIRMAN, MEMBERS OF THE
11 BOARD, MY NAME IS STEVE MAGUIN. I REPRESENT THE
12 SANITATION DISTRICTS OF LOS ANGELES COUNTY.

13 I HAVE ONE VERY BRIEF ISSUE I'D LIKE TO
14 RAISE AT THIS POINT THAT RELATES TO MR. LARSON'S LAST
15 COMMENT, THAT THE PURPOSE WE'RE ALL TRYING TO SERVE HERE
16 IS DIVERSION OF MATERIALS THAT OTHERWISE WOULD BE WASTE
17 FROM OCCUPYING WASTE DISPOSAL CAPACITY.

18 IN THAT REGARD, MY CONCERN, I THINK, ARISES
19 FROM THE DEFINITION SECTION "END MARKET," AND MY CONCERN
20 WAS EXPANDED AT MONDAY'S HEARING WITH DISCUSSION OF BOARD
21 SANCTIONED USES.

22 THE DEFINITION OF END MARKET VERY
23 SPECIFICALLY REFERS TO RETURNING MATERIALS THROUGH THE
24 DIVERSION PROCESS TO THE ECONOMIC MARKETPLACE. AND MY
25 CONCERN IS THAT THIS IS GOING TO RESTRICT THE KIND OF

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1 DIVERSION PROGRAM THAT LOCAL GOVERNMENT CAN IMPLEMENT TO
2 REDUCE OUR WASTESTREAM.

3 I CAN THINK RIGHT NOW THE EXISTING PROGRAMS
4 THAT DIVERT LARGE QUANTITIES OF MATERIAL, BUT NOT
5 NECESSARILY TO THE ECONOMIC MARKETPLACE, SUCH AS
6 RETRIEVAL OF MATERIALS FOR USE BY CHARITABLE
7 ORGANIZATIONS, USES THAT OTHERWISE WOULDN'T OCCUR. AND,
8 OF COURSE, THE SUBJECT WE'VE DISCUSSED A LOT THE LAST SIX
9 MONTHS, AND THAT'S THE USE OF GREEN WASTE MATERIAL FOR
10 PRODUCTIVE PURPOSE IN LANDFILLS, AS IN THE CASE OF MANY
11 OTHER LANDFILL DIVERSION PROGRAMS, RECYCLING OF ASPHALT
12 FOR LANDFILL PURPOSES AND SO FORTH.

13 LOS ANGELES COUNTY, ALONE, HAS CURRENTLY A
14 QUARTER OF A MILLION TONS A YEAR, YET BECAUSE IT DOESN'T
15 GET DIRECTLY INTO THE ECONOMIC MAINSTREAM, IT MAY NOT BE
16 CONSIDERED A DIVERSION PROGRAM.

17 AND ON MONDAY WE GOT INTO DISCUSSION OF
18 WHETHER USES WOULD BE SANCTIONED BY THE BOARD OR NOT AS
19 BEING THE DETERMINING FACTOR IN TERMS OF WHETHER A
20 MATERIAL REALLY WAS BEING DIVERTED. YES, IT MAY BE
21 DIVERTED FROM THE LANDFILL, BUT IT MAY NOT BE TO USE TO
22 WHICH YOUR BOARD HAS SANCTIONED. I HAVE TROUBLE WITH
23 THAT DISCRETIONARY DECISION. I THINK WE'RE ALL BETTER
24 SERVED IN ACHIEVING THE BASIC THRUST OF THE BILL IF WE
25 EXPAND OUR THINKING IN THE TERMS OF PRODUCTIVE USES OF

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1 MATERIAL DIVERTED AS OPPOSED TO GETTING INTO THE ECONOMIC
2 MAINSTREAM.

3 CHAIRMAN GALLAGHER: THANK YOU. THOSE THOUGHTS
4 WILL BE WELL CARRIED FORWARD.

5 MR. MAGUIN: THANK YOU, MR. CHAIRMAN.

6 CHAIRMAN GALLAGHER: WE'RE GOING TO HAVE TO HOLD
7 THINGS FOR A MOMENT WHILE OUR RECORDER TAKES CARE OF
8 CHANGING THE PAPER IN THE MACHINE, SO WE'RE GOING TO
9 DECLARE A TEN-MINUTE RECESS. PLEASE BE BACK QUICKLY.
10 AND THE GENTLEMAN SITTING DOWN HERE, WHO'S BEEN TRYING TO
11 SPEAK, WE'LL GET YOUR FIRST SHOT.

12 (A BREAK WAS TAKEN.)

13 CHAIRMAN GALLAGHER: BRING THE MEETING BACK TO
14 ORDER, PLEASE.

15 HOUSEKEEPINGWISE, WE WILL ATTEMPT TO BE AS
16 PRECISE AS WE CAN IN BREAKING AT 12 O'CLOCK NOON FOR
17 LUNCH. BE A ONE-HOUR LUNCH. BE RIGHT BACK AT IT. WE
18 HAVE A LONG WAY TO GO. I'M SURE ALL OF YOU ARE
19 INTERESTED IN HAVING YOUR POINTS OF VIEW HEARD, BUT WE
20 WOULD LIKE TO MOVE AS QUICKLY AS WE CAN INTO SOME OF THE
21 OTHER SECTIONS WHICH GO TO THE POINT OF THE SOURCE
22 REDUCTION AND RECYCLING ELEMENTS.

23 SO THOSE OF YOU WHO FEEL THAT YOU'VE HAD
24 YOUR QUESTIONS ANSWERED. THANK YOU. IF YOU FEEL YOU NEED
25 TO AMPLIFY ON SOMETHING THAT'S BEEN SAID, WELL, CONTINUE

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1 TO COME FORWARD, BUT WE ARE INTERESTED IN MOVING AHEAD AS
2 FAST AS WE CAN.

3 NOW, SIR.

4 MR. EPLER: MR. CHAIRMAN, MEMBERS OF THE BOARD,
5 MY NAME IS ROBERT EPLER. I'M THE DEPUTY WASTE MANAGEMENT
6 DIRECTOR FOR THE CITY OF SAN DIEGO.

7 THIS FORMAT CAUSES ME ONE LITTLE PROBLEM IN
8 THAT THERE IS SOME REAL OVERVIEW POINTS THAT WE WOULD
9 LIKE TO PRESENT ON THE TOTAL PACKAGE. AND SOMEHOW IT
10 SEEMS AS THOUGH THERE OUGHT TO BE AN OPPORTUNITY TO DO
11 THAT.

12 CHAIRMAN GALLAGHER: WE CERTAINLY WILL ENTERTAIN
13 YOUR GOING AHEAD AND MAKING YOUR OVERVIEW, AND WE'LL TRY
14 AND SEPARATE IT OUT IN OUR MINUTES.

15 MR. EPLER: THANK YOU. AS WE LOOK AT THIS, SAN
16 DIEGO IS HIGHLY SUPPORTIVE OF THE INTENT AND THE GOALS OF
17 AB 939. OUR COUNCIL ADOPTED IN JULY 1988 A 25-PERCENT
18 RECYCLING GOAL, AND WE'RE HALFWAY TOWARD ACHIEVING IT AND
19 WELL INTO THE IMPLEMENTATION OF PROGRAMS TO, BY MID-1992,
20 TRY AND BE AT THE 25-PERCENT RECYCLING RATE.

21 WHAT I SEE IN THE WAY THE DRAFT REGULATIONS
22 HAVE COME OUT IS THAT THEY GO INTO FAR TOO MUCH DETAIL
23 THAT THEY CAUSE NOT TO HAVE THIS PLANNING PROCESS BE A
24 TOOL FOR LOCAL GOVERNMENTS TO HELP ACHIEVE THIS GOAL, BUT
25 INSTEAD BECOME A STRAIGHTJACKET AND A MILLSTONE AROUND



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1 OUR NECK, WHERE ENERGY, FUNDING, AND STAFF TIME IS
2 DIVERTED FROM IMPLEMENTING PROGRAMS AND MAKING THOSE
3 PROGRAMS SUCCESSFUL, TO GOING INTO GREAT DEPTHS OF
4 MINUTIAE AND THE DETAIL THAT WE HAVE TO PUT IN THE PLAN.

5 THE WASTE COMPOSITION STUDY REGULATIONS, AS
6 THEY ARE PROPOSED HERE, IN COMPARISON TO THE TEXT OF THE
7 LAW, ARE AN EXTREMELY GOOD EXAMPLE OF THAT. WHEN YOU
8 LOOK AT THE CATEGORIES THAT HAVE BEEN DESCRIBED DOWN
9 HERE, WE HAVE TO DO OUR WASTE COMPOSITION STUDY IN 210
10 CATEGORIES. WHEN YOU TAKE THE SOURCES AND ALL OF THESE
11 OTHER THINGS, THAT COMES OUT WITH A MUCH GREATER LEVEL OF
12 DETAIL THAN WILL PROVIDE ANY WORKABLE INFORMATION TO A
13 JURISDICTION TO DEVELOP PROGRAMS ON.

14 IN LOOKING AT THE VERY FIRST PART OF IT,
15 WHICH IS IDENTIFYING SOLID WASTE GENERATION BY SOURCE,
16 THAT IS IN A CITY OF SAN DIEGO WHERE WE RECEIVE 4,600
17 TONS A DAY INTO OUR LANDFILL, 2,000 VEHICLES, A SMALL
18 PORTION COMPARED TO WHAT STEVE MAGUIN HAS TO DEAL WITH AT
19 THE L.A. SAN, OBVIOUSLY.

20 BUT OUR LOADS COME IN IN PACKER TRUCKS.
21 THEY DON'T COME IN NEATLY PACKAGED FROM SCHOOLS, FROM
22 COMMERCIAL, FROM RETAIL. A FRONT-END LOADER WILL ON ITS
23 ROUTING STOP AT A SCHOOL, WILL STOP AT A GOVERNMENT
24 OFFICE, WILL STOP AT A DRUG STORE. THE ROUTES ARE
25 GEOGRAPHIC, NOT BY SOURCES.

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1 WE'VE DONE COMPOSITION STUDIES IN 1983,
2 1987, 1988, AND WE HAVE ANOTHER ONE SCHEDULED TO START
3 HERE IN 1989. WE'VE BEEN ABLE TO DO OUR COMPOSITION
4 STUDIES BY CATEGORY OF TRUCK IN WHICH THE MATERIAL COMES
5 IN, BY 27 CATEGORIES, NOT THE 35 THAT ARE REQUESTED IN
6 HERE.

7 AND WE'VE ALSO GONE, IN TAKING IT INTO
8 ANOTHER STEP, WHICH SAID OF THE MATERIALS THAT ARE
9 RECYCLABLE, HOW MANY -- OR WHAT PERCENTAGE OF THOSE ARE
10 MARKETABLE. WE'VE ALSO FOUND THERE'S A DISTINCT
11 DIFFERENCE BETWEEN MATERIALS WHICH ARE THOUGHT OF AS
12 RECYCLABLE AND THOSE THAT ARE ACTUALLY MARKETABLE ON THE
13 WASTE.

14 IN SPECIFIC DISCUSSION OF WHAT'S IN HERE, I
15 THINK MUCH OF THIS IS THE TYPE OF WORK THAT WE WOULD DO
16 ANYWAY THAT HELPS TO MAKE THE DECISION ON, BUT IT GOES
17 INTO TOO MUCH DETAIL. TAKING OUR QUANTITATIVE FIELD
18 ANALYSIS, WHICH IS THE METHOD THAT WE UTILIZE IN SAN
19 DIEGO, EXTRAPOLATING IT IN ONE-YEAR INCREMENTS FOR A
20 20-YEAR PERIOD GIVES ME NOTHING, IF I'M WORKING ON A
21 FIVE-YEAR PLANNING HORIZON, IN REACHING A 25-PERCENT
22 GOAL, AND IN WHICH WE'RE DOING MAJOR SHIFTS IN THE
23 MATERIALS THAT ARE BEING GENERATED, AND THEN THE
24 MATERIALS THAT ARE BEING LANDFILLED.

25 AND I THINK THAT THAT'S ONE DETAIL THAT



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1 OUGHT TO BE RELOOKED AT AS TO WHAT IS THE VALUE OF SOME
2 OF THESE THINGS BEING REQUESTED.

3 I WAS ALSO INTERESTED IN SEEING IN THE
4 SECTION THERE WHERE IT TALKED ABOUT COMING UP WITH AN
5 ESTIMATE OF AUTOMOBILE BODIES, WHEN YET THAT'S BEEN ONE
6 OF THE EXAMPLES THAT YOU CLEARLY USED AS IS NOT A
7 MATERIAL THAT'S GENERALLY TAKEN TO LANDFILLS OR TO
8 WASTE-TO-ENERGY FACILITIES.

9 WHITE GOODS WERE TALKED ABOUT. I PUT A
10 BUY-BACK RECYCLING CENTER AT THE FRONT DOOR OF MY
11 LANDFILL. WE'D HAD A DROP-OFF DONATION CENTER THERE.
12 THE LAST 12 MONTHS OF THE DROP-OFF TOOK IN 64 TONS OF
13 MATERIAL. THE FIRST YEAR OF THE BUY-BACK CENTER THERE WE
14 TOOK IN 2700 TONS OF MATERIALS, OF WHICH 1,000 TONS WAS
15 WHITE GOODS. SO WHITE GOODS ARE, AT LEAST AT OUR PLACE,
16 A MAJOR COMPONENT OF THE MATERIAL THAT COMES INTO THE
17 LANDFILL.

18 AND AS WE THEN TAKE THE NEXT STEP THAT
19 SAYS, WELL, HOW DO WE COUNT ALL OF THE WHITE GOODS THAT
20 ARE BEING DISPOSED OF, THEN IN RELATING IT TO THIS WASTE
21 GENERATION. I THINK WHAT WE'LL FIND IS THAT THINGS IN
22 THE LEVEL OF DETAIL THAT ARE BEING ASKED ARE GOING TO
23 LOSE US IN THE MINUTIAE.

24 AS I LOOK AT THIS RECYCLING GOAL, WE HANDLE
25 ABOUT A 1,600,000 TONS A YEAR THROUGH THE GATE OF OUR



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1 LANDFILL. WHEN WE TAKE OUT CERTAIN THINGS THAT ARE
 2 AUTHORIZED AS NOT COUNTING IN HERE, WE'RE PROBABLY
 3 LOOKING AT A RECYCLING GOAL OF STILL ABOUT 400,000 TONS.
 4 375,000 IS WHAT WE'RE LOOKING AT NOW.

5 AND MEASURING WHERE THIS TONNAGE IS GOING,
 6 I THINK, IN GENERAL, IS MORE IMPORTANT THAN MEASURING IN
 7 PRECISE DETAIL OF HOW MANY POUNDS OF THAT WERE NEWSPRINT.
 8 I THINK WE'LL GET A LOT OF THAT DETAIL AT THE BACK END OF
 9 THE SYSTEM, BUT TO PUT TOO MUCH OF OUR ENERGY INTO IT UP
 10 AT THE FRONT IS A REAL PROBLEM.

11 AND I WOULD ASK THAT IN LOOKING AT THESE
 12 REGULATIONS FROM THIS FIRST WORKING DRAFT, WHICH -- AND I
 13 KNOW HOW HARD IT IS TO DEVELOP ORDINANCES AND REGULATIONS
 14 IN DOING IT FOR MY CITY -- THAT WE LOOK AT THE
 15 PRACTICALITY OF THIS AND IS IT REALLY WORKABLE AND IS THE
 16 INFORMATION GENERATED WORTH THE COST AND EFFORT OF DOING
 17 IT. THANK YOU.

18 CHAIRMAN GALLAGHER: THANK YOU FOR YOU COMMENTS.
 19 THEY WILL CERTAINLY BE A PART OF THE RECORD.

20 MR. MARINO.

21 MR. MARINO: MR. CHAIRMAN, MEMBERS OF THE BOARD,
 22 THANKS FOR THE OPPORTUNITY TO SAY A FEW WORDS. I'M AL
 23 MARINO REPRESENTING THE CRRC NORTHERN DISTRICT.

24 I DON'T HAVE ANY GREAT PROBLEM WITH MUCH OF
 25 THIS. IT'S HARD TO ABSORB IN THE SHORT TIME WE'VE HAD IT



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1 OUT. MANY OF OUR INDUSTRY PEOPLE HAVE NOT BEEN ABLE TO
2 GET A GOOD SHOT AT IT. BUT SOME OF THE THINGS THAT I HAD
3 PHONE CALLS ON ARE FAIRLY SUPERFICIAL AND EASY TO FIX,
4 IF, INDEED, THEY NEED FIXING.

5 WHAT I'M GETTING AT, FOR EXAMPLE, YOU TALK
6 ABOUT PERMITTED FACILITIES, LANDFILLS AND SOLID WASTE
7 FACILITIES OF ALL KINDS. AND THE PERMITTED FACILITY,
8 ACCORDING TO YOUR DEFINITION, IS ONE THAT'S APPROVED AND
9 PERMITTED BY THE LOCAL ENFORCEMENT AGENCY AND THE
10 INTEGRATED WASTE MANAGEMENT BOARD.

11 I HOPE THAT DOESN'T MEAN THAT ALL THE
12 PERMITS APPROVED BY YOUR PREDECESSOR, CALIFORNIA WASTE
13 MANAGEMENT BOARD, ARE NULL AND VOID, BUT THAT'S WHAT THE
14 DEFINITION DOES STATE. AND I THINK IT'S A SIMPLE MATTER
15 OF CLEARING UP THE WORDING.

16 THE OTHER MAJOR THING, REALLY, IS THAT, TO
17 MY KNOWLEDGE, ALL THE YEARS THAT THE BOARD HAS BEEN IN
18 EXISTENCE RECYCLING CENTERS AND DROP-OFF CENTERS ARE
19 THOSE THAT HANDLE SEPARATED MATERIALS. NOW, SOME OF YOUR
20 DEFINITIONS -- I'M SURE THEY'RE TYPOS -- TALK ABOUT
21 SOLID WASTE AND OTHER MATERIALS BEING DELIVERED OR
22 HANDLED AT DROP-OFF CENTERS. I WOULD IMAGINE OR I HOPE
23 THAT THAT IS A MISPRINT BECAUSE OUR INDUSTRY PEOPLE HAVE
24 A GREAT DEAL OF PROBLEM WITH GUYS WITH PICKUP TRUCKS
25 GOING AROUND OR PUTTING OUT BINS TAKING GARBAGE FROM

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1 SUPERMARKETS OR WHATEVER, SORTING OUT THE GOODIES, AND
2 TAKING THE REST TO THE DUMP, AND THEY CALL THEMSELVES A
3 RECYCLER OR RECYCLING CENTER.

4 NOW, THE LOCAL ENFORCEMENT AGENCIES,
5 APPARENTLY, HAVE NOT BEEN ABLE TO DO TOO MUCH TO TRY AND
6 ENFORCE THE LAW BECAUSE THEY'RE HAULING GARBAGE WITHOUT A
7 PERMIT. AND WE THINK THAT IF RECYCLING CENTERS OR
8 DROP-OFF CENTERS OR WHATEVER ARE PROPERLY DEFINED, AS ARE
9 TRANSFER STATIONS, IN THAT THEY'RE TO HANDLE SEPARATED
10 MATERIALS, IT WOULD HELP THE WHOLE SITUATION A GREAT DEAL
11 AND WOULD ALSO HELP WHEN WE TALK ABOUT WHO'S DOING WHAT
12 ON THE LOCAL LEVEL IN THE WAY OF RECYCLING AND THE
13 ACTIVITIES THAT ARE GOING ON.

14 THAT'S ALL I HAVE TO SAY. THANK YOU.

15 CHAIRMAN GALLAGHER: THANK YOU.

16 MR. MYERSON.

17 MR. MYERSON: THANK YOU, MR. CHAIRMAN. MY NAME
18 IS BERNARD MYERSON. I'M REPRESENTING MYSELF AND MY
19 COMPANY, EMS.

20 I REALLY WOULD LIKE TO START OUT FIRST BY
21 REQUESTING AN ADDITIONAL CLARIFICATION FROM GEORGE AND
22 MAYBE JOHN SMITH WITH RESPECT TO THIS QUESTION OF WHAT
23 COUNTS AND WHAT DOESN'T COUNT BECAUSE I THINK IT'S
24 ABSOLUTELY CRITICAL IN THE DEVELOPMENT OF THESE PLANS.

25 IT'S MY UNDERSTANDING, FROM THE READING OF

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1 THIS, THAT IF A MATERIAL TYPE IS PRESENT IN THE LANDFILL
2 ITSELF AT -- YOU KNOW, IN OTHER WORDS, BEYOND THE LINE OF
3 RECYCLING, IF THAT MATERIAL TYPE -- I WOULD LIKE TO KNOW,
4 FIRST, WHAT YOU MEAN BY "MATERIAL TYPE."

5 FOR EXAMPLE, IS MATERIAL TYPE FERROUS
6 MATERIAL OR IS MATERIAL TYPE A PARTICULAR MANUFACTURED
7 ITEM, LET'S SAY, LIKE A FILE CABINET. IN OTHER WORDS,
8 WHAT LEVEL OF DEFINITION DOES THE WORD "TYPE" ENCOMPASS
9 BECAUSE I WOULD PROPOSE, OF COURSE, THAT IT BE THE
10 BROADEST TYPE POSSIBLE.

11 I DETECT IN HERE A PHILOSOPHICAL KIND OF
12 RELUCTANCE TO ACKNOWLEDGE THAT MAYBE A LOT OF COMMUNITIES
13 ARE ACHIEVING A FAIRLY GOOD PERCENTAGE OF RECYCLING RIGHT
14 NOW, AND IT SEEMS TO BE THE KIND OF A RELUCTANCE TO ALLOW
15 MATERIALS IN THAT MIGHT BRING THAT PERCENTAGE, LET'S SAY,
16 UP TO 25 PERCENT ALREADY.

17 I THINK THAT'S KIND OF A NEGATIVE APPROACH.
18 MY FEELING IS THAT IF IT TURNS OUT THAT MOST OF THE
19 COMMUNITIES IN CALIFORNIA ARE ALREADY ACHIEVING AT OR
20 NEAR OR BEYOND THE 25-PERCENT CAPACITY, THEN LET'S MOVE
21 TO THE 50 PERCENT SOONER, BUT LET'S NOT TRY BY SOME
22 ARBITRARY DEFINITION TO RESTRICT THE RECYCLING ACTIVITY
23 THAT IS ACTUALLY TAKING PLACE.

24 SO I WOULD LIKE A CLARIFICATION OF WHAT YOU
25 MEAN BY THE WORD "TYPE." LET ME GIVE YOU A PRECISE

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1 EXAMPLE. OKAY. LET'S SAY HERE'S AN OFFICE. I HAVE AN
2 OFFICE CABINET WHICH IS MADE OF STEEL. OKAY? AND I
3 DECIDE THAT INSTEAD OF THROWING IT OUT, I'M GOING TO TAKE
4 IT TO A SCRAP YARD. DOES THAT COUNT?

5 MR. SMITH: I'LL HAVE YOU LOOK AT PAGES 16 AND
6 17, WHERE WE IDENTIFY GOOD EXAMPLES OF WHAT CATEGORIES
7 AND TYPES ARE. A CATEGORY WOULD BE PAPER. A TYPE UNDER
8 PAPER WOULD BE CORRUGATED, MIXED PAPER, AND NEWSPRINT.
9 ANOTHER EXAMPLE WOULD BE -- CATEGORY WOULD BE METALS.
10 THE TYPE WOULD BE ALUMINUM CANS, TIN, AND BI-METAL
11 CONTAINERS.

12 AS LONG AS THESE CATEGORIES AND TYPES WERE,
13 AGAIN, IDENTIFIED IN YOUR REPRESENTATIVE STUDY OF WHAT
14 WENT TO THE LANDFILL.

15 MR. MYERSON: SO IF I FIND FERROUS SCRAP IN THE
16 LANDFILL, THEN ANY FERROUS SCRAP THAT'S RECOVERED
17 COMMERCIALY OUTSIDE COUNTS; IS THAT RIGHT?

18 MR. LARSON: IF IT CAN BE DETERMINED TO HAVE
19 BEEN DIVERTED FROM THAT LANDFILL FOR THE PURPOSES OF
20 RECYCLING, IT COUNTS TOWARDS THE 25-PERCENT DIVERSION
21 RATE SPECIFIED IN THE LAW. WE DO NOT, UNDER THE
22 DESCRIPTION OF CATEGORIES, GO TO THE LEVEL OF WHETHER
23 IT'S A FILE CABINET OR A CAR BUMPER. IF A MAGNET STICKS
24 TO IT, IT'S FERROUS. IF IT'S DIVERTED FROM WHAT WOULD
25 HAVE GONE TO THE LANDFILL, THEN IT'S ATTRIBUTABLE TOWARD

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1 THE 25-PERCENT DIVERSION RATE.

2 MR. MYERSON: WELL, YOU MADE A COMMENT BEFORE
3 TALKING ABOUT AUTOMOBILE SCRAP. YOU SAID, WELL, YEAH,
4 THERE MAY BE SOME AUTOMOBILE PARTS IN THERE. WELL,
5 THAT'S -- AUTOMOBILE IS LARGELY FERROUS SCRAP, SO IS IT
6 FERROUS OR IS IT AN AUTOMOBILE? IN OTHER WORDS, IF THE
7 TYPE IS FERROUS, THEN IF AUTOMOBILES ARE DIVERTED, THEN
8 THEY COUNT.

9 MR. LARSON: I THINK UNDER THE LISTING THAT MR.
10 SMITH ALLUDES TO, THERE ISN'T ANYTHING LISTED THERE UNDER
11 ANY OF THE CATEGORIES THAT IS AN OBJECT, SUCH AS A CAR OR
12 A BUMPER. THEY TRY TO DESCRIBE CATEGORIES OR TYPES OF
13 MATERIALS.

14 NOW, WHITE GOODS, I GUESS, YOU ARE GETTING
15 INTO THE AREA WHERE IT COULD BE ATTRIBUTABLE TO AN OBJECT
16 BECAUSE IT'S AN ACCEPTED TERM.

17 MR. MYERSON: TIRES IS AN OBJECT.

18 MR. LARSON: I THINK TO THAT EXTENT, THEN, MAYBE
19 WE'LL TAKE A LOOK AT THOSE THAT ARE SPECIFICALLY
20 IDENTIFIED AND MAYBE SEE IF THEY SHOULD BE REDEFINED MORE
21 GENERALLY.

22 I SENSE THE TOPIC THAT YOU ARE GETTING AT
23 HERE IS THERE ARE A LOT OF ACTIVITIES GOING ON OUT THERE
24 TODAY, AND THERE ARE SOME QUESTIONS IN THIS LAW AS TO
25 WHETHER THE DIVERSION OF THOSE THAT TYPES OF MATERIALS

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1 ARE ACCEPTABLE OR NONACCEPTABLE.

2 AND TO THE EXTENT THAT THE LAW GIVES US
3 GUIDANCE, WE'RE TRYING TO STRUCTURE THE REGULATIONS SUCH
4 THAT THOSE RECYCLING ACTIVITIES THAT ARE ONGOING NOW
5 SHOULD RECEIVE CREDIT IF THEY'RE DIVERTING MATERIALS THAT
6 OTHERWISE WOULD HAVE ENDED UP IN A PERMANENT SOLID WASTE
7 FACILITY.

8 MR. MYERSON: OKAY.

9 CHAIRMAN GALLAGHER: YES, MR. MOSCONE.

10 BOARD MEMBER MOSCONE: DID YOU WANT TO CONTINUE?

11 MR. MYERSON: WELL, I JUST WANTED TO GIVE SOME
12 VERY SPECIFIC CORRECTIONS THAT NEED TO BE MADE IN SOME OF
13 THIS MATERIAL.

14 THE BASIC PURPOSE OF COMPOSITION ANALYSIS
15 IS A FUNCTION OF WHAT YOU WANT TO USE IT FOR. AND
16 SINCE -- YOU KNOW, SINCE THE MAJOR GOAL HERE IS TO
17 RECYCLE, THEN THESE CATEGORIES SHOULD BE REFLECTIVE OF
18 RECYCLING MARKETS AND THE LIKE.

19 AND SO, FOR EXAMPLE, IN GLASS, THE CATEGORY
20 SHOULD BE CONTAINER GLASS RATHER THAN -- RATHER THAN JUST
21 REDEMPTION GLASS AND REFILLABLE GLASS AND THEN ALL OTHER
22 BECAUSE ALL OTHER COMBINES TOGETHER CONTAINER GLASS,
23 WHICH IS RECOVERABLE WITH REDEMPTION GLASS, BUT ALSO
24 INCLUDES THINGS LIKE MIRRORS AND PLATE GLASS AND TWO T.V.
25 TUBES, WHICH ARE NOT RECOVERABLE WITH CONTAINER GLASS.

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1 SO CATEGORIES SHOULD BE MORE REFLECTIVE OF MARKET.

2 ALSO -- AND YOU SAID WE COULD USE EXAMPLES
3 OF, HERE GOING BACK TO DEFINITIONS. THE DEFINITION OF
4 CORRUGATED IS TOTALLY ERRONEOUS IN THAT IT SPECIFICALLY
5 EXCLUDES LINER BOARD, WHICH IS ITS PRINCIPAL INGREDIENT.
6 SO THAT'S KIND OF A STRANGE DEFINITION.

7 I THINK IN A CASE OF DEFINITIONS, THERE'S
8 ALSO AN INCONSISTENCY. SOME MATERIALS ARE DEFINED IN
9 FRONT AND SOME MATERIALS ARE NOT. BUT WHEREVER MARKET
10 DEFINITIONS EXIST, I THINK THEY SHOULD BE USED. I MEAN
11 IF YOU WANT TO DEFINE CORRUGATED, USE THE PAPER STOCK
12 DEFINITION. IF YOU WANT TO DEFINE MIXED PAPER, USE THE
13 PAPER STOCK DEFINITION BECAUSE THAT'S GOING TO GOVERN THE
14 MARKETING OF IT.

15 ALSO, I THINK THERE'S ONE THING THAT'S LEFT
16 OUT OF HERE WHICH IS VERY CRITICAL, AND THAT IS HOW DO
17 YOU TREAT COMPOSITE MATERIALS. THIS IS ONE OF THE GREAT
18 HEADACHES OF RECYCLING. AND IT IS NOT REFLECTED AT ALL
19 HERE IN THE CATEGORIES BECAUSE THE CATEGORIES DO NOT
20 ASSUME COMPOSITE MATERIALS. I MEAN, WHAT DO YOU DO WITH
21 SOMETHING THAT'S HALF PLASTIC AND HALF METAL? WHAT DO
22 YOU DO WITH SOMETHING THAT'S HALF WOOD AND HALF METAL?
23 HOW DO YOU ACCOUNT -- HOW DO YOU COUNT SOMETHING THAT'S
24 HALF PLASTIC AND HALF PAPER?

25 THERE ARE MANY, MANY ARTICLES IN THE



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1 WASTESTREAM THAT FIT INTO THOSE CATEGORIES. AND YOU HAVE
2 TO DEAL WITH HOW THOSE ARE TO BE ACCOUNTED FOR IN A
3 COMPOSITION STUDY THAT IS GEARED TOWARD RECYCLING BECAUSE
4 IT'S -- YOU KNOW, WE'RE NOT DOING A CHEMICAL ANALYSIS
5 HERE OF RAW ELEMENTS. WE'RE DOING AN ANALYSIS OF
6 PHYSICAL MATERIAL THAT HAS TO BE RECYCLED.

7 SO I THINK THOSE KINDS OF FOCUSES NEED TO
8 BE MADE. I WON'T TAKE THE TIME TO GO INTO A LOT OF THE
9 OTHER DETAIL HERE. I'LL TRY AND GET IT TO YOU IN
10 WRITING, BUT A LOT OF YOUR DEFINITIONS ARE OFF THE MARKET
11 TRACK.

12 THERE IS ONE FINAL SMALL POINT, BUT I THINK
13 IT REFLECTS AN ATTITUDE HERE AND MAYBE RELATES TO SOME OF
14 THIS THING OF GETTING EXCESS INFORMATION. I REFER TO
15 SECTION 1733.2(F).

16 ASIDE FROM THE FACT THAT I THINK THAT WILL
17 BE VIRTUALLY IMPOSSIBLE TO GET, I THINK IT IS AN
18 UNWARRANTED INTRUSION ON THE PRIVATE SECTOR. AND FOR THE
19 LIFE OF ME, I CAN'T FIGURE OUT WHY IT WOULD BE TERRIBLY
20 VALUABLE FOR YOU TO HAVE.

21 MR. AULT: EXCUSE ME, SIR, COULD YOU --

22 MR. MYERSON: IT SAYS AN ESTIMATE OF -- ONE OF
23 THE THINGS YOU'RE SUPPOSED TO PROVIDE IN CHARACTERIZING
24 THE DIVERSION IS AN ESTIMATE OF PUBLIC AND PRIVATE
25 CAPITAL AND OPERATING COSTS FOR THE EXISTING DIVERSION



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1 PROGRAMS DESCRIBED.

2 NOW, AS I READ THAT, WE WOULD HAVE TO,
3 LET'S SAY, IN THE CITY OF -- LET'S SAY, IN THE CITY OF
4 SAN FRANCISCO, WE'D HAVE TO TAKE EVERY WASTEPAPER PACKER
5 OR EVERY SCRAP DEALER AND TRY TO CHARACTERIZE WHAT THEIR
6 CAPITAL AND OPERATING COSTS ARE.

7 BOARD MEMBER MOSCONE: BESIDES THE BANDITS.

8 MR. MYERSON: I JUST CAN'T IMAGINE WHY YOU WOULD
9 NEED TO HAVE THAT INFORMATION. IT'S CERTAINLY NOT
10 RELEVANT TO THE AMOUNT OF MATERIAL YOU ARE DIVERTING.

11 AND I THINK JUST TO GO AFTER DATA FOR ITS
12 OWN SAKE BRINGS US BACK TO THE COMMENT THAT BOB EPLER
13 MADE, WHICH IS IF WE SPEND 90 PERCENT OF OUR ENERGY
14 AMASSING DATA INSTEAD OF RECOVERING MATERIALS, WE'RE NOT
15 GOING TO FULFILL THE INTENT OF THE ACT. THANK YOU.

16 CHAIRMAN GALLAGHER: THANK YOU, MR. MYERSON.
17 YOU MADE SOME GERMANE POINTS. THEY'RE A MATTER OF THE
18 RECORD.

19 WE ARE NOW AT THAT POINT IN TIME WHERE
20 WE'RE GOING TO ADJOURN FOR LUNCH, BUT MR. MOSCONE HAS A
21 POINT THAT HE WANTS TO MAKE.

