

ORIGINAL

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

IN THE MATTER OF THE: )  
REGULAR MONTHLY BOARD MEETING )  
JUNE 21, 1990 )  
\_\_\_\_\_ )

DATE AND TIME: THURSDAY, JUNE 21, 1990, 1:00 P.M.

PLACE: CALIFORNIA STATE BUILDING  
1350 FRONT STREET, B-109  
SAN DIEGO, CALIFORNIA

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

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

## 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 (NOT PRESENT)  
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. DON DIER  
MR. STEVEN AULT  
MR. BILL ORR  
MR. CHRIS PECK  
MR. NGUYEN VAN HANH  
MR. HERB BERTON  
MS. MAUREEN MORRISON

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## 1 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

2 JUNE 21, 1990

3  
4 VICE CHAIRMAN MOSCONE: WE WILL RECONVENE THE  
5 REGULAR BOARD MEETING AND GO ON WITH THE REGULAR  
6 BUSINESS.7 BEFORE DOING SO, SHOULD WE MAKE ANY EX  
8 PARTE DECLARATIONS AT THIS TIME?9 ATTORNEY CONHEIM: I'M SORRY FOR THE DELAYS. WE  
10 MUST BE DOING SOMETHING RIGHT BECAUSE THE LEVEL OF  
11 COMMUNICATION HAS DROPPED TO AN ALARMING LOW. LET ME  
12 SEE. THIS DOESN'T SOUND LIKE IT'S ON.13 THE LIST I'M GOING TO READ HERE IS THE LIST  
14 OF LETTERS RECEIVED AT THE BOARD BEFORE THE START OF THIS  
15 MEETING. AND EACH OF YOU MAY OR MAY NOT HAVE OTHER  
16 COMMUNICATIONS, BOTH WRITTEN -- EITHER WRITTEN OR ORAL,  
17 WHICH YOU MAY WISH TO PUT ON THE RECORD.18 MY LIST INCLUDES A MAY 16TH LETTER TO  
19 CHAIRMAN GALLAGHER FROM VINCE BIONDO, CITY ATTORNEY, CITY  
20 OF CARLSBAD, REGARDING APPEARANCE BEFORE THE BOARD AT  
21 THIS JUNE MEETING.22 ANOTHER LETTER, MAY 16TH, TO CHAIRMAN  
23 GALLAGHER FROM SUPERVISOR SCHABARUM, COUNTY OF LOS  
24 ANGELES, REGARDING BKK LANDFILL IN WEST COVINA.

25 A JUNE 6TH LETTER TO CHAIRMAN GALLAGHER

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1 FROM KOSTI SHIRVANIAN, PRESIDENT OF WESTERN WASTE,  
2 REGARDING AB 939 AND AB 1820.

3 AND ONLY ONE MORE LETTER TO ENTER INTO THE  
4 RECORD, JUNE 7TH TO ALL BOARD MEMBERS FROM CHARLES -- I'M  
5 SORRY. I'M NOT GOING TO PRONOUNCE THIS CORRECTLY --  
6 MCELWEE, PRESIDENT, L.A. COUNTY MEDICAL ASSOCIATION,  
7 REGARDING THE AZUSA LANDFILL.

8 THAT'S THE LIST THAT I HAVE. MR. VARNER,  
9 YOU AND I HAVE SPOKEN ABOUT ANOTHER CONTACT THAT YOU  
10 WANTED TO TELL US ABOUT.

11 BOARD MEMBER VARNER: YES. I WAS CONTACTED BY  
12 MR. ROY ASHBURN, WHO IS SUPERVISOR IN KERN COUNTY. AND  
13 HE ASKED ME IF I COULD FIND OUT SOME DETAILS OF WHAT WAS  
14 TAKING PLACE WITH THE BOARD STAFF IN REGARD TO THE  
15 MCFARLAND DELANO LANDFILL.

16 I CALLED BOARD STAFF; THEY FAX'D ME SOME  
17 MATERIAL. I MADE SOME COMMENTS AFTER TALKING WITH THEM  
18 AND THEN TRANSMITTED THIS MATERIAL TO MR. ASHBURN, AND HE  
19 THANKED ME FOR GIVING HIM THAT INFORMATION. AND MR.  
20 CONHEIM HAS A COPY OF THE FAX'D INFORMATION AND MY NOTES  
21 ON IT AS TO WHAT WAS DISCUSSED.

22 ATTORNEY CONHEIM: I WILL INCLUDE THIS MATERIAL  
23 AT YOUR REQUEST IN THE RECORD.

24 MR. CHAIRMAN, ARE THERE ANY OTHER MEMBERS  
25 WHO WISH AT THIS TIME TO ENTER EX PARTE COMMUNICATIONS IN

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1 THE RECORD?

2 VICE CHAIRMAN MOSCONE: I HAVE NONE.

3 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

4 VICE CHAIRMAN MOSCONE: MS. BREMBERG.

5 BOARD MEMBER BREMBERG: I ATTENDED THE GLENDALE  
6 INTEGRATED WASTE MANAGEMENT ADVISORY TASK FORCE MEETING  
7 DEALING WITH THE NEW ELEMENT AND WASTE ALTERNATIVE  
8 STUDIES.