22 BOARD MEMBER MOSCONE: JUST A REMARK MADE BY MR.
23 MARINO AND MR. MYERSON, STUFF GOING TO SCRAP YARDS AND TO
24 BUY-BACK CENTERS AND ALL OF THAT. I WOULD GUESS THAT THE
25 JURISDICTIONS ARE GOING TO SEE TO IT THAT THEY GET

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1 REPORTS FROM PAPER HOUSES OR METAL -- SCRAP METAL DEALERS
2 SO THAT THEY CAN'T PUT ALL OF THIS TOWARDS THEIR 25
3 PERCENT.

4 IS THIS EXPECTED THAT THEY WILL BE DOING
5 THIS?

6 MR. SMITH: MR. MOSCONE, WE WOULD EXPECT THE
7 CITIES TO CLOSELY COOPERATE WITH THE PRIVATES.

8 BOARD MEMBER MOSCONE: CERTAINLY, IF I WERE IN
9 CHARGE OF HAVING TO PUT THIS REPORT TOGETHER AS TO HOW
10 MUCH WAS SALVAGED, I WOULD CERTAINLY GO TO ALL OF THOSE
11 SOURCES TO FIND OUT HOW MUCH THEY HAVE. BUT I GUESS
12 SOMETIMES IF THEY WANT TO TAKE THE EASY WAY, MAYBE IGNORE
13 IT, BUT THERE'S A GREAT DEAL THAT GOES THROUGH SCRAP
14 HOUSES AND PAPER YARDS AND ALL OF THAT KIND OF STUFF
15 THAT'S A REAL CREDIT.

16 AND BERNIE MENTIONED COSTS AND ALL OF THAT.
17 WELL, YOU KNOW, ALL OF THESE CITIES AND TOWNS ARE TRYING
18 TO PUT LAWS IN FOR ALL OF THESE BANDITS TO GO AROUND
19 STEALING ALL OF THIS KIND OF STUFF, SO WHETHER THEY --
20 WHERE ALL OF THIS IS REPORTED OR NOT, I'M KIND OF
21 CURIOUS.

22 MR. SMITH: THE INCENTIVE FOR THE JURISDICTION
23 IS MAYBE IF THEY WANT TO BE ABLE TO CREDIT IT, THEY'RE
24 GOING TO HAVE TO GET THE INFORMATION. AND WE WOULD
25 EXPECT THEY WOULD WORK COOPERATIVELY WITH THE PRIVATE.

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1 BOARD MEMBER MOSCONE: OF COURSE, EVENTUALLY,
2 WHETHER IT BE ALUMINUM OR WHETHER IT BE PAPER OF ANY
3 KIND, IT'S GOING TO BE ONE OF THE -- TO THE BROKERS OR
4 PACKERS OR WHATEVER IT MIGHT BE, SO NATURALLY I WOULD
5 SUPPOSE THAT THEY WOULD SUPPLY THAT INFORMATION.

6 MR. SMITH: THEY'RE GOING TO HAVE TO COOPERATE.

7 CHAIRMAN GALLAGHER: WE ARE IN RECESS UNTIL 1
8 O'CLOCK.

9 (A BREAK WAS TAKEN.)

10 CHAIRMAN GALLAGHER: BRING THE MEETING BACK TO
11 ORDER, PLEASE.

12 HOUSEKEEPING ITEM: THIS MEETING WILL
13 ADJOURN AT 4 O'CLOCK FOR THE BOARD TO GO INTO CLOSED
14 SESSION TO DISCUSS LITIGATION.

15 WITH THAT, I WILL TURN THE MEETING BACK TO
16 MR. LARSON, WHO CAN PICK UP THE POINTS YOU WISH TO PICK
17 UP.

18 MR. LARSON: THANK YOU, MR. CHAIRMAN.

19 WHILE THE SUBJECT FOR DISCUSSION OF THE
20 WASTE CHARACTERIZATION AND WASTE GENERATION -- WASTE
21 DISPOSAL CHARACTERIZATION STUDIES DISCUSSED THIS MORNING
22 REMAIN OPEN FOR DISCUSSION THIS AFTERNOON, I FEEL IT'S
23 IMPERATIVE THAT WE PROVIDE THE OPPORTUNITY TO GET INTO
24 THE OTHER SECTION, CHAPTER, OR ARTICLE 6.2 DEALING WITH
25 THE REAL MEAT OF THE MATTER HERE AS THE DEVELOPMENT OF

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1 THE SOURCE REDUCTION AND RECYCLING ELEMENTS.

2 AND TO ASSIST IN FOLLOWING THE OUTLINE AND
3 THE WAY THE REGULATIONS OR DRAFT REGULATIONS ARE
4 ORGANIZED, THERE HAS BEEN DEVELOPED A MODEL COMPONENT. A
5 MODEL COMPONENT IS A FORMAT WITHIN THE SOURCE REDUCTION
6 ELEMENT THAT EACH OF THE IDENTIFIED COMPONENTS FOLLOW.
7 THIS PROVIDES CONSISTENCY AND, HOPEFULLY, CLARITY AS EACH
8 OF THE COMPONENTS ARE DISCUSSED.

9 AT THIS POINT, I'D LIKE TO TURN THE
10 DISCUSSION OVER TO OUR STAFF PERSON AND -- WHO IS GOING
11 TO HANDLE THAT? JOHN SMITH WILL ADDRESS THAT; AND AFTER
12 HAVING PRESENTED THE MODEL FORMAT DISCUSSION, WE WILL GO
13 INTO EACH OF THE SEPARATE COMPONENTS AND PROVIDE THE
14 OPPORTUNITY FOR QUESTIONS.

15 THANK YOU, JOHN.

16 MR. SMITH: THANK YOU, GEORGE.

17 AS GEORGE STATED, AS WE LOOKED AT THE
18 REQUIREMENTS OF THE COMPONENT IN THE CODE, WE FOUND THAT
19 THERE WAS SIMILAR TYPES OF INFORMATION REQUIRED FOR, AT
20 LEAST, FIVE OF THE NINE COMPONENTS. SO THEN WE DECIDED
21 TO, IN TERMS OF CONSISTENCY AND EASE OF READING THESE
22 REGULATIONS, THAT WE DEVELOP A MODEL FORMAT FOR THOSE.
23 EACH OF THESE MODEL -- IN THE MODEL COMPONENT THERE ARE
24 SPECIFIC TYPES OF INFORMATION WE'RE REQUESTING.

25 FIRST OF ALL, WE ASK THAT EACH ELEMENT HAVE

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1 CLEAR, SPECIFIC OBJECTIVES FOR THE SHORT-, MEDIUM-, AND
2 LONG-TERM PLANNING PERIOD. WE'D LIKE THE OBJECTIVES TO
3 BE TIED BACK TO THE PROBLEMS, THE WASTE PROBLEMS
4 IDENTIFIED IN THE WASTE GENERATION STUDY. SO THESE
5 OBJECTIVES NEED TO BE SPECIFIC ENOUGH TO ADDRESS THOSE
6 PROBLEMS. WE ALSO EXPECT THE OBJECTIVES TO BE ALSO TIME
7 SPECIFIC.

8 AFTER THE DEVELOPMENT OF THE OBJECTIVES --
9 LET ME SHOW YOU WHERE WE'RE AT FOR THOSE THAT WISH TO
10 FOLLOW. THE MODEL COMPONENT IS DISCUSSED ON -- BEGINNING
11 ON PAGE 23 AND GOES THROUGH PAGE 27 AND PART OF 28. SO
12 I'VE JUST GONE THROUGH THE OBJECTIVES SECTION. I DON'T
13 WANT TO SPEND TOO MUCH TIME ON THIS SO THAT YOU WILL HAVE
14 AN OPPORTUNITY TO COMMENT ON THAT.

15 THE NEXT SECTION IN THE MODEL COMPONENT IS
16 A DESCRIPTION OF THE EXISTING CONDITIONS. IN THIS
17 SECTIONS THE REGULATIONS ASK THAT EACH JURISDICTION
18 DESCRIBE THE CURRENT PROGRAM FOR THE SPECIFIC COMPONENT.
19 AND IN THAT DESCRIPTION, WE'D BE LOOKING FOR THINGS LIKE
20 PARTIES RESPONSIBLE FOR THE EXISTING PROGRAM, EXISTING
21 FACILITIES, EXISTING TECHNOLOGIES USED TO DIVERT OR
22 MANAGE, DEPENDING ON WHICH COMPONENT YOU ARE DEALING
23 WITH, AND COSTS.

24 THERE WAS A QUESTION RAISED EARLIER ABOUT
25 WHY DO WE HAVE TO HAVE COSTS IN THESE DIFFERENT



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1 COMPONENTS. AND IT GOES BACK TO A COUPLE OF REFERENCES
2 IN THE CODE. ONE REFERENCE IS IN THE CODE TO THE FUNDING
3 COMPONENT, AND THAT STATES THAT EACH JURISDICTION SHALL
4 IDENTIFY COSTS FOR PROGRAMS IN EACH COMPONENT. ALSO, IN
5 THE CODE THERE ARE SEVERAL REFERENCES TO FEASIBLE, WHAT'S
6 FEASIBLE, LOOKING AT FEASIBLE PROGRAMS. SO WITHOUT COSTS
7 COMPARISON, IT'S HARD TO UNDERSTAND WHAT IS FEASIBLE.

8 THE NEXT TYPE OF INFORMATION WE'RE
9 REQUESTING IN EACH -- IN THE MODEL COMPONENT IS AN
10 EVALUATION OF ALTERNATIVES. AND WHAT WE'RE EXPECTING
11 THERE IS THAT FOR EACH PROBLEM, EACH WASTE PROBLEM THAT
12 YOU'VE IDENTIFIED FOR EACH COMPONENT, YOU LOOK AT AREAS
13 OF VARIOUS TECHNOLOGIES THAT MIGHT BE ABLE TO BEST
14 RESOLVE THAT PROBLEM. AND WE'RE ASKING IN YOUR
15 EVALUATION -- THAT ALL THESE TECHNOLOGIES BE EVALUATED BY
16 A NUMBER OF CRITERIA: COST, EASE OF IMPLEMENTING THAT
17 TECHNOLOGY, ENVIRONMENTAL CONSEQUENCES, INSTITUTIONAL
18 BARRIERS, AND END MARKETS FOR RECYCLABLES.

19 THEN THE NEXT SET OF INFORMATION WE'RE
20 REQUESTING IN THE MODEL COMPONENT WOULD BE THE SELECTION
21 OF THE PROGRAM. WE'RE ASKING YOU IN THIS SECTION TO
22 EXPLAIN WHY YOU ARE CHOOSING A PARTICULAR TECHNOLOGY OR
23 MIX OF TECHNOLOGIES TO RESOLVE A PARTICULAR PROBLEM.
24 AGAIN, THAT WAS IDENTIFIED IN THE WASTE GENERATION STUDY,
25 FOR THE ANALYSIS OF WASTE GENERATION STUDY.

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1 AND IN THIS SECTION WE WANT YOU TO TIE YOUR
2 PROGRAM BACK TO THOSE PROBLEMS AND DEMONSTRATE THAT THEY
3 ARE, INDEED, SOLVING THE PROBLEMS YOU ARE TRYING TO
4 RESOLVE. WE ALSO WANT TO MAKE SURE THAT THE TECHNOLOGIES
5 IDENTIFIED EFFECTIVELY DO DIVERT MATERIALS AND THAT YOU
6 WILL BE ABLE TO MEET THE MANDATED DIVERSION GOALS SET OUT
7 IN THE LEGISLATION.

8 AFTER THE PREFERRED PROGRAM HAS BEEN
9 IDENTIFIED FOR EACH COMPONENT, THEN WE'RE ASKING THAT YOU
10 PROVIDE THE NECESSARY PROGRAM IMPLEMENTATION INFORMATION
11 SO THAT WE KNOW THAT THESE PROGRAMS CAN BE ESTABLISHED.
12 SO WE'RE ASKING IN THE PROGRAM IMPLEMENTATION ELEMENT
13 THAT YOU IDENTIFY WHO'S -- WHAT THE PROGRAM IS, WHO'S
14 GOING TO BE IMPLEMENTING, AT WHAT TIME IT WILL BE
15 IMPLEMENTED, AND ALSO SOME OF THE COST INFORMATION FOR
16 IMPLEMENTING THAT PROGRAM.

17 AND THE LAST STEP WE LOOK FOR IN THE MODEL
18 COMPONENT IS MONITORING AND EVALUATING. IN THIS SECTION
19 THE ELEMENT NEEDS TO SET OUT THE WAYS IN WHICH THE
20 JURISDICTION IS GOING TO MAKE SURE THAT THE PROGRAMS OF
21 THE COMPONENT ARE PROPERLY IMPLEMENTED. SO WE'RE LOOKING
22 FOR SOME VERY SPECIFIC MEASUREMENTS THAT WILL BE ABLE TO
23 EVALUATE WHETHER OR NOT YOU ARE ACHIEVING A DIVERSION
24 GOAL OR ANY OTHER SPECIFIC OBJECTIVE OR NUMBERS THAT ARE
25 ATTACHED TO THAT.

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1 WE'RE ALSO GOING TO LOOK VERY CAREFULLY TO
2 BE ASSURED THAT YOU HAVE A WAY OF PROVIDING US --
3 PROVIDING THE JURISDICTION AND THIS BOARD WITH EVIDENCE
4 THAT YOU ARE IMPLEMENTING THE PROGRAMS ON TIME.

5 ALSO, ANOTHER IMPORTANT PART OF THE
6 MONITORING AND EVALUATION PART OF THIS COMPONENT IS THAT
7 THERE BE CONTINGENCY PLANS SO THAT IF ONE PROGRAM ISN'T
8 WORKING, YOU CAN EITHER MODIFY IT OR CHANGE IT WITHOUT
9 HAVING TO GO BACK THROUGH A REVISION PROCESS AND SO YOU
10 ARE NOT SPENDING A LOT OF TIME MISSING YOUR GOAL, THAT
11 YOU HAVE FLEXIBILITY TO DEVELOP IT, TO GO TO A DIFFERENT
12 PROGRAM IF ONE ISN'T SUCCEEDING.

13 THAT, BASICALLY, COVERS THE PARTS OF THAT
14 MODEL COMPONENT, EACH ELEMENT OF THAT MODEL COMPONENT.
15 SO I'D LIKE TO NOW, THEN, TURN IT OPEN FOR QUESTIONS FROM
16 THE BOARD AND THE PUBLIC.

17 CHAIRMAN GALLAGHER: MS. HUNTER, PLEASE.

18 MS. HUNTER: THANK YOU, MR. CHAIRMAN, MEMBERS.
19 I'M YVONNE HUNTER, REPRESENTING THE LEAGUE OF CALIFORNIA
20 CITIES. IF I MAY JUST MAKE A FEW GENERAL COMMENTS AND
21 THEN I'LL FOCUS SPECIFICALLY ON THIS SECTION.

22 I REALLY DO, ON BEHALF OF THE LEAGUE, WISH
23 TO COMPLIMENT THE BOARD AND ITS STAFF AND THANK THEM FOR
24 HOLDING THESE HEARINGS. I KNOW THROUGH THE RULEMAKING
25 PROCESS YOU ARE NOT REQUIRED TO, AND WE DO APPRECIATE IT.

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1 AND THROUGHOUT THE PROCESS. BOARD STAFF HAS BEEN OPEN,
2 ACCESSIBLE, AND VERY NICE PEOPLE TO WORK WITH.

3 AND I UNDERSTAND THAT YOU HAVE BEFORE YOU A
4 VERY AMBITIOUS TASK THAT HAS BEEN GIVEN TO THE BOARD AND
5 ITS STAFF IN AB 939, AND I HOPE MY COMMENTS WILL BE
6 VIEWED AS CONSTRUCTIVE.

7 OUR CONCERN IS, AND THESE ARE PRELIMINARY
8 COMMENTS BECAUSE WE'RE JUST NOW GETTING COMMENTS FROM
9 CITIES, AND I'M SURE YOU'LL HEAR A FLOODGATE OF THEM. IN
10 THE PROCESS OF ATTEMPTING TO BE THOROUGH, THE REGULATIONS
11 HAVE SORT OF GONE OVERBOARD, AND I BELIEVE, SIMILAR TO
12 WHAT OTHER SPEAKERS HAVE SAID, IN PARTICULAR MR. EPLER
13 FROM SAN DIEGO, THEY'VE GONE TOO FAR IN REQUIRING FAR TOO
14 MUCH DETAIL THAN IS REALLY NEEDED TO CARRY OUT, NOT ONLY
15 THE GENERAL GOALS OF ACHIEVING THE RECYCLING MANDATES,
16 BUT ALSO THE PRACTICAL NATURE OF SETTING UP A PROGRAM.

17 AND THE MAJORITY OF MY COMMENTS THAT I PUT
18 TOGETHER DEAL WITH THE SECTION THAT WE'RE TALKING ABOUT,
19 AND I WON'T GO INTO DETAIL ON EACH AND EVERY COMMENT.
20 THAT WILL FOLLOW IN WRITING, BUT LET ME GIVE YOU A FEW
21 EXAMPLES OF SOME OF THE CONCERNS THAT WE HAVE.

22 ONE QUESTION I HAVE IS I'M SORT OF CONFUSED
23 ON HOW THE SECTION, SECTION 17133.3, THE EVALUATION --
24 THIS IS ON PAGE 25, THIS WHOLE SECTION, THE EVALUATION OF
25 ALL OF THE ALTERNATIVES, RELATES TO WHAT APPEARS LATER ON



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1 IN THE REGULATIONS ON THE SPECIFICS FOR THE RECYCLING
2 COMPONENT, THE COMPOSTING COMPONENT, WHICH ARE VERY
3 CLEAR, ARE VERY CONCISE. AND WHAT'S UP FRONT FROM THE
4 CITY FOLK THAT I'VE TALKED TO AND JUST MY OWN REVIEW, I'M
5 HAVING TROUBLE RECONCILING THE TWO.

6 ALSO, IF YOU LOOK AT PAGE 25, THERE'S
7 ANOTHER EXAMPLE OF THE DETAIL, PAGE 25, THIS WHOLE PAGE,
8 REALLY, I THINK IS FAR BROADER AND GOES INTO FAR MORE
9 DETAIL THAN IS NECESSARY.

10 IF YOU LOOK AT NO. 4, THE EVALUATION OF THE
11 UNINTENDED CONSEQUENCES. WELL; IF THEY ARE UNINTENDED,
12 YOU WOULDN'T BE PLANNING THEM. YOU PROBABLY WOULDN'T
13 KNOW ABOUT THEM. HOW COULD YOU EVALUATE THEM?

14 SIMILARLY, THE ITEMS ON, AGAIN, ON PAGE 25
15 ON NO. 3, THE UNINTENDED DIRECT ENVIRONMENTAL AND SOCIAL
16 CONSEQUENCES, THAT'S A PRETTY HEFTY LIST. AND I THINK
17 SORT OF GETS DANGEROUSLY CLOSE IN STEPPING OVER THE LINE
18 INTO WHAT ENVIRONMENTAL IMPACT REPORT REQUIRES. AND I
19 RECOGNIZE THE DISCLAIMER AT THE TOP OF PAGE 26, THAT
20 THAT'S NOT INTENDED TO SUBSTITUTE FOR AN EIR; BUT,
21 NEVERTHELESS, IT -- I THINK THAT A LOT OF CITY ATTORNEYS
22 AND PLANNERS THAT WOULD CONCUR, THAT IT'S A LITTLE BIT
23 TOO FAR.

24 SIMILARLY. THROUGHOUT THE SECTION --
25 ACTUALLY, THROUGHOUT ALL THE REGS, THE PHRASES

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1 "SHORT-TERM PLANNING, MEDIUM-TERM PLANNING, AND LONG-TERM
2 PLANNING" IS USED. AND I'M A BIT CONFUSED WHERE --
3 PERHAPS, MEDIUM-TERM PLANNING, IF YOU WANT TO LOOK AT HOW
4 YOU ARE GOING TO GET TO THE TEN-YEAR PERIOD, TO THE YEAR
5 2000, BUT LONG-TERM PLANNING, AS IT'S PUT IN THE
6 DEFINITIONS, IS 20 YEARS. AND YOU ARE ASKING IN SOME
7 INSTANCES FOR IMPLEMENTATION SCHEDULES FOR 20 YEARS
8 AHEAD. AND, AGAIN, I THINK IN THE EFFORT TO BE THOROUGH,
9 THE REGULATIONS GO WAY BEYOND WHAT IS REASONABLE.

10 OUR FEELING IS THAT THE GOALS SHOULD BE TO
11 GET CITIES UP AND RUNNING TO SELECT PROGRAMS FOR THE
12 25-PERCENT 1995 GOAL WITH SERIOUSLY AN EYE ON THE
13 TRANSITION INTO THE 50-PERCENT GOAL. HOW THEY PLAN ON
14 FOLDING BECAUSE THEY ARE CLEARLY NOT GOING TO BE DISCRETE
15 ACTIVITIES; BUT TO GO INTO 20 YEARS, I THINK IS PUSHING
16 IT A LITTLE BIT.

17 SIMILARLY, ON PAGE 30, EVALUATION OF -- AM
18 I STILL ON THE -- I THINK I'M STILL UNDER THE GROUND
19 RULES FOR THIS SECTION. THE EVALUATION OF SOURCE
20 REDUCTION PROGRAM ALTERNATIVES, NO. 2, CITIES CAN GIVE
21 TAX CREDITS, DEDUCTIONS, AND EXEMPTIONS. AND I DON'T
22 THINK WE CAN GIVE TAX CREDITS, EXEMPTIONS, AND DEDUCTIONS
23 UNLESS YOU CHANGE THE STATE LAW. SO THOSE ARE THE SORTS
24 OF PROBLEMS.

25 FINALLY -- ACTUALLY, NOT COMPLETELY FINALLY



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1 YET -- PAGE 32 AND CONTINUING TO PAGE 33, WHEN YOU ARE
2 GOING TO SELECT WHICH RECYCLING PROGRAM YOU ARE GOING TO
3 USE, THERE'S A SECTION THERE THAT SAYS YOU NEED TO
4 DESCRIBE THE METHODS BY WHICH YOU'RE GOING TO SECURE THE
5 NECESSARY MARKETS. AND THEN ON (B) THERE, RECYCLING
6 COMPONENT SHALL DESCRIBE THE MEASURES TO BE TAKEN IF
7 UNFAVORABLE, UNFORESEEN, AND SEVERELY ADVERSE MARKETS
8 CONDITIONS, ETC.

9 I DON'T BELIEVE THAT'S IN THE BILL. THE
10 PREVIOUS VERSION OF THE BILL WAS WHAT WE FONDLY REFERRED
11 TO AS THE DREADED CONTINGENCY MEASURES, BUT THAT'S BEEN
12 TAKEN OUT. THIS LANGUAGE IN THE BILL -- I WENT BACK AND
13 CHECKED ON IT -- AND IS APPLICABLE IF YOU ARE ASKING FOR
14 AN EXTENSION FROM REACHING THE GOAL.

15 BOARD MEMBER BREMBERG: YVONNE, WHICH SECTION
16 ARE YOU TALKING ABOUT?

17 MS. HUNTER: I'M ON PAGE 33 AT THE TOP OF THE
18 PAGE.

19 BOARD MEMBER BREMBERG: WOULD YOU GO BACK TO
20 PAGE 32, AND LET ME ASK YOU, BECAUSE I WAS GOING TO BRING
21 THIS UP AS LOCAL GOVERNMENT REPRESENTATIVE.

22 SECTION 17135.3(B) UNDER 6, THE
23 JURISDICTION SHALL CONSIDER CHANGING ZONING AND BUILDING
24 CODE PRACTICES TO ENCOURAGE RECYCLING OF SOLID WASTES.

25 I WOULD SUGGEST TO YOU THAT THAT PERHAPS



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1 GOES BEYOND THE PALE.

2 MS. HUNTER: I'M ONLY HIGHLIGHTING SOME OF THE
3 THINGS. YOU'RE CORRECT.

4 BOARD MEMBER BREMBERG: PLEASE ADD THAT TO YOUR
5 LIST OF PENNY DREADFULS.

6 MS. HUNTER: I SHALL.

7 BOARD MEMBER BREMBERG: THANK YOU.

8 MS. HUNTER: THERE'S ALSO -- LET ME MOVE BACK --
9 I'M SORRY I MISSED THIS ONE. BACK TO PAGE 24, THE
10 DESCRIPTION OF THE EXISTING CONDITIONS, AND I BELIEVE
11 THIS WAS DISCUSSED A LITTLE BIT IN CONNECTION WITH THE
12 FUNDING COMPONENT.

13 I THINK WE MAY JUST HAVE A DIFFERENT
14 INTERPRETATION OF WHAT THE BILL SAYS. BUT ITEM C AND
15 ITEM F AND, ACTUALLY, ITEM B, THEY'RE ASKING ON -- ITEM B
16 ASKS FOR A DESCRIPTION OF EXISTING DIVERSION PROGRAMS AND
17 THE PERSONS RESPONSIBLE.

18 SO WE HAVE JOE BLOW HERE AND SAM SMITH OVER
19 HERE AND MARY JONES OVER THERE, AND THEN YOU ARE ASKED ON
20 C, AN IDENTIFICATION OF DESCRIPTION OF FACILITIES, OWNERS
21 AND OPERATORS, AND SCHEDULE OF OPERATION. THAT GETS TO
22 BE A LITTLE DETAILED. AND THEN THE ONE THAT A NUMBER OF
23 PEOPLE HAVE COMMENTED TO ME IS ITEM F, AN ESTIMATE OF THE
24 PUBLIC AND PRIVATE CAPITAL AND OPERATING COSTS FOR
25 EXISTING DIVERSION PROGRAMS.



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1 YOU HAVE AN EXISTING DIVERSION PROGRAM THAT
2 A CITY HAS. YOU CAN GIVE THEM THE COSTS OF OPERATING YOUR
3 RECYCLING PROGRAM OR YOUR COMPOSTING PROGRAM. BUT IF YOU
4 IDENTIFY THAT THE RESTAURANTS IN YOUR COMMUNITY HAVE A
5 VERY ACTIVE GLASS RECYCLING PROGRAM, THAT'S FINE. AND
6 YOU CAN ESTIMATE HOW MANY TONS IS DIVERTED. BUT TO ASK
7 FOR THE OPERATING COSTS FOR THOSE PROGRAMS, I THINK GOES
8 FAR BEYOND THE INTENT OF THE FUNDING COMPONENT PROVISIONS
9 OF THE BILL, WHICH WE WORKED LONG AND HARD ON TO MAKE IT
10 WORKABLE, WHICH, BASICALLY, SAYS IF YOU HAVE TO TELL US
11 YOU HAVE THE NECESSARY RESOURCES TO CARRY OUT THE
12 RECYCLING, SOURCE REDUCTION, COMPOSTING PROVISIONS THAT
13 YOU CLAIM YOU CAN DO AND THAT'S REASONABLE. I THINK THIS
14 SORT OF SLIPS BEYOND THAT.

15 I DON'T WANT TO TAKE MORE TIME AWAY FROM
16 OTHER PEOPLE. WE WILL BE SENDING THESE IN LETTER FORM,
17 AND I'M SURE YOU WILL HEAR FROM OTHER CITIES. WE LOOK
18 FORWARD TO WORKING WITH YOU ON THEM. WE WANT TO HAVE A
19 PROGRAM -- CITIES WANT TO GET OUT AND RECYCLE NOW, AND
20 WE'RE AFRAID THAT THE WAY THE REGULATIONS, IN THEIR
21 ADMITTEDLY DRAFT FORM, ARE -- THEY'RE GOING TO BE
22 DIVERTING ENERGY AND RESOURCES, PUSHING PAPER AND FILLING
23 OUT FORMS WAY BEYOND WHAT'S REALLY NECESSARY. AND
24 INSTEAD, THEY CAN BE SPENDING THE TIME SETTING UP THEIR
25 NEIGHBORHOOD DROP-OFFS. WORKING WITH THEIR BUSINESS

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1 COMMUNITY, OR SETTING UP CURBSIDE PROGRAMS.

2 CHAIRMAN GALLAGHER: THANK YOU, MS. HUNTER.
3 THOSE WERE NICE COMMENTS.

4 I HAVE A REQUEST FROM A MR. TOWNSEND, WHO
5 HAS BEEN WAITING IN LINE.

6 MR. TOWNSEND: THANK YOU, MR. CHAIRMAN, MEMBERS
7 OF THE BOARD. MY NAME IS ROBERT E. TOWNSEND. I'M THE
8 PUBLIC WORKS DIRECTOR FOR LAKE COUNTY, REPRESENTING, OF
9 COURSE, ONLY LAKE COUNTY. IT'S A SMALL RURAL COUNTY. WE
10 HAVE A POPULATION OF ABOUT 50,000.

11 THE WASTE THAT'S GENERATED FROM OUR COUNTY
12 IS ABOUT 120 TONS PER DAY AND GOES INTO OUR FACILITY. WE
13 HAVE A TRANSFER STATION AND A LANDFILL. WE HAVE ABOUT A
14 45-YEAR LIFE ON THE LANDFILL.

15 AND MY QUESTION -- IT WAS KIND OF WAYS
16 PAST -- IT WAS RIGHT IN THE 17130 SCOPE UNDER (A). IT
17 IMPLIES THERE'S EXCEPTIONS IN THAT PARAGRAPH, I BELIEVE.

18 CHAIRMAN GALLAGHER: CAN YOU IDENTIFY PAGE
19 NUMBER FOR THE BOARD MEMBERS, PLEASE?

20 MR. TOWNSEND: YES. PAGE 22 OF THE DOCUMENT
21 THAT YOU'RE REFERRING TO AT THIS TIME. IT'S AT THE TOP
22 OF THE PAGE, SECTION 17130 UNDER SCOPE, ITEM A. SAYS
23 SR&R ELEMENT SHALL SPECIFY THE MEANS BY WHICH EACH
24 JURISDICTION REQUIRED, WHICH SUGGESTS TO ME THAT THERE
25 ARE EXCEPTIONS.

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1 AND IF YOU REFER TO THE ARTICLE -- THE 939
2 UNDER 41782, IT TALKS ABOUT EXCEPTIONS AS WELL.

3 AND MY QUESTION, BEING A SMALL COUNTY THAT
4 GENERATES A LOT LESS WASTE THAN SOME OF THE LARGER
5 COUNTIES, IS THE CONCERN ABOUT COST-EFFECTIVENESS, AND I
6 HAVE THREE AREAS OF CONCERN.

7 IF -- YOU KNOW, WHAT ARE THE GUIDELINES FOR
8 EXEMPTIONS, AND WHEN CAN WE KNOW WHETHER WE ARE EXEMPT OR
9 NOT. AND IF WE ARE EXEMPT, ARE WE REQUIRED TO CREATE A
10 TASK FORCE WHICH CONSISTS OF CITIES AND COUNTY? AND IF
11 WE ARE REQUIRED TO IMPLEMENT THE RECYCLING, IS THERE
12 GUIDELINES SET TO DETERMINE IF IT IS -- IF IT'S
13 DETERMINED TO BE NOT COST-EFFECTIVE, WOULD THEY BE EXEMPT
14 AT SOME POINT FROM BEING INVOLVED AT A LATER DATE, OR IS
15 THERE AN ONGOING MONITORING REQUIREMENT?

16 MR. SMITH: I'LL ANSWER YOUR QUESTION. IN
17 ANOTHER PART OF THE REGULATIONS, WHICH WE ARE WRITING THE
18 PROCEDURES FOR PROCESSING THESE DOCUMENTS, WE WILL TAKE
19 THAT UP. THIS SECTION IS JUST DEALING, ACTUALLY, WITH
20 THE CONTENTS OF EACH ELEMENT GIVEN, BUT THERE WILL BE --
21 THOSE WILL BE COVERED IN THE SUBSEQUENT REGULATIONS.

22 MR. TOWNSEND: IS IT GOING TO BE BASED ON
23 TONNAGE OR IS THERE ANY GUIDELINES?

24 MR. SMITH: I DON'T HAVE ENOUGH DETAIL RIGHT NOW
25 TO GIVE YOU SOME GOOD ADVICE.

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1 MR. TOWNSEND: DOES SECTION 17130, UNDER A,
2 IMPLY THAT THERE IS EXEMPTIONS?

3 MR. SMITH: NO. IT DOESN'T.

4 MR. TOWNSEND: IT SAYS EACH JURISDICTION
5 REQUIRED. I ASSUME THERE'S SOME THAT AREN'T REQUIRED.

6 MR. SMITH: YOU KNOW INSTEAD OF HAVING THESE SAY
7 CITY AND COUNTY AND LIST ALL THE AGENCIES, IT WAS EASIER
8 JUST TO PUT THOSE THAT ARE REQUIRED.

9 MR. TOWNSEND: THANK YOU, MR. CHAIRMAN.

10 CHAIRMAN GALLAGHER: MR. FORSBERG IN THE
11 AUDIENCE. HE'D MADE A REQUEST VERY EARLY TO SPEAK.

12 JILL KAUFFMAN?

13 MS. KAUFFMAN: THANK YOU. MY NAME IS JILL
14 KAUFFMAN. I'M WITH CENTER FOR MARINE CONSERVATION. IT'S
15 A NATIONAL NONPROFIT ENVIRONMENTAL ORGANIZATION. I WOULD
16 HAVE LIKED TO MAKE MY COMMENTS THIS MORNING, SO I WOULD
17 JUST LIKE TO MAKE TWO COMMENTS AS A GENERAL THING FOR THE
18 BOARD TO KNOW ABOUT.

19 IT'S IN COMMENT TO WHAT MR. VALENTINE SAID
20 THIS MORNING, AND IT'S IDENTIFYING SOURCES OF WASTE. I
21 HOPE THAT THE BOARD AND STAFF TAKE INTO CONSIDERATION
22 THAT THE OCEAN IS A GREAT SOURCE OF WASTE, AND TO
23 IDENTIFY THE WASTE COMING FROM THE OCEAN IS A DIFFICULT
24 THING TO DO. THERE'S A GREAT IMPACT FOR COASTAL CITIES
25 AND COUNTIES FOR THE TRASH THAT'S WASHING UP ON THE

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1 BEACHES FROM A VARIETY OF NATIONAL AND INTERNATIONAL
2 SOURCES, OFFSHORE VESSELS AND PLATFORMS.

3 AND IN TERMS OF SOURCE REDUCTION, AGAIN,
4 THERE'S A NEW LAW I'M NOT SURE EVERYONE IS AWARE OF
5 CALLED MARPOL ANNEX 5. IT'S AN INTERNATIONAL TREATY,
6 SIGNED BY 41 COUNTRIES, AND UNITED STATES DID SIGN IT IN
7 1987. AND IT SAYS DECEMBER 31, 1988, BANNED THE DUMPING
8 OF PLASTIC INTO THE OCEAN BY VESSELS AT SEA AND
9 DRASTICALLY RESTRICTED OTHER DUMPING. THIS HAS GREAT
10 IMPACTS IN THE AMOUNT OF POTENTIAL TRASH THAT WILL BE
11 COMING INTO PORTS AND MARINAS. AND I JUST WANTED THAT TO
12 BE KNOWN TO THE BOARD IN TERMS OF SOURCE REDUCTION AND
13 POTENTIAL TRASH.

14 THANK YOU VERY MUCH.

15 CHAIRMAN GALLAGHER: THANK YOU.

16 ROD MILLER.

17 MR. MILLER: ROD MILLER, WITH CALIFORNIANS
18 AGAINST WASTE. I WANT TO THANK YOU ALL FOR THE OPENNESS
19 OF THIS PROCESS AND ALSO RECOGNIZE THE SHORT TIMELINE AND
20 LIMITED STAFF RESOURCES THAT YOU'VE HAD TO DEVELOP SOME
21 OF THESE ISSUES. AND I THINK YOU'VE MADE A LOT OF
22 PROGRESS IN REALLY ELUCIDATING A LOT OF THE PROBLEMS OF
23 IMPLEMENTING THIS ACT.

24 IF YOU DON'T MIND, I'D LIKE TO GO BACK TO
25 THE WASTE CHARACTERIZATION STUDY AND MAKE SOME COMMENTS

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1 ON THAT FIRST.

2 CHAIRMAN GALLAGHER: FINE.

3 MR. MILLER: OKAY. AS FAR AS IMPLEMENTING
4 REGULATIONS, ADOPTING, AND PROMULGATING REGULATIONS, THE
5 ADMINISTRATIVE PROCEDURES ACT ASKS AGENCIES TO IMPLEMENT,
6 INTERPRET AND MAKE SPECIFIC. AND I'D LIKE TO EMPHASIZE
7 THE "MAKE SPECIFIC" POINT.

8 WHILE THERE HAVE BEEN MANY COMMENTS OR SOME
9 COMMENTS FROM THE CITIES SUGGESTING THAT THERE'S TOO MUCH
10 DETAIL IN THE PLANS THAT ARE REQUIRED, I'D LIKE TO
11 SUGGEST THAT IN SOME AREAS THE INTERPRETATION OF THE
12 STATUTE HAS BEEN TOO BROAD IN SUCH A WAY THAT WE WON'T
13 ACQUIRE THE RIGHT INFORMATION FROM CITIES AND COUNTIES.
14 YOU WON'T ACQUIRE THE RIGHT TYPE OF DATA SO THAT WE CAN
15 MAKE THE RIGHT DETERMINATIONS ABOUT THE PROGRESS OF THIS
16 ACT.

17 AND I'M PARTICULARLY CONCERNED ABOUT THE
18 ACCURACY OF DATA AND THE ACCURACY OF THE DATA WITHIN THE
19 WASTE COMPOSITION STUDY. THERE'S NO IDENTIFICATION OF
20 METHODOLOGICAL STATISTICAL STANDARDS FOR ACCURACY IN THE
21 WASTE COMPOSITION STUDIES. AND SECTION 17122(B) ALLOWS,
22 IN THE GENERATION STUDY, INFORMATION TO BE ESTIMATED, AS
23 WELL AS THE DISPOSAL STUDY ALLOWS THE USE OF DATA OF
24 SIMILAR COMMUNITIES WITH SIMILAR MAKEUPS TO PROVIDE
25 INFORMATION REGARDING THE CHARACTER AND QUANTITY OF

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1 WASTE .

2 ADDITIONALLY, THE DISPOSAL STUDY ALLOWS THE
3 USE OF A STUDY ADOPTED BY THE ENVIRONMENTAL PROTECTION
4 AGENCY AND INCORPORATED WITHIN THE REGULATIONS BY
5 REFERENCE. THE PUBLIC RESOURCES CODE, AS FAR AS THE
6 WASTE CHARACTERIZATION STUDY, IS QUITE CLEAR IN WHAT IS
7 REQUIRED. WHAT IS REQUIRED IS INFORMATION FROM CITIES
8 AND COUNTIES THAT IS STATISTICALLY REPRESENTATIVE OF THE
9 ACTUAL WASTE WITHIN THE COMMUNITY. THAT IS QUITE CLEAR,
10 AND TO THE EXTENT THAT THESE PLANS DO NOT ACCURATELY
11 REFLECT WHAT THE WASTE REALLY IS IN THOSE COMMUNITIES,
12 THEN THE REGULATION IS IN CONFLICT WITH THE AUTHORIZING
13 STATUTE .

14 IT IS -- THE FRANKLIN STUDY, FOR EXAMPLE,
15 USES DATA AND INFORMATION DEVELOPED FROM PRODUCTION,
16 MANUFACTURING FACILITIES, TO EXTRAPOLATE THE TYPE OF
17 WASTE THAT'S IN THE WASTESTREAM. ESTIMATES PROVIDED BY
18 LOCAL GOVERNMENTS REGARDING THEIR WASTESTREAMS ARE NOT
19 ADEQUATE TO MEET THE DETERMINATION THAT WE ALL HAVE TO
20 MAKE AS FAR AS MEETING THE 25- AND 50-PERCENT DIVERSION
21 REQUIREMENTS .

22 WHAT I WANT TO SUGGEST IS THAT UNLESS THE
23 INFORMATION IN THE REQUIREMENTS FOR ACCURACY ARE
24 SPECIFIED, AND I THINK IN OTHER PARTS OF THE STATUTE THAT
25 WE COULD BE -- THE WASTE BOARD COULD BE BOGGED DOWN IN

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1 MAKING DETERMINATIONS BACK AND FORTH AS FAR AS WHAT IS
2 MEANT BY THE TYPE OF INFORMATION THAT CITIES AND COUNTIES
3 ARE SUPPOSED TO PROVIDE. SO THE WASTE BOARD, WHEN IT
4 COMES BACK TO EVALUATING THE PERFORMANCE OF THESE
5 PROGRAMS, HAS THE RIGHT INFORMATION IT NEEDS.

6 I THINK WE NEED TO START OUT TO BEGIN WITH
7 WITH VERY SPECIFIC INFORMATION ABOUT METHODOLOGIES THAT
8 APPLY TO ALL COMMUNITIES, SO THAT THEY ALL CAN BE LOOKING
9 AT APPLES AND APPLES AND ORANGES AND ORANGES INSTEAD OF
10 THE NUMBER OF METHODOLOGIES THAT ARE PROPOSED IN THE
11 REGULATIONS, PARTICULARLY SECTION 17122(B).

12 THE PART OF THE PROBLEM IS IN THE
13 DEFINITION OF STATISTICALLY REPRESENTATIVE WITHIN THE
14 REGULATIONS. WITHIN THE REGULATIONS, STATISTICALLY
15 REPRESENTATIVE IS DEFINED AS A RANDOM SAMPLE. THE
16 STATUTE IS QUITE CLEAR ON WHAT IT MEANS BY STATISTICALLY
17 REPRESENTATIVE. IT MEANS INFORMATION THAT REFLECTS THE
18 CHARACTER OF WASTE WITHIN EACH INDIVIDUAL COMMUNITY. AND
19 TO THE EXTENT THAT THE REGS DO NOT PROVIDE THAT SORT OF
20 INFORMATION TO THE BOARD, I THINK THERE'S SOME QUESTION
21 OF THE CONSISTENCY WITH THE STATUTE.

22 SECONDLY, THERE'S TWO -- THERE ARE TWO
23 DEFINITIONS THAT GOVERN THE USE OF THE PHRASE
24 "STATISTICALLY REPRESENTATIVE DATA" WITHIN THAT SECTION,
25 17122(B). THERE'S A DEFINITION OF STATISTICALLY

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REPRESENTATIVE, AND THEN THERE'S ALSO THE DEFINITION OF REPRESENTATIVE DATA, THE LATTER OF WHICH SUGGESTS WHATEVER DATA HAPPENS TO BE ON HAND.

AGAIN, I THINK THERE NEEDS TO BE CLARIFIED WHAT METHODOLOGY WOULD PROVIDE STATISTICALLY SIGNIFICANT INFORMATION FOR THESE -- FOR THE CHARACTER AND QUANTITIES OF WASTE GENERATED WITHIN COMMUNITIES.

I RECOGNIZE -- WE RECOGNIZE THE LIMITED RESOURCES OF LOCAL GOVERNMENTS, BUT IN THE LONG RUN WITH WHAT THIS BILL IS ASKING US TO DO IS PROVIDE SOME INFORMATION SO THAT WE CAN MAKE BETTER DECISIONS AND REFINE THE ACT LATER ON IN THE FUTURE. WITHOUT HAVING THAT WASTE COMPOSITION INFORMATION, WE CANNOT DESIGN THE PROGRAMS APPROPRIATELY, AND WE CAN'T REALLY DETERMINE WHETHER THIS BILL IS EFFECTIVE IN ANY MANNER WHATSOEVER.

ADDITIONALLY, THROUGHOUT THE STATUTE AND INCLUDING THE WASTE COMPOSITION STUDY, YOU HAVE ALLOWED THE USE OF TWO MANNERS OF REPORTING THE AMOUNT OF WASTE, WHETHER IT'S THROUGH DIVERSION OR THROUGH -- JUST IN TERMS OF QUANTITIES WITHIN THE COMMUNITY, AND THAT IS YOU'VE ALLOWED THE USE OF WEIGHT VERSUS VOLUME.

AND I THINK THAT A CLOSE READING OF THE STATUTE SUGGESTS THAT WEIGHT IS THE BEST MANNER FOR ASSESSING THE AMOUNT OF WASTE WITHIN A COMMUNITY. AND I THINK THERE'S ALSO A PRACTICAL COMPONENT TO USING WEIGHT.



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1 AGAIN. THIS ACT HAS TO BE WORKABLE. AND IN ORDER TO HAVE
2 INFORMATION THAT WE CAN COMPARE AMONGST ALL COMMUNITIES,
3 WITHOUT HAVING THE BOARD HAVE TO CONSTANTLY GO BACK AND
4 FORTH AND COMMENT ON CONVERSION FORMULAS FOR VOLUME, YOU
5 KNOW, THE ACT COULD BECOME OVERLY PAPER ORIENTED AND NOT
6 RECYCLING AND PROGRAM ORIENTED.

7 IF YOU LOOK AT THE STATUTE, SECTION 41030
8 IN AB 939 SAYS, "THE CONSTITUENT MATERIALS SHALL BE
9 IDENTIFIED BY VOLUME PERCENTAGE IN WEIGHT OR ITS
10 VOLUMETRIC EQUIVALENT." I BELIEVE THAT THE INTENT OF
11 LEGISLATURE IN DRAFTING IT THAT WAY IS WHAT THEY MEANT BY
12 VOLUME IS THEY MEANT AMOUNT, AND SUGGESTING THAT IT
13 SHOULD BE DETERMINED IN PERCENTAGE WEIGHT OR THE
14 VOLUMETRIC EQUIVALENT OF WEIGHT. BECAUSE TO SAY IT
15 SHOULD BE DETERMINED BY VOLUME AND THEN THE VOLUMETRIC
16 EQUIVALENT OF WEIGHT IS REDUNDANT. YOU HAVE TWO -- YOU
17 ARE GOING TO HAVE TWO FORMS OF VOLUME WHICH ARE GOING TO
18 BE INCONSISTENT.

19 AND ALSO THE STATUTE HAS A HIERARCHY,
20 SECTION 40051, AND INTENT LANGUAGE, SECTION 40052, WHICH
21 SUGGESTS THAT THE PURPOSE OF THE ACT IS NOT NECESSARILY
22 DIVERSION, BUT TO ENCOURAGE RECYCLING FOREMOST. AND BY
23 LOOKING AT HOW COMMUNITIES REPORT THE WASTE THAT
24 SIGNIFICANTLY INFLUENCES THE AMOUNT OF RECYCLING THAT
25 TAKES PLACE. IF WE ALLOW COMMUNITIES THE FLEXIBILITY OF

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1 REPORTING ON ONE HAND BY WEIGHT AND ON THE OTHER HAND BY
2 VOLUME, THEN EACH COMMUNITY IS GOING TO COME UP WITH A
3 DIFFERENT SCENARIO, WHICH IS GOING TO BRING THEM CLOSEST
4 TO THAT 25 PERCENT.

5 WE ALL RECOGNIZE -- WE'VE HEARD, WE'VE READ
6 IN DOCUMENTS, LOS ANGELES IN THE PAST, SAYING THAT THEY
7 HAD A 6 PERCENT RECYCLING LEVEL. AND WE NOW HEAR BY SOME
8 OFFICIALS, UNOFFICIALLY, THAT LOS ANGELES NOW HAS AN
9 18-PERCENTLY RECYCLING LEVEL. SO THE POINT REGARDING
10 HAVING REAL VERIFIABLE INFORMATION ON IT, CONSISTENT
11 METHODOLOGY THROUGHOUT COMMUNITIES IS GOING TO BE THE
12 ESSENCE OF THE EFFECTIVENESS OF THIS BILL.

13 I HAVE SOME OTHER COMMENTS. I'M SORRY TO
14 BE SO VERBOSE IN PRESENTING THIS, BUT IT'S CRITICAL. THE
15 EFFECTIVENESS OF THE CHARACTERIZATION STUDY, ALSO AS
16 LATER SECTIONS SUGGEST, HELP TO DETERMINE HOW, AS I SAID,
17 COMMUNITIES DETERMINE WHETHER THEY'VE MET THEIR RECYCLING
18 GOALS. AND WITHOUT HAVING -- WITHOUT HAVING THE SAME
19 FORMAT FOR DETERMINING WHETHER COMMUNITIES HAVE MET THEIR
20 GOALS, IF ONE COMMUNITY IS USING THEIR WASTE COMPOSITION
21 STUDY AND ANOTHER DOING SAMPLING WITHIN THE COMMUNITY
22 THAT'S VERY SPECIFIC AND VERY DETAILED, THEN THERE'S NOT
23 GOING TO BE AN EQUITABLE APPLICATION OF THE LAW.

24 ONE OF THE CRITICAL WORDS IN THE
25 DEFINITIONS THAT'S DEFINED IS THE WORD "FEASIBLE." IN

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1 THE REGULATIONS FEASIBLE IS DEFINED AS SOMETHING THAT CAN
2 BE DONE THAT'S SUGGESTED WITHIN THE PLAN.

3 CLEARLY, FEASIBILITY IN TERMS OF THE
4 HIERARCHY THAT'S ESTABLISHED AND THE INTENT FOR
5 ENCOURAGING RECYCLING IN THE ACT IS -- SORRY, I LOST MY
6 PLACE -- FEASIBLE IS WHATEVER PROGRAMS WITHIN THE
7 COMMUNITY CAN BE DONE, WHATEVER EFFECTIVE PROGRAMS THAT
8 ARE OUT THERE. THAT'S WHAT DETERMINES WHAT'S FEASIBLE,
9 NOT JUST WHAT A COMMUNITY WRITES IN THEIR PLAN.

10 ALSO, IN SECTION 17134.2, SOURCE REDUCTION
11 IS IDENTIFIED AS BEING PROGRAMS THAT ARE CURRENTLY
12 BEING -- THAT ARE CURRENTLY OPERATING WITHIN THE
13 COMMUNITY. THERE'S NO TIME FRAME FOR WHEN THESE SOURCE
14 REDUCTION PROGRAMS WERE BEGUN. THEY COULD HAVE BEEN
15 BEGUN 20 YEARS AGO, AND THEN THE COMMUNITY IS SUGGESTING
16 THAT THERE'S BEEN A SOURCE REDUCTION AS A RESULT OF
17 PROGRAMS SUCH AS IMPLEMENTING FEES WITHIN LANDFILLS AND
18 THAT TYPE OF THING. AND SO THERE NEEDS TO BE SOME TIME
19 FRAME FOR THE SOURCE REDUCTION PROGRAMS THAT NOW EXIST.

20 WE'LL BE SUBMITTING WRITTEN COMMENTS. AND
21 I THANK YOU FOR YOUR TIME.

22 CHAIRMAN GALLAGHER: THANK YOU, MR. MILLER.

23 MR. CORY BROWN.

24 MR. BROWN: THANK YOU, MR. CHAIRMAN, MEMBERS OF
25 THE BOARD. MY NAME IS CORY BROWN. I'M AN ATTORNEY WITH



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1 PLANNING CONSERVATION LEAGUE. WE ALSO GREATLY APPRECIATE
 2 THE OPPORTUNITY TO PRESENT OUR VIEWS TODAY AND COMMEND
 3 YOU FOR THE OPENNESS OF THIS PROCESS AND THE AVAILABILITY
 4 OF YOUR STAFF THROUGH THESE DISCUSSIONS.

5 WHAT I'LL TRY TO DO TODAY IS HIGHLIGHT SOME
 6 OF THE CONCERNS WE HAVE AND SUBMIT WRITTEN COMMENTS THAT
 7 ARE MORE EXTENSIVE, AS WELL. LIKE EVERYBODY ELSE, I'VE
 8 BEEN TRYING TO PUT ALL THESE COMMENTS TOGETHER FAIRLY
 9 QUICKLY, AND WILL GET YOU MORE DETAILED AND MORE THOUGHT
 10 OUT COMMENTS BY THE FEBRUARY 2D DEADLINE.

11 FIRST, YOU ARE TO BE CONGRATULATED. I
 12 THINK THAT THE BASIC REGULATIONS PROVIDE A WORKABLE
 13 FRAMEWORK, AND MOST OF WHAT WE NEED TO DO IS FINE-TUNE
 14 IT, MAKE SURE THINGS ARE SPECIFIC ENOUGH WHERE THEY
 15 SHOULD BE SPECIFIC SO LOCAL GOVERNMENT HAS GUIDANCE, BUT
 16 NOT TOO MUCH OF A BURDEN ON LOCAL GOVERNMENT. AND
 17 THERE'S SOME AREAS WHERE I THINK THERE'S SOME AGREEMENT
 18 THAT WE WOULD HAVE AS LOCAL AGENCIES WOULD BE HAPPY TO
 19 PROVIDE SOME GUIDANCE TO YOUR STAFF IN THOSE SECTIONS.

20 IN SUBDIVISION F, FOR EXAMPLE, IN TERMS OF
 21 CAPITAL COSTS, IS ONE WHERE I THINK WE WOULD PROBABLY
 22 CONCUR WITH SOME OF LOCAL GOVERNMENTS THAT HAD
 23 DISCUSSIONS EARLIER. THERE ARE TWO MAJOR TASKS THAT WE
 24 SEE THAT THE REGULATIONS NEED TO HELP ACCOMPLISH.

25 ONE IS CERTAINLY TO HELP LOCAL GOVERNMENTS



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1 DEVELOP PLANS THAT ARE ADEQUATE, THAT WILL MEET THE
2 INTENT OF THE LEGISLATION AND THE HIERARCHY.

3 SECONDLY. PROVIDE YOU WITH -- YOU AND THE
4 PUBLIC WITH THE INFORMATION THAT YOU NEED TO BE ABLE TO
5 EVALUATE THE PLANS TO MAKE SURE THEY COMPLY WITH THE
6 REQUIREMENTS OF THE STATUTE. WE'LL BE SUBMITTING
7 COMMENTS, IN WRITTEN COMMENTS ADDITIONAL INFORMATION
8 REGARDING SOME OF THE CALCULATIONS THAT GO INTO THIS.

9 I WANT TO KEEP MOST OF MY COMMENTS IN TERMS
10 OF SOURCE REDUCTION AND RECYCLING ELEMENT PARTS IN TERMS
11 OF ARTICLE 6.2, AND THEN TOUCH ON A FEW OF THOSE OTHER
12 ISSUES LATER.

13 ONE OF THE MOST IMPORTANT SECTIONS WE'VE
14 SEEN IN HERE IS SECTION 17132, WHICH IS THE SOLID WASTE
15 GENERATION ANALYSIS. THE HIERARCHY SECTION, TREATS IN A
16 SENSE OF FILTER. THAT FIRST YOU APPLY YOUR SOURCE
17 REDUCTION METHODOLOGIES AGAINST YOUR WASTE. WHAT YOU CAN
18 SOURCE REDUCE, YOU LOOK AT RECYCLING AND COMPOSTING.
19 THEN AS A STATUTE REQUIRES SPECIFICALLY, DISPOSAL IS FOR
20 WASTE THAT CANNOT FEASIBLY BE REDUCED AT THEIR SOURCE,
21 RECYCLE, COMPOSTED.

22 SUBDIVISION C IS A VERY IMPORTANT PROVISION
23 IN THE SECTION BECAUSE IT REQUIRES AN ANALYSIS AS TO WHY
24 YOU CAN'T REDUCE. RECYCLE. OR COMPOST WASTES. WE SEE
25 THAT AS BEING ONE OF THE VERY MOST IMPORTANT REQUIREMENTS

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1 IN THE PROPOSED REGULATIONS. WE DO URGE YOU TO EXPAND
 2 UPON THAT. IT'S A VERY IMPORTANT ANALYSIS. LETS YOU
 3 KNOW WHETHER OR NOT THE REQUIREMENTS IN THE HIERARCHY
 4 SECTION ARE ACTUALLY BEING MET.

5 IN TERMS OF THE COMPONENT OBJECTIVES IN
 6 SECTION 17133.1, WE ALSO SUGGEST THAT THE COMPONENT
 7 OBJECTIVES IN TERMS OF THE CRITERIA THAT'S BEING
 8 CONSIDERED ALSO CONSIDER THE AVAILABLE -- CURRENT AND
 9 PROJECTED AVAILABILITY OF MARKETS. WHEN LOCAL
 10 GOVERNMENTS ARE MAKING THEIR DECISIONS AS TO WHAT
 11 RECYCLING PROGRAMS THEY SHOULD BE ADOPTING, CERTAINLY
 12 MARKETS FACTOR INTO WHAT PROGRAMS THEY WANT TO BE DOING
 13 IN LOCAL COMMUNITIES. THEY SHOULD ALSO, OF COURSE,
 14 CONSIDER THE ABILITY TO ACHIEVE THEIR REQUIREMENTS.

15 THERE'S A CONCEPT THAT'S DEFINED AS HAZARD,
 16 WHICH GENERALLY TIES INTO THE DEFINITION OF HAZARDOUS
 17 WASTE. THE TERM "HAZARD" APPEARS IN VARIOUS SECTIONS
 18 THROUGH HERE, AND ONE OF THE SECTIONS HERE IN TERMS IT AS
 19 A CRITERIA. I THINK WITH THE DEFINITION HAZARD RELATING
 20 ONLY TO HAZARDOUS WASTE AS A CRITERIA, IN TERMS OF WHAT
 21 PROGRAMS YOU DESIGN, IS A LITTLE TOO NARROW IN TERMS OF
 22 THOSE CONSIDERATIONS.

23 HAZARD SHOULD BE THOUGHT OF OR MAYBE A
 24 SUBSTITUTE TERM, LOCAL GOVERNMENTS ARE TRYING TO
 25 PRIORITIZE THEIR PROGRAMS TO ALSO INCLUDE TYPES OF

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1 POLLUTION OR ENVIRONMENTAL DEGRADATION. THEY MAY BE
2 SHORT OF A LEVEL THAT IS OFFICIALLY BY STATUTE DECLARED
3 TO BE HAZARDOUS WASTE. FOR EXAMPLE, YOU MAY HAVE TYPES
4 OF PRACTICES THAT COULD LEAD TO AIR POLLUTION, LITTER,
5 WATER POLLUTION, THAT MAY NOT ACTUALLY BE HAZARDOUS, BUT
6 THAT A RECYCLING PROGRAM MAY BE ABLE TO REDUCE SOME OF
7 THOSE THINGS. THAT CERTAINLY SHOULD FACTOR INTO YOUR
8 CRITERIA HERE AS WELL.

9 I THINK YOU CAN SOLVE THAT BY BACK IN THE
10 DEFINITION SECTION BROADENING THE CONCEPT OF HAZARD TO
11 INCLUDE SOME OF THOSE MORE GENERAL ENVIRONMENTAL
12 CONSIDERATIONS AND PUBLIC HEALTH CONSIDERATIONS, AND
13 WE'LL BE HAPPY TO TALK TO STAFF MORE SPECIFICALLY ABOUT
14 THAT LATER ON.

15 IN TERMS OF SECTION 17133.3, ADDRESSES
16 EVALUATION OF ALTERNATIVES. I THINK THAT THE CONCEPT OF
17 LOOKING AT THE ENVIRONMENTAL IMPACTS IN TERMS OF AIR,
18 WATER, LAND IMPACTS IS ALSO VERY IMPORTANT FOR VERY
19 SIMILAR REASONS.

20 FOR EXAMPLE, YOU WOULDN'T WANT -- A CITY OR
21 COUNTY SHOULDN'T BE NECESSARILY CARRYING ON A RECYCLING
22 PROGRAM OR COMPOSTING PROGRAM THAT WOULD BE LEADING TO
23 MORE SIGNIFICANT ENVIRONMENTAL PROBLEMS IN OTHER FORUMS.
24 THOSE TYPE OF CROSS MEDIA IMPACTS CERTAINLY SHOULD BE
25 CONSIDERED. I THINK THEY SHOULD BE IDENTIFIED, AND

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1 CERTAINLY THE EIR SHOULD EXPAND UPON THOSE, BUT THOSE
2 SHOULD BE CONSIDERED IN THE DECISION-MAKING PROCESS AS
3 WELL.

4 IN TERMS OF SELECTION -- I'M SORRY -- IN
5 TERMS -- LET ME SKIP DOWN A LITTLE BIT. SECTION 17133.6,
6 REGARDING MONITORING AND EVALUATION, GENERALLY, I THINK
7 THIS SECTION IS A GOOD SECTION. I THINK THAT A COUPLE
8 ADDITIONS THAT WOULD BE HELPFUL WOULD BE FOR YOU TO KNOW
9 HOW FREQUENT THE MONITORING IS GOING TO OCCUR. I THINK
10 THAT THAT'S SOMETHING YOU MIGHT WANT TO STANDARDIZE.

11 YOU ALSO WANT TO BUILD IN QUALITY CONTROL
12 INTO YOUR MONITORING PROGRAMS, NOT JUST SO MUCH THAT
13 THEY'RE GOING TO BE DOING THESE PROGRAMS, BUT ALSO THAT
14 THEY'RE GOING TO BE PRODUCING RECYCLABLE MATERIALS,
15 COMPOSTABLE MATERIALS THAT ARE SUCH A QUALITY THAT THEY
16 CAN ACTUALLY BE USED IN THE MARKETPLACE.

17 CERTAINLY, THE DEFINITION OF RECYCLING TIES
18 INTO THE CONCEPT OF BEING ABLE TO BE RETURNED TO THE
19 ECONOMIC MAINSTREAM. THE MONITORING SHOULD HELP ENSURE
20 THAT BY HAVING A QUALITY CONTROL ASPECT OF THE MONITORING
21 PROGRAM.

22 (B)(4). WE BELIEVE, IS A VERY, VERY KEY
23 SECTION. AND I UNDERSTAND AND AGREE WITH YVONNE THAT THE
24 OLD CONTINGENCY PROVISIONS IN THE EVENT THAT A CITY WAS
25 FOUND OUT OF VIOLATION WERE REMOVED FROM 939. I THINK

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1 THAT THIS SECTION IS OF A DIFFERENT NATURE. THIS SAYS
 2 THAT NOT NECESSARILY IF YOU ARE BEING FINED OR IF YOU'RE
 3 BEING FOUND OUT OF COMPLIANCE, SAYING THAT IF YOU'RE
 4 MONITORING, IT'S SHOWING THAT YOUR PROGRAMS ARE MEETING
 5 YOUR GOALS. WHAT ADDITIONAL STEPS ARE YOU GOING TO DO TO
 6 CORRECT THAT SITUATION?

7 IT'S VERY REASONABLE, AND THAT'S A VERY
 8 FARSIGHTED IN TERMS OF HAVING A LOCAL GOVERNMENT IDENTIFY
 9 ADDITIONAL STEPS THAT THEY MAY NOT BE TAKING DEFINITELY,
 10 BUT THEY MIGHT NEED TO TAKE IN THE EVENT THAT, SAY, THEIR
 11 CURBSIDE PROGRAM DOESN'T HIT THEIR PROJECTED GOALS OR
 12 THINGS LIKE THAT. THAT TYPE OF ADVANCE PLANNING, I
 13 THINK, IS VERY IMPORTANT AND WILL HELP ENSURE THAT LOCAL
 14 GOVERNMENTS REACH THOSE GOALS.

15 I THINK IT HELPS LOCAL GOVERNMENT AS WELL
 16 BY PROVIDING A MARGIN OF SAFETY FROM NOT HAVING LOCAL
 17 GOVERNMENTS IN VIOLATION OF 41780. IT ALSO PROVIDES YOU
 18 MORE CERTAINTY IN TERMS OF -- IF YOU'RE IN THAT
 19 SITUATION, WHERE YOU FORESEE A PROBLEM WHEN YOU ARE DOING
 20 YOUR BIENNIAL REVIEWS OF THESE PLANS, YOU CAN SUGGEST TO
 21 LOCAL GOVERNMENTS THAT THEY CAN START IMPLEMENTING THOSE
 22 TYPES OF PROGRAMS. I THINK IT'S EARLY DETECTION AND
 23 EARLY SOLUTION SYSTEM WHICH IS VERY IMPORTANT.

24 I THINK THAT SOME OF THE -- THERE'S A LIST
 25 OF TYPES OF SOURCE REDUCTION METHODS THAT NEED TO BE

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1 EVALUATED IN THE LOCAL PLANS THAT'S LISTED. CERTAINLY, A
2 NUMBER OF THOSE WE FULLY AGREE WITH SHOULD BE THERE. A
3 FEW OF THOSE ARE MORE STATEWIDE IN SCOPE, AND I THINK
4 THAT SOME OF THOSE LISTINGS COULD BE PARED BACK TO AN
5 EXTENT. WE'D BE HAPPY TO PROVIDE SOME GUIDANCE ON THAT,
6 BUT THE BULK OF THE LIST, I THINK, IS VERY GOOD.

7 IN TERMS OF 17134.2, REGARDING SOURCE
8 REDUCTION EXISTING CONDITIONS, I THINK, AS ROD POINTED
9 OUT, THERE'S SOME CONCERN IN TERMS OF NEEDING TO BEEF UP
10 THE STATISTICAL VALIDITY OF SOME OF THE CALCULATIONS.
11 IT'S NOT ADEQUATE JUST TO USE BEST AVAILABLE DATA. THERE
12 NEEDS TO BE SOME KNOWLEDGE THAT THAT BEST AVAILABLE DATA
13 IS GOOD DATA, AND THAT'S WHY SOME STATISTICAL STANDARDS
14 BY THE BOARD WOULD BE HELPFUL.

15 I THINK THIS POINT'S ALSO RELEVANT
16 ESPECIALLY TO THE DISCUSSION THIS MORNING. LET ME TOUCH
17 UPON IT JUST WITH COUPLE SENTENCES, THAT I THINK IT MAY
18 BE HELPFUL TO THE BOARD TO PROVIDE SPECIFIC
19 METHODOLOGIES, STANDARD METHODOLOGIES TO BE USED IN
20 DEVELOPING THE GENERATION STUDIES FOR A NUMBER OF
21 REASONS.

22 FIRST, THAT WAY LOCAL GOVERNMENTS DON'T
23 HAVE TO GO OUT AND INVENT THE WHEEL THEMSELVES TO THE
24 METHODOLOGIES THEY USE.

25 SECONDLY, PROVIDES YOU THE ABILITY TO KNOW



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1 THAT GOOD METHODOLOGIES, ADEQUATE METHODOLOGIES WERE
2 USED.

3 THIRD IS WHEN YOU AND THE PUBLIC ARE
4 REVIEWING THESE PLANS, THE FACT YOU USE A MORE
5 STANDARDIZED FORMAT WILL MAKE YOUR TIME USED MORE
6 EFFICIENT, YOUR STAFF'S TIME MORE EFFICIENT BECAUSE YOU
7 KNOW WHAT YOU ARE LOOKING AT. YOU DON'T HAVE TO SPEND A
8 SIGNIFICANT AMOUNT OF TIME FIRST UNDERSTANDING THE
9 METHODOLOGY.

10 FOURTH, HELPS YOU DEVELOP STATEWIDE
11 STATISTICS IN TERMS OF GENERATION DIVERSION THAT MAY HELP
12 WITH SOME OF YOUR LONG-TERM PLANNING AND ALLOCATION OF
13 FINANCIAL RESOURCES. SO ONE OF THE, I THINK, SOLUTIONS
14 THAT CAN BE HELPFUL, I THINK, TO LOCAL GOVERNMENT, AS
15 WELL AS TO THE BOARD AND THE PUBLIC, WILL BE DEVELOPING
16 MORE SPECIFIC METHODOLOGIES TO BE USED IN TERMS OF THE
17 WASTE CHARACTERIZATION, DIVERSION, GENERATION STUDIES.

18 IN TERMS OF THE RECYCLING PROVISIONS, THIS
19 MAY HAVE BEEN INADVERTENT, BUT SECTION 17135.3 IS NOT
20 INCLUDED IN TERMS OF EVALUATING THE TYPE OF RECYCLING
21 PROGRAMS INSTITUTIONAL GENERATORS. YOU INCLUDED
22 INSTITUTIONAL GENERATORS IN TERMS OF THE LIST OF
23 GENERATORS THAT YOU DIVIDE YOUR WASTE BY, BUT SOMEHOW OR
24 ANOTHER, I THINK IT MUST HAVE BEEN AN OVERSIGHT,
25 INSTITUTIONAL GENERATORS ARE OMITTED FROM WHO YOU



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1 ACTUALLY HAVE TO CONSIDER THE WASTESTREAM THROUGH A
2 RECYCLING AND SOME OF OTHER MEASURES. I THINK THAT MAY
3 BE MORE OF A TECHNICAL COMMENT.

4 I THINK IT'S ALSO VERY GOOD IN THERE, AS
5 YOU DO, IS TO IDENTIFY WHO THE BUYERS OF THE WASTE ARE.
6 AGAIN, THE CONTINGENCY MEASURES ARE VERY -- THE
7 ADDITIONAL MEASURES YOU TAKE ON VERY IMPORTANT.