9 VICE CHAIRMAN MOSCONE: IF THERE ARE NO OTHERS,  
10 I TAKE IT, FROM THE BOARD, WE WILL CONTINUE THEN WITH  
11 ITEM 1 OF THE AGENDA, CONSIDERATION OF CONCURRENCE IN A  
12 NEW SOLID WASTE FACILITIES PERMIT AND CLOSURE/POSTCLOSURE  
13 CERTIFICATION FOR SIMI VALLEY LANDFILL, VENTURA COUNTY.

14 MR. IWAHIRO: MR. CHAIRMAN, DON DIER OF OUR  
15 PERMIT SECTION AND STEVE AULT OF OUR PLANNING WILL BE  
16 DOING THIS ITEM. IT'S PRIMARILY ONE OF A NEW OPERATOR AT  
17 AN OLD SITE, AND ALSO THERE'S A PROPOSAL FOR AN EXPANSION  
18 OF THE SITE.

19 DON DIER WILL GIVE US THE SUMMARY OF THE  
20 PROPOSAL.

21 MR. DIER: GOOD AFTERNOON, CHAIRMAN, MEMBERS.  
22 SIMI VALLEY LANDFILL COMMENCED OPERATIONS IN 1970. IN  
23 1979 A PERMIT WAS ISSUED TO THE VENTURA REGIONAL  
24 SANITATION DISTRICT TO OPERATE A FACILITY TO RECEIVE  
25 HAZARDOUS AND NONHAZARDOUS WASTE. HAZARDOUS WASTES WERE

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1 DEPOSITED IN A CLASS 1 AREA OF THE NORTHERN 75-ACRE  
2 PORTION OF THE 230-ACRE FACILITY.

3 IN 1983 A PERMIT WAS ISSUED TO CHEMICAL  
4 WASTE MANAGEMENT WHICH PROHIBITED THE DISPOSAL OF  
5 HAZARDOUS WASTE AT THE FACILITY. THE PROVISION OF THAT  
6 PERMIT ALLOWED SOLID WASTE TO BE DEPOSITED IN A LIMITED  
7 PORTION OF THE HAZARDOUS WASTE AREA.

8 IN DECEMBER OF 1988, THE LEA AUTHORIZED  
9 DISPOSAL WITHIN THE CLASS 1 AREA UNDER THE PROVISIONS OF  
10 THAT '83 PERMIT. THE LEA'S AUTHORIZATION WAS MADE  
11 FOLLOWING THE DEPARTMENT OF HEALTH SERVICES'  
12 DETERMINATION THAT OVERFILLING OF A FORMER CLASS 1 AREA  
13 WITH NONHAZARDOUS SOLID WASTE IN ITSELF WOULD NOT POSE A  
14 THREAT TO PUBLIC SAFETY.

15 THE ACTION BEFORE US THIS AFTERNOON IS A  
16 REVISION OR AN ISSUANCE OF A NEW PERMIT FOR A NEW  
17 OPERATOR, WASTE MANAGEMENT OF NORTH AMERICA, AND TO ALLOW  
18 FOR THE HORIZONTAL AND VERTICAL EXPANSION OF THE  
19 FACILITY.

20 THE HORIZONTAL EXPANSION WOULD INCREASE THE  
21 FOOTPRINT OF THE WASTE FROM 83 ACRES TO 125 ACRES, AND  
22 THE VERTICAL -- IN CONJUNCTION WITH THE VERTICAL  
23 EXPANSION, THE CAPACITY OF THE SITE WOULD BE INCREASED  
24 FROM THE EXISTING JUST UNDER ONE MILLION CUBIC YARDS TO A  
25 PROPOSED 14 MILLION CUBIC YARDS. IN ADDITION, THE PERMIT

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1 WOULD PROVIDE FOR A PERMITTED DAILY CAPACITY OF 3,000  
2 TONS PER DAY.

3 STEVE AULT WILL NOW REVIEW WITH YOU THE  
4 ENVIRONMENTAL CONSIDERATIONS.

5 MR. AULT: I UNDERSTAND THE MICROPHONE DOESN'T  
6 WORK. IF I DON'T SPEAK LOUDLY ENOUGH, LET ME KNOW.

7 THE COUNTY OF VENTURA PREPARED THE INITIAL  
8 ENVIRONMENTAL ASSESSMENT FOR THIS PARTICULAR PROJECT AND  
9 CONCLUDED THAT THE PROJECT COULD POTENTIALLY HAVE A  
10 SIGNIFICANT IMPACT ON ENVIRONMENT AND REQUIRED, THEN,  
11 THAT AN EIR BE PREPARED FOR THIS PROJECT. THAT WAS BACK  
12 IN OCTOBER 1987.

13 THERE WERE SUBSEQUENT REVISIONS TO THE EIR,  
14 WHICH OCCURRED IN APRIL AND JULY OF 1988, WHICH LISTED  
15 MITIGATION MEASURES WHICH WOULD REDUCE THE POSSIBLE  
16 ADVERSE IMPACTS TO A LEVEL OF INSIGNIFICANCE. THE  
17 EFFECTS AND MITIGATION MEASURES ARE INCLUDED AS  
18 ATTACHMENT NO. 5 IN THE BOARD PACKET.