8 IN TERMS OF COMPOSTING, I WANT TO TURN TO
9 SECTION 17136.3. I KNOW THAT THERE'S BEEN A LOT OF
10 DISCUSSIONS IN TERMS OF THE REQUIREMENT FOR SOURCE
11 SEPARATION THAT'S IN COMPOSTING, AND CERTAINLY WE'RE
12 INTERESTED IN DISCUSSING THAT IN TERMS OF POSSIBLE
13 LEGISLATIVE WAYS OF ADDRESSING THAT. BUT I THINK WHAT'S
14 IMPORTANT ABOUT SOURCE SEPARATION IS THAT THE TERM
15 "SOURCE SEPARATION," WE'RE CONCERNED IN TERMS OF THE
16 ISSUE OF SEWAGE SLUDGE, WHICH I'LL ADDRESS LATER, BUT
17 THOSE ISSUES ARE INHERENTLY CONNECTED, AND I'LL REFER TO
18 THAT MORE SPECIFICALLY LATER.

19 IN TERMS OF SPECIAL WASTE SECTION, THIS --
20 I THINK MAYBE THIS IS THE TIME TO TALK ABOUT THE SEWAGE
21 SLUDGE ISSUE IS -- WELL, THE SEWAGE SLUDGE AND THE
22 HOUSEHOLD HAZARDOUS WASTE, THE WAY THE STATUTE IS
23 CONSTRUCTED HAVE THEIR OWN PROGRAMS. WE DON'T -- OUR
24 INTERPRETATION IN READING THE STATUTE IS THAT HOUSEHOLD
25 HAZARDOUS WASTE AND SPECIAL WASTE PROGRAMS DON'T GET

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1 FACTORED INTO THE MIX IN TERMS OF COMPLYING WITH 25- AND
2 50-PERCENT REQUIREMENTS FOR 41780.

3 CERTAINLY, A LOT OF WORK NEEDS TO GET DONE
4 IN TERMS OF SOME OF THE SPECIAL WASTES, ESPECIALLY THE
5 SEWAGE SLUDGE. THERE'S NOT A LOT -- AS MUCH KNOWN ABOUT
6 THIS AS WE SHOULD AT THIS TIME. IT CERTAINLY ISN'T AN
7 ADEQUATE REGULATORY STRUCTURE, BUT THE FACT THAT THERE
8 ARE SEPARATE SECTIONS AND SEPARATE PROGRAMS IN HERE FOR
9 THOSE, TO US, ARE FAIRLY CONVINCED THAT THOSE SHOULD BE
10 OUTSIDE THE 4178 GOALS PROCESS.

11 ADDITIONALLY, THE TERM "SOURCE SEPARATED"
12 IN TERMS OF THE COMPOSTING REQUIREMENT, DOES INDICATE
13 THAT THE SEWAGE SLUDGE WOULD BE OUT OF THE 4178
14 CALCULATION AS WELL.

15 IN TERMS OF THE FUNDING COMPONENT, WE WILL
16 SUBMIT ADDITIONAL COMMENTS ON THAT IN TERMS OF OUR
17 WRITTEN COMMENT. ONE ADDITIONAL THING IN TERMS OF THE
18 CALCULATIONS. WE THINK IT MAY BE HELPFUL FOR THE BOARD
19 TO ESTABLISH SOME SORT OF STANDARDS TO PREVENT DOUBLE
20 COUNTING.

21 FOR EXAMPLE, A PARTICULAR PROGRAM MAY BE
22 POTENTIALLY COUNTED IN TERMS OF THE EDUCATION PROGRAM
23 TAKING CREDIT FOR INCREASING RECYCLING, YET THE CURBSIDE
24 PROGRAM, WHERE THE CONTAINERS ACTUALLY ENDED UP, MIGHT
25 ALSO TAKE CREDIT FOR THAT. SO YOU MIGHT WANT TO ADD SOME

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1 ADDITIONAL GUIDANCE TO LOCAL GOVERNMENTS HOW THEY CAN
2 PREVENT DOUBLE COUNTING IN THE PROCESS.

3 I WANT TO END WITH TWO FINAL COMMENTS. ON
4 THE WASTE VERSUS VOLUME ISSUE, I THINK THAT'S A VERY
5 SIGNIFICANT ISSUE. THERE'S A NUMBER OF REASONS WHY WE
6 THINK THAT A WEIGHT IS THE APPROPRIATE MEASURE TO USE
7 RATHER THAN VOLUME.

8 FIRST IS WEIGHT IS THE GENERALLY THE WAY WE
9 CALCULATE, OF COURSE, RECYCLABLE MATERIALS THROUGH
10 VARIOUS INDUSTRIES, PROVIDES A MORE -- YOU CAN GET A
11 BETTER HANDLE IN TERMS OF WEIGHT FOR MATERIALS THAT ARE
12 BEING RECYCLED.

13 SECONDLY, IT'S LESS SUSCEPTIBLE TO ERRORS
14 IN CALCULATION. FOR EXAMPLE, IN TERMS OF SECTION 41780,
15 THE 25- AND 50-PERCENT REQUIREMENT, SPECIFICALLY YOU HAVE
16 TO DIVERT MATERIALS FROM LANDFILLS IN ORDER TO GET
17 CREDIT. WELL, WHAT HAPPENS IF YOU HAVE 100 CUBIC YARDS
18 OF PLASTICS THAT'S BEEN SHREDDED DOWN TO 75 OR 50 CUBIC
19 YARDS OF PLASTICS? YOUR VOLUME NUMBERS SEEM TO INDICATE
20 YOU'VE GOT SOURCE REDUCTION, BUT YOU DON'T FOR THE
21 PURPOSES OF SECTION 41780 BECAUSE YOU DON'T ACTUALLY
22 DIVERT ANYTHING FROM YOUR LANDFILL.

23 SO YOUR VOLUME NUMBERS PROVIDE RISK TO YOU
24 IN TERMS OF INACCURACIES. WE SUGGEST USING WEIGHT, AND
25 ONLY IF IT'S INFEASIBLE TO USE WEIGHT, THEN CONSIDER

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1 USING THE VOLUME IN TERMS OF CALCULATING 41780'S.

2 ADDITIONALLY. WE ALSO HAVE CONCERNS
3 REGARDING THE TERM "FEASIBLE" AS IT'S USED. FEASIBLE
4 BASICALLY MEANS IT'S CAPABLE OF BEING DONE. THE
5 DEFINITION THAT'S IN HERE SEEMS TO INDICATE THAT IT'S NOT
6 A TASK IDENTIFIED BY LOCAL GOVERNMENT, SOMEHOW IS NOT
7 FEASIBLE.

8 WOULD BE HAPPY TO WORK WITH YOUR STAFF IN
9 TERMS OF DEFINITIONS FOR THAT. THERE ARE OTHER
10 DEFINITIONS AVAILABLE, I THINK, THAT MAKE SENSE.

11 BE HAPPY TO ANSWER ANY QUESTIONS AND WE'LL
12 BE MORE THAN HAPPY TO PROVIDE ADDITIONAL COMMENTS.

13 IN CONCLUSION, WANT TO THANK YOU FOR YOUR
14 CAREFUL ATTENTION YOU'RE PROVIDING FOR THIS, AND WE LOOK
15 FORWARD TO A PARTNERSHIP WITH YOU IN TERMS OF PROPERLY
16 IMPLEMENTING THE LAWS.

17 CHAIRMAN GALLAGHER: THANK YOU, MR. BROWN. ANY
18 QUESTIONS OF MR. BROWN? THANK YOU.

19 I CALL AGAIN MR. FORSBERG.

20 MR. FORSBERG: THANK YOU, MR. CHAIRMAN AND
21 MEMBERS. MY NAME IS STEVE FORSBERG, AND I REPRESENT THE
22 CALIFORNIA MANUFACTURERS ASSOCIATION.

23 LET ME BEGIN JUST ON A PROCEDURAL MATTER.
24 I MAY HAVE MISSED THIS. MR. CHAIRMAN, BUT I -- CMA SENT
25 IN A LETTER TO THE BOARD DATED JANUARY 19TH, AND I DID

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1 NOT HEAR THAT ENTERED INTO THE RECORD EARLIER. I JUST
2 WANTED TO BE ASSURED THAT OUR LETTER, TOO, WOULD BE
3 ENTERED INTO THE RECORD.

4 CHAIRMAN GALLAGHER: IT WAS RECEIVED THIS
5 MORNING, AND IT WILL BE IN THE NEXT RECORD.

6 MR. FORSBERG: OKAY. THANK YOU VERY MUCH.

7 OUR PRELIMINARY REVIEW OF THESE REGULATIONS
8 IDENTIFIED TWO AREAS OF IMMEDIATE CONCERN, AND THOSE ARE
9 THE TWO AREAS THAT I WOULD LIKE TO SPEAK TO TODAY. THE
10 FIRST POINT HAS TO DO WITH PRODUCT BANS.

11 WE RECOMMEND THAT THE EMERGENCY REGULATIONS
12 BE SILENT ON THE ISSUE OF PRODUCT BANS. WE VIEW PRODUCT
13 BANS TO BE AN EMOTIONAL ISSUE. WE FEEL THERE IS LITTLE
14 EVIDENCE THAT PRODUCT BANS WILL HAVE A SIGNIFICANT IMPACT
15 ON SOLID WASTESTREAMS. AND, FURTHER, THERE'S NO
16 ASSURANCE THAT THE REPLACEMENT PRODUCTS WOULD
17 SIGNIFICANTLY REDUCE WASTESTREAM VOLUME OR WASTESTREAM
18 WEIGHT. PRODUCT BANS WOULD RESULT, WE BELIEVE, IN AN
19 UNNECESSARY HARDSHIP ON MANUFACTURERS AND AN UNNECESSARY
20 INCONVENIENCE TO CONSUMERS.

21 WE RECOGNIZE THAT PRODUCT BANS HAVE BEEN
22 IMPOSED IN THE PAST BY LOCAL JURISDICTIONS. WE ARE NOT
23 AWARE OF ANY RECORD OR SUBSTANTIATION AS TO THEIR
24 EFFECTIVENESS AT THIS POINT; AND, THEREFORE, WE BELIEVE
25 IT WOULD BE BETTER FOR THE BOARD IN THEIR REGULATIONS TO

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1 REMAIN SILENT ON THE ISSUE, AND LET'S SEE IF WE CAN
2 GATHER MORE DATA AND MORE INFORMATION ON THIS WHOLE AREA.

3 THE SECOND ISSUE OF CONCERN HAS TO DO WITH
4 ADVANCE DISPOSAL FEES. WE'RE INTERPRETING SECTION
5 17134.3 TO, IN FACT, TO INCLUDE ADVANCE DISPOSAL FEES AS
6 AN ALTERNATIVE. NONE OF THE BILLS IN THE WASTE
7 MANAGEMENT LEGISLATIVE PACKAGE OF 1989 AUTHORIZED THE
8 CONCEPT OF ADVANCE DISPOSAL FEES EVEN THOUGH THIS CONCEPT
9 WAS EXTENSIVELY DISCUSSED. THE SOLUTION THAT WAS
10 NEGOTIATED AND AGREED TO BY THE PRINCIPALS WAS, AND WE
11 BELIEVE WAS REFLECTIVE OF AB 939, REQUIRES THE
12 LEGISLATURE, THE BOARD, AND OTHER INTERESTED PARTIES TO
13 STUDY THE CONCEPT AND TO MAKE RECOMMENDATIONS TO THE
14 LEGISLATURE IN 1991.

15 TO BE CANDID, I DON'T THINK IT'S ANY SECRET
16 THAT WE WOULD EXPECT AND I THINK WE ALL ANTICIPATE THAT
17 WE WILL SEE LEGISLATION IN 1991 THAT ADDRESSES THIS
18 CONCEPT.

19 FROM A POLICY PERSPECTIVE, WE HAVE REAL
20 CONCERNS WITH LOCALLY IMPLEMENTED ADVANCE DISPOSAL FEES.
21 WE BELIEVE THAT THE RESULT COULD BE CHAOS IN THE
22 MARKETPLACE. OUR UNDERSTANDING IS THAT, POTENTIALLY,
23 THERE ARE OVER 500 JURISDICTIONS THAT WOULD BE AFFECTED
24 BY THESE REGULATIONS. AND WE FIND THAT TO BE SOMEWHAT
25 FRIGHTENING. IF -- THE ONLY WAY THAT SUCH A SYSTEM COULD

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1 WORK EFFECTIVELY. IF AT ALL, WOULD BE ON A STATEWIDE
2 BASIS AND NOT HANDLED BY LOCAL JURISDICTIONS.

3 FOR THIS REASON, WE WOULD STRONGLY
4 ENCOURAGE THE BOARD TO DELETE ADVANCE DISPOSAL FEES AS A
5 SOURCE REDUCTION DIVERSION ALTERNATIVE IN THE PROPOSED
6 EMERGENCY REGULATIONS. WE LOOK FORWARD TO WORKING WITH
7 THE BOARD AND WITH YOUR STAFF AND APPRECIATE THE
8 OPPORTUNITY TO COME BEFORE YOU TODAY. THANK YOU.

9 CHAIRMAN GALLAGHER: YES, GEORGE.

10 BOARD MEMBER VARNER: WHERE DO YOU FIND ANYTHING
11 THAT SAYS ADVANCE DISPOSAL FEES?

12 MR. FORSBERG: I DIDN'T BRING MY -- I SHOULD
13 HAVE BROUGHT MY PACKAGE UP WITH ME, BUT I WAS REFERENCING
14 SECTION 17134.3 (A)(2). THAT'S THE WAY WE WERE
15 INTERPRETING IT. AT LEAST WE FELT THAT IS CERTAINLY AN
16 INTERPRETATION THAT COULD BE APPLIED.

17 MAY I ASK, MR. CHAIRMAN, IF WE COULD ASK
18 STAFF FOR THEIR INTENT IN DRAFTING THAT SECTION?

19 CHAIRMAN GALLAGHER: CERTAINLY. WE WANT STAFF
20 TO RESPOND. THEY HAVE DEVELOPED THESE THINGS UP TO NOW.
21 IT IS AN ISSUE THAT WAS RAISED AT THE MEETINGS IN
22 SOUTHERN CALIFORNIA.

23 MS. BROW, ARE YOU GOING TO HANDLE THAT ONE?

24 MS. BROW: YES. I CAN, AT LEAST, START TO HANDLE
25 IT. AND WE ALSO HAVE MIKE HERE FROM ICF, WHO'S HELPING

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1 US ON THE SOURCE REDUCTION PORTION OF THE REGULATIONS.

2 WHAT WE WERE TRYING TO DO HERE IS GO TO THE
3 INTENT OF PROVIDING GUIDELINES, MEANING SOME INDICATION
4 OF THE VARIOUS OPTIONS THAT LOCAL GOVERNMENTS
5 TRADITIONALLY HAVE USED TO ACCOMPLISH SOURCE REDUCTION.

6 SOME OF THE OPTIONS ARE SPECIFICALLY
7 IDENTIFIED IN THE LAW. BUT THEN THERE ARE SOME OTHER ONES
8 SUCH AS BANS, OKAY, TO BE BLUNT. WE WERE NOT ESPOUSING
9 ONE PARTICULAR OPTION OR ANOTHER; AND, IN FACT, WE TRY TO
10 MAKE VERY CLEAR THAT ONLY ACCEPTABLE OPTIONS ARE THOSE
11 THAT WOULD BE EFFECTIVE IN ACCOMPLISHING THE OBJECTIVES
12 THAT ARE SET FORTH IN THE ELEMENT.

13 SO TO THE EXTENT THAT ONE PARTICULAR
14 OBJECTIVE OPTION WOULDN'T BE EFFECTIVE, THEN IT WOULDN'T
15 BE A REASONABLE OPTION AT ALL.

16 MR. FORSBERG: WE DON'T DISAGREE WITH STAFF'S
17 COMMENTS. WE ARE CONCERNED, HOWEVER, ABOUT EMBODYING
18 THIS CONCEPT OF ADVANCE DISPOSAL FEE IN A PACKAGE OF
19 REGULATIONS THAT ARE GOING TO GO OUT TO LOCAL GOVERNMENT
20 FOR THEIR USE IN TERMS OF GIVING THEM GUIDANCE AND
21 INSTRUCTION ON HOW TO GO AHEAD AND IMPLEMENT THIS ACT.

22 WE BELIEVE THAT IT'S PREMATURE AT THIS
23 POINT. WE BELIEVE THAT WAS THE UNDERSTANDING OF THE
24 LEGISLATURE. THAT THE CONCEPT IS PREMATURE, THAT IT NEEDS
25 TO BE STUDIED. OUR UNDERSTANDING IS THAT THE WASTE

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1 MANAGEMENT BOARD WILL BE AN ACTIVE PARTNER IN THIS STUDY,
2 AND WE HAVE SERIOUS RESERVATIONS ABOUT INCLUDING THAT
3 CONCEPT IN A REGULATORY PACKAGE AT THIS POINT.

4 WE WOULD STRONGLY RECOMMEND THAT YOU DELETE
5 IT AS AN ALTERNATIVE AT THIS POINT, STUDY THE ISSUE. THE
6 ISSUE WILL BE THEN ADDRESSED, I'M CERTAIN, IN 1991
7 THROUGH THE LEGISLATURE, AND WE PICK IT UP AT THAT POINT.

8 IF THE CONCEPT IS GOING TO WORK AT ALL, AND
9 IT'S DEBATABLE, IF IT'S GOING TO WORK AT ALL, WE BELIEVE
10 IT WOULD HAVE TO BE IMPLEMENTED ON A STATEWIDE BASIS AND
11 NOT ON A LOCAL JURISDICTIONAL BASIS. THAT, FROM OUR
12 PERSPECTIVE, REPRESENTING HUNDREDS OF COMPANIES THAT
13 MARKET PRODUCTS THROUGHOUT THE STATE, THAT WOULD RESULT
14 IN CHAOS IN THE MARKETPLACE AND THAT CAUSES US A GREAT
15 DEAL OF CONCERN.

16 CHAIRMAN GALLAGHER: LET ME ASSURE YOU YOUR
17 COMMENTS ARE GOING TO GET FULL CONSIDERATION BECAUSE
18 THAT'S EXACTLY WHAT THESE MEETINGS ARE FOR, IS TO BRING
19 OUT THE VARIOUS POINTS OF VIEW, AND THEN WE'LL TRY TO PUT
20 THEM ALL IN SOME KIND OF A PERSPECTIVE FOR OUR NEXT
21 GO-AROUND.

22 MR. FORSBERG: THANK YOU, MR. CHAIRMAN, MEMBERS.

23 CHAIRMAN GALLAGHER: THANK YOU VERY MUCH.

24 I'M SORRY IF I MISPRONOUNCE THIS NAME, BUT
25 I'M NOT GOOD AT NAMES. YASH NYZNYK.



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1 MR. NYZNYK: MY QUESTION HAS BEEN ANSWERED.

2 CHAIRMAN GALLAGHER: IT HAS BEEN ANSWERED.

3 THANK YOU VERY MUCH.

4 MR. DEGRASEN.

5 MR. DEGRASEN: MY NAME IS DAN ^{DEGRASSI} DEGRASEN. I'M A
6 SOLID WASTE PLANNER FOR THE COUNTY OF SANTA CRUZ. I HAVE
7 A NUMBER OF FAIRLY SPECIFIC QUESTIONS. I DO INTEND TO
8 SUBMIT SOME COMMENTS IN WRITING ON A MORE GENERAL LEVEL
9 ONCE I'VE HAD TIME TO REVIEW THE REGULATIONS ON THAT
10 BASIS, AND I'LL JUST SHOOT STRAIGHT THROUGH IN THE
11 INTEREST OF TIME.

12 UNDER DEFINITIONS ON PAGE 4, AGRICULTURAL
13 WASTE, I WOULD LIKE A CLARIFICATION AS TO WHETHER THAT IS
14 JUST ORGANIC MATERIAL, OR -- LIKE IN SANTA CRUZ COUNTY,
15 WE GENERATE A LOT OF PLASTIC THAT IS USED FOR FUMIGATING
16 STRAWBERRY FIELDS. SO WHETHER THAT'S WHAT IS INTENDED TO
17 BE INCLUDED IN THE DEFINITION OF AGRICULTURAL WASTE.

18 PAGE 5, THERE'S NO DEFINITION OF
19 COMPOSTING.

20 PAGE 6, END MARKET, I'D LIKE TO REITERATE A
21 COMMENT THAT WAS MADE EARLIER. I THINK END USE IS MORE
22 APPROPRIATE. THE USE OF COMPOSTED MATERIAL FOR A LOT OF
23 JURISDICTIONS WON'T BE SOLD. IN OUR COUNTY, WE'RE
24 LOOKING AT HAVING THE PARKS DEPARTMENT USE IT IN PARKS
25 AND THE ROADS DEPARTMENT USING IT FOR ROAD LANDSCAPING

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1 AND IT'S NOT GOING TO INVOLVE A SALE. SO I GUESS THE
2 MAYBE THIS JUST NEEDS TO BE CLARIFIED IF THE ECONOMIC
3 MAINSTREAM INCLUDES THAT KIND OF END USE OR WHETHER
4 THERE'S ACTUALLY A PURCHASE THAT HAS TO TAKE PLACE FOR IT
5 TO QUALIFY.

6 UNDER THE SOLID WASTE GENERATION STUDY,
7 COUPLE OF PLACES ON PAGE 14, UNDER PARAGRAPH B AND
8 ELSEWHERE, IT TALKS ABOUT COLLECTING DATA FOR A
9 CONTINUOUS 12-MONTH PERIOD. THAT NEEDS TO BE CLARIFIED
10 AS TO WHETHER THE DATA NEEDS TO BE COLLECTED EVERY DAY
11 FOR THOSE 12 MONTHS OR WEEKLY OR MONTHLY OR HOWEVER.

12 AGAIN, THIS KIND OF CARRIES OVER ONTO PAGE
13 16, PARAGRAPH H. THE DISCUSSION UNDER SEASONAL
14 VARIATION, SOME CLARIFICATION THERE. WHAT QUALIFIES AS
15 SEASONAL? IS IT THREE TIMES A YEAR, IS IT SUMMER AND
16 WINTER, WET AND DRY? IF YOU ARE GOING TO DO FIELD
17 SAMPLING, WHAT'S GOING TO QUALIFY? IS IT GOING TO BE
18 MONTHLY SAMPLING, QUARTERLY SAMPLING?

19 UNDER SUBPARAGRAPH 1 UNDER PARAGRAPH H ON
20 THAT SAME PAGE, YOU ARE ASKING FOR THE IDENTIFICATION OF
21 MATERIAL TYPE FROM THE FOLLOWING SOURCES, AND THERE'S SIX
22 SOURCES LISTED. DOES THAT MEAN FOR EACH JURISDICTION
23 THAT THEY'RE GOING TO IDENTIFY THAT SOURCE OF MATERIAL.
24 AND IF WE'RE GOING TO BE TALKING ABOUT COMPOSITION
25 STUDIES THAT ARE DONE COOPERATIVELY -- BUT IN SANTA CRUZ

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1 COUNTY WE'RE DOING A STUDY RIGHT NOW, AND WE HAVE TWO
2 CITIES THAT USE OUR LANDFILL. AND SO WE'RE DOING THE
3 STUDY TO DESIGN MATERIALS RECOVERY FACILITY, SO IT'S
4 FAIRLY FOCUSED IN THAT RESPECT.

5 BUT TO GET A REPRESENTATIVE SAMPLE -- THIS
6 GOES BACK TO THE COMMENTS ABOUT ACCURACY OF DATA -- TO
7 GET A REPRESENTATIVE SAMPLE AND TO COVER EACH OF THESE
8 SOURCES FOR EACH OF THE JURISDICTIONS, I MEAN YOU ARE
9 TALKING ABOUT A REALLY BIG STUDY WITH A LOT OF SAMPLES
10 AND TRANSLATES TO A LOT OF MONEY.

11 AGAIN, THAT COMMENT EXTENDS TO PARAGRAPH I
12 ON THE SAME PAGE. CLARIFICATION AS TO WHETHER YOU WANT
13 THE WASTE TYPES -- ALL EIGHT WASTE TYPES WITH THE
14 SUBGROUPS FOR EACH SOURCE FOR EACH JURISDICTION. YOU
15 KIND OF MULTIPLY THAT OUT EXPONENTIALLY.

16 SOME SPECIFIC COMMENTS ON THE VARIOUS WASTE
17 TYPES MENTIONED EARLIER, GLASS. I THINK THE CATEGORIES
18 SHOULD INCLUDE YOUR REFILLABLE AND REDEMPTION GLASS,
19 OTHER CONTAINER GLASS, AND THEN NONRECYCLABLE GLASS. I
20 THINK THE KEY, WHICH WAS ALSO MENTIONED EARLIER, IS THE
21 PURPOSE OF THE COMPOSITION STUDY IS TO IDENTIFY MATERIALS
22 THAT CAN BE MARKETED. SO YOU WANT TO FOCUS WHAT YOU'RE
23 LOOKING FOR BASED ON WHAT YOU CAN DO WITH IT.

24 PLASTICS IS ANOTHER EXAMPLE. THERE ARE TWO
25 TYPES OF PLASTICS LISTED. WELL, FILM PLASTIC HAS A



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1 POTENTIAL FOR BEING MARKETED. SO I'M SUGGESTING THAT
2 MAYBE FILM PLASTIC BE INCLUDED AS A SEPARATE CATEGORY.

3 WHETHER THE MATERIALS FLOW METHODOLOGY
4 GENERATED BY THE EPA IS EVENTUALLY USED OR NOT, IT IS
5 CERTAINLY, FROM MY PERSPECTIVE, USEFUL TO KNOW HOW TO GET
6 AHOLD OF THAT OR IF THE WASTE BOARD IS GOING TO HAVE
7 COPIES THAT THEY'RE GOING TO MAKE AVAILABLE.

8 ON PAGE 19, A COMMENT JUST ON -- YOU KNOW,
9 I'M TRYING TO THINK, AS THE PERSON WHO IS GOING TO BE
10 RESPONSIBLE FOR OUR COUNTY TO PUT TOGETHER THIS ELEMENT
11 AND ALSO THE PLAN, THERE'S A NUMBER OF PLACES WHERE A LOT
12 OF THE SAME INFORMATION IS ASKED FOR. PARAGRAPH B AT THE
13 TOP OF PAGE 19, THEY'RE ASKING FOR THE SAME INFORMATION
14 UNDER SECTION 17133.2(B).

15 SO AS FAR AS HOW THE BOARD IS ANTICIPATING
16 RECEIVING THESE DOCUMENTS, YOU KNOW, MAYBE WE'VE GOT
17 THREE OR FOUR YEARS TO WORK THAT OUT, BUT WHETHER YOU
18 WANT THE SAME INFORMATION REPEATED ON PAGE 25 OF OUR
19 COUNTY PLAN AND PAGE 50, THAT KIND OF STUFF WOULD BE
20 USEFUL.

21 PAGE 23, PARAGRAPH A, WHICH -- IT TALKS
22 ABOUT A LIST OF QUANTITIES OF MATERIALS CURRENTLY
23 DIVERTED AND MATERIALS IDENTIFIED AS CURRENTLY DISPOSED.
24 WHICH YEAR? WHAT DOES CURRENTLY MEAN?

25 PARAGRAPH B AT THE BOTTOM OF THE PAGE,



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1 TALKS ABOUT EACH JURISDICTION IDENTIFYING SPECIFIC WASTE
2 CATEGORIES OR WASTE TYPES AS PRIORITIES OR TARGETS BASED
3 ON ANALYSIS OF GENERATION. MY QUESTION IS WHICH. IS
4 IT -- ARE YOU ASKING US TO ESTABLISH A PRIORITY BASED ON
5 THE CRITERIA THAT'S ON THE TOP OF PAGE 24? IN OTHER
6 WORDS, YOU KNOW, WE GO FOR VOLUME FIRST AND WEIGHT
7 SECOND, HAZARD THIRD. SOME CLARIFICATION AS TO WHAT'S
8 MEANT THERE.

9 PAGE 24, AGAIN, TO REPEAT A COMMENT TO
10 REEMPHASIZE A COMMENT THAT WAS MADE EARLIER, THE FIRST
11 PARAGRAPH UNDER 133.2, WHERE YOU ARE TALKING ABOUT A
12 DESCRIPTION OF EXISTING DIVERSION PROGRAMS, FOR OUR
13 COSWMP, WE -- WHICH WE FINISHED IN DECEMBER, WE DID AN
14 INVENTORY OF EXISTING PROGRAMS, AND THIS QUESTION CAME UP
15 TO US.

16 DO WE COUNT AS EXISTING RECYCLING PROGRAMS
17 THE MATERIAL THAT ALL THE SHEET METAL SHOPS DON'T SEND TO
18 THE LANDFILL? ALL THE ELECTRICAL CONTRACTORS, ALL THEIR
19 SCRAP WIRE? ALL THE PLUMBING CONTRACTORS? I THINK IT
20 WILL BE WORTHWHILE -- I KNOW FROM MY PERSPECTIVE, IT
21 WOULD BE WORTHWHILE IF THERE IS SOME DIRECTION FROM THE
22 BOARD AS TO HOW TO DO THAT AND TO GET SPECIFIC ON THOSE
23 KINDS OF ISSUES.

24 I KNOW THERE'S A CONCERN ABOUT NOT WANTING
25 TO TELL LOCAL GOVERNMENTS YOU GOT TO DO IT THIS WAY, BUT

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1 IN SOME PLACES I THINK IT WOULD BE MORE BENEFICIAL TO BE
2 MORE SPECIFIC.

3 PARAGRAPH E ON THAT PAGE, HOW DO YOU DEFINE
4 THE DENOMINATOR, THE PERCENTAGE OF PARTICIPATION? IS IT
5 THE TOTAL POPULATION IN THE JURISDICTION, OR IS IT THE
6 POPULATION THAT HAS ACCESS TO THE CURBSIDE PROGRAM, FOR
7 EXAMPLE?

8 PARAGRAPH F, I JUST SAY, YEAH. WE HAD TO
9 DEAL WITH THAT, AND WE HAD A HARD TIME IN DOING OUR
10 RECYCLING INVENTORY OF GETTING PRIVATE COMPANIES TO EVEN
11 TELL US HOW MUCH THEY RECYCLED, LET ALONE HOW MUCH IT
12 COST. SO THAT'S GOING TO BE A FUN ONE.

13 PAGE 25 UNDER PARAGRAPH A, ITEM 2, AGAIN,
14 WHAT TYPE OF HAZARD IS THIS? IS THIS A TANNER BILL KIND
15 OF HAZARD, OR IS THIS AN OSHA KIND OF A HAZARD?

16 I REALLY DON'T -- UNDER ITEM 5, THE PHRASE
17 "APPLICABILITY OF THE ALTERNATIVES," I DON'T KNOW WHAT
18 THAT MEANS.

19 UNDER PARAGRAPH B, ITEM 1, DISCUSSION OF
20 THE CONSISTENCY WITH EACH ALTERNATIVE -- OF EACH
21 ALTERNATIVE WITH LOCAL PLANS, POLICIES, AND ORDINANCES.
22 ARE THOSE LAND USE PLANS, POLICIES, AND ORDINANCES; OR
23 ARE THEY SOLID WASTE PLANS, POLICIES, AND ORDINANCES; ARE
24 THEY ALL PLANS, POLICIES, AND ORDINANCES?

25 UNDER ITEM 3. THEY TALK ABOUT UNINTENDED



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1 ENVIRONMENTAL AND SOCIAL CONSEQUENCES, AND THEY GO ON TO
 2 GIVE A LIST OF EXAMPLES OF ENVIRONMENTAL CONSEQUENCES,
 3 BUT THERE'S NO LIST OF EXAMPLES OF SOCIAL CONSEQUENCES
 4 UNLESS THAT'S NUMBER D. AND, AGAIN, THAT'S JUST A
 5 SUGGESTION THAT NEEDS TO BE CLARIFIED.

6 AND I ALSO WOULD REITERATE THE COMMENT
 7 ABOUT, YOU KNOW, THE AMOUNT OF TIME -- THE AMOUNT OF TIME
 8 THAT I NEED TO SPEND WRITING ALL THIS UP VERSUS THE
 9 AMOUNT OF TIME THAT I'LL HAVE AVAILABLE TO ACTUALLY BE
 10 GETTING PROGRAMS UP AND GOING.

11 PAGE 27, AGAIN, SOME COMMENTS ABOUT
 12 INFORMATION THAT SEEMS TO COME UP BEING ASKED FOR IN MORE
 13 THAN ONE PLACE. UNDER 133.5(A), IT LOOKS LIKE THE SAME
 14 INFORMATION AS WAS REQUESTED IN 133.4(B). (D) LOOKS LIKE
 15 133.4(C). SO, YOU KNOW, I GUESS IT MAY BE A MATTER OF
 16 FORMAT AND HOW THE BOARD WANTS TO SEE THESE PLANS IS WHAT
 17 I'M REALLY SPEAKING TO.

18 PAGE 29, PARAGRAPH A, EACH JURISDICTION
 19 SHALL SELECT AND EXAMINE -- OR EXAMINE AND SELECT
 20 POTENTIAL PROGRAM OBJECTIVES INCLUDING, AND THEN YOU GIVE
 21 A LIST. SO MANY OF THESE ARE GUIDELINES THAT WOULD
 22 ANSWER THE QUESTION, BUT WHAT I WROTE IN THE MARGIN HERE
 23 WAS IT SAYS SHALL. SO THAT MEANS WE HAVE TO DO IT. DO WE
 24 SELECT ALL OF THEM, OR DO WE SELECT ONE OF THEM OR TWO OR
 25 WHAT?

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1 PAGE 31. PARAGRAPH D, ITEM 1 AT THE TOP, I
2 DIDN'T UNDERSTAND THE LAST PHRASE OF THAT SENTENCE. AN
3 OPTION WOULD BE TO LOOK AT THAT BAN OF A SPECIFIC PRODUCT
4 THAT'S NOT REPLACED BY A PRODUCT OF EQUIVALENT VOLUME. I
5 THINK IT SHOULD BE LESS VOLUME, UNLESS I'M JUST TOTALLY
6 MISREADING THAT.

7 UNDER PARAGRAPH E, NO. 3, I THINK SOME
8 EXAMPLES OF NONPROCUREMENT SOURCE REDUCTION PROGRAMS
9 WOULD BE USEFUL.

10 ON PAGE 32 UNDER 135.3(B), IN REFERENCE TO
11 MRS. BREMBERG, I THINK IT'S VERY IMPORTANT TO RETAIN THAT
12 PARTICULAR OPTION. AND, SPECIFICALLY, WHAT I'M THINKING
13 OF IS WHEN YOU'VE GOT SOURCE SEPARATION PROGRAMS, AND YOU
14 ASK A RESIDENT TO PUT THE CONTAINERS ON THE CURB, THAT'S
15 FINE; BUT WHEN YOU'RE DEALING WITH COMMERCIAL PROGRAMS --
16 AND WE'VE CONFRONTED THIS -- THE FIRST THING THAT YOU ARE
17 FACING IS IF YOU WANT TO DO ANY KIND OF SOURCE
18 SEPARATION, WHETHER IT'S FOR SEPARATE COLLECTION OF
19 CARDBOARD OR GLASS OR FOR SEPARATE COLLECTION OF MIXED
20 RECOVERABLES, IT HAS TO BE SORTED AT A MRF. WE DON'T
21 HAVE THE SPACE. WHERE ARE WE GOING TO PUT THE CONTAINER?

22 SO I THINK -- WHAT I WOULD SEE THIS GETTING
23 AT AND WHAT I HOPE IT'S GETTING AT IS A DIRECTION TO LOOK
24 AT YOUR BUILDING CODES AND YOUR ZONING CODES AND
25 ORDINANCES AND ACTUALLY WORK WITH PLANNING AND THE

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1 ARCHITECTURAL COMMUNITY TO GET THEM TO START INCLUDING IN
2 THEIR DESIGN. IT'S OBVIOUSLY EASIER TO DO IT FIRST WITH
3 NEW CONSTRUCTION THAN RETROFIT FOR EXISTING.

4 BUT, YOU KNOW, IF YOU ARE GOING TO DESIGN A
5 SHOPPING CENTER, THE WAY THEY DO IT NOW IS THEY'LL PUT,
6 YOU KNOW, 20 SQUARE FEET OVER HERE FOR THE GARBAGE
7 DUMPSTERS. AND IF YOU WANT TO GO IN AND RETROFIT A
8 CARDBOARD COLLECTION PROGRAM, WHERE ARE WE GOING TO PUT
9 IT? WE DON'T HAVE THE ROOM BECAUSE ALL THE REST OF THE
10 PLACE IS TAKEN UP FOR PARKING SPACES.

11 YOU KNOW, WHAT WE'RE TRYING TO GET AT IS TO
12 ASK THEM TO DESIGN IN THE SEPARATE AREA -- AN AREA FOR
13 SEPARATE STORAGE OF RECOVERABLES, FOR RECYCLABLE
14 MATERIAL, AND THAT WOULD GO FOR BOTH SITE DESIGN AND ALSO
15 DESIGN WITHIN THE BUILDING.

16 SO THAT'S HOW I WOULD INTERPRET TO THIS
17 PARTICULAR PARAGRAPH, AND THAT'S WHY I THINK THAT IT'S
18 IMPORTANT.

19 CHAIRMAN GALLAGHER: EXCUSE ME.

20 BOARD MEMBER VARNER: MR. CHAIRMAN. I'D LIKE TO
21 ASK YOU A QUESTION ON THAT. IF YOU USED A SHOPPING
22 CENTER AS AN EXAMPLE, YOU WOULD HAVE TO ANTICIPATE
23 FOREVER AND EVER WHAT KIND OF BUSINESSES WERE GOING TO GO
24 IN THERE BECAUSE SOME MIGHT REQUIRE A GREAT DEAL MORE
25 SPACE THAN OTHERS. SO HOW COULD YOU ACCOMMODATE THAT?

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1 THAT SEEMS TO ME TO BE AN IMPONDERABLE THERE.

2 MR. DEGRASEN: WELL, SANDAG IS CONDUCTING A
3 STUDY NOW TO DEVELOP SOME STANDARDS TO ADDRESS THE ISSUE
4 OF HOW MUCH ROOM IS NEEDED FOR SEPARATE STORAGE OF
5 RECOVERABLE MATERIALS, NO. 1.

6 NO. 2, EVEN IF, YOU KNOW, ON A REAL
7 SIMPLISTIC BASIS, YOU SAID IN YOUR DESIGN CRITERIA SET
8 ASIDE, YOU KNOW, 24 SQUARE FEET TO BE USED EXCLUSIVELY
9 FOR STORAGE OF RECYCLABLE MATERIALS, AT LEAST THERE WOULD
10 BE SOME ROOM THERE.

11 BOARD MEMBER VARNER: YEAH. BUT THE GUY THAT
12 WOULD BE DEVELOPING THIS THING, TO RENT IT OUT, HE MIGHT
13 HAVE ONE CUSTOMER THAT WOULD NEED HARDLY ANY SPACE AND
14 ANOTHER ONE THAT MIGHT NEED THREE TIMES THAT MUCH.
15 THAT'S WHAT I'M TRYING TO GET AT. YOU CREATE A
16 DEVELOPMENTAL NIGHTMARE AS FAR AS I CAN SEE.

17 MR. DEGRASEN: WELL, I'M NOT SAYING THAT IT
18 WOULD HAVE TO BE TIED TO EACH USE OF THE SHOPPING CENTER.
19 A SHOPPING -- WITH A SHOPPING CENTER, YOU KNOW, I THINK
20 YOU COULD HAVE A COMMON AREA LIKE THEY DO IN A LOT OF
21 PLACES.

22 BOARD MEMBER VARNER: IN ANY KIND OF A
23 DEVELOPMENTAL THING, THEN YOU WOULD HAVE TO DEVELOP IT
24 FOR ONE PURPOSE AND NEVER EVER USE IT FOR ANYTHING ELSE.

25 MR. DEGRASEN: THAT'S RIGHT. AND THAT WOULD

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1 FACILITATE THE RECOVERY OF THE MATERIAL.

2 BOARD MEMBER MOSCONE: UNDER LOCK AND KEY.

3 MR. DEGRASEN: IF YOU NEED TO, YEAH. I'M NOT
4 PRETENDING TO HAVE ALL THE SPECIFIC ANSWERS TO THAT. I'M
5 JUST MAKING THE POINT THAT ONE OF THE PROBLEMS THAT WE
6 FACED IN -- PARTICULARLY WITH COMMERCIAL RECOVERY,
7 COMMERCIAL RECYCLING, IS THE ABILITY OF BUSINESSES TO
8 HAVE AN AREA WHERE THEY CAN PUT THE TWO-YARD DUMPSTER
9 THAT'S GOING TO HOLD ONLY CARDBOARD.

10 BOARD MEMBER VARNER: LET ME PUT IT A DIFFERENT
11 WAY. A GUY WOULD DEVELOP A BUILDING FOR A SPECIFIC
12 PURPOSE AND THAT PARTICULAR BUSINESS WOULD, SAY, GO OUT
13 OF EXISTENCE, HE COULD NEVER USE THE BLOODY THING FOR
14 ANYTHING ELSE.

15 MR. DEGRASEN: SURE, HE COULD. HE'S GOT THE
16 BUILDING. HE'S GOT THE PARKING LOT. HE'S GOT, YOU KNOW,
17 24 SQUARE FEET OVER HERE THAT HOLDS HIS GARBAGE DUMPSTERS
18 AND HE'S GOT 24 SQUARE FEET OVER HERE THAT HOLDS HIS
19 RECYCLING DUMPSTERS.

20 ON PAGE 34 UNDER 17136.4, AGAIN, THIS GOES
21 BACK TO THE POINT I MADE EARLIER ABOUT END USERS. UNDER
22 PARAGRAPH A, IT SAYS THE COMPOSTING COMPONENT SHALL
23 IDENTIFY THE BUYERS. I THINK THAT SHOULD SAY THE END
24 USERS BECAUSE IN SOME CASES YOU WON'T BE ACTUALLY SELLING
25 THE COMPOST, YOU WILL BE -- PUBLIC AGENCY MAY BE GIVING



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1 IT TO ANOTHER PUBLIC AGENCY TO USE.

2 ON PAGE 35. FOR THE -- MY LAST COMMENT.
3 FOR THE HOUSEHOLD HAZARDOUS WASTE COMPONENT, I WOULD JUST
4 ASK THAT THIS BE CONSISTENT WITH ALL THE WORK THAT WE'VE
5 DONE THROUGH THE TANNER BILL. OUR TANNER PLAN DEVELOPED
6 PROGRAMS AND POLICIES AND IMPLEMENTATION SCHEDULES AND
7 EXISTING CONDITIONS AND ETC., ETC., FOR HOUSEHOLD
8 HAZARDOUS WASTE; AND, YOU KNOW, I WOULD LIKE TO BE ABLE
9 TO USE THAT INFORMATION RATHER THAN HAVE TO GO OUT AND DO
10 IT ALL OVER AGAIN. THANK YOU VERY MUCH.

11 CHAIRMAN GALLAGHER: THANK YOU AGAIN FOR YOUR
12 COMMENTS. BEFORE YOU LEAVE, LET ME ASK YOU A QUESTION ON
13 THE SUBJECT THAT MR. VARNER STARTED TO EXPLORE WITH YOU.

14 THIS BOARD HAS BEEN CRITICAL IN THE PAST OF
15 DEVELOPERS DEVELOPING SINGLE-FAMILY DWELLINGS,
16 CONDOMINIUMS, APARTMENT HOUSES BECAUSE THEY DID NOT TAKE
17 INTO ACCOUNT RECYCLABILITY OF MATERIAL THAT WAS BEING
18 GENERATED IN THOSE HOMES.

19 WOULD YOU SETTLE FOR THE IDEA THAT
20 BUILDERS, DEVELOPERS, DESIGNERS BE ENCOURAGED TO CONSIDER
21 RECYCLING WHEN THEY DESIGN A BUILDING AND ALLOW FOR IT TO
22 BE ACCOMPLISHED?

23 MR. DEGRASEN: WELL, I CERTAINLY WOULD WANT TO
24 WORK WITH THE BUILDING COMMUNITY TO DO THAT. IN THE
25 SANTA CRUZ COUNTY ZONING ORDINANCE, IN OUR COMMERCIAL AND



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1 RESIDENTIAL -- WELL, ACTUALLY COMMERCIAL AND INDUSTRIAL
2 DESIGN CRITERIA. YOU KNOW, WE HAVE A REQUIREMENT THAT WAS
3 WRITTEN IN SIX YEARS AGO AND IT'S PRETTY CRUDE, BUT IT
4 BASICALLY SAYS, YOU KNOW, THE DESIGN CRITERIA LISTS
5 EVERYTHING YOU'RE GOING TO DO, THE SIZE OF THE PARKING
6 SPACES, THE NUMBER OF PARKING SPACES, ALL THAT KIND OF
7 STUFF. AND YOU SET ASIDE, YOU KNOW, AN ENCLOSED AREA FOR
8 REFUSE DISPOSAL CONTAINERS.

9 WE'VE GOT ONE THAT SAYS INCLUDE AN AREA --
10 AND I THINK OURS IS SIX BY THREE AND A HALF FEET, AND
11 THEY CHOSE THAT, I THINK, BECAUSE THAT WAS THE SIZE OF A
12 STANDARD TWO-YARD DUMPSTER OR SOMETHING -- FOR THE
13 SEPARATE STORAGE OF RECYCLABLE MATERIAL.

14 I REALLY DON'T THINK THAT'S TOO MUCH TO ASK
15 FOR THEM. AND IT'S SOMETHING THAT CERTAINLY -- YOU KNOW,
16 IT'S NOT GOING TO WORK IF IT'S JUST, YOU KNOW, MANDATED.
17 IT'S GOT TO BE SOMETHING WHERE THE REGULATORY COMMUNITY
18 AND THE DEVELOPMENT COMMUNITY WORK TOGETHER TO WORK OUT
19 THE STANDARDS THAT WORK.

20 CHAIRMAN GALLAGHER: MS. BREMBERG.

21 BOARD MEMBER BREMBERG: WELL, THE CITY OF
22 GLENDALE REQUIRES RECYCLING AREAS THAT -- ON ALL
23 RESIDENTIAL, MULTIFAMILY, SO FORTH DEVELOPMENT. HOWEVER,
24 WHEN YOU START TELLING ME THAT WE SHOULD GO INTO FORCING
25 PEOPLE TO RETROFIT, I SUGGEST YOU SEND US MONEY BECAUSE

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1 WE'RE GOING TO BE UP THE WAZOO IN LAWSUITS WHEN YOU TELL
2 AN OWNER THAT HE'S GOT TO TAKE AWAY AN APARTMENT BEDROOM
3 IN ORDER TO PUT IN A RETROFITTED RECYCLING CONTAINER OR
4 TAKE AWAY TWO PARKING SPACES TO HAVE ONE CONTAINER WHICH
5 WILL HAVE CONTAMINATED RECYCLABLES IN IT.

6 BECAUSE THE OLDER APARTMENTS, PARTICULARLY,
7 UNTIL AND UNLESS EVERYONE IN THE WORLD UNDERSTANDS THAT
8 YOU DON'T THROW HALF-FILLED SODA POP CANS IN ON TOP OF
9 WHITE PAPER AND ON TOP OF NEWSPRINT, YOU ARE -- ALL YOU
10 ARE DOING IS TAKING INTERESTING LOADS TO THE LANDFILL OR
11 TO THE INCINERATOR OR TO THE SIDE ROAD WHERE YOU'RE A
12 MIDNIGHT DUMPER.

13 I DON'T CARE. IT IS NOT A FEASIBLE OR
14 PRACTICABLE USE OF REGULATORY POWER TO -- I MEAN, IT
15 SOUNDS TO ME LIKE YOU EXPECT EVERY LOCAL OFFICIAL, EVERY
16 COUNTY OFFICIAL -- AND ACCORDING TO MR. BROWN, THEY DON'T
17 COUNT AT ALL, JUST GET WHIPS AND CHAINS AND BRING
18 EVERYBODY TO THEIR KNEES ON THE ALTER OF SAYING WE JUST
19 RECYCLED 50 PERCENT OF WHAT, TO WHOM, AND HOW?

20 YOU KNOW, THESE ARE FAIRLY REASONABLE. IF
21 YOU WANT TO GET REALLY SPECIFIC AND BANKRUPT LOCAL
22 GOVERNMENTS, GO RIGHT AHEAD, BUT WOULD YOU JUST PLEASE
23 SEND US ABOUT A MILLION DOLLARS, AND WE'LL JUST TELL ALL
24 THE APARTMENT OWNERS THEY GOT TO RETROFIT AND PUT IN
25 SEPARATE CONTAINERS FOR RECYCLABLES.

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1 BOARD MEMBER LOCKINGTON: MR. CHAIRMAN.

2 CHAIRMAN GALLAGHER: YES, MR. LOCKINGTON.

3 BOARD MEMBER LOCKINGTON: I DON'T THINK THAT WAS
4 EVER THE INTENT OF THE PEOPLE WHO PUT THIS BILL IN PLACE.

5 BOARD MEMBER BREMBERG: I DON'T EITHER.

6 MR. DEGRASEN: THAT'S NOT MY INTENT.

7 BOARD MEMBER LOCKINGTON: YOU HAVE A LOCAL
8 PLANNING COMMISSION AND YOU HAVE GUIDELINES. I DOUBT
9 VERY MUCH IF WE GO TOO FAR, IF THE PENDULUM ISN'T GOING
10 TO SWING, AND THE LEGISLATORS ARE GOING TO BE ASKING US
11 WHAT THE HELL WE'RE DOING. BECAUSE THAT CERTAINLY, FROM
12 MY READING OF 939, THEY WANT TO LEAVE THAT AS A LOCAL
13 PURVIEW.

14 THE LOCAL COMMUNITIES HAVE TO DETERMINE HOW
15 THEY'RE GOING TO MAKE THESE NUMBERS. WE MAY GIVE THEM
16 SOME SUGGESTIONS, BUT I SUGGEST THAT THAT'S WHAT THEY BE,
17 SUGGESTIONS.

18 MR. DEGRASEN: AND THAT'S WHAT I'M SUGGESTING.

19 MS. MORRISON: IF I CAN CLARIFY, THIS PARTICULAR
20 SECTION IS UNDER ALTERNATIVES FOR RECYCLING PROGRAMS, AND
21 IT DOES COME DIRECTLY FROM THE STATUTE SECTION 41075,
22 WHEREIN IT SUGGESTS ZONING AND BUILDING CODE CHANGES
23 WHICH ENCOURAGE RECYCLING OF MATERIALS. THAT'S WHY IT IS
24 INCLUDED AS AN ALTERNATIVE. NOT A MANDATE.

25 BOARD MEMBER MOSCONE: MR. CHAIRMAN.



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1 CHAIRMAN GALLAGHER: YES, MR. MOSCONE.

2 BOARD MEMBER MOSCONE: THAT COULD PROBABLY BE
3 IMPLEMENTED IN THE CASE OF NEW BUILDINGS, BUT IN OLD
4 BUILDINGS IT'S GOING TO BE HARD TO DO. BECAUSE I
5 REMEMBER -- I'M TALKING ABOUT SAN FRANCISCO -- SOME OF
6 THOSE TALL OFFICE BUILDINGS DOWN THERE, THEY DIDN'T
7 PROVIDE ANY SPACE FOR THE GARBAGE THAT CAME OUT OF THE
8 BUILDING. ALL THEY SAID WAS AT NIGHT THE JANITOR
9 SERVICES THE BUILDING. YOU PUT IT OUTSIDE THERE IN THE
10 PARKING LOT OR THE SERVICE -- TRUCKS COME IN AND UNLOAD
11 AND THEN THE GARBAGE TRUCK COMES IN 2, 3, 1 O'CLOCK IN
12 THE MORNING AND TAKES IT AWAY. THEY WON'T EVEN PUT A
13 CONTAINER THERE.

14 IN SOME BUILDINGS, THEY WERE REQUIRED TO
15 PUT A COMPACTOR IN THERE. SO WHAT HAPPENS WHEN YOU PUT A
16 COMPACTOR IN? THEY LOSE PARKING SPACE AND THEN THE FIRST
17 THING YOU KNOW IT'S NOT SORTED. SWILL AND EVERYTHING
18 ELSE GOES INTO THAT COMPACTOR AND JUST FORGET ABOUT
19 RECYCLING. THEY JUST WON'T GIVE YOU THE SPACE.

20 MR. DEGRASEN: THAT'S WHY IT NEEDS -- I BELIEVE
21 THAT RETROFIT IS POSSIBLE. IT'S NOT EASY AND IT'S GOT TO
22 BE DONE VERY CAREFULLY. AND I THINK THAT THAT'S WHY IT
23 HAS TO BE -- I DON'T THINK IT CAN BE A MANDATE. IT'S GOT
24 TO BE SOMETHING THAT, YOU KNOW, THE REGULATORY
25 COMMUNITY -- I MEAN, MYSELF SPEAKING AS A PLANNER, WE

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1 CAN'T JUST GO OUT AND SAY YOU GOT TO DO IT. YOU KNOW,
 2 WE'VE GOT TO WORK WITH THE BUILDING COMMUNITY AND THE
 3 ARCHITECTURAL COMMUNITY TO FIGURE OUT A WAY THAT IT CAN
 4 WORK. AND MAYBE IT WON'T. IN SOME PLACES IT JUST DON'T
 5 WORK. SOMEPLACES MAYBE --

6 CHAIRMAN GALLAGHER: I JUST MADE A COUPLE OF
 7 CHANGES IN THE LANGUAGE THAT WE HAVE PRESENTED TO YOU.
 8 SEE IF THIS WOULD SATISFY YOU: "LOCAL JURISDICTIONS
 9 SHALL BE ENCOURAGED TO CONSIDER CHANGING ZONING AND
 10 BUILDING CODE PRACTICES TO ENCOURAGE RECYCLING OF SOLID
 11 WASTE."

12 MR. DEGRASEN: YEAH. I MEAN, IT'S GOING TO BE
 13 UP TO THE LOCALS WHETHER THEY CHOOSE TO DO IT OR NOT, BUT
 14 I THINK THE MORE ENCOURAGEMENT WE CAN GIVE TO THEM THE
 15 BETTER.

16 CHAIRMAN GALLAGHER: THANK YOU AGAIN, SIR.

17 MR. TOM WALTERS.

18 MR. WALTERS: GOOD AFTERNOON. TOM WALTERS WITH
 19 WASTE MANAGEMENT. IN OUR REVIEW OF THE EMERGENCY
 20 REGULATIONS, A COMMENT WAS MADE AMONG OUR GROUP THAT IT
 21 EQUATES TO WHAT, I GUESS, WOULD BE EQUAL TO TRYING TO
 22 REVISE THE INTERNAL REVENUE TAX CODE IN ABOUT SIX WEEKS.
 23 IT'S A REAL HERCULEAN TASK THAT YOUR STAFF AND BOARD HAVE
 24 UNDERTAKEN, AND I WANT TO COMPLIMENT YOU ON THE DETAIL
 25 AND THE THOROUGHNESS AND THE EXPEDIENCY IN WHICH YOU'VE

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1 ADDRESSED THE ISSUE, AND ALSO FOR ALLOWING ALL OF US IN
2 THIS ROOM TO MAKE COMMENTS AND BE SO WELL RECEIVED.

3 I WOULD LIKE TO COMMENT ON THE OVERALL
4 DIRECTION THAT WE BELIEVE THE BOARD SHOULD TAKE TO ENSURE
5 THE INTENT OF 939, AND WE WILL HAVE WRITTEN COMMENTS
6 SPECIFICALLY FOLLOWING UP ON SOME OF THE POINTS IN THE
7 REGS.

8 WE'RE CONCERNED THAT MOST CITIES AND
9 COUNTIES WILL HAVE AN EXTREMELY DIFFICULT TIME COMPLYING
10 WITH THE REGULATIONS. AND MOSTLY BECAUSE THEY'RE GOING
11 TO BE HARD-PRESSED TO FULLY IMPLEMENT THE REGS AS THEY
12 SEEM TO BE LAID OUT AT THIS TIME.

13 THEY ARE EXTRAORDINARILY DETAILED AND
14 COMPLEX, SEEM VERY PRESCRIPTIVE, REQUIRING A LOT OF
15 DETAILED STUDIES AND ANALYSIS THAT WE ARE CONCERNED MAYBE
16 WILL NOT BE ESSENTIAL TO ACHIEVE THE INITIAL GOAL, WHICH
17 IS ESTABLISHING SOME MEANINGFUL RECYCLING PROGRAMS.

18 IN 939, IT APPEARS THAT THE TERMINOLOGY OF
19 REGULATIONS AND GUIDELINES ARE INTERCHANGEABLE. I THINK
20 THE LOCAL AGENCIES AND OURSELVES NEED SOME CLEAR-CUT
21 DEFINITIONS OF UNDERSTANDABLE GUIDELINES TO HELP THEM
22 ACHIEVE THE GOALS OF 939. I THINK THEY NEED THE
23 FLEXIBILITY AND THE LATITUDE TO DETERMINE WHICH WILL WORK
24 FOR BEST IN EACH LOCAL COMMUNITY. AND I THINK IF THE
25 GUIDELINES ARE THERE, AT LEAST, INITIALLY, THAT YOU WILL

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1 FIND THAT THE LOCAL COMMUNITIES WILL RESPOND VERY
2 INNOVATIVELY AND CREATIVELY, AND YOU WILL FIND THAT
3 THEY'RE IN THE SPIRIT OF THE LAW AND THE SPIRIT OF
4 RECYCLING, THAT YOU WILL FIND A LOT OF GOOD ITEMS COMING
5 BACK TO YOU THAT WILL HELP YOU PROMULGATE SOME VERY
6 DEFINITE HARD, FAST RULES AS A RESULT OF GUIDELINES THAT
7 YOU ALLOW THEM TO FUNCTION UNDER.

8 IN REVIEWING THEM, WE FEEL THAT THE
9 12-MONTH WASTE CHARACTERIZATION STUDY IS SOMETHING THAT
10 NEEDS A LITTLE FURTHER DEFINITION AS TO WHAT ITS INTENT
11 IS AND APPEARS TO BE VERY COSTLY TO LOCAL GOVERNMENTS AND
12 VERY TIME-CONSUMING.

13 NORMALLY, IN ORDER TO GET SOME, IF YOU
14 WILL, QUICK AND DIRTY ANALYSIS OR CHARACTERIZATIONS, YOU
15 EITHER GO OUT AND WORK ON IT BEHIND A GARBAGE TRUCK OR
16 ASK A PERSON THAT'S DOING IT FOR A COUPLE OF WEEKS AND
17 YOU'LL KNOW PRETTY MUCH WHAT FITS IN THAT AREA. THAT'S
18 NOT AN EXACT SCIENCE, BUT IT'S ENOUGH TO GET YOU STARTED,
19 AND MOST OF THAT KNOWLEDGE EXISTS IN THE FIELD.

20 AGAIN, GOING BACK TO THE SPIRIT OF THE LAW,
21 AND I THINK IT'S TESTIFIED IN THIS ROOM THE COOPERATION
22 THAT'S HERE, THAT YOU WILL GET THE GOALS WITH GUIDELINES
23 AND ENCOURAGEMENT; AND AS YOU GO ALONG, YOU'LL DEVELOP
24 THE SPECIFIC STUDIES RATHER THAN UP FRONT.

25 THE 20-YEAR EXTRAPOLATION PROCESS SEEMS



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1 EXCESSIVE TO THE IMMEDIATE TASK. AND, AGAIN, THAT
2 IMMEDIATE TASK IS TO GET SOME RECYCLING PROGRAMS OFF THE
3 GROUND AND RUNNING. THE ALTERNATIVE EVALUATION SEEMS TO
4 CONSTITUTE WHAT AMOUNTS TO A MINI EIR AND MAY BE
5 TIME-CONSUMING AND, AGAIN, DIVERT THE ATTENTION AND
6 ENERGIES AWAY FROM THE MAIN GOAL OF ACHIEVING RECYCLING
7 PROGRAMS.

8 THE SOURCE REDUCTION COMPONENTS SEEM TO BE
9 EXHAUSTIVE AND PRESCRIPTIVE, REQUIRING THE LOCAL AGENCIES
10 TO STUDY THE REPAIRABILITY OF THE PRODUCTS AND THE
11 REDUCTION OF YARD WASTE. IT MAY NOT BE THE BEST USE OF
12 LOCAL GOVERNMENT'S TIME, INITIALLY, IN THIS PROCESS.

13 THESE REGULATIONS DO MARK THE BEGINNING OF
14 A VERY EXCITING AND COMPREHENSIVE AREA IN WASTE
15 MANAGEMENT PLANNING, AND WE NEED TO DO EVERYTHING THAT WE
16 CAN DO TO HELP THE LOCAL AGENCIES TO IMPLEMENT WHAT WE
17 THINK IS ONE OF THE MOST AGGRESSIVE AND MEANINGFUL,
18 FAR-REACHING RECYCLING PROGRAMS. I THINK THAT IS BEST
19 ACCOMPLISHED THROUGH CLEAR AND UNDERSTANDABLE GUIDELINES,
20 A MINIMUM NUMBER OF HIGHLY PRESCRIPTIVE REQUIREMENTS, AT
21 THIS TIME.

22 PREFERABLY, PERFORMANCE GOALS SHOULD BE
23 ENUNCIATED THAT, ONE, YOU RECYCLE 25 PERCENT BY 1995 WITH
24 A GOAL OF 50 PERCENT BY THE YEAR 2000. THERE ARE VERY
25 SERIOUS AND SEVERE PENALTIES FOR FAILING TO MEET THESE

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1 GOALS IN CASE THERE ARE COMMUNITIES THAT AREN'T WITH THE
2 SPIRIT OF THE INTENT.

3 SO I THINK WHAT WE ARE ENCOURAGING IS TO
4 DEVELOP GUIDELINES TO HELP THE LOCAL COMMUNITIES
5 DETERMINE WHAT COUNTS TOWARDS RECYCLING, THE BEST AND
6 MOST ECONOMICAL WAY TO CHARACTERIZE THEIR WASTESTREAM,
7 AND THE BEST WAY TO ENCOURAGE SOURCE REDUCTION, GIVEN THE
8 LIMITED TOOLS THAT LOCAL GOVERNMENT HAS TO DEAL WITH,
9 MANUFACTURING PRODUCTS AND BANS AND WHATNOT.

10 FOURTHLY, HOW TO FIND NEW MARKETS IN THOSE
11 COMMUNITIES. I THINK WE SHOULD FOCUS ON THE ASSISTANCE
12 AND GUIDELINES AND LESS ON MANDATED STUDIES, ANALYSIS,
13 AND DETAILED ENVIRONMENTAL ASSESSMENTS. HOW MUCH CAN WE
14 REALLY DO IN 12, 14, 18 MONTHS? OUR IMMEDIATE GOAL IS
15 NOT FOR PERFECT INTEGRATED WASTE MANAGEMENT PLAN THAT
16 IDENTIFIES EVERY CONCEIVABLE TYPE AND QUANTITY OF WASTE,
17 BUT THE IMMEDIATE GOAL SHOULD BE TO HELP EVERY CITY AND
18 COUNTY TO MEET THE AMBITIOUS AND ACHIEVABLE GOALS THAT
19 ARE REQUIRED BY THIS LEGISLATION.

20 AGAIN, COMPLIMENT YOU FOR ENCOURAGING THE
21 DIALOGUE FROM ALL OF YOUR STAFF. I BELIEVE THE MAJORITY
22 HAVE THE INTENT OF DOING A GOOD JOB IN COMPLYING WITH THE
23 SPIRIT OF THIS LAW. I BELIEVE IF YOU LET THE CITIES AND
24 COUNTIES RUN WITH THIS WITH SOME GOOD GUIDELINES, THAT
25 THEY'LL COME BACK WITH SOME VERY INNOVATIVE, MEANINGFUL

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1 PROGRAMS FOR YOU.

2 WE HAVE. WITH WASTE MANAGEMENT, WE SERVE
3 SOME 85 COMMUNITIES IN CALIFORNIA, AND WE WILL BE WORKING
4 VERY DILIGENTLY WITH THEM TO TRY AND ACCOMPLISH THIS GOAL
5 IN A MEANINGFUL AND EFFECTIVE MANNER.

6 SO THANK YOU FOR HEARING US OUT. THERE
7 WILL BE SOME WRITTEN COMMENTS LATER.

8 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

9 CHAIRMAN GALLAGHER: THANK YOU.

10 MS. BREMBERG.

11 BOARD MEMBER BREMBERG: I WAS GOING TO ASK YOU
12 BECAUSE I KNOW IN LOS ANGELES COUNTY YOU HAVE CONTRACTS
13 WITH SOME OF THE CITIES WHERE YOU ARE THE SOLE SOURCE
14 COLLECTOR AND DISPOSER AND SO FORTH IN A COMMUNITY THAT
15 HAS NEITHER A PUBLIC WORKS DEPARTMENT NOR A LANDFILL.

16 ARE YOU, THEN, GOING TO CONTRACT WITH THOSE
17 CITIES FOR A PRICE TO PREPARE THAT LOCAL COMMUNITY'S PLAN
18 WHERE THEY HAVE ABSOLUTELY NO ONE WITHIN THE COMMUNITY ON
19 THE PUBLIC PAYROLL WHO WOULD BE CAPABLE OF PREPARING WHAT
20 IS REQUIRED BY 939?

21 MR. WALTERS: MS. BREMBERG, WE'RE NOT IN THE
22 CONSULTING BUSINESS AND WE DON'T WANT TO BE, BUT WE WILL
23 ASSIST AND MAKE OURSELVES AVAILABLE. WE CAN GUIDE. WE
24 HAVE EXPERIENCE THAT WE CAN LEND TO THE PROGRAM, AND THAT
25 WE'VE DONE IN OTHER COMMUNITIES THAT WOULD BE APPLICABLE,

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1 AND WE'LL CERTAINLY PARTICIPATE AND SUGGEST AND TRY TO
2 SHOW THEM HOW WE CAN DO IT. WE KNOW THE COMPOSITION
3 PRETTY WELL, AND WE THINK WE CAN GIVE THEM SOMETHING
4 MEANINGFUL FOR EACH COMMUNITY. THOUGH, WE DO NOT INTEND,
5 SPECIFICALLY, TO WRITE THE PROGRAM FOR THEM.

6 BOARD MEMBER BREMBERG: WELL, THE REASON I'M
7 ASKING THAT QUESTION AND THE WAY I ASKED IT THE WAY I DID
8 IS THAT THE CITY OF GLENDALE RECEIVED TWO LETTERS FROM
9 FIRMS THAT LISTED THEMSELVES AS SUBSIDIARIES OF WASTE
10 MANAGEMENT, INC., VOLUNTEERING THEIR SERVICES TO WRITE
11 OUR PLAN.

12 MR. WALTERS: I DRAFTED THE LETTER, MS.
13 BREMBERG, AND THAT WAS NOT THE INTENT. IF IT IMPLIES
14 THAT, IT'S BECAUSE IT MAY HAVE BEEN SCRIPTED BY THE LOCAL
15 MANAGER THAT MAY HAVE SENT IT.

16 AGAIN, WE'RE NOT IN THE CONSULTING
17 BUSINESS: WE WILL ASSIST. WE THINK WE CAN BRING
18 SOMETHING TO THE TABLE TO HELP THE COMMUNITIES ACHIEVE
19 THE GOALS AND THE INTENT OF 939 THAT WILL HELP THEM PUT
20 TOGETHER THEIR PLAN, BUT WE DO NOT HAVE ANY INTENTION OF
21 WRITING THE PLANS.

22 BOARD MEMBER BREMBERG: THEN I SUGGEST YOU GO
23 FIND THOSE LETTERS AND REDO THEM BECAUSE IT CERTAINLY
24 INDICATED THAT WASTE MANAGEMENT WAS GOING INTO THE
25 CONSULTING BUSINESS AND OFFERING, FOR A FEE, TO WRITE THE

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LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997



Barristers'
reporting service

1 939 PLANS. AND YOU WASTED YOUR POSTAGE WRITING TO
2 GLENDALE BECAUSE WE DO HAVE A BIG DEPARTMENT, AND I
3 UNDERSTAND YOU JUST SENT IT TO ALL THE CITIES.

4 BUT I WOULD GO BACK AND REDRAFT THAT LETTER
5 BECAUSE AT THE L.A. DIVISION OF THE LEAGUE OF CITIES,
6 SEVERAL CITIES WERE TALKING ABOUT GETTING YOUR LETTER AND
7 WONDERING WHEN YOU, AS THE CORPORATION, HAD GONE INTO THE
8 CONSULTING BUSINESS, AS WELL AS THE OTHER ASPECTS OF
9 WASTE MANAGEMENT.

10 MR. WALTERS: THANK YOU FOR BRINGING THAT TO MY
11 ATTENTION. I WOULD LIKE COPIES OF THAT LETTER IF YOU
12 CAN --

13 BOARD MEMBER BREMBERG: I THREW IT AWAY.

14 MR. WALTERS: GLENDALE IS THE COMMUNITY.
15 PERHAPS GLENDALE WILL HAVE IT.

16 THE INTENT, AGAIN, WAS NOT IN THAT
17 DIRECTION. WE ONLY SENT IT TO OUR CONTRACT CITIES, NOT A
18 SHOTGUN TO SOLICIT BUSINESS FROM ANYBODY, BUT --

19 BOARD MEMBER BREMBERG: WELL, IT CAME ADDRESSED
20 TO ME AS A COUNCILMEMBER AND THE MAYOR AND THE OTHER
21 COUNCILMEMBERS.