19 THERE WERE ADDITIONAL MITIGATION MEASURES  
20 FOR THIS PROJECT THAT WERE REQUIRED BY THE STATE  
21 DEPARTMENT OF HEALTH SERVICES AND WERE INCLUDED IN THE  
22 SOLID WASTE FACILITIES PERMIT. THOSE COVERED SUCH TOPICS  
23 AS THE ISSUE OF THE SOURCE OF GROUNDWATER CONTAMINATION  
24 IN TWO OFF-SITE WELLS, GROUNDWATER MIGRATION MOVEMENT TO  
25 THE EAST IN TWO SANDSTONE BEDS, AN ISSUE ABOUT A POSSIBLE

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1 OIL WELL IN THE NORTHEAST CORNER OF THE CLASS 1 AREA, A  
2 LEACHATE MONITORING CONTROL PROGRAM, AS DESCRIBED IN THE  
3 EIR, TO INCLUDE A TRENCH SYSTEM LOCATED BELOW THE BOTTOM  
4 LEVELS, ELEVATIONS OF THE REFUSE COLUMN, AND, FINALLY, AN  
5 ISSUE REGARDING THE MANAGEMENT OF LEACHATE AND GAS  
6 CONDENSATE THAT WOULD BE GENERATED BY THE PROJECT.

7 AS DON HAD JUST MENTIONED, THE STATE  
8 DEPARTMENT OF HEALTH SERVICES HAD CONCLUDED IN A MEMO  
9 THAT, IN THEIR OPINION, AUTHORIZING OVERFILLING OF THIS  
10 SITE, PARTICULARLY THE CLASS 1 AREA, WOULD NOT POSE A  
11 THREAT TO PUBLIC SAFETY IF ALL THE MITIGATION MEASURES  
12 LISTED IN THE EIR AND THE ADDITIONAL MITIGATION MEASURES  
13 THAT THE DEPARTMENT OF HEALTH SERVICES ARE REQUIRED WERE  
14 IMPLEMENTED AS STATED.

15 THERE WERE IN THIS PROJECT SOME SPECIFIC  
16 AND CUMULATIVE ENVIRONMENTAL IMPACTS WHICH COULD NOT BE  
17 MITIGATED TO A LEVEL OF INSIGNIFICANCE. THOSE IMPACTS  
18 HAVE TO DO WITH PARTICULARLY AIR QUALITY, THE GENERATION  
19 OF DUST, WHICH WAS SEEN AS A CUMULATIVE IMPACT PROBLEM,  
20 AND THE GENERATION OF OVER 13 TONS OF NITROUS OXIDES AND  
21 OTHER RADICAL OXIDANT MATERIALS WITH ARE OZONE  
22 PRECURSORS.

23 ADDITIONALLY, ANOTHER SPECIFIC IMPACT WHICH  
24 COULD NOT BE MITIGATED TO A LEVEL OF INSIGNIFICANCE  
25 REFERRED TO TRAFFIC, PARTICULARLY AT THE JUNCTION OF

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1 MEDERA ROAD AND ROUTE 118 AND A SECTION OF MEDERA ROAD  
2 WITH TWO OTHER STREETS.

3 THE THIRD IMPACT WHICH COULD NOT BE FULLY  
4 MITIGATED WAS THAT OF A VISUAL AND AESTHETIC IMPACT  
5 ASSOCIATED WITH THE FINAL VERTICAL ELEVATION OF THE  
6 FACILITY WHICH MIGHT BE VISIBLE FROM ONE PARTICULAR POINT  
7 ON THE -- ADJACENT TO THE HIGHWAY. AND THEN, FINALLY,  
8 THE LOSS OF SOME FOSSILS AND GEOLOGIC DATA AS  
9 PALEONTOLOGICAL RESOURCES.

10 UNDER THE AUTHORITY GRANTED IN CEQA, THE  
11 VENTURA COUNTY BOARD OF SUPERVISORS DID ADOPT A STATEMENT  
12 OF OVERRIDING CONSIDERATIONS FOR THESE UNMITIGATABLE  
13 IMPACTS. THIS WAS DONE THROUGH A RESOLUTION THAT WAS  
14 APPROVED ON JUNE 27, 1989. THE BOARD HAS REVIEWED THE  
15 STATEMENT OF OVERRIDING CONSIDERATIONS AND CONSIDER IT  
16 APPROPRIATE FOR THE BOARD'S CONSIDERATION OF THE PROJECT.

17 ADDITIONALLY, IT IS NOT NECESSARY IN THIS  
18 PARTICULAR CASE FOR THESE IMPACTS FOR THE BOARD TO MAKE A  
19 FINDING OF OVERRIDING CONSIDERATIONS FOR THIS PROJECT AND  
20 FACILITY. VENTURA COUNTY FILED A NOTICE OF DETERMINATION  
21 FOR THIS PROJECT IN SEPTEMBER OF 1989, FILED WITH THE  
22 COUNTY CLERK AND ALSO THE STATE CLEARINGHOUSE AS REQUIRED  
23 BY CEQA.