22 MR. WALTERS: I NEED TO SEE IT BECAUSE THAT WAS
23 NOT THE --

24 BOARD MEMBER BREMBERG: I REPEAT. I THREW IT
25 AWAY BECAUSE I --



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1 MR. WALTERS: I BELIEVE YOU. I JUST NEED TO SEE
2 IT.

3 CHAIRMAN GALLAGHER: I HAVE TO CALL TIME OUT
4 HERE ANYWAY BECAUSE IT'S GOT TO BE ON THE RECORD AND
5 WE'RE ABOUT TO RUN OUT OF PAPER.

6 WE HAVE TO TAKE A BREAK FOR OUR RECORDER.
7 WE WILL RECONVENE AT A QUARTER TO THREE FOR THE BALANCE
8 OF THE TESTIMONY.

9 (A BREAK WAS TAKEN.)

10 CHAIRMAN GALLAGHER: PLEASE BRING THE MEETING
11 BACK TO ORDER, PLEASE.

12 THE NEXT PERSON WHO WISHED TO GIVE
13 TESTIMONY WAS DENNIS SHULER. IS MR. SHULER AVAILABLE?

14 MR. SHULER: MY NAME IS DENNIS SHULER. I
15 REPRESENT STANISLAUS COUNTY. I WANT TO THANK YOU FOR THE
16 OPPORTUNITY TO SPEAK THIS AFTERNOON.

17 ONLY RECEIVED A COPY OF THE REGULATIONS
18 MONDAY AFTERNOON, SO I REALLY HAVEN'T HAD A CHANCE TO GO
19 THROUGH IN THE DETAIL THAT SOME OF THE SPEAKERS HAVE, BUT
20 I WOULD LIKE TO RESERVE THE ABILITY TO SEND SOME COMMENTS
21 IN IN WRITING.

22 I DO WANT TO SPEAK TO AN ISSUE THAT CAME
23 ABOUT THIS MORNING WHICH WAS IN RELATIONSHIP TO SOLID
24 WASTE DIVERSION AND KIND OF WANTED MAYBE SOME DIRECTION
25 FROM STAFF.

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1 IN THE EARLY 1970S OUR COUNTY RECOGNIZED A
2 NEED TO SAVE AND CONSERVE LANDFILL SPACE. AND ONE OF THE
3 LARGEST INDUSTRIES IN OUR COUNTY WAS APPROACHED TO SEE IF
4 WE COULDN'T DIVERT A VERY LARGE WASTESTREAM TO ENABLE US
5 TO DO THAT. AND TO ENCOURAGE THIS, WE, ACTING AS THE
6 LEA, DECIDED TO PHASE OUT THE ABILITY OF LANDFILLING THIS
7 PARTICULAR WASTESTREAM. AND SO THROUGH A PERIOD OF TIME,
8 WE, THROUGH PERMITTING PROCESSES, PHASED THAT OUT. AND
9 IN THAT TIME FRAME, WE ALSO DEVELOPED A PROGRAM TO -- FOR
10 ALTERNATIVE USES OF THIS WASTESTREAM. AS OF LAST YEAR,
11 WE'RE DIVERTING APPROXIMATELY A QUARTER MILLION TONS OF
12 WASTE.

13 DUE TO THE SUCCESS, NO FACILITY --
14 PERMITTED FACILITY IN OUR COUNTY WILL ACCEPT THIS
15 MATERIAL. AND IT APPEARS BECAUSE WE WERE FORESIGHTED
16 ENOUGH TO DO THIS PROGRAM, THE REGULATIONS WOULD LEAVE
17 THIS COMPONENT UNRECOGNIZED IN THE DIVERSION.

18 I THINK WHAT I'D RATHER LIKE TO SUGGEST
19 THAT WE BE ALLOWED TO REPORT AND CREDIT THAT TYPE OF
20 DIVERSION AND THEN TO ESTABLISH REASONABLE GOALS FOR THE
21 REMAINING WASTESTREAM WITHIN OUR COUNTY, NOT TO ATTEMPT
22 TO BYPASS THE NEED FOR US TO CONTINUE TO RECYCLE AND
23 DIVERT OR PRODUCE SOURCE REDUCTION GOALS, BUT JUST FOR
24 THE SHEAR KNOWLEDGE THAT WE DID, IN FACT, TAKE A
25 WASTESTREAM. WE FOUND IT -- FOUND ANOTHER MEANS OF

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barristers'
reporting service

1 DEALING WITH IT. AND WE ACCOMPLISHED THAT. I FEEL IT'S
2 IMPORTANT THAT IN DEALING WITH THE COMMUNITY AND DEALING
3 WITH PUBLIC LEADERS, THAT THAT KIND OF KNOWLEDGE IS
4 APPARENT AND IT'S BROUGHT OUT BEFORE THE PUBLIC.

5 I THINK -- I AGREE WITH SOME OF THE
6 SPEAKERS IN TERMS OF THE INTENT OF THE STATUTE, I THINK,
7 HAS BEEN EXCEEDED IN A COUPLE AREAS IN TERMS OF THE
8 DETAIL BEING REQUESTED AND THE VALIDITY OF SOME OF THE
9 INFORMATION THAT'S BEING REQUESTED. I DON'T SEE WHERE
10 SOME OF THE DOCUMENTATION THAT'S BEING REQUESTED
11 TRANSLATES INTO THE INTENT OF THE LAW, WHICH WAS REALLY
12 TO DEAL BETTER WITH OUR SOLID WASTE.

13 I DEFER TO THOSE THAT HAVE HAD AN
14 OPPORTUNITY TO REVIEW IT A LITTLE BIT MORE.

15 IF YOU HAVE ANY QUESTIONS, I'D BE GLAD TO
16 ANSWER.

17 CHAIRMAN GALLAGHER: ANY QUESTIONS OF MR.
18 SHULER?

19 BOARD MEMBER VARNER: YES.

20 CHAIRMAN GALLAGHER: MR. VARNER.

21 BOARD MEMBER VARNER: COULD YOU TELL US WHAT
22 THIS WASTE IS THAT YOU'VE DIVERTED?

23 MR. SHULER: IT'S IDENTIFIED IN YOUR DEFINITIONS
24 AS PART OF THE MUNICIPAL WASTESTREAM, WHICH IS FOOD
25 PROCESSING WASTE.

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1 BOARD MEMBER VARNER: IS WHAT?

2 MR. SHULER: FOOD PROCESSING WASTE.

3 BOARD MEMBER VARNER: AND THAT WOULD BE
4 AGRICULTURAL TYPE LIKE TOMATOES OR THINGS LIKE THAT?

5 MR. SHULER: BY YOUR DEFINITION, IT IS NOT AN
6 AGRICULTURAL WASTE. BY THE DEFINITION IN THE REGS, IT IS
7 A MUNICIPAL SOLID WASTE. THAT'S ONE OF THE REASONS WE
8 FELT IT'S IMPORTANT THAT IT BE BROUGHT OUT, NOT THAT WE
9 WANT TO INDICATE THAT BECAUSE THAT PROGRAM IS IN PLACE,
10 THAT WE'RE CLAIMING ALL THIS RECYCLING OR SOURCE
11 REDUCTION. THAT'S NOT THE INTENT OF MY COMMENT.

12 BOARD MEMBER VARNER: I UNDERSTAND THAT, AND I
13 APPRECIATE IT BECAUSE SOME COMMENTS HAVE BEEN MADE
14 EARLIER THAT ALL WASTES OUGHT TO BE INCLUDED. I DON'T
15 THINK THEY REALIZE EXACTLY WHAT THEY'RE TALKING ABOUT
16 THERE BECAUSE THIS IS SOMETHING THAT TRADITIONALLY HAS
17 HAPPENED IN A LOT OF DIFFERENT AREAS THAT THINGS HAVE
18 BEEN DIVERTED TO SOMETHING ELSE, AND SO NOW THAT DON'T
19 EVEN CONSIDER THEM TO BE WASTE.

20 BUT THERE'S A TREMENDOUS AMOUNT OF WASTE
21 OUT THERE THAT SOMETHING ELSE IS DONE WITH THAT COULD
22 POTENTIALLY HAVE TO WIND UP IN A LANDFILL IF CERTAIN
23 CONDITIONS EXIST. AND I DON'T THINK THAT HAS BEEN TAKEN
24 INTO CONSIDERATION BY ANYBODY IN THE PROCESS OF ALL OF
25 THIS GOINGS ON.

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1 MR. WALTERS: THANK YOU.

2 CHAIRMAN GALLAGHER: THANK YOU, AGAIN.

3 SHARON MAVES.

4 MS. MAVES: GOOD AFTERNOON. I'M HERE
5 REPRESENTING MARIN COUNTY PLANNING DEPARTMENT AND OUR
6 SOLID WASTE COMMITTEES AND BOARD OF SUPERVISORS.

7 I'M GOING TO RESERVE MY DETAILED COMMENTS
8 IN ORDER TO MAKE ONE GENERAL OBSERVATION ON WHAT I'VE
9 HEARD AND SEEN TODAY, AND THAT'S ON THE INTENT AND THE
10 PRACTICALITY OF THE REGS BEFORE YOU.

11 WE IN MARIN HAVE DECIDED TO HAVE 11 CITIES
12 IN THE COUNTY JOIN TOGETHER AND PREPARE A JOINT PLAN, GO
13 WITH THE OPTION TO SIGN ON FOR AN MOU AND DO IT TOGETHER
14 IN THE INTEREST OF DOING THIS AS EFFICIENTLY AS POSSIBLE
15 FOR WE APPRECIATE YOUR SUPPORT FOR THIS APPROACH.

16 AND YET WE'RE NOT SURE THAT THERE ARE
17 ENOUGH CONSULTANTS, ENOUGH CITY AND COUNTY STAFF, ENOUGH
18 ABLE BODIES OUT THERE TO GO OUT AND SORT GARBAGE IN 58
19 COUNTIES AND 400 CITIES IN THE NEXT YEAR. MAYBE THIS
20 WILL BECOME THE GREAT GARBAGE SORT OF 1990. I'D LIKE TO
21 THINK THAT WE COULD SPEND OUR TIME DOING SOME OTHER
22 THINGS AS WELL.

23 IN MARIN COUNTY, WE'RE ONE OF THE FORTUNATE
24 FEW WHO HAVE HAD A CURBSIDE PROGRAM GOING FOR A LONG
25 TIME. WE'VE BEEN IN THE BUSINESS FOR ABOUT TEN YEARS.

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1 WE KNOW HOW TEMPERAMENTAL THE MARKETS ARE. WE KNOW HOW
2 TENUOUS THE RECYCLING BUSINESS IS. WE KNOW HOW DIFFICULT
3 IT IS. AND WE WOULD LIKE TO SPEND OUR TIME, NOT IN DOING
4 MORE PLANNING, NOT IN SPENDING MORE TIME IDENTIFYING OUR
5 WASTESTREAM, NOT IN COLLECTING AND SORTING GARBAGE, BUT
6 IN DEVELOPING MARKETS AND WORKING ON THE ISSUES THAT WE
7 ALREADY KNOW EXIST AND THE SOLUTIONS WE ALREADY KNOW WE
8 NEED TO BE WORKING ON.

9 THIS COMES HARD ON THE HEELS OF HAVING TO
10 DO THE COSWMP AND THE TANNER PLAN. WE, IN LOCAL
11 GOVERNMENT, HAVE BEEN DOING A LOT OF PLANS LATELY. WE
12 HAVE A PRETTY GOOD IDEA WHAT NEEDS TO BE DONE, AND WE'RE
13 ANXIOUS TO GET ON WITH IT. WE'RE ANXIOUS TO MEET THAT
14 25-PERCENT RECYCLING GOAL AND THE 50-PERCENT ONE ONLY
15 FIVE YEARS AFTER THAT. IT'S ONLY FIVE YEARS AWAY.
16 BELIEVE ME, IT'S NOT LONG ENOUGH TO GET TO 25 PERCENT OR
17 50 PERCENT EASILY.

18 I WAS HEARTENED BY STAFF'S OFFER EARLIER
19 TODAY TO PROVIDE TECHNICAL ASSISTANCE. WE HAVE SOME
20 SUGGESTIONS ON WHAT THAT MIGHT BE. SIMPLE THINGS AS SOME
21 WEIGHT TO VOLUME CONVERSION FACTORS HELP WITH DETERMINING
22 SEASONAL VARIATIONS. DEALING WITH SOME OF THE UNIVERSAL
23 ISSUES SUCH AS ALTERNATIVES ANALYSIS. AND WE WOULD EVEN
24 OFFER TO HOST A WASTE COMPOSITION STUDY FOR OTHER
25 JURISDICTIONS THAT MIGHT BE SIMILAR TO OURS SO THAT WE

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1 CAN ALL USE THE SAME DATA BASE, AND WE WON'T HAVE TO
2 GENERATE LOTS AND LOTS MORE DATA UNNECESSARILY.

3 I DON'T WANT TO GO INTO ANY MORE DETAIL
4 NOW, BUT I WOULD JUST LIKE TO ENCOURAGE YOU AS YOU GO
5 BACK THROUGH ALL THE COMMENTS TODAY, PLEASE TAKE A LOOK
6 AT HOW THIS CAN BE DONE EFFICIENTLY IN THE NEXT YEAR SO
7 THAT WE CAN MOVE ON TO REACHING THAT 25-PERCENT GOAL IN
8 THE NEXT FOUR AND A HALF YEARS.

9 CHAIRMAN GALLAGHER: THANK YOU, MS. MAVES.

10 GORDON HART.

11 MR. HART: THANK YOU, MR. CHAIRMAN. GORDON HART
12 REPRESENTING THE SIERRA CLUB CALIFORNIA.

13 AT THE LAST HEARING I PRESENTED VERY
14 DETAILED REMARKS THAT ARE ON THE RECORD, AND I WON'T
15 BOTHER REPEATING THEM. BUT I DO WANT TO REPEAT A COUPLE
16 OF THE POINTS, THOUGH, AND NOW ELABORATE ON THEM JUST
17 SO -- BECAUSE I THINK THEY'RE STILL IMPORTANT, THOUGH AN
18 AWFUL LOT OF MY REMARKS, I THINK, ARE REFLECTED IN THE
19 REGULATIONS WHICH YOUR STAFF IS YET AGAIN AND YOUR
20 CONSULTANT'S DONE A VERY FINE JOB ON AND HAVE BEEN VERY
21 OPEN AND COMMUNICATIVE WITH US AND WE CONTINUE TO BE
22 APPRECIATIVE OF THAT. AND I ASSUME THAT WILL CONTINUE IN
23 THE FUTURE, AND I THINK THAT'S GOOD FOR ALL CONCERNED.

24 LAST TIME I SPOKE ABOUT THE WEIGHT VERSUS
25 VOLUME ISSUE. WE REMAIN IN THE BELIEF THAT WEIGHT -- AND

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1 I LIKE THE WAY MR. BROWN PUT IT -- UNLESS IT IS
2 COMPLETELY UNFEASIBLE TO DO SO, AND YOU HAVE TO COUNT
3 VOLUME BECAUSE YOU DON'T HAVE THE WASTE STATISTICS. BUT
4 WE REMAIN IN OUR BELIEF THAT WEIGHT SHOULD BE THE WAY IT
5 IS CALCULATED.

6 WE ALSO TALKED ABOUT THE SPECIFICITY OF THE
7 WASTE CHARACTERIZATION STUDIES AND SAYING THAT WE WERE
8 SKEPTICAL THAT THERE WAS GOING TO BE A WAY WITH THE
9 ACCURACY THAT WOULD BE NECESSARY FOR THE PROTECTION OF
10 THE INTENT OF STATUTE AND, I THINK, FOR THE PROTECTION OF
11 LOCAL GOVERNMENTS IN PROVING WHAT THEY DID. WE WERE VERY
12 SKEPTICAL IF THERE WAS GOING TO BE A WAY TO GENERALIZE.
13 I'M WILLING TO LOOK AT THAT, BUT I HOPE THAT THAT
14 SKEPTICISM REMAINS.

15 AND WE ALSO TALKED LAST TIME ABOUT
16 REMINDING THE BOARD THAT WE THINK IT'S VERY CLEAR IN THE
17 STATUTE THAT AGRICULTURAL WASTE AND INERTS ARE EXCLUDED.
18 THE REGS SEEMED TO BE SILENT ON THE ISSUE, AND WE THINK
19 THAT SHOULD BE MADE CLEAR.

20 A COUPLE OF GENERAL COMMENTS ABOUT THE REGS
21 BEFORE YOU. AND THAT IS THAT, UNLIKE WASTE MANAGEMENT,
22 WE VERY MUCH APPRECIATE THE SPECIFICITY OF THE
23 REGULATIONS, AND WE VERY MUCH APPRECIATE THE
24 EXHAUSTIVENESS OF THE GUIDANCE GIVEN TO LOCAL
25 GOVERNMENTS.

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1 WE THINK IN THE LONG RUN THAT IT WILL BE
2 BETTER TO -- FOR LOCAL GOVERNMENTS TO HAVE TO BE TOLD
3 EXACTLY WHAT THEY NEED TO EVALUATE, EXACTLY THE TYPE OF
4 THINGS THEY NEED TO BE CONSIDERING, AND THAT WILL BE A
5 VERY GOOD MEASURING STICK FOR THEM WHEN THEY COME UP,
6 BOTH FOR THEIR APPROVAL AND AT THE BACK END FOR THEIR
7 MEASURING STICK OF WHETHER OR NOT THEY HAVE DONE IT.

8 WE DO, HOWEVER, BELIEVE THAT WASTE
9 MANAGEMENT'S OTHER POINT, THAT THERE NEED TO BE
10 GUIDELINES THAT ARE VERY CLEAR AND EASY TO FOLLOW AND
11 EASY TO UNDERSTAND, WE DON'T THINK THAT THAT'S MUTUALLY
12 EXCLUSIVE WITH HAVING THE KIND OF SPECIFIC REGULATIONS
13 THAT WE HAVE.

14 AS SOON AS POSSIBLE, THOUGH, AND WE KNOW
15 HOW BUSY YOUR STAFF HAS BEEN, WE BELIEVE THERE NEEDS TO
16 BE A MANUAL OR TO THE EXTENT THAT THE REGULATIONS CAN BE
17 MADE MORE CLEAR WITHOUT LOSING THEIR SPECIFICITY. I
18 DON'T THINK THIS IS A VERY EASY AND UNDERSTANDABLE
19 DOCUMENT FOR LOCAL GOVERNMENT, PARTICULARLY ONE THAT
20 PERHAPS HAS NOT HAD MUCH EXPERIENCE IN THIS AREA TO WRITE
21 A REALLY GOOD PLAN FROM, AND I ASSUME YOU'LL BE WORKING
22 ON THAT.

23 BUT I JUST WANT TO MAKE CLEAR HOW IMPORTANT
24 WE THINK IT IS TO GIVE AS MUCH GUIDANCE AND AS MUCH HELP
25 IN A CLEAR UNDERSTANDABLE FASHION TO LOCAL GOVERNMENT.

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1 I WILL BE SUBMITTING DETAILED WRITTEN COMMENTS THAT SPEAK
2 TO THE SPECIFICS OF THE REGULATIONS.

3 I ONLY HAVE TWO COMMENTS ON THE REGULATIONS
4 AT THIS POINT, AND THOSE ARE BOTH SPECIFICALLY IN
5 RESPONSE TO MR. FORSBERG OF THE CALIFORNIA MANUFACTURERS
6 ASSOCIATION CONCERNING THE ITEMS THAT CAN BE IN THE
7 REGULATIONS CONSIDERED BY LOCAL GOVERNMENTS IN THEIR
8 SOURCE REDUCTION ELEMENTS.

9 THERE IS NOTHING IN PRESENT LAW THAT
10 FORBIDS A CITY FROM HAVING A LOCAL PRODUCT BAN OR FROM
11 HAVING AN ADVANCE DISPOSAL FEE. AND WE THINK THAT GIVEN
12 THAT AND GIVEN THE FACT THAT THEY CAN BE, DEPENDING UPON
13 LOCAL CIRCUMSTANCES, WAYS OF SOURCE REDUCTION, THAT THERE
14 ARE CERTAINLY THINGS THAT THE REGULATIONS SHOULD
15 EXPLICITLY INDICATE SHOULD BE CONSIDERED BY LOCAL
16 GOVERNMENTS.

17 I MEAN, THAT'S NOT REALLY ONEROUS. ALL
18 THEY'RE SAYING IS THAT LOCAL GOVERNMENTS, JUST LIKE THEY
19 SHOULD CONSIDER ALL SORTS OF OTHER THINGS THAT ARE NOT
20 TRIED AND TRUE, BUT THAT, DEPENDING UPON LOCAL
21 CIRCUMSTANCES, MAY BE GOOD FOR SOURCE REDUCTION, WE THINK
22 THAT LOCAL PRODUCT BANS AND FEES SHOULD BE IN THERE.

23 AND I WANT TO EXPLICITLY DENY SOMETHING
24 THAT MR. FORSBERG SAID ON -- I THINK THAT THE SIERRA CLUB
25 ENVIRONMENTAL ORGANIZATIONS WERE MUCH MORE INTIMATELY

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1 INVOLVED WITH THE NEGOTIATIONS OF 939 THAN THE CALIFORNIA
2 MANUFACTURERS ASSOCIATION.

3 THE ADVANCE DISPOSAL FEE LANGUAGE THAT IS
4 IN THERE WAS NOT A NEGOTIATED AGREEMENT AMONG ANY
5 PRINCIPALS, AS HE CALLED IT. IT WAS SIMPLY LANGUAGE,
6 LIKE MANY OTHERS, THAT ENDED UP IN THE STATUTE THAT
7 WAS -- THERE WAS NEVER A REAL CHANCE TO RESPOND TO BY
8 ANYBODY, AND IT SPEAKS TO A STATEWIDE ADVANCE DISPOSAL
9 FEE. IT DOES NOT SPEAK AT ALL TO A LOCAL ADVANCE
10 DISPOSAL FEE.

11 ELSEWHERE IN THE STATUTE THERE IS
12 DISCUSSION OF LOCAL FEES, AND IT DOES NOT DISTINGUISH
13 BETWEEN WASTE FEES OR PRODUCT FEES. IN FACT, IT SAYS IN
14 CHAPTER 8 IN SECTION 41901 -- WHY DON'T I READ IT TO YOU?
15 ON PAGE 104 -- 104 OF A VERY NICE DOCUMENT THAT BOB
16 BLACKSTONE AND YOUR STAFF PUT TOGETHER.

17 IT SAYS THAT A CITY, COUNTY, OR CITY AND
18 COUNTY MAY IMPOSE FEES IN AMOUNT SUFFICIENT TO PAY THE
19 COSTS OF PREPARING, ETC. THE FEES SHALL BE BASED ON THE
20 TYPES OR AMOUNTS OF THE SOLID WASTE AND SHALL BE USED TO
21 PAY THE ACTUAL COSTS.

22 WE WOULD INTERPRET THAT, AND THERE WERE
23 DISCUSSIONS AT THE TIME OF INTERPRETING THAT, TO MEAN ONE
24 TYPE OF SOLID WASTE COULD BE A PARTICULAR KIND OF PRODUCT
25 THAT IS GOING TO, OBVIOUSLY, ENTER THE WASTESTREAM. WE

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1 THINK IT'S PRETTY CLEAR THERE'S NO EXPLICIT BAN. THERE
2 IS AN AUTHORIZATION AND WE WOULD ENCOURAGE YOU TO KEEP
3 THOSE IN THE REGULATIONS.

4 AND WE WILL SUBMIT DETAILED WRITTEN
5 COMMENTS ON THE REST OF THE REGULATIONS BY YOUR DEADLINE.

6 CHAIRMAN GALLAGHER: THANK YOU, MR. HART.

7 MR. EPLER HAS REQUESTED TO HAVE A SECOND
8 SHOT AT US.

9 MR. EPLER: THANK YOU, MR. GALLAGHER.

10 IN TERMS OF HAVING A SECOND SHOT, I WANTED
11 TO FOLLOW YOUR FORMAT IN TALKING ABOUT SECTION 6.2 AT
12 THIS TIME.

13 IN COMPARING THE LANGUAGE OF THE BILL WITH
14 THE LANGUAGE OF THE REGULATIONS, IT SEEMS THAT IN MANY
15 INSTANCES WORDAGE SUCH AS DESCRIBE IN THE BILL, THAT
16 TURNED INTO SPECIFY OR IDENTIFY OR PROVIDE EXPLANATION OF
17 IN THE TEXT OF THE REGULATIONS. AND THAT THIS WAS PRETTY
18 CONSISTENT, THAT THERE WAS ALWAYS AN UPING THE LEVEL OF
19 SPECIFICITY THAT IN MANY CASES SEEMED MUCH GREATER THAN
20 THE INTENT OF THE BILL.

21 AND WE WOULD HOPE THAT IN THIS REVIEW OF
22 IT, OF THE REGS, THAT SOME OF THESE WOULD BE LOOKED AT
23 AGAIN AND DETERMINE WHERE GUIDANCE DIFFERS FROM
24 REGULATION AND PERMISSIVE LANGUAGE FROM REQUIRED
25 LANGUAGE.

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1 IN SECTION 17131, GOALS AND OBJECTIVES,
2 WHICH IS AN AREA THAT OUR CITY FEELS IS A MOST IMPORTANT
3 PART OF THIS, IT TALKS ABOUT SHORT-TERM, MEDIUM-TERM, AND
4 LONG-TERM PLANNING. WHERE THAT'S NOT SPECIFIED IN THE
5 BILL, WE THINK THAT THAT'S VERY APPROPRIATE; HOWEVER, IN
6 MANY OTHER PLACES BACK IN THE REGULATIONS -- AND WHEN I
7 FLIP THROUGH PAGES, I'LL GET YOU A COUPLE OF EXAMPLES --
8 THERE ARE REQUIREMENTS TO LAY OUT SPECIFIC LONG-TERM
9 20-YEAR PLANS WITH IMPLEMENTATION SCHEDULES, WHICH I
10 THINK GOES FAR BEYOND WHAT I READ THE INTENT OF THE BILL
11 TO BE AND WOULD HOPE THAT THAT PART WOULD BE LOOKED AT
12 AGAIN.

13 THAT WOULD BE LIKE IN 17133.1, COMPONENT
14 OBJECTIVES. SPECIFIC OBJECTIVES TO BE ACCOMPLISHED
15 DURING THE SHORT-TERM, MEDIUM-TERM, AND LONG-TERM
16 PLANNING PERIODS. THAT'S THE TYPE OF INCREASING THE
17 LEVEL OF EFFORT WHEN THE MOST IMPORTANT THING IS TO GET
18 ON WITH THE FIRST PART OF THIS BECAUSE WE KNOW THERE'S A
19 TWO-YEAR REVIEW, THERE'S A FIVE-YEAR RESUBMISSION OF THE
20 PLAN, THAT WE NEED TO LOOK AT IN MORE GENERAL TERMS THOSE
21 FURTHER OUT PERIODS. BUT WE DON'T NEED TO SPEND OUR TIME
22 NOW ON DETAILED EFFORTS IN THE LONG TERM.

23 IN THE EXISTING CONDITIONS DESCRIPTION,
24 SECTION 17133.2(C). REQUIRES THAT WE PROVIDE AN
25 IDENTIFICATION AND DESCRIPTION OF FACILITIES, OWNERS, AND

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1 OPERATORS, AND THE SCHEDULE OF OPERATION OF EACH
2 DIVERSION PROGRAM.

3 I'M NOT SURE WHAT'S MEANT BY A SCHEDULE OF
4 OPERATION. YOU WANT TO KNOW THE DAYS OF THE WEEK? THE
5 HOURS OF THE DAY? AND IF SO, WHY? AND THAT I WOULD HOPE
6 STAFF COULD RESPOND TO HERE ON THAT.

7 THE SECTIONS D, E, AND F THAT WERE
8 DISCUSSED IN THERE, THEY REALLY SHOULD BE DELETED
9 ENTIRELY FROM THIS. THEY'RE PROVIDING INFORMATION THAT
10 DOESN'T HELP IN THE DECISION MAKING. THAT'S THE
11 PERCENTAGE OF PARTICIPATION IN EACH AND EVERY PROGRAM.

12 WHEN YOU GO AROUND, AND WE HAVE 75
13 RECYCLING CENTERS IN SAN DIEGO -- LOS ANGELES MUST HAVE
14 MANY, MANY MORE THAN THAT -- CALCULATING THE NUMBER OF
15 CUSTOMERS THEY HAD AND TAKING THAT AS A PERCENTAGE OF
16 PARTICIPATION, THAT DOESN'T SEEM TO HAVE MUCH VALUE WHEN
17 YOU DEAL WITH COMMUNITY PROGRAMS VERSUS CITYWIDE
18 PROGRAMS.

19 THE EVALUATION OF ALTERNATIVE SECTIONS
20 SEEMS TO BE ONE OF THOSE THAT GOES FAR BEYOND THE
21 REQUIREMENT OF THE LEGISLATION. AND WHERE IT TALKS ABOUT
22 SOLID WASTE ALTERNATIVES INCLUDES ANY DISCRETE ACTIVITY,
23 ARE WE TO BLUE SKY AND GIVE WILD, IMAGINATIVE, POTENTIAL
24 THINGS IN THIS PLAN. OR ARE WE TO WORK ON THOSE THINGS
25 THAT ARE MOST APPROPRIATE TO THE COMMUNITY THAT WE



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1 REPRESENT?

2 I THINK THAT IF THE LANGUAGE IN THAT
3 SECTION A WERE CHANGED WHERE IT SAID EACH ALTERNATIVE
4 SHALL BE EVALUATED IN TERMS OF CRITERIA SUCH AS, AND THEN
5 THIS LISTING THERE, RATHER THAN THE VERY PRESCRIPTIVE
6 LANGUAGE THAT'S IN THERE, WOULD CERTAINLY PROVIDE US WITH
7 GUIDANCE AND AWARENESS OF THOSE THINGS WE SHOULD LOOK AT
8 WITHOUT REQUIRING US TO DO MAKE WORK IN SOME CASES WHERE
9 AN ALTERNATIVE OF WHAT A CURBSIDE PROGRAM DOES IS PRETTY
10 WELL DOCUMENTED IN LITERATURE AND PRACTICE THROUGHOUT THE
11 NATION.

12 AGAIN, WHEN WE GET TO SECTION 17133.6,
13 MONITORING, IT TALKS ABOUT ESTABLISHING A MONITORING
14 PROGRAM FOR EACH PROGRAM UNDERTAKEN. AND DOESN'T
15 DESCRIBE TAKING A MONITORING PROGRAM FOR THE OVERALL
16 EFFECT OF IT. AND, AGAIN, IT GOES BACK INTO EXTREME
17 DETAIL LOOKING AT THIS, INCLUDING THE IDENTIFICATION OF
18 MEASURES TO BE IMPLEMENTED IF MONITORING SHOWS A
19 SHORTFALL IN THE ATTAINMENT OF A GOAL.

20 WELL, IT COULD HAVE BEEN THAT WE MADE A
21 MISTAKE IN WHAT WE SAID THAT KIND OF A PROGRAM COULD DO,
22 AND THAT WE OUGHT TO REORIENT OUR RESOURCES INTO THOSE
23 PROGRAMS WHICH ARE SHOWING EXTREME SUCCESSES, RATHER THAN
24 GOING INTO GREAT DETAIL TO TRY AND SALVAGE WHAT MAY HAVE
25 BEEN SIMPLY AN ERROR IN PUTTING TOGETHER A MASSIVE

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1 PROGRAM AND SAYING HOW MUCH WE THOUGHT A PARTICULAR TYPE
2 PROGRAM COULD UNDERTAKE. I BELIEVE THAT'S AN AREA THAT
3 COULD USE SOME RELOOK.

4 THE SOURCE REDUCTION COMPONENT OBJECTIVES
5 IS THE ONE FOR ME THAT GIVES THE MOST DIFFICULTY BECAUSE
6 IT'S THE MOST NEBULOUS OF ALL OF THESE THINGS THAT WE
7 DEAL WITH. WE HAVE A NUMBER OF EXAMPLES OF MAJOR
8 COMPANIES WHO HAVE DETERMINED IN THEIR MANUFACTURING
9 PROCESS TO SEPARATE AND RETURN PRODUCTS BACK INTO THE
10 ECONOMIC CYCLE AS PART OF WHAT THEY DO.

11 AN EXAMPLE IS VONS MARKET HAS A MAJOR
12 DISTRIBUTION CENTER. THEY COLLECT THE CORRUGATED FROM
13 ALL OF THEIR STORES BACK TO THEIR DISTRIBUTION CENTER IN
14 SAN DIEGO, AND THEY BACK HAUL IT IN THEIR EMPTY TRUCKS TO
15 LOS ANGELES WHERE IT IS THEN PUT INTO THE MARKETPLACE.
16 IS THAT A RECYCLING PROGRAM, OR IS THAT A SOURCE
17 REDUCTION PROGRAM THAT WE OUGHT TO LOOK AT EMULATING WITH
18 OTHER COMPANIES THAT HAVE THOSE KIND OF CAPABILITIES?

19 I THINK THIS IS IN THE GUIDANCE AREA WHERE
20 WE'D LIKE SOME OF THE DEFINITIONS WHERE THINGS ARE
21 NEBULOUS. AND THE REASON THAT ONE JUMPED OUT TO ME WAS
22 BECAUSE OF THE DESCRIPTION OF COMPOSTING AT THE SOURCE OF
23 GENERATION AS A SOURCE REDUCTION.

24 SO THERE'S ONE THAT I'M REALLY CONCERNED
25 ABOUT BECAUSE I THINK WE HAVE A LOT OF OPPORTUNITY, AND I



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1 WANT TO MAKE SURE IT GETS IN THE RIGHT PLACE.

2 THE AREA THAT -- WHOEVER WROTE SECTION
3 17144, DISPOSAL FACILITY CAPACITY COMPONENT, I COULD
4 IDENTIFY WITH THAT ONE VERY EASILY. IT WAS CLEAR,
5 CONCISE, PROVIDED THE RIGHT LEVEL OF DETAIL, AND I WISH
6 THAT WOULD BE A MODEL FOR THE WAY THAT YOU HANDLE ALL THE
7 REST OF THE SECTIONS. THAT, I THOUGHT, WAS GREAT.