24 ADDITIONALLY, A MITIGATION MEASURE  
25 MONITORING PROGRAM, WHICH IS NOW REQUIRED UNDER THE

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1 PUBLIC RESOURCES CODE, WAS PREPARED FOR THIS PROJECT.  
2 THAT IS, I BELIEVE, ATTACHMENT SIX IN YOUR BOARD PACKET,  
3 APPROXIMATELY 40 PAGE -- 20-PAGE DOCUMENT.

4 STAFF HAS REVIEWED THE MITIGATION MEASURE  
5 MONITORING PROGRAM AND, AGAIN, FOUND THAT IT'S  
6 SATISFACTORY FOR THE BOARD'S CONSIDERATION.

7 THE ONE LAST ISSUE THAT WAS STILL BEING  
8 DISCUSSED AS OF A COUPLE MONTHS AGO WAS THE OVERFILL OF A  
9 15-ACRE VERSUS A 25-ACRE SITE. AND AS WE DESCRIBED IN  
10 THE CEQA SECTION OF THE BOARD PACKET, WE, AFTER CAREFUL  
11 REVIEW OF SUBSEQUENT DOCUMENTS SUBMITTED BY THE COUNTY  
12 AND THE ORIGINAL FINAL EIR, THE BOARD WERE ABLE TO AGREE  
13 THAT, INDEED, THE PROJECT WAS -- TO CONSIDER A 25-ACRE  
14 SITE WITHIN THE CLASS 1 AREA AND ALSO THAT THE PROJECT  
15 INCLUDED PROPER MITIGATION MEASURES FOR THE FULL 25-ACRE  
16 SITE IN THE CLASS 1 AREA.

17 WITH THAT SUMMARY, THEN, THE LOCAL PLANNING  
18 STAFF FOUND THAT ALL REQUIREMENTS UNDER CEQA HAD BEEN MET  
19 FOR THIS PROJECT. AND WITH THAT, I'LL BE HAPPY TO ANSWER  
20 ANY QUESTIONS THE BOARD MAY HAVE.

21 ADDITIONALLY, I WOULD LIKE TO INFORM THE  
22 BOARD THAT THERE ARE REPRESENTATIVES FROM WASTE  
23 MANAGEMENT INCORPORATED AND, OF COURSE, THE COUNTY LEA  
24 HERE IN THE AUDIENCE IF YOU WISH TO ADDRESS QUESTIONS TO  
25 THEM AS WELL.

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1 VICE CHAIRMAN MOSCONE: BOARD MEMBERS HAVE ANY  
2 QUESTIONS?

3 MRS. BREMBERG.

4 BOARD MEMBER BREMBERG: YEAH. ON PAGE 52 IN THE  
5 PACKET, 2 (F) AND (G).

6 MR. AULT: EXCUSE ME.

7 BOARD MEMBER BREMBERG: HAZARDOUS WASTE STORAGE  
8 AREA POLICIES OF NOVEMBER 29, 1989, HAZARDOUS WASTE  
9 PERMIT TO OPERATE ISSUED BY VENTURA COUNTY DEPARTMENT OF  
10 ENVIRONMENTAL HEALTH RENEWED ANNUALLY IN SEPTEMBER.

11 MAY I ASK WHY, IF THEY'RE NO LONGER ALLOWED  
12 TO DISPOSE OF HAZARDOUS WASTE, WHY ARE THEY RENEWING  
13 THEIR PERMIT?

14 MR. AULT: MS. BREMBERG, I BELIEVE THAT THIS IS  
15 PART OF THE --

16 BOARD MEMBER BREMBERG: PART OF THE SWFP 56-AA  
17 DOUBLE 0 -- 0007, TRIPLE 07. NOT DOUBLE 07, TRIPLE 07.

18 MR. AULT: IT'S -- AT THE BOARD'S PLEASURE, I  
19 THINK IT WOULD BE USEFUL FOR THE VENTURA COUNTY  
20 ENVIRONMENTAL HEALTH DEPARTMENT TO RESPOND TO THAT  
21 PARTICULAR QUESTION.

22 MR. HAUGE: I'M RICHARD HAUGE WITH THE  
23 ENVIRONMENTAL HEALTH DEPARTMENT. AND THAT PERMIT IS FOR  
24 THE WASTE MANAGEMENT'S HAZARDOUS WASTE GENERATED PERMIT  
25 FOR PRODUCING WASTE OILS AND THINGS AS PART OF THEIR



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1 MAINTENANCE PROGRAM. IT HAS NOTHING TO DO WITH TAKING  
2 HAZARDOUS WASTE INTO THE LANDFILL.

3 BOARD MEMBER BREMBERG: WELL, IT ISN'T CLEARLY  
4 DELINEATED THE WAY IT'S WRITTEN. IT JUST SOUNDS LIKE A  
5 HAZARDOUS WASTE PRODUCER PERMIT.

6 MR. HAUGE: EXACTLY.

7 BOARD MEMBER BREMBERG: WELL, I GUESS I KNOW WHO  
8 THE PRODUCER IS. AT A LANDFILL THAT HAD HAD HAZARDOUS  
9 WASTE, WHICH YOU KIND OF PAY ATTENTION TO THINGS LIKE  
10 THAT.