8 SECTION 17148, THE INTEGRATION COMPONENT,
9 SEEMS TO BE TOTALLY A PRODUCT OF THE STAFF AND THE
10 CONSULTANTS, AND NOT SOMETHING THAT I COULD FIND ANYWHERE
11 IN THE BILL OF THAT BEING A REQUIRED COMPONENT FOR US TO
12 DEVELOP. AND, ESPECIALLY, IN THE DETAIL, IT SEEMED
13 EXTREMELY REDUNDANT WITH THE INFORMATION THAT WE'RE
14 PROVIDING IN OTHER PLACES IN THE PLAN. AND I REALLY FIND
15 IT VERY DIFFICULT TO SEE HOW THAT LEVEL OF DETAIL ON THE
16 INTEGRATION SHOULD BE THERE. THE INTEGRATION SHOULD
17 DEFINITELY BE IN THE GOALS AND OBJECTIVES ON THE OVERALL
18 PROGRAM, BUT TO REQUIRE US TO HAVE A COMPLETE SECTION ON
19 THAT WITH THIS LEVEL OF DISCUSSION SEEMS QUESTIONABLE AT
20 BEST.

21 AND ALSO INCLUDED IN THAT WAS THE CALENDAR
22 BY MONTH AND YEAR SCHEDULING ALL IMPLEMENTATION TASKS FOR
23 NEW AND EXPANDED PROGRAMS. AND THE QUESTION COMES --
24 IT'S NOT THAT HARD TO PREPARE A CHART AND TO MAKE
25 ESTIMATES ON IT; BUT, AGAIN, WHEN BEING LOOKED AT, HOW

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1 RIGIDLY ARE WE GOING TO HAVE TO ADHERE TO THOSE
2 MILESTONES?

3 ALL OF US WHO HAVE DEVELOPED AND
4 IMPLEMENTED PROGRAMS KNOW THAT OUR BEST INTENTIONS ARE
5 OFTEN THWARTED BY REAL LIFE SITUATIONS, AND THAT IT SEEMS
6 TO TAKE LONGER AND COST MORE AND REQUIRE MORE STAFF
7 EFFORT TO MAKE A PROGRAM HAPPEN THAN WE EVER FIRST
8 ENVISIONED.

9 DOING THIS IN THE PLAN IS FINE. WHAT I'M
10 WORRIED ABOUT IS THE CONSEQUENCES AND THAT \$10,000 A DAY
11 FINE FOR NOT DOING WHAT YOU SAID YOU WOULD DO, THAT IN MY
12 FIDUCIARY RESPONSIBILITY WITH THE CITY THAT I REALLY
13 WORRY ABOUT.

14 AND THEN THE OTHER PART THAT'S JUST BEEN
15 SORT OF AN IMPONDERABLE IS THAT WE'RE REQUIRED TO PREPARE
16 THIS PLAN BY JULY 1, 1991. FAIR ENOUGH. AND SUBMIT IT
17 TO THE COUNTY. OUR COUNTY, FORTUNATELY, HAS MANAGED ITS
18 LANDFILL DISPOSAL SPACE SO THAT WE HAVE MORE THAN EIGHT
19 YEARS OF CAPACITY, WHICH PUTS OUR PLAN SUBMISSION TO THE
20 BOARD AS JANUARY 1994. AND WITH YOUR 120-DAY REVIEW,
21 WE'D EXPECT YOUR ANSWER BACK SOMETIME IN MAY OF 1994 WITH
22 A JANUARY 1995 ACCOMPLISHMENT RATE.

23 WHAT HAPPENS IF YOU REJECT OUR PLAN SEVEN
24 MONTHS BEFORE THE FINAL RESULTS ARE DUE EVEN IF WE ARE,
25 IN FACT, BY OUR EFFORTS ACCOMPLISHING THE INTENT OF THE

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1 BILL? WHAT THEN? AND I DON'T KNOW IF THAT'S SOMETHING
2 TO BE ADDRESSED IN THE REGS. BUT CERTAINLY SOMETHING
3 THAT'S COME TO MY MIND.

4 THANK YOU FOR YOUR ATTENTION AND THE
5 ABILITY TO TALK TO YOU TWICE.

6 CHAIRMAN GALLAGHER: THANK YOU FOR COMING BACK.
7 THOSE WERE CONSTRUCTIVE SUGGESTIONS, AND WE'RE HAPPY TO
8 HAVE THEM.

9 I HAVE RUN OUT OF THE LITTLE SLIPS THAT
10 PEOPLE WANT TO TALK ON, SO I'LL JUST ASK NOW WHO WOULD
11 LIKE TO ADDRESS -- JACK, I SEE YOUR HAND. DENNY, I SEE
12 YOURS.

13 WE'VE GOT ABOUT 45 MINUTES, AND WE'RE HAPPY
14 TO USE THEM.

15 JACK, YOU WANT TO BE FIRST?

16 MR. MICHAEL: THANK YOU, MR. CHAIRMAN, MEMBERS OF
17 THE BOARD. I APOLOGIZE FOR NOT TURNING IN A SLIP. I WAS
18 HOPING THAT I COULD MAYBE CONSERVE YOUR TIME, BUT THEN I
19 BECAME CONCERNED THAT MAYBE BY INFERENCE THAT IF I DID
20 NOT REMARK, YOU MIGHT THINK LOS ANGELES COUNTY WAS
21 PLEASED WITH THE REGS.

22 (LAUGHTER.)

23 MR. MICHAEL: BUT TO CONSERVE YOUR TIME, LET ME
24 SAY THAT I CERTAINLY DO SUPPORT AND APPRECIATE THE
25 COMMENTS OF SEVERAL THAT HAVE BEEN UP HERE TODAY, BOB



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1 EPLER FROM SAN DIEGO. PARTICULARLY, DANNY VALENTINE, TOM
2 WALTERS, OTHERS THAT HAVE EXPRESSED THE CONCERN THAT THE
3 BOARD, THROUGH ITS REGULATIONS, NOT STRANGLE ANYBODY'S
4 ABILITY, PARTICULARLY LOCAL GOVERNMENT, IN ACHIEVING WHAT
5 I THINK WE ALL AGREE IS ABSOLUTELY NECESSARY; AND, THAT
6 IS, ONE, DEAL WITH OUR WASTE PROBLEM; BUT, TWO, TO
7 MAXIMIZE DIVERSION OF RECYCLABLES FROM LANDFILLS.

8 AND IN READING THE GUIDELINES, WHICH I
9 THINK IN SEVERAL INSTANCES, PARTICULARLY AS IT RELATES TO
10 SOURCE REDUCTION OR COMPOSTING, THAT THE REGS GO BEYOND
11 THE STATUTES IN TYING THE HANDS OF LOCAL GOVERNMENT.
12 THEY -- I THINK WHAT CONCERNS ME MORE THAN ANYTHING
13 ALMOST FORCE LOCAL GOVERNMENT INTO HAVING TO ABSOLUTELY
14 REGULATE EVERYTHING HAVING TO DO WITH WASTE MANAGEMENT
15 THAT MAY OCCUR IN THEIR JURISDICTION.

16 THE LEGISLATIVE INTENT LANGUAGE IN THE
17 STATUTE DOES SPECIFICALLY REQUIRE AND ENCOURAGE THE
18 INVOLVEMENT OF THE PRIVATE WASTE INDUSTRY IN SOLVING THIS
19 PROBLEM. AND CERTAINLY IN OUR COUNTY, CITIES ARE FREE TO
20 DO AS THEY FEEL BEST. THE COUNTY IS FREE TO DO WHAT THEY
21 FEEL BEST. AND IN OUR CASE, WE HAVE A LONG HISTORY OF
22 BEING SUPPORTIVE OF FREE ENTERPRISE TO ASSIST US IN
23 SOLVING OUR PROBLEM.

24 THROUGH THESE REGULATIONS, IT APPEARS TO ME
25 THAT WE MAY NOT BE ABLE TO WAIT OR TAKE THE CHANCE THAT



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1 FREE ENTERPRISE WOULD WORK, THAT THE PRIVATE SECTOR WOULD
2 STEP FORWARD AND DO THOSE THINGS THAT ARE NECESSARY FOR
3 US TO MEET THE GOALS.

4 AND, THEREFORE, MAYBE THE BEST WAY TO MEET
5 THE GOALS, EXPEDITE THE PROCESS, IS FOR GOVERNMENT SIMPLY
6 TO REGULATE EVERYTHING, TO INSIST THAT MAYBE THE PRIVATE
7 SECTOR BE INVOLVED, BUT THAT THEY ONLY BE INVOLVED AS WE
8 WANT THEM INVOLVED SO THAT WE CAN BE SURE, AS LOCAL
9 GOVERNMENTS, THAT THE GOALS WILL BE MET.

10 AND I THINK THAT IS NOT THE INTENT OF THE
11 BILL. AND CERTAINLY THE CLIENT THAT I REPRESENT, THE
12 COUNTY BOARD OF SUPERVISORS, WOULD FIRE ME IMMEDIATELY IF
13 I WAS TRYING TO PURSUE OR SUPPORT THAT SORT OF AN EFFORT,
14 AND I WILL NOT SUPPORT THAT SORT OF AN EFFORT. AND I'D
15 ALSO UNDERSTAND THAT YOUR EFFORT, YOUR RESPONSIBILITIES
16 ARE CONSTRAINED BY THE LAW THAT YOU HAVE TO WORK WITH.

17 BUT I THINK TO THE EXTENT THAT THE
18 REGULATIONS DON'T MAKE THIS SITUATION WORSE THAN THE
19 CURRENT STATUTES, I WOULD ENCOURAGE YOU TO ALLOW LOCAL
20 GOVERNMENTS TO MEET THEIR MANDATES. DON'T TIE THEIR
21 HANDS. LET US USE THE PRIVATE SECTOR AS WE FEEL WE NEED
22 TO USE THEM. DON'T MAKE THE REQUIREMENTS OF SOURCE
23 REDUCTION, WHETHER INFERRED OR DIRECT, SUCH THAT WE END
24 UP IN OUR COUNTY WITH 87 DIFFERENT ORDINANCES THAT MAY
25 HAVE ADVANCE DISPOSAL FEES OR BAN PRODUCTS SO THAT PEOPLE

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1 ARE RUNNING FROM ONE TOWN TO THE OTHER BECAUSE THEY
2 PREFER TO BUY A PRODUCT. BUT THEY CAN'T GET IT FROM ONE
3 CITY SO THEY'LL GO TO ANOTHER.

4 THOSE SORTS OF THINGS ARE NOT GOING TO
5 SOLVE THE WASTE PROBLEM. THEY MIGHT MAKE THE
6 ENVIRONMENTAL COMMUNITY HAPPY THAT SOME SORT OF NUMBERS
7 WERE ACHIEVED BY SOMEBODY. BUT I DON'T THINK THAT
8 SOLVING THE WASTE PROBLEM IS A NUMBERS PROBLEM. IT'S
9 VERY SIMPLE TO ME. THERE ARE RECYCLABLES BEING BURIED IN
10 THE GROUND THAT DON'T NEED TO BE, AND WE NEED TO MAKE
11 SURE THAT WE DIVERT THOSE TO THE MAXIMUM EXTENT POSSIBLE,
12 AND LET'S NOT WORRY SO MUCH ABOUT THE NUMBERS. LET'S
13 WORRY ABOUT SOLVING THE PROBLEM. THANK YOU.

14 CHAIRMAN GALLAGHER: THANK YOU, JACK.

15 DENNY, I THINK YOU HAD YOUR HAND UP NEXT.

16 MR. VALENTINE: THANK YOU, MR. CHAIRMAN, MEMBERS
17 OF THE BOARD.

18 AGAIN, IN KEEPING WITH THE ORIGINAL FORMAT,
19 I'D LIKE TO SPECIFICALLY, PROBABLY MORE THAN ANYTHING
20 ELSE, ASK A COUPLE OF QUESTIONS AGAIN AS TO THE
21 INTERPRETATION OF SOME OF THE MATTERS THAT YOU LAST
22 PRESENTED.

23 FIRST, WITH SECTION 17133.2, PAGE 24, THE
24 EXISTING CONDITIONS DESCRIPTION, WHICH BEGINS, AS
25 APPLICABLE, EACH COMPONENT LISTED IN SECTION A OF THE



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1 ARTICLE SHALL INCLUDE A DESCRIPTION OF THE EXISTING
2 DIVERSION PROGRAM IN THE JURISDICTION.

3 I GUESS WHERE I'D START ON THIS IS WHAT IS
4 A DIVERSION PROGRAM? IS THAT ANYTHING THAT A
5 JURISDICTION IS DOING TO DIVERT? IS THAT -- THAT
6 PROGRAM, IS THAT WHAT THEY WILL HAVE DEFINED IN EACH OF
7 THEIR INDIVIDUAL PLANS TO BE THEIR PARTICULAR DIVERSION
8 PROGRAM?

9 MS. TRGOVCICH: DIVERSION PROGRAM, AS IT'S USED
10 IN THE REGULATION, IS INTENDED TO ADDRESS PROGRAMS EITHER
11 THROUGH SOURCE REDUCTION, RECYCLING, OR COMPOSTING, WHICH
12 ACCOMPLISH THE -- I HATE TO USE THE WORD AGAIN -- BUT
13 DIVERSION OF MATERIAL FROM SOLID WASTE LANDFILLS OR
14 TRANSFORMATION FACILITIES.

15 IT'S A VERY BROAD TERM. THE TERM
16 "DIVERSION PROGRAMS", "DIVERSIONAL ALTERNATIVES" IS USED
17 CONSISTENTLY THROUGHOUT THE REGULATIONS. IT'S USED IN
18 THE SOURCE REDUCTION COMPONENT, IN THE RECYCLING
19 COMPONENT, ETC., IN ORDER TO PROVIDE ONE TERM WHICH MEANS
20 A PROGRAM WHICH RESULTS IN THE REMOVAL OF MATERIAL FROM A
21 SOLID WASTE LANDFILL OR A TRANSFORMATION FACILITY THROUGH
22 RECYCLING, SOURCE REDUCTION, OR COMPOSTING.

23 MR. VALENTINE: OKAY. WHEN WE'RE TALKING IN
24 TERMS OF THE JURISDICTION'S EXISTING DIVERSION PROGRAM,
25 IT'S POSSIBLE THAT THEY DON'T KNOW ALL OF WHAT THEIR



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1 EXISTING DIVERSION PROGRAM IS IF THAT DIVERSION PROGRAM
2 IS EVERYTHING THAT TO DATE AND FOR THE LAST FORTY YEARS
3 HAS DIVERTED THINGS THAT WOULD HAVE OTHERWISE GONE TO
4 THEIR LANDFILL.

5 AND, AGAIN, NOW REALLY TAGGING ON TO A LOT
6 OF OTHER COMMENTS MADE ABOUT THE SPECIFICITY AND THE
7 BENEFIT OF THAT SPECIFICITY TO THE OVERALL OBJECTIVE OF
8 REDUCING THE AMOUNT OF MATERIAL THAT'S GOING INTO
9 EXISTING LANDFILLS, IT SEEMS THAT JUST THE PROCESS OF
10 THEM GOING OUT AND FINDING OUT WHO ALL OF THOSE PEOPLE
11 ARE.

12 REMEMBER, AT LEAST, AS I SEE IT, WE'RE NOT
13 JUST TALKING ABOUT THE SCRAP DEALER AND ALL THE EXISTING
14 RECYCLING AND ALL THE EXISTING WASTE HAULERS, BUT WE'RE
15 TALKING ABOUT ALL OF THE PEOPLE WHO TRUCK IN WHATEVER
16 THEY BRING IN TO THAT WASTE HAULER IS ALSO DIVERTING
17 WASTE FROM SOMEPLACE. AND TO TRY AND LOCATE THAT PERSON
18 AND DEFINE, WITH ANY SPECIFICITY, IS GOING TO BE TOUGH.

19 MS. TRGOVCICH: THE REASON THE TERM AS
20 APPLICABLE, THE REASON WHY THAT WAS ADDED TO THE FRONT OF
21 SECTION 17133.2 WAS SPECIFICALLY BECAUSE IT WAS THAT
22 EXACT SAME POINT WAS BROUGHT UP IN REGARDS TO SOURCE
23 REDUCTION. HOW DO YOU SPECIFY EVERY FACILITY THAT HAS
24 SOME SORT OF SOURCE REDUCTION PROGRAM? THAT WOULD BE
25 NEXT TO IMPOSSIBLE TO ACCOMPLISH.

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1 AND SO THE TERM "AS APPLICABLE" WAS ADDED
2 AT THE FRONT OF THAT SECTION IN ORDER TO PROVIDE THE
3 LEEWAY FOR THOSE TYPES OF PROGRAMS. THIS WOULD NOT BE A
4 DISINCENTIVE OR AN INCENTIVE FOR COMMUNITIES, CITIES, AND
5 COUNTIES TO NOT GO OUT AND LOOK AT THOSE FACILITIES
6 BECAUSE IN ORDER TO QUANTIFY AND DETERMINE WHETHER THEY
7 ACHIEVED THE 25- OR 50-PERCENT MANDATES, THEY WILL NEED
8 TO BE ABLE TO QUANTIFY.

9 SO WE'RE NOT SAYING YOU HAVE TO GO OUT AND
10 TELL US WHAT EVERY FACILITY IS, WHO EVERYONE IS THAT HAS
11 A PROGRAM GOING ON. WE KNOW IN A LOT OF INSTANCES THAT
12 IT'S NEXT TO IMPOSSIBLE; BUT IN ORDER TO COUNT, THEY'RE
13 GOING TO NEED TO BE ABLE TO DO THAT.

14 MR. VALENTINE: SO THEN AS I LOOK AT ITEM C, FOR
15 EXAMPLE, UNDERNEATH THAT OR ITEM B UNDERNEATH THAT, B
16 BEING A DESCRIPTION OF EACH OF THE EXISTING DIVERSION
17 PROGRAMS AND PERSONS RESPONSIBLE FOR EACH PROGRAM, YOU
18 ARE REALLY SAYING THAT THAT WAS ONLY AS APPLICABLE.

19 SO TO THE EXTENT THAT THE CITY MAKES ITS
20 BEST EFFORT TO FIND THEM, AND IF THEY DON'T FIND THEM,
21 THEN THEY DON'T HAVE TO DESCRIBE THEM, AND THEY DON'T
22 HAVE TO IDENTIFY THEM?

23 MS. TRGOVCICH: THAT'S CORRECT.

24 MR. VALENTINE: THE OWNERS AND OPERATORS?

25 MS. TRGOVCICH: THAT'S CORRECT. BECAUSE IF THEY



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1 DON'T IDENTIFY THEM. THEY DON'T COUNT THEM. SO TO THE
2 EXTENT THAT THE CITY WANTS TO PUT ITS RESOURCES INTO
3 IDENTIFYING THOSE FACILITIES, IN ORDER TO COUNT THEM,
4 THEY'RE GOING TO NEED TO KNOW WHO THEY ARE. THEY'RE
5 GOING TO NEED TO HAVE SOME ACCESS TO THEIR RECORDS OR
6 THEIR DATA. THAT'S WHY THAT SECTION IS IN THERE.

7 IF THE CITY DOES NOT HAVE THE ABILITY TO
8 GAIN THAT INFORMATION, THEY'RE NOT GOING TO BE ABLE TO
9 UTILIZE AMOUNTS OF MATERIALS THAT WOULD BE DIVERTED BY
10 THOSE PROGRAMS. SO IT'S AN EITHER/OR SITUATION. THEY
11 DON'T HAVE TO PROVIDE THAT INFORMATION; BUT IF THEY
12 DON'T, THEY DON'T COUNT IT.

13 MR. VALENTINE: WHAT IF THEY FIND THE SCRAP
14 DEALER BECAUSE THAT'S A PRETTY EASY PERSON TO FIND? AND
15 THEY -- AND THAT'S WHERE ALL THE COMMODITY IS, AND THEY
16 SAY NOW, "MR. SCRAP DEALER, WHAT WE WANT YOU TO DO IS TO
17 FIND ON OUR BEHALF BECAUSE NOW THAT WE'VE FOUND YOU, WE
18 HAVE TO DESCRIBE ALL THE STUFF YOU'VE GOT AND WHERE IT
19 CAME FROM AND WHO IT BELONGED TO, SO WE WOULD LIKE YOU TO
20 FIND ALL OF THAT FOR US."

21 AND WE GET BACK INTO A RECORDKEEPING MAZE
22 THAT WE'RE REALLY NERVOUS ABOUT. AND, AGAIN, I
23 UNDERSTAND WHAT YOU'RE SAYING ABOUT THEM TAKING CREDIT
24 FOR IT; BUT, AFTER ALL, WE'RE TRYING TO KEEP STUFF FROM
25 GOING INTO THE LANDFILL. WE DON'T FILL THE LANDFILL UP

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1 ANYMORE. SO IT DOES SEEM -- AND I GUESS I SHOULD PUT
2 THIS ON THE RECORD -- THAT I UNDERSTAND THE CONSTRAINTS
3 THAT THE BILL OFFERS YOU IN THIS AREA.

4 BUT IF WE'RE REALLY TRYING TO REDUCE THE
5 DEMAND FOR LANDFILL CAPACITY, THEN IT SEEMS SOMEWHAT
6 HOKEY TO SAY WE'RE GOING TO GO TO THE LOWEST COMMON
7 DENOMINATOR AND SAY THAT EVERYBODY ACROSS THE BOARD HAS
8 TO DO 25 PERCENT. BUT FOR THOSE OF YOU WHO CAN FIND IT,
9 ALL OF THAT THAT'S BEEN DONE FOR GENERATIONS OR AT LEAST
10 FOR THE LAST MANY YEARS, YOU CAN TAKE CREDIT FOR ALL OF
11 THAT. BUT THE REST OF YOU WHO CAN'T FIND THAT, YOU GET
12 TO DO 25 PERCENT, ON THE ASSUMPTION THAT THOSE PEOPLE
13 DIDN'T DO ANYTHING TO BEGIN WITH OR HAVE A VERY SERIOUS
14 LANDFILL CAPACITY PROBLEM.

15 AND IT MIGHT BE, AS YOU ARE DISCUSSING THIS
16 THEORY WITH THE LEGISLATURE, AND OBVIOUSLY YOU'VE GIVEN
17 IT MORE ATTENTION TODAY THAN ANY LEGISLATIVE COMMITTEE
18 THAT I'M AWARE OF DURING THE PASSAGE OF THIS BILL, AS YOU
19 ARE DISCUSSING IT WITH THEM, IT MAY BE THAT WHAT YOU
20 REALLY WANT TO LOOK AT IS WHAT IS IN THE LANDFILL THAT IS
21 RECYCLABLE.

22 YOU KNOW, WE ALREADY HAVE DETERMINED, BASED
23 ON ALMOST EVERYBODY'S TESTIMONY, THAT WE HAVEN'T THE
24 CAPABILITY OF DOING THESE CHARACTERIZATION STUDIES. SO
25 WHAT'S IN THERE THAT'S RECYCLED? HOW MUCH CAN BE GOTTEN

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1 OUT? YOU'VE GOT A LANDFILL THAT DOESN'T HAVE ANYTHING IN
2 IT THAT'S RECYCLABLE. IT SEEMS SILLY TO ASK A PUBLIC
3 AGENCY RESPONSIBLE FOR THAT LANDFILL TO FURTHER REDUCE
4 WHAT'S GOING IN THERE BY 25 PERCENT. THAT'S THE OPPOSITE
5 THEORY OF GOING TO THE LOWEST COMMON DENOMINATOR, WHICH I
6 FEAR THAT WE'VE DONE IT. AND DEFINITELY WE HAVE A
7 PROBLEM WITH E AND F AS OTHERS HAVE.

8 CHAIRMAN GALLAGHER: EXCUSE ME, DENNY, WILL YOU
9 STAND FOR A QUESTION FROM A BOARD MEMBER, PLEASE?

10 BOARD MEMBER TCHOBANOGLIOUS: JUST A QUICK
11 QUESTION. IT SEEMS TO ME THAT YOU COULD ARGUE THAT
12 EVERYTHING IN A LANDFILL IS RECYCLABLE.

13 MR. VALENTINE: NOT WITH THE DEFINITION OF
14 RECYCLABLES BEING HAVING A MARKETABILITY.

15 BOARD MEMBER TCHOBANOGLIOUS: WELL, I GUESS I
16 WOULD QUESTION THAT BECAUSE IT -- YOU ARE TALKING ABOUT A
17 MARKETABILITY TODAY, BUT THAT REALLY, I DON'T THINK, IS
18 THE INTENT, AT LEAST IN MY INTERPRETATION OF THE INTENT.

19 ALL I'M SEARCHING FOR IS CLARITY. I'M
20 NOT -- YOU KNOW, IT'S NOT A --

21 MR. VALENTINE: YEAH. I'M AFRAID THAT, AT
22 LEAST, WHEN I WAS A KID RUNNING THROUGH THE DUMP, THERE
23 WAS -- I FOUND A LOT OF RECYCLABLE ITEMS, BUT MY MOM AND
24 DAD DIDN'T THINK THEY WERE RECYCLABLE.

25 MR. LARSON: MR. CHAIRMAN.



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1 CHAIRMAN GALLAGHER: YES.

2 MR. LARSON: I'D LIKE TO COMMENT ON MR.
3 VALENTINE'S OBSERVATION, TOO, WHICH, AGAIN, I THINK ARE
4 VERY ACCURATE. AND I CERTAINLY APPRECIATE HIS COMMENT
5 THAT WE ARE ATTEMPTING, AS BEST WE CAN, TO INTERPRET WHAT
6 MAY NOT HAVE BEEN THE MOST CONCISE AND CLEAR LAW
7 GENERATED LAST YEAR IN THE CAPITOL.

8 HOWEVER, I THINK THAT THERE'S AN
9 ASSUMPTION, AT LEAST WE'RE TRYING TO ENFORCE THE
10 ASSUMPTION, THAT THERE IS A DIRECT RELATIONSHIP BETWEEN
11 THE CHARACTERIZATION STUDIES THAT ARE ASKED OF LOCAL
12 COMMUNITIES AND THE LINKAGE TO THE TYPES OF MATERIALS
13 THAT WOULD BE INCLUDED IN THE ALREADY OR CREDITABLE-TYPE
14 RECYCLING ACTIVITIES.

15 ASSUMING THAT, AGAIN, CERTAIN COMMODITIES
16 OR CATEGORIES OR TYPES, HOWEVER YOU DESCRIBE THEM, A
17 MATERIAL ARE EVIDENT IN THE WASTESTREAM IN THE DISPOSAL
18 CHARACTERIZATION, THEN THOSE MATERIALS MAY BE TARGETED BY
19 THE LOCAL JURISDICTION; BUT CERTAINLY IF THEY ARE
20 TARGETED, THEY WILL COUNT TOWARDS THAT 25-PERCENT GOAL.

21 AND ALL OF THIS IS LINKED TO THAT
22 25-PERCENT GOAL IN ORDER TO FIND THE MEASUREMENT STICK BY
23 WHICH, IN 1995, LOCAL GOVERNMENTS CAN DEFEND THEIR
24 ACTIONS TO HAVE COMPLIED WITH THE LAW.

25 AND ON THIS SIDE OF THE FORMULA, WE CAN

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1 FIND, IF YOU WILL, THAT THERE'S LOGIC TO THE EVIDENCE
2 THAT THEY PRESENT, AND THERE IS SOME FORM OF MEASUREMENT.
3 AND THAT WE'RE NOT GOING TO -- IT IS NOT OUR INTENT --
4 AND I CAN'T SPEAK FIVE YEARS DOWN THE LINE, BUT I CAN
5 SPEAK FOR TODAY, THAT WE'RE NOT GOING TO ASK LOCAL
6 JURISDICTIONS TO GO OUT TO PRIVATE INDUSTRY, LIKE SALVAGE
7 OPERATORS, AND ASK THEM TO FILL IN THE VOID WITH WHAT IS
8 NOT NORMALLY FOUND IN THE WASTESTREAM GOING TO THE
9 LANDFILL AND WAS NOT FOUND IN THE CHARACTERIZATION STUDY
10 OR DISPOSAL CHARACTERIZATION STUDY THAT SET FORTH THE
11 MEASUREMENT.

12 MAYBE WHAT I'M ASKING IS IF YOU CAN CRAFT
13 THE TYPE OF LANGUAGE THAT WOULD SERVE TO COMPLY WITH WHAT
14 I THINK IS THE INTENT OF THIS LAW IS TO DIVERT RECYCLABLE
15 MATERIALS THAT ARE GOING TO LANDFILLS TODAY, THEN I THINK
16 THAT'S WHAT WE NEED TO LOOK AT, THAT WILL PROTECT YOUR
17 CLIENTS, WHO WE DO NOT SEEK TO ADVERSELY AFFECT BY THIS
18 LAW. WE ONLY SEEK TO PROVIDE LOCAL JURISDICTIONS WITH
19 THE PROPER TOOLS TO MEET THE -- AND COMPLY WITH THE
20 REQUIREMENTS SPECIFIED IN THE LAW.

21 MR. VALENTINE: RIGHT. WE DON'T -- WE DON'T,
22 FOR A MOMENT, THINK THAT THAT IS YOUR INTENT EITHER, NOR
23 DO WE THINK IT'S LOCAL AGENCIES' INTENT TO MAKE LIFE
24 DIFFICULT FOR AN ENTREPRENEUR WITHIN THEIR JURISDICTION,
25 WHO PROBABLY PAYS PROPERTY TAX, PAYROLL, AND ALL THOSE



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1 OTHER NICE THINGS THAT LOCAL ELECTED OFFICIALS ARE
2 INTERESTED IN.

3 WHERE WE RUN INTO THE PROBLEM AND WHERE WE
4 WILL REALLY NEED HELP IS WITHIN THE STATUTE, THE
5 DEFINITION OF WASTE. THE DEFINITION OF SOLID WASTE
6 INCORPORATES A LOT OF THINGS THAT ARE NOT SOLID WASTE, TO
7 INCLUDE WHITE GOODS, TO INCLUDE PAPER, AND THEN CONTINUES
8 TO USE THEM THROUGHOUT, WHICH I THINK HAS SOMEWHAT
9 CONSTRAINED THE REGULATORY PROCESS TO CONTINUE TO JUMP
10 BACK AND FORTH BETWEEN THE DIFFERENCE OF WHAT IS A TRULY
11 DISCARDED MATERIAL AND WHAT DOES THE BILL SAY IS A SOLID
12 WASTE, BUT NEEDS TO BE REMOVED FROM THE WASTESTREAM WHEN
13 WE LOOK AT THAT AS A MARKETABLE COMMODITY.

14 AND, ALSO, THAT'S WHERE THE LOCAL FOLKS ARE
15 GOING TO GRAB THEIR 25 PERCENT FROM. IF I WAS RUNNING A
16 DUMP TODAY, AND I WAS FEARFUL THAT THERE WASN'T A WASHING
17 MACHINE IN THERE, I'D GET ONE IN BEFORE -- THERE WOULD BE
18 SOMETHING IN THERE, AND I DON'T THINK THAT'S WHAT'S GOING
19 TO HAPPEN EITHER.

20 BUT -- YES, WE ARE AND WILL PROVIDE TO YOU
21 IN OUR WRITTEN COMMENTS SOME ADJUSTMENTS WE THINK COULD
22 BE MADE IN THE STATUTE AS IT RELATES TO THE DEFINITION OF
23 THE WORD "SOLID WASTE," AND THEN THE TOTAL APPLICATION --
24 AS THAT THEN -- SIMPLIFYING THEN, WHAT IS OTHERWISE
25 COMPLICATED, I THINK, IN THE REGULATORY PROCESS.

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1 MR. LARSON: I THINK I SHOULD CLARIFY THAT WE,
2 THE BOARD, WE CANNOT REALLY ACCEPT THE CHANGES TO
3 STATUTE. I MEAN, I'M TALKING ABOUT THE REGULATORY
4 PROCESS.

5 MR. VALENTINE: I UNDERSTAND.

6 MR. LARSON: OKAY.

7 MR. VALENTINE: YOU MAY BE CALLED ON FOR INPUT.

8 MR. LARSON: WE ARE PARTICIPATING, YOU AND I --
9 WE'RE TRYING TO CLEAN THAT UP IN ANOTHER ACTIVITY.

10 MR. VALENTINE: TWO OR THREE OTHER QUICK
11 COMMENTS. ON 17134.1, PAGE 29, THIS IS WHAT THE
12 JURISDICTION SHALL EXAMINE AND SELECT AS POTENTIAL SOURCE
13 REDUCTION PROGRAM OBJECTIVES. AND IT DOES SUGGEST THAT
14 THEY LOOK VERY SERIOUSLY, I ASSUME. THEY'RE SUPPOSED TO
15 LOOK AT IT AS SERIOUS. THAT THEY LOOK SERIOUSLY AT MANY
16 THINGS THAT HAVE STATEWIDE APPLICATION AND REDUCING
17 PACKAGING. HOW IS THE LOCAL JURISDICTION GOING TO, YOU
18 KNOW, REALLY AFFECT EVEN A PRODUCER IN THEIR OWN
19 JURISDICTION AND GET THEM TO REDUCE PACKAGING AND
20 PROBABLY MAY NOT CARE. BUT SO WE WOULD SUGGEST THAT
21 THAT'S REALLY A STATEWIDE -- OF STATEWIDE BENEFIT, AND
22 THAT THE PROGRAMS AND THOUGHTS ON THAT BE DEVELOPED HERE
23 AT THE BOARD, AND THEN ALLOWING LOCAL AGENCIES TO OVERLAY
24 AGAINST THE SUGGESTIONS THAT THE STATE HAS FOR
25 ACCOMPLISHING SOME OF THESE OBJECTIVES.

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1 AND WE WOULD THEN LIKE TO ADD ONE IN NO. 7.
2 WHICH WOULD BE REDUCING THE USE OF HAZARDOUS OR TOXIC
3 MATERIALS IN PRODUCTS BECAUSE ONE OF THE GREATEST
4 CONSTRAINTS NOW TO RECYCLING IS THE USE OF TOXIC OR
5 HAZARDOUS MATERIALS THAT COULD BE REPLACED, BUT AT SOME
6 ADDITIONAL COST TO THE CONSUMER, BUT COULD BE REPLACED
7 WITH NONTOXIC SUBSTANCES. THAT THEN WHEN THAT PRODUCT IS
8 RECYCLED, THEN THE PERSON DOING THE RECYCLING, IF IT'S A
9 PROCESS OF SOME SORT LIKE SHREDDING, IS LEFT WITH A
10 RESIDUE, AND THEY HAVE A LARGE PROBLEM IN DISPOSING OF
11 THAT RESIDUE.