11 MR. HAUGE: I GUESS SO.

12 VICE CHAIRMAN MOSCONE: I NEGLECTED TO ASK IF  
13 THERE'S ANYONE WHO WOULD LIKE TO SPEAK ON ANY OF THESE --  
14 ANY OF THE BUSINESS BEFORE THE BOARD, THAT THERE ARE  
15 SLIPS IN THE REAR OF THE ROOM. PLEASE SIGN ONE OF THE  
16 SLIPS AND THE ITEM THAT YOU WOULD LIKE TO SPEAK ON.

17 MR. AULT: EXCUSE ME. MR. CHAIRMAN, I HAD  
18 FAILED TO RETURN THE CONCLUSION OF THE DISCUSSION OF THE  
19 ITEM BACK TO DON DIER. IF HE WOULD PARDON ME FOR THAT  
20 OVERSIGHT, AND IF POSSIBLE, BEFORE WE BEGIN ANY PUBLIC  
21 DISCUSSION ON THIS, MR. DIER WOULD LIKE TO FINISH THE  
22 DESCRIPTION OF THE AGENDA ITEM. AGAIN, MY APOLOGIES.

23 VICE CHAIRMAN MOSCONE: VERY GOOD. MR. DIER.

24 MR. DIER: THERE ARE A COUPLE OF REQUIREMENTS  
25 REGARDING CLOSURE AND POSTCLOSURE MAINTENANCE. THESE ARE



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1 INCUMBENT UPON ANYONE WHO IS TRYING TO BECOME AN OPERATOR  
2 OF A SOLID WASTE LANDFILL. THESE ARE THE -- SHALL SUBMIT  
3 A CERTIFICATION AND A MAINTENANCE PLAN.

4 REGARDING THE CLOSURE PLAN, THE SOLID WASTE  
5 PERMIT CONTAINS A PROVISION PURSUANT OF THE BOARD'S  
6 POLICY OF LAST FALL TO SUBMIT A PRELIMINARY CLOSURE AND  
7 POSTCLOSURE MAINTENANCE PLAN TO THE LOCAL ENFORCEMENT  
8 AGENCY AND THE BOARD BY OCTOBER 1 OF THIS YEAR.

9 REGARDING THE CERTIFICATION, STAFF HAVE  
10 REVIEWED THE INITIAL COST ESTIMATE AND THE LETTER OF  
11 CREDIT ESTABLISHED WITH THE BANK OF AMERICA FOR  
12 ESTABLISHING A FINANCIAL ASSURANCE MECHANISM FOR THE  
13 COSTS OF CLOSURE AND POSTCLOSURE MAINTENANCE AND THAT  
14 BOTH OF THESE ITEMS SATISFY BOTH THE GOVERNMENT CODE AND  
15 TITLE 14 REGULATIONS.

16 REGARDING THE SOLID WASTE FACILITIES  
17 PERMIT, OPERATORS ARE REQUIRED TO FILE AN APPLICATION  
18 WITH THE LEA WITH A COMPLETE REPORT OF DISPOSAL SITE  
19 INFORMATION. THESE HAVE BEEN FILED AND FOUND ACCEPTABLE  
20 BY THE LEA. THE LEA HAS CONVEYED THEM TO US ALONG WITH  
21 THE PROPOSED PERMIT.

22 FURTHER, THE LEA HAS MADE THE FINDINGS  
23 REQUIRED BY THE GOVERNMENT CODE REGARDING CONSISTENCY  
24 WITH BOARD STANDARDS, CONSISTENCY WITH GENERAL PLAN, AND  
25 CONSISTENCY WITH THE COUNTY SOLID WASTE MANAGEMENT PLAN.

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1 BOARD STAFF HAVE BEEN CONCERNED THAT THE  
2 EXPANSION OF THE FACILITY TO ALLOW FILLING OVER THE CLASS  
3 1 AREA WOULD REQUIRE THE REGULATORY INVOLVEMENT OF THE  
4 STATE DEPARTMENT OF HEALTH SERVICE. DHS HAS ADVISED THE  
5 LEA AND THIS BOARD THAT THE DEPARTMENT DOES NOT HAVE  
6 ENFORCEMENT OR REGULATORY AUTHORITY REGARDING EXPANSION  
7 OF THE LANDFILL, THAT BEING THE NONHAZARDOUS WASTE  
8 ACTIVITIES, INCLUDED IN ATTACHMENTS TO THE STAFF REPORT  
9 STATING DHS POSITION.

10 AS THE PUBLIC RESOURCES CODE EXPRESSLY  
11 PROHIBITS THE BOARD FROM REGULATING HAZARDOUS WASTE  
12 FACILITIES, THE PROPOSED PERMIT CONTAINS FINDINGS THAT  
13 SPECIFICALLY STATE THE BOARD AND THE LEA ARE RESPONSIBLE  
14 FOR THE DISCHARGE THAT'S ASSOCIATED WITH THE NONHAZARDOUS  
15 WASTE AT THE FACILITY, INCLUDING THE NONHAZARDOUS WASTE  
16 OVERFILL OF THE CLASS 1 AREA.

17 OTHER CORRESPONDING PERMIT FINDINGS  
18 DELINEATE THE REGULATORY AGENCY INVOLVEMENT WHERE THE  
19 BOARD'S STATUTORY RESPONSIBILITIES MAY BE EXCEEDED BY THE  
20 CONCURRENCE OF THE PROPOSED PERMIT. STAFF HAVE REVIEWED  
21 THE PERMIT AND THE SUPPORTING DOCUMENTATION AND FIND THAT  
22 THE FORM AND CONTENT OF THE PERMIT IS ACCEPTABLE.

23 STAFF RECOMMENDS THAT THE BOARD ADOPT  
24 FACILITIES PERMIT DECISION NO. 90-4, CONCURRING IN THE  
25 ISSUANCE OF THE PERMIT AND APPROVING THE

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1 CLOSURE/POSTCLOSURE MAINTENANCE CERTIFICATION FOR THE  
2 SIMI VALLEY LANDFILL.

3 AS STEVE INDICATED, WE DO HAVE  
4 REPRESENTATIVES OF BOTH WASTE MANAGEMENT AND THE COUNTY  
5 ENVIRONMENTAL HEALTH DEPARTMENT HERE TO ANSWER ANY  
6 QUESTIONS YOU MAY HAVE.

7 BOARD MEMBER BREMBERG: MR. CHAIRMAN, I HAVE ONE  
8 MORE QUESTION, AND I DON'T KNOW WHO TO ASK IT OF.  
9 PERHAPS THE LEA OR ENVIRONMENTAL HEALTH OR SOMEBODY FROM  
10 THE COUNTY, NOT FROM THE COMPANY, WHOEVER.

11 THE QUESTION IS HOW CLOSE IS THERE ANY  
12 RESIDENTIAL OR COMMERCIAL OR INDUSTRIAL DEVELOPMENTS TO  
13 THE BOUNDARIES OF THIS LANDFILL? AND WHAT IS THE LAND  
14 THAT PERHAPS MIGHT BE UNDEVELOPED, I DON'T KNOW, WHAT IS  
15 IT ZONED FOR?

16 MR. HAUGE: TO REFRESH MY MEMORY THROUGH THE  
17 RDSI ABOUT SURROUNDING LAND USE, I DON'T HAVE ALL THE  
18 ATTACHMENTS, BUT WE'VE GOT THE SECTION THAT GIVES A  
19 NARRATIVE. LAND USE WITHIN 1,000 FEET IS PREDOMINANTLY  
20 OPEN LAND USED FOR OIL PRODUCTION AND CATTLE GRAZING,  
21 SEVERAL ACTIVE OIL WELLS, WATER TANK, PRODUCTION OF  
22 RELATED STRUCTURES.

23 TO THE EAST, OUTSIDE OF THE 1,000-FOOT  
24 RADIUS, THERE ARE TWO RESIDENCES, THE UNOCAL CARETAKER'S  
25 MOBILE HOME, LOCATED ABOUT 1500 FEET FROM THE APPROXIMATE



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1 SITE BOUNDARY, AND A SECOND TEMPORARY RESIDENCE LOCATED  
 2 ABOUT 1200 FEET FROM THE SITE BOUNDARY. ADDITIONALLY,  
 3 MEDERA ROAD AND A BUSINESS PARK ARE LOCATED ABOUT 2,000  
 4 FEET EAST OF THE SITE.

5 SOUTH OF THE LANDFILL IS SIMI VALLEY  
 6 FREEWAY PARK. A BUSINESS PARK ARE LOCATED WITHIN 1,000  
 7 FEET SOUTH FROM THE LANDFILL IN ADDITION TO THE LIGHT  
 8 INDUSTRIAL DEVELOPMENTS PLANNED -- IS PLANNED. THE AREA  
 9 WEST IS PREDOMINANTLY OPEN SPACE, NO BUILDINGS OR  
 10 STRUCTURES.

11 BOARD MEMBER BREMBERG: WHAT'S THE UNDERLYING  
 12 ZONE?

13 MR. HAUGE: THE ZONING IS OPEN LANDS.

14 BOARD MEMBER BREMBERG: WELL, NO, THAT ISN'T A  
 15 ZONE UNLESS IT'S IN PERPETUITY. I MEAN, IS IT ZONED FOR  
 16 LIGHT COMMERCIAL, LIGHT INDUSTRIAL?

17 MR. HAUGE: VENTURA COUNTY PLANNING DEPARTMENT  
 18 IS ZONING LAND ADJACENT TO THE LANDFILL OPEN SPACE AND  
 19 COMMERCIAL PLANNED DEVELOPMENT.

20 BOARD MEMBER BREMBERG: OKAY. THE REASON I'M  
 21 ASKING IS THE VERTICAL INCREASE AND THE VISUAL BLIGHT AND  
 22 THE FACT THAT, TO THE BEST OF MY KNOWLEDGE, THERE'S NEVER  
 23 BEEN A LANDFILL BUILT THAT HASN'T HAD ENCROACHMENT BY  
 24 RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL DEVELOPMENT. AND  
 25 THEN THE COUNTY AND/OR CITY PEOPLE THAT HAVE ALLOWED IT

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1 TO HAPPEN ARE -- TURN AROUND AND SUE. AND WE'RE GOING  
2 THROUGH A WONDERFUL EXERCISE AT LOPEZ CANYON IN LOS  
3 ANGELES COUNTY.