12 WE WOULD, ON THAT SAME TONE, GOING BACK TO
13 YOUR -- I THINK IT'S THE DEFINITION NO. 1, AND IT
14 RELATES TO THE STUDY THAT YOU'VE BEEN ASKED TO DO ON
15 ADVANCE DISPOSAL FEES. WE WOULD ASK THAT THOUGHT BE
16 GIVEN TO EXPANDING THAT DEFINITION TO INCLUDE THE
17 APPLICATION OF AN ADVANCE DISPOSAL FEE FOR THE PURPOSE OF
18 REDUCING TOXIC OR HAZARDOUS COMPONENTS IN PRODUCTS.

19 THE THEORY HERE, AND THERE'S A LARGE EFFORT
20 GOING ON ON DESIGN FOR RECYCLING, AND THE EFFORT HERE IS
21 TO SAY THAT THAT PERSON OR PERSONS WHO ENJOY THE
22 BENEFICIAL USE OF A PRODUCT ARE, IN FACT, GOING TO PAY
23 FOR THE ULTIMATE DISPOSAL OR PROBLEMS IN RECYCLING THAT
24 TOXIC OR HAZARDOUS MATERIALS CREATE.

25 ON PAGE 31 AT THE TOP, I THINK WE'RE ON THE



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1 SAME SECTION -- EXCUSE ME. I'M MISGUIDING YOU -- IN
2 SECTION -- PAGE 32. SECTION 17135.3, EVALUATION OF
3 RECYCLING PROGRAM ALTERNATIVES, EACH JURISDICTION SHALL
4 CONSIDER AND IT SAYS RECYCLING AND DIVERSION
5 ALTERNATIVES.

6 WE WOULD THINK OF INSERTING THERE "CONSIDER
7 AND ENHANCING THE EXISTING BUSINESSES PROVIDING THOSE
8 SERVICES." AND THROUGHOUT, THEN, (A)(1) THROUGH (6),
9 THERE SHOULD BE SOME THOUGHT GIVEN TO NOT ENCOURAGING
10 PUBLIC SECTOR, AS THEY GET MORE INTERESTED IN RECYCLING,
11 TO COMPETE WITH BUSINESSES THAT ARE ALREADY IN THAT
12 BUSINESS. TO THE EXTENT THAT THOSE BUSINESSES MEET THE
13 NEED, IF THE NEED IS IDENTIFIED, THEY BE OFFERED THE
14 OPPORTUNITY TO DO IT BEFORE A PUBLIC AGENCY, SIMPLY SAYS
15 IT'S GOING TO BE SIMPLER FOR US. WE SPEND SO MUCH TIME
16 ON THESE REGULATIONS, THAT WE DON'T HAVE TIME TO DO THAT,
17 SO WE'LL JUST SET UP OUR OWN RECYCLING BUSINESS.

18 THE PRIVATE SECTOR THAT'S IN THIS BUSINESS
19 LITTLE BIT CONCERNED ABOUT THAT BASED ON SOME OF THE
20 GRANTS THAT WERE LET WAY BACK IN THE ORIGINAL CREATION OF
21 THIS BOARD THAT DID END UP PROVIDING STATE FUNDS TO
22 PEOPLE TO COMPETE WITH THOSE WHO WERE ALREADY IN THE
23 RECYCLING BUSINESS.

24 I'D JUST CLOSE BY SAYING, MR. CHAIRMAN,
25 MEMBERS OF THE BOARD AND THE WHOLE STAFF, WE THINK THIS

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1 IS ONE OF THE GREATEST BILLS THAT'S BEEN WRITTEN ON THIS
2 TOPIC AS FAR AS BEING ALL ENCOMPASSING, AND WE THINK
3 THAT -- TRULY. I'VE REFERENCED IT A COUPLE OF TIMES --
4 BUT THE DEPTH THAT YOU'VE ALREADY GOTTEN INTO THIS
5 PROJECT MAKES YOU THE NO. 1 BEST, MOST CAPABLE PEOPLE OF
6 SHOWING THE LEGISLATURE SOME OF THE PROBLEMS.

7 AND I HOPE YOU AGGRESSIVELY SHARE WITH THE
8 LEGISLATURE THE TYPES OF COMMENTS THAT YOU ARE HEARING
9 HERE BECAUSE TOO OFTEN THE LEGISLATURE DOESN'T GET INTO
10 THE REGULATORY ACTIVITY, AND SO THEY DON'T SEE THE
11 CONFLICTS THAT ARE PROPOSED.

12 LAST THING, SOME OF THE TESTIMONY LEADS ME
13 TO REMEMBER WHEN I WAS SERVING AS EXECUTIVE DIRECTOR OF A
14 COUNTY SUPERVISORS' ASSOCIATION. AND FOR THOSE WHO
15 PRESENTED TO YOU THOUGHTS THAT SUGGESTED THAT THE FOLKS
16 THAT LIVE IN A CITY OR A COUNTY HAVE NO OTHER DESIRE FOR
17 THEIR TAX REVENUE AND THE FEES THAT ARE GOING TO BE
18 NECESSARY TO FUND THIS PLANNING EFFORT AND HAVE FORGOTTEN
19 ABOUT COURTS AND MEDI-CAL AND ALL THE OTHER THINGS THAT
20 ARE PROVIDED BY LOCAL AGENCIES, I THINK HAVE ELEVATED THE
21 AMOUNT OF MONEY THAT THEY WISH TO DIRECT TO A PLANNING
22 STAGE OF A BILL THAT IS REALLY GOAL AND OBJECTIVE
23 ORIENTED, HAVE REALLY MISSED THE BOAT. THANK YOU.

24 CHAIRMAN GALLAGHER: THANK YOU, MR. VALENTINE.

25 DO WE HAVE ANYONE ELSE?



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1 I'D LIKE TO SAY. BEFORE I TURN IT TO OUR
2 STAFF FOR SUMMARY. THAT WE'VE TRIED TO OPEN UP THIS
3 PROCESS BECAUSE WE SERIOUSLY WANT YOUR COMMENTS. YOU CAN
4 SEE THE DILEMMA WE HAVE. WE'RE GIVEN A PIECE OF
5 LEGISLATION. WE WANT TO WRITE REGULATIONS WHICH HELP
6 CITIES, THAT DO NOT HAMPER THEM. BUT IN DOING THAT, WHAT
7 APPEARS TO HAMPER SOME CITIES, MAY BE HELP TO ANOTHER
8 CITY WHO HAS NOT THE LEVEL OF SOPHISTICATION THAT ANOTHER
9 ONE MAY HAVE.

10 WE'RE GOING TO TAKE SERIOUSLY EVERYTHING
11 THAT'S BEEN SAID. WE'RE GOING TO TRY TO, AFTER OUR FIRST
12 CUT, PUT IN YOUR THOUGHTS, DEVELOP ANOTHER SET, AND BRING
13 IT BACK TO THE BOARD FOR APPROVAL. I DON'T WANT TO
14 MISLEAD YOU THAT THEY'LL BE PERFECT, BUT THE INTENT WILL
15 BE TO TRY TO DEVELOP SOMETHING THAT WILL MAKE IT POSSIBLE
16 FOR THE CITIES TO FEEL REASONABLY SECURE IN THEIR ABILITY
17 TO ADMINISTER AND MEET THE OBJECTIVES OF THIS LAW. AND
18 AT THE SAME TIME, NOT CAUSE THEM TO USE ALL THEIR
19 RESOURCES JUST IN THE DEVELOPMENT OF THEIR PROGRAM.

20 THIS HAS BEEN KIND OF A FINE LINE TO WALK.
21 I DON'T MIND TELLING YOU THAT I'M EXTREMELY PROUD OF THE
22 WORK THAT OUR STAFF HAS DONE. AND THEY HAVE INCORPORATED
23 ALREADY SUGGESTIONS THAT HAVE COME FROM ALL OF YOU, AND
24 THEY WILL CONTINUE TO CONSIDER THEM. WE'LL GET BACK TO
25 YOU.

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1 AND I APPRECIATE VERY MUCH ALL THE COMMENTS
2 THAT YOU HAVE MADE. THE COMMENTS AND YOUR PARTICIPATION
3 IS ABSOLUTELY ESSENTIAL TO THE DEVELOPMENT OF REASONABLY
4 GOOD GUIDELINES TO IMPLEMENT THIS LAW. AND WE'D LIKE IT
5 TO BE IMPLEMENTED PROPERLY.

6 SO, STAFF, YOU WANTED A FEW MINUTES TO
7 SUMMARIZE. HERE'S YOUR SHOT.

8 MR. LARSON: YES, MR. CHAIRMAN.

9 FIRST, I'D LIKE TO GIVE AN OPPORTUNITY TO
10 KAREN TRGOVCICH OF OUR STAFF TO MAKE A FEW SUMMARY
11 COMMENTS ABOUT THE PRESENTATION OF YOUR THOUGHTS TODAY,
12 AND THEN I HAVE A FEW MYSELF WITH THE BOARD'S INDULGENCE.

13 MS. TRGOVCICH: WE, AS STAFF, WHO WORKED ON THE
14 DEVELOPMENT OF THESE REGULATIONS ALONGSIDE WITH THE THREE
15 CONSULTANTS THAT HIRED ON TO DO THIS WORK AS WELL, WOULD
16 JUST LIKE TO MAYBE IMPART TO YOU TWO GUIDING THOUGHTS
17 THAT LED TO THE DEVELOPMENT OF THE REGULATIONS THAT ARE
18 BEFORE YOU.

19 THERE HAVE BEEN A LOT OF COMMENTS RECEIVED
20 ON THE COMPREHENSIVE NATURE OF THE REGULATIONS, AND THE
21 ATTEMPT TO -- OF THE REGULATIONS TO REQUIRE MORE
22 INFORMATION THAN MAY BE REQUIRED.

23 ONE OF THE BASIC PREMISES THAT WE WORKED ON
24 AS STAFF IN THE DEVELOPMENT OF THESE REGS, WAS THAT THERE
25 ARE STIFF PENALTIES ASSOCIATED WITH THE INABILITY TO

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1 DEVELOP AN ELEMENT OR TO IMPLEMENT THE ELEMENT. AND WHAT
2 WE WANTED TO DO WAS TO DEVISE A SET OF REGULATIONS WHICH
3 WOULD NOT ONLY BE AN AID TO CITIES AND COUNTIES IN
4 DEVELOPING OF PROGRAMS THAT WOULD ACHIEVE THOSE MANDATES,
5 BUT WOULD ALSO PROVIDE US. AS BOARD STAFF REVIEWING AND
6 APPROVING OF THESE ELEMENTS, THE COUNTIES' AND CITIES'
7 THOUGHTS AND GOALS AND OBJECTIVES THAT WENT INTO DEVISING
8 THESE PROGRAMS.

9 SO THAT WE WOULD HOPE THAT, FOR EXAMPLE, IN
10 THE ALTERNATIVE SECTION OR THE EVALUATION SECTION, WHERE
11 THERE'S A LIST OF CRITERIA BY WHICH WE'RE REQUESTING THAT
12 EACH ALTERNATIVE BE EVALUATED, THAT YOU WOULD, REGARDLESS
13 AS TO WHETHER WE PUT IT IN REGULATIONS FOR YOU TO LOOK AT
14 THOSE CRITERIA, THAT YOU WOULD HAVE LOOKED AT THEM
15 ANYWAY. SO IN THE END, WHAT WE GET IS A PLAN, HOPEFULLY
16 BEFORE THE 1995 DEADLINE, WHERE WE CAN LOOK AT THE
17 PROGRAMS THAT YOU DEVELOPED AND DETERMINE WHETHER OR NOT
18 THEY REALLY WILL MEET THE 25-PERCENT MANDATE, AND WORK
19 WITH YOU, IF THEY WON'T, IN ORDER TO ACHIEVE THAT
20 MANDATE.

21 AND WHAT WE'RE HEARING HERE TODAY IS THAT
22 MAYBE THE REGULATIONS THEMSELVES REQUIRE TOO MUCH
23 INFORMATION. WE'LL GO BACK AND WE'RE DEFINITELY GOING TO
24 BE LOOKING AT THAT. BUT WE JUST WANTED YOU TO KNOW THAT
25 WHAT WE TRIED TO DESIGN WAS A PLAN THAT WOULD ALLOW US TO



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1 WORK WITH YOU UP FRONT, TO LOOK AT YOUR THOUGHT PROCESS,
2 TO LOOK AT THE PROCESS THAT YOU WENT THROUGH IN DEVISING
3 YOUR PROGRAMS SO THAT WE CAN WORK TOGETHER AND SAY, YES
4 OR NO, YOU ARE GOING TO ACHIEVE THE GOAL THAT YOU SET
5 FORTH FOR YOURSELVES. AND IF YOU AREN'T OR WE DON'T
6 THINK YOU ARE GOING TO, WHY AREN'T YOU? AND LET'S FIX IT
7 NOW.

8 THE SECOND POINT THAT WE WOULD JUST LIKE TO
9 MAKE IN TERMS OF THE STRUCTURE OF THE REGULATIONS, IS
10 THAT ONE OF THE COMMENTS THAT BOARD STAFF MADE
11 CONSISTENTLY IN THE PAST IN REGARDS TO THE COUNTY SOLID
12 WASTE MANAGEMENT PLANS WAS THEIR INCONSISTENCY IN FORMAT
13 AND THE DIFFICULTY IN REVIEWING THE COSWMPs BECAUSE THEY
14 WERE SO DIFFERENT FROM COUNTY TO COUNTY. NOW, WE HAVE
15 ALL THE CITIES INVOLVED AS WELL IN ONE FORM OR ANOTHER.

16 SO WHERE THE REGULATIONS MAY SEEM MORE
17 COMPREHENSIVE, IT WAS IN ORDER TO ESTABLISH A FORMAT TO
18 BE FOLLOWED, WHICH WILL BE FOLLOWED CONSISTENTLY BY EACH
19 CITY AND COUNTY.

20 THOSE ARE JUST THE TWO POINTS THAT WE WOULD
21 LIKE TO MAKE. ONE OF THE ITEMS THAT WE DO PLAN TO
22 PROVIDE, IN ADDITION TO THE REVISED REGULATIONS FOR THE
23 FEBRUARY APPROVAL, IS OUR ADDRESSING THE COMMENTS IN
24 SUMMARY AS THEY WERE RECEIVED AT BOTH THIS WORKSHOP AND
25 THE SOUTHERN CALIFORNIA WORKSHOP.

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1 SO WHERE YOU MAY NOT SEE YOUR COMMENT
2 REFLECTED IN THE REVISED REGULATIONS, WE WILL MOST
3 CERTAINLY TRY TO ADDRESS IT IN A WRITTEN FORM OF RESPONSE
4 AS TO WHY THAT COMMENT WAS NOT CONSIDERED.

5 MR. LARSON: THANK YOU, CAREN. IN SUMMARY, THE
6 COMMENTS I'D LIKE TO HIT ON BRIEFLY REGARD A COUPLE OF
7 THINGS CAREN HIT, BUT I WANT TO RESPOND IN ANY EVENT.

8 THE LEVEL OF DETAIL ISSUE, I WAS PLEASED TO
9 SEE THAT THERE WERE PEOPLE FROM BOTH SIDES OF THE AISLE,
10 WHO -- ONE SAID THERE WAS TOO MUCH DETAIL AND OTHERS
11 SAID THERE WASN'T ENOUGH DETAIL IN CERTAIN AREAS. BUT I
12 THINK THAT NO ONE CAN, AT LEAST, ASSERT THAT WE DID NOT
13 GIVE OUR WHOLE AND CONSCIENTIOUS EFFORT TO TRY AND COVER
14 THE UNIVERSE OF ACTIVITIES THAT MIGHT TAKE PLACE IN THE
15 DEVELOPMENT OF THESE PLANS.

16 THERE ARE STELLAR EXAMPLES OF INDIVIDUAL
17 COMMUNITY'S EFFORTS, LIKE SAN DIEGO AND SANTA CRUZ OUT
18 THERE THAT HAVE TAKEN UPON THEMSELVES, PRIOR TO
19 LEGISLATIVE INITIATIVE, TO DO SO TO DEVELOP MUCH OF WHAT
20 WE ARE SEEKING FOR ALL CITIES, IN PARTICULAR, WHO ARE THE
21 NEW KIDS ON THE BLOCK, IF YOU WILL. THE COUNTIES HAVE
22 BEEN IN THE BUSINESS OF THE COSWMP FOR 15 YEARS. BUT
23 THERE ARE MANY CITIES OUT THERE THAT ARE NOT UP TO THE
24 POWER CURVE AND THE LEVEL OF COMPETENCY IN THESE ISSUES
25 THAT OTHER CITIES ARE.

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1 AND THE INTENT OF OUR THOROUGHNESS WAS NOT
2 TO PENALIZE THOSE THAT HAVE WORKED HARD, BUT TO PROVIDE
3 AS MUCH INFORMATION TO THOSE CITIES THAT ARE NEW AT THESE
4 NEW RESPONSIBILITIES. AND I THINK THAT RON HUNTER'S
5 COMMENTS THAT THE FLOOD OF LETTERS FROM THE CITIES HASN'T
6 PROBABLY BEGUN YET, BUT WE ARE TRYING TO ACCOMMODATE
7 THEIR NEEDS AS MUCH AS POSSIBLE.

8 TO THE EXTENT THAT WE BACK OFF FROM WHAT'S
9 IN HERE TO MEET REASONABLE COMMENTS ARE MADE TODAY, WE
10 WILL CERTAINLY CONSIDER THOSE BEFORE WE BRING OUT ANOTHER
11 VERSION OF THESE REGS.

12 AS REGARDS TO THE CONFLICT BETWEEN REGS AND
13 HOW THEY MAY EXCEED STATUTE, WE WILL CERTAINLY EVALUATE
14 EACH OF THOSE AREAS THAT WERE MENTIONED AS TO WHETHER WE
15 EXCEEDED WHAT WAS THE INTENT OF THE LAW. IT IS NOT OUR
16 INTENT TO EXCEED. WE KNOW IT IS A COMPLEX LAW AS IT IS.

17 I WANT TO POINT OUT THAT AMONG THE DILEMMAS
18 WE DEAL WITH IS THE RELATIONSHIP BETWEEN THE
19 ESTABLISHMENT OF A DIVERSION GOAL, BY WHATEVER DEFINITION
20 WE CAN AGREE UPON, AND THE DEVELOPMENT OF A SERIES OF
21 PLANS THAT WILL REPLACE THE COSWMP. IF YOU READ THE LAW
22 CAREFULLY, THE TWO ARE SEPARATE AND DISTINCT ACTIVITIES.

23 YOU'LL BE MEASURED IN 1995 AGAINST A
24 DIVERSION GOAL WITH OR WITHOUT A PLAN. YOU'LL BE
25 REPORTING EVERY YEAR TO THE BOARD. YOU WILL BE EVERY TWO

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1 YEARS HAVE THE BOARD ASSESS, LOCALLY, WHAT'S GOING ON
2 TOWARDS THE ATTAINMENT OF THE 25-PERCENT GOAL.

3 WE DON'T LOOK FORWARD TO THE TIME WHEN
4 THERE'S A SEVEN-MONTH TIME BETWEEN WHEN THE PLAN IS
5 SUBMITTED AND WHEN THAT DETERMINATION ON THE 25-PERCENT
6 DIVERSION IS MADE. THAT'S WHY WE'RE TRYING TO FOCUS
7 ATTENTION UP FRONT TO HOW TO SUCCESSFULLY ATTAIN THE GOAL
8 AND GET BUSY WITH IT AS SOON AS POSSIBLE WITHOUT BEING
9 PROHIBITIVELY PROSCRIPTIVE.

10 THERE WAS MENTION TODAY OF THE \$10,000
11 FINE. I KNOW IT COMES UP OFTEN AS THE AUTOMATIC RESPONSE
12 TO THIS BOARD EVERY TIME A CITY OR COUNTY DOESN'T FULLY
13 COMPLY WITH THIS LAW. I THINK THOSE OF YOU WHO HAVE
14 DEALT WITH THIS BOARD OVER THE YEARS OF ITS EXISTENCE
15 WOULD FIND THAT TO BE NOT A CREDIBLE ARGUMENT IN THE CASE
16 OF THIS BOARD. I CERTAINLY CAN'T SPEAK FOR THE NEW
17 BOARD, BUT IT'S NOT THE INTENT TO PENALIZE THOSE WHO SEEK
18 TO COMPLY WITH THE LAW.

19 I NOTE, TOO, THERE WERE SPECIFIC PROVISIONS
20 THAT WEREN'T MENTIONED TODAY, AND WE HAVE NOT DRAFTED THE
21 REGULATIONS ON THEM YET. THEY WILL BE IN THAT CHAPTER 7
22 PROCEDURES SECTION, WHICH WE'RE WORKING ON NOW, WHICH
23 OUTLINE THE PROVISIONS FOR UP TO ONE-YEAR EXTENSIONS FOR
24 ATTAINING THE GOALS SPECIFIED IN THE LAW; THE
25 ESTABLISHMENT OF ALTERNATIVE GOALS FOR PARTICULARLY RURAL

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SAN DIEGO
619-455-1997



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1 GOVERNMENT, AS THE LAKE COUNTY REPRESENTATIVE PLEADED
2 THEIR CASE, WHICH WE'RE WELL AWARE OF; AND OUTRIGHT
3 EXEMPTIONS FOR THOSE LOCALITIES WHERE IT IS IMPRACTICAL,
4 AS DEMONSTRATED BY EVIDENCE SUBMITTED IN THE SOURCE
5 REDUCTION AND RECYCLING ELEMENTS AND THE PLAN, TO PROVIDE
6 SUCH EXEMPTIONS.

7 SO I WANT TO EMPHASIZE, AS WE CLOSE OUR
8 STAFF COMMENTS, THE POSITIVE NATURE OF THIS LAW AS WE
9 INTERPRET IT AND OUR DESIRE TO WORK WITH LOCAL GOVERNMENT
10 AND PRIVATE INDUSTRY, WHICH PLAYS AN INCREASINGLY
11 IMPORTANT ROLE IN THE SUCCESS OF HOW LOCAL GOVERNMENT
12 WILL ATTAIN THE GOALS STATED. AND THAT JOINT EFFORT, WE
13 CERTAINLY WANT TO NURTURE AND CONTINUE. AND I WANT TO
14 EMPHASIZE, TOO, WITH THE ENVIRONMENTAL ORGANIZATIONS THAT
15 HAVE BEEN COOPERATIVE IN PROVIDING THEIR INPUT, TOO.

16 IN TERMS OF A COUPLE OF PROCEDURAL THINGS,
17 IT'S VERY IMPORTANT THAT EVERYBODY SIGN UP OUTSIDE. OR
18 THOSE OF YOU WHO SPOKE, WE'VE GOT YOUR SIGN-UP SHEETS.
19 WE WANT TO MAKE SURE THAT WE GOT YOUR ADDRESS SO THAT WE
20 CAN ADD YOU IN, IF YOU'RE NOT ALREADY ON OUR MAILING LIST
21 FOR THE DEVELOPMENT OF THE REGULATIONS IN THEIR NEXT
22 ITERATION.

23 AND AS I MENTIONED WHEN WE BEGAN TODAY,
24 IT'S OUR INTENTION TO TRY TO ASSIMILATE THE INFORMATION
25 WE COLLECTED TODAY AND THE WRITTEN COMMENTS BY FEBRUARY

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1 2D AND ADOPT REGULATIONS IN FEBRUARY. OF COURSE, THAT'S
2 CAUTIONED. AGAIN. BY THE DETERMINATION BY THIS BOARD THAT
3 THOSE REGULATIONS ARE IN A FORM THAT WE'RE PREPARED TO
4 SUBMIT TO THE OFFICE OF ADMINISTRATIVE LAW.

5 AND, AGAIN, I APPRECIATE VERY MUCH YOUR
6 SINCERE COMMENTS OFFERED TODAY.

7 CHAIRMAN GALLAGHER: THANK YOU, GEORGE.

8 MR. MOSCONE.

9 BOARD MEMBER MOSCONE: YES. I HAD A QUESTION OR
10 CONCERN ON -- WELL, IT'S A PART OF SECTION 17134.3,
11 EVALUATION OF SOURCE REDUCTION PROGRAM ALTERNATIVES. BUT
12 ON PAGE 31 UNDER (D)(6), RESTRICTIONS OR PREFERENCES IN
13 THE PERMITTING AND SITING OF NEW LAND USE DEVELOPMENTS.

14 DO I TAKE THIS TO MEAN THAT THEY NOT THROW
15 ROADBLOCKS IN TRYING TO ESTABLISH BUY-BACK CENTERS,
16 RECYCLING CENTERS. RESOURCE RECOVERY PLANTS, OR
17 COMPOSTING PLANTS? I DON'T SEE ANY PROBLEM AS FAR AS
18 COMPOSTING, AS FAR AS GARDEN AND YARD WASTE, BUT I WOULD
19 SEE SOME PROBLEMS PROBABLY IN COMPOSTING THE REST OF THE
20 WASTE FOOD WASTE AND THAT KIND OF THING.

21 IS THIS TELLING THEM TO PUT YOUR HAND ON
22 YOUR HEART AND NOT MAKE IT POLITICAL OR WHATEVER, AS IT'S
23 BEEN IN THE PAST?

24 MS. TRGOVCICH: WHAT THIS SECTION IS SAYING IS
25 THAT AS AN ALTERNATIVE. AS ONE OF THE ALTERNATIVES TO



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1 CONSIDER WHEN YOU ARE PUTTING YOUR SOURCE REDUCTION
2 PROGRAM TOGETHER, THAT YOU NEED TO -- THAT ONE OF THE
3 THINGS YOU MAY WANT TO CONSIDER AS A LOCAL GOVERNMENT IS
4 A RESTRICTION OR PREFERENCE IN THE PERMITTING OR SITING
5 NEW LAND USE DEVELOPMENTS.

6 WE'RE NOT SAYING PUT YOUR HAND ON YOUR
7 HEART AND FORGET IT. WE'RE SAYING, ACTUALLY, LET'S LOOK
8 AT IT. THAT MAY BE SOMETHING THAT, AS A LOCAL
9 GOVERNMENT, YOU WANT TO CONSIDER IN YOUR LAND USE
10 DECISIONS OR IN RESTRICTIONS THAT YOU MAY IMPOSE IN YOUR
11 LOCAL JURISDICTION ON NEW BUILDINGS, NEW DEVELOPMENTS, OR
12 SITINGS.

13 SO WE'RE ACTUALLY SAYING THE OPPOSITE. IF,
14 AS AN ALTERNATIVE, YOU, LOCAL GOVERNMENT, MAY WANT TO
15 CONSIDER ENACTING THESE TYPES OF LOCAL PREFERENCES TO
16 ENCOURAGE SOURCE REDUCTION ACTIVITIES.

17 BOARD MEMBER MOSCONE: WELL, THAT'S WHAT I HAD
18 IN MIND BECAUSE, YOU KNOW, THERE'S GOING TO BE A LOT OF
19 TRANSPORTING PROBABLY OF SOME OF THESE RECYCLED
20 MATERIALS. AND IF THEY DON'T HAVE THE LAND USE PERMITS
21 WITHIN A REASONABLE DISTANCE, THEN IT'S GOING TO REQUIRE
22 THEM TO GO OUT OF THE COUNTRY SOMEWHERE AND SET UP THESE
23 PLANTS SO THEY CAN GET PERMITS AND ALL OF THAT. IT'S
24 GOING TO INCREASE THE COST. AND WERE IT IN, SAY, CLOSER
25 TO TOWN, THE SITES WOULD BE MORE ACCESSIBLE FOR PEOPLE TO

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1 GO TO AND DISPOSE OF THEIR RECYCLABLES.

2 BOARD MEMBER VARNER: MR. CHAIRMAN, IN VIEW OF
3 THAT, JOHN. ISN'T THIS ALREADY A PART OF LOCAL
4 GOVERNMENT'S PERMITTING PROCESS? ARE WE TALKING ABOUT
5 CHANGING LOCAL GOVERNMENT'S ABILITY FOR LAND USE
6 DECISIONS? MAYBE I --

7 MR. LARSON: MR. CHAIRMAN, MAY I?

8 CHAIRMAN GALLAGHER: YES, GEORGE.

9 MR. LARSON: I THINK THAT WE'RE TALKING BOTH
10 ABOUT PREFERENCES AND RESTRICTIONS, AND CERTAINLY THERE'S
11 NO ILLUSION HERE TO THE STATE HAVING SOME PREEMPTIVE ROLE
12 IN LAND USE DECISIONS.

13 WHAT WE'RE SAYING TO LOCAL GOVERNMENTS, AND
14 I THINK WE SAW IT DEMONSTRATED IN CERTAIN UNNAMED
15 COUNTIES IN CALIFORNIA THAT CONTINUE TO FAIL TO PROVIDE
16 CAPACITY FOR DISPOSAL, YET CONTINUED TO BURGEON AND GROW
17 WITH ALL TYPES OF DEVELOPMENTS, THAT THEY MIGHT CONSIDER
18 FACING LACK OF CAPACITY, FOR EXAMPLE, TO HANDLE
19 ADDITIONAL WASTE. THAT THERE BE SOME RESTRICTIONS PLACED
20 UPON THE GENERATION OF WASTE TO REDUCE THE VOLUME, SUCH
21 THAT THEY CAN CONTROL OR MANAGE WHAT THEY ALREADY
22 GENERATE WITHOUT CONTINUED ADDITIONAL GROWTH. I THINK
23 SAYING THE NASTY WORD OF BUILDING MORATORIUMS IS ONE OF
24 THE THINGS THAT HAVE BEEN, YOU KNOW, DISCUSSED AT THE
25 LOCAL LEVEL.

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1 BOARD MEMBER VARNER: SOUNDED LIKE YOU WERE
2 SAYING HERE THAT WE WERE GOING TO MAKE LAND USE DECISIONS
3 FOR LOCAL GOVERNMENT.

4 MR. LARSON: NO. THESE ARE A LIST OF ITERATIONS
5 OF ACTIONS THAT LOCAL GOVERNMENTS, THEY AND ONLY THEY,
6 CAN EVALUATE AS APPROPRIATE, GIVEN THEIR LOCAL
7 CONDITIONS, NOT TO BE PASSED ON IN TERMS OF WHETHER IT'S
8 GOOD OR BAD BY THE STATE.

9 CHAIRMAN GALLAGHER: THANK YOU. I DOUBT VERY
10 MUCH THAT IT IS POSSIBLE FOR US TO WRITE REGULATIONS THAT
11 WILL COVER IN DETAIL EVERYTHING HAVING TO DO WITH SOLID
12 WASTE DISPOSAL, RECYCLING, AND SOURCE REDUCTION.

13 I'VE BEEN AROUND A FEW YEARS, AND I KNOW
14 FOR A FACT, AND I THINK, LOOKING OUT AT DENNY AND THE
15 ORGANIZATION THAT HE REPRESENTS, CITIES ARE GOING TO FIND
16 THAT MUCH OF WHAT GOES THROUGH A SCRAP YARD MAY VERY WELL
17 GO INTO THE LANDFILL DIRECTLY.

18 THERE ARE HOME WORKSHOPS THAT WORK WITH
19 FERROUS METAL AND NONFERROUS METAL. IF THERE IS A LARGE
20 ENOUGH COLLECTION OF IT, THE OPERATOR WILL TAKE IT TO A
21 SCRAP YARD AND SELL IT. ON THE OTHER HAND, IF HE HAS A
22 SMALL MINOR AMOUNT OF IT, IT GOES IN THE SCRAP BARREL.

23 AND I KNOW FOR A FACT SKEET VARNER RUNS A
24 MACHINE SHOP AT HIS SCRAP YARD.

25 NOW, WE'RE NEVER GOING TO BE ABLE, IN MY

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1 JUDGMENT. TO WRITE ANYTHING SO PRECISE THAT IT'S GOING TO
 2 COVER EVERY ONE OF THOSE ITEMS. I DO, HOWEVER, ADMONISH
 3 ALL OF YOU THAT REALIZING THAT, IF YOU HAVE SOME GOOD
 4 SUGGESTIONS ON HOW THAT CAN BE WORKED INTO THE
 5 REGULATIONS SO THAT THE CITIES KNOW THAT THOSE THINGS ARE
 6 HAPPENING, AND THEY MAY BE IN SMALL ENOUGH QUANTITIES
 7 THAT YOU WOULD HAVE AN ABSOLUTE IMPOSSIBLE TIME
 8 IDENTIFYING THEM. BUT THEY'RE STILL THERE. I THINK I'D
 9 APPRECIATE VERY MUCH IF YOU WOULD COME FORWARD WITH THEM.

10 THE WASTESTREAM IS A VERY DYNAMIC THING.
 11 IT IS NOT STATIC. WHAT'S IN IT TODAY MAY NOT BE THERE
 12 TOMORROW, AND YOU MUST REALIZE THAT AS YOU PUT THESE
 13 PLANS TOGETHER. I'M HOPEFUL THAT WHAT WE COME OUT WITH
 14 WILL SATISFY THE MAJORITY OF THE NEEDS, BUT I DON'T
 15 BELIEVE IT WILL EVER BE POSSIBLE FOR US TO BE SO PRECISE
 16 AS TO COVER EVERY SMALL LITTLE ITEM IN A REGULATION.

17 THANK YOU VERY MUCH. YOU'VE BEEN PATIENT
 18 WITH US, AND WE APPRECIATE THAT. WE'LL LOOK FORWARD TO
 19 SEEING SOME OF YOU HERE TOMORROW.

20 WE STAND IN RECESS UNTIL IN THE MORNING AT
 21 9 O'CLOCK.

22 ATTORNEY CONHEIM: MR. CHAIRMAN, WE SHOULD
 23 ANNOUNCE THAT WE'RE GOING INTO A CLOSED SESSION --

24 CHAIRMAN GALLAGHER: I'VE ALREADY DONE THAT.

25 ATTORNEY CONHEIM: -- TO DISCUSS THE MCCOURTNEY



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LANDFILL CASE.

CHAIRMAN GALLAGHER: I ANNOUNCED TO DISCUSS
LITIGATION.

ATTORNEY CONHEIM: WELL, WE HAVE TO NAME THE
CASE.

CHAIRMAN GALLAGHER: MCCOURTNEY LANDFILL.

(END OF PROCEEDINGS.)



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REPORTER'S CERTIFICATE

I, BETH C. DRAIN HEREBY CERTIFY THAT ON THE
24TH OF JANUARY, 1990, I DID REPORT IN
SHORTHAND THE TESTIMONY AND PROCEEDINGS OF THE FOREGOING
HEARING;

THAT AT THE CONCLUSION OF THE ABOVE ENTITLED MATTER,
I DID TRANSCRIBE MY SHORTHAND NOTES INTO TYPEWRITING, AND
THAT THE FOREGOING TRANSCRIPT IS A TRUE AND CORRECT COPY OF
MY SHORTHAND NOTES THEREOF.


CERTIFIED SHORTHAND REPORTER
CERTIFICATE NO. 7152



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