4 AND I JUST WANTED TO HAVE IT ON THE RECORD  
5 THAT IT WAS CONSIDERED, AND THAT YOU AND/OR YOUR BOARD OF  
6 SUPERVISORS AND/OR YOUR PLANNING. WHOEVER. ARE THE ONES  
7 THAT HAVE INDICATED THAT THIS IS A PERFECTLY FINE PROJECT  
8 AND IT'S NOT GOING TO FALL ON THE WASTE BOARD'S  
9 SHOULDERS, THAT WE ARE NOT THE ONES THAT ARE ENCOURAGING  
10 THIS.

11 MR. HAUGE: AS FAR AS I'M AWARE, THE COUNTY  
12 PLANNING AND BOARD OF SUPERVISORS SUPPORT THE EXPANSION  
13 OF THE FACILITY.

14 BOARD MEMBER BREMBERG: WELL, I DIDN'T SAY THAT.  
15 WHAT I SAID WAS THAT WHEN THE PLANNING AND THEY SELL OFF  
16 THE LAND AND SOMETHING IS BUILT, AND YOU ARE SUED, I  
17 DON'T WANT TO SEE IT COME BACK TO THE BOARD SAYING,  
18 "WELL, YOU PERMITTED IT BECAUSE -- SO IT'S YOUR FAULT,  
19 NOT OUR FAULT." IT'S YOUR FAULT OR YOUR WISDOM THAT HAS  
20 SAID THAT THIS IS A PERFECTLY SATISFACTORY PLACE TO BE.

21 AND I WOULD LIKE TO SUGGEST THAT IT IS NOT  
22 PROBABLY GOING TO PLEASE EVERYBODY. AND I CERTAINLY HAVE  
23 NO INTENTION OF ACCEPTING ANY BLAME ON THIS. IT'S JUST  
24 LIKE BURBANK AIRPORT. CITY OF LOS ANGELES ALLOWED 450  
25 APARTMENTS TO BE BUILT AT THE END OF THE RUNWAY, AND NOW

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1           THEY'RE SUING THE AIRPORT FOR GOING OVER THE APARTMENTS.  
2           IT'S OUTSIDE THEIR JURISDICTION, BUT OTHER THAN THAT --  
3           AND I JUST HOPE YOU ARE VERY CAREFUL AND THAT YOU KNOW  
4           WHAT YOU ARE DOING.

5           MR. HAUGE: WELL, THE LEA IS FULLY AWARE OF  
6           WHAT'S DOING. AND I'M SURE WE WILL ACCEPT THE FULL  
7           RESPONSIBILITY.

8           BOARD MEMBER BREMBERG: THAT'S FINE. ENJOY.

9           MR. HAUGE: ANY OTHER QUESTIONS?

10          VICE CHAIRMAN MOSCONE: MR. LOCKINGTON.

11          BOARD MEMBER LOCKINGTON: WHAT IS THE PRESENT  
12          PERMITTED DAILY TONNAGE, AND WHAT'S THE PRESENT ACTUAL  
13          DAILY TONNAGE TODAY? YESTERDAY? THE DAY BEFORE?

14          MR. HAUGE: WE GET REPORTS EVERY MONTH, AND THE  
15          DAILY TONNAGE IS SOMETHING RIGHT AROUND 750 TONS, BETWEEN  
16          SEVEN AND EIGHT. AT ONE POINT THEY HAD BEEN UP TO CLOSE  
17          TO 2,000. WE HAVE HAD TO BRING IT BACK DOWN BELOW.

18          BOARD MEMBER LOCKINGTON: SO THEY HAVE BEEN  
19          VIOLATING WHATEVER?

20          MR. HAUGE: THE ORIGINAL PERMIT WAS WRITTEN FOR,  
21          I BELIEVE, 500 TONS.

22          BOARD MEMBER LOCKINGTON: I NOTICED THAT WAS  
23          LEFT OFF OF THE REPORT THERE. OBVIOUSLY, THAT WAS  
24          INADVERTENT, RIGHT?

25          MR. DIER: THAT'S CORRECT.



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1 MR. HAUGE: ANY QUESTIONS?

2 BOARD MEMBER VARNER: MR. CHAIRMAN.

3 VICE CHAIRMAN MOSCONE: MR. VARNER.

4 BOARD MEMBER VARNER: I'D LIKE TO ASK DON DIER A  
5 QUESTION. JUST TURNING IT OVER IN MY OWN MIND, I READ  
6 IT, AND YOU WENT THROUGH THE PART WHERE THEY HAD THE  
7 HAZARDOUS WASTE LANDFILL IN THERE AND THAT THIS PART WAS  
8 PRECLUDED IN, WHAT, 1983, I BELIEVE, FROM TAKING IN  
9 HAZARDOUS WASTE.

10 OBVIOUSLY, THE THING IS STILL PERMITTED SO  
11 THAT OTHERWISE IT WOULD BE A CLOSED FACILITY. AND IN  
12 READING IT, IT SEEMS LIKE THIS IS AN AREA THAT'S SOMEWHAT  
13 UNCLEAR AND LAWS THAT'S BEEN WRITTEN DIDN'T REALLY TAKE  
14 INTO CONSIDERATION THIS TYPE OF AN ARRANGEMENT.

15 YOU SPOKE TO THAT ISSUE BECAUSE THE  
16 DEPARTMENT OF HEALTH SERVICES DOESN'T HAVE ANY AUTHORITY  
17 OVER IT WHEN IT'S A SOLID WASTE LANDFILL. THIS BOARD  
18 DOESN'T HAVE ANY AUTHORITY OVER IT IF IT'S A HAZARDOUS.  
19 I UNDERSTOOD ALL THAT.

20 WHAT I DIDN'T UNDERSTAND IS REALLY WHAT  
21 HAVE BEEN RECONCILED OR HAS IT BEEN COMPLETELY RECONCILED  
22 OR IS IT JUST IN LIMBO, THAT STATUS OF WHAT HAPPENS IF?

23 MR. DIER: MR. VARNER, THAT IS THE ISSUE THAT  
24 STAFF HAS BEEN GRAPPLING WITH FOR THE PAST SIX MONTHS ON  
25 THIS PARTICULAR ITEM. AND THE PROBLEM THAT WAS CREATED,



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1 TO MY UNDERSTANDING, WAS THE TIMING OF WHEN THE HAZARDOUS  
2 WASTE WILL CEASE TO BE ACCEPTED AT THE FACILITY.

3 BECAUSE OF THE TIMING OF THAT, THE  
4 DEPARTMENT OF HEALTH SERVICES DID NOT HAVE JURISDICTION  
5 OVER THAT FACILITY. THEY CEASED THAT ACTIVITY BEFORE THE  
6 TIME PERIOD THAT STATES DHS WOULD HAVE COME INTO PLAY.  
7 SO THE SITE WAS NOT CLOSED AS A HAZARD -- AS A CLASS 1  
8 HAZARDOUS WASTE FACILITY.

9 IT DOESN'T CURRENTLY OPERATE UNDER ANY  
10 REGULATION OF THE STATE DEPARTMENT OF HEALTH SERVICES;  
11 HOWEVER, THEY HAVE INDICATED MOST RECENTLY TO US THAT  
12 WHEN THE SITE DOES CLOSE, AFTER IT'S BEEN FULLY EXPANDED,  
13 THEY DO WANT TO HAVE A ROLE IN THAT PROCESS. AND THEY  
14 WILL -- THEY DO WANT TO REVIEW ANY MATERIAL THAT IS  
15 DEVELOPED IN CONFORMANCE WITH OUR REQUIREMENTS FOR THE  
16 CLOSURE OF THAT FACILITY.

17 BOARD MEMBER VARNER: I WOULD THINK, IN VIEW OF  
18 THAT FACT, THAT IT'S THEIR DEPARTMENT'S RESPONSIBILITY  
19 WHEN THAT IS CLOSED, THEN THEY WOULD HAVE TO BE THE ONE  
20 THAT WOULD BE RESPONSIBLE FOR THE CLOSURE AND POSTCLOSURE  
21 PLANS OF THE HAZARDOUS PART, AND WE'D BE RESPONSIBLE FOR  
22 THE OTHER.

23 I GUESS MY QUESTION IS THIS: THIS IS  
24 SOMETHING THAT HASN'T CLEARLY BEEN FIGURED OUT BEFORE,  
25 BUT MAYBE I OUGHT TO ASK MR. CONHEIM. DO YOU SEE ANY

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1 PROBLEM?

2 ATTORNEY CONHEIM: THE ONLY PROBLEM -- IT'S NOT  
3 A LEGAL PROBLEM; IT'S A FACTUAL ONE. AND MY  
4 UNDERSTANDING, FROM READING THE DOCUMENTATION HERE, IS  
5 THAT AT THE TIME THE LANDFILL CLOSES, THE STATE HEALTH  
6 WANTS IT CLOSED TO COMPLY WITH THEIR RULES AND  
7 REGULATIONS AND --

8 BOARD MEMBER VARNER: THE ENTIRE LANDFILL?

9 ATTORNEY CONHEIM: THAT'S WHAT THE MAY 9TH  
10 LETTER SAYS. AND I -- SO IT'S A FACTUAL QUESTION OF  
11 WHETHER THAT WILL ALL BE COORDINATED, BUT THE LEGAL  
12 REQUIREMENTS APPEAR TO HAVE BEEN MET. AND IF ANYBODY  
13 PERCEIVES THAT THERE'S A GAP, THEN IT'S ONE THAT WE HAVE  
14 CLOSED AS CLOSELY AS WE CAN GIVEN THE LAW THAT'S GIVEN TO  
15 US, BUT I CAN'T CREATE NEW LAW TO HANDLE THE SITUATION.

16 IT LOOKS LEGALLY FINE. AND YOU CAN ALWAYS  
17 ASK A QUESTION: WILL EVERYBODY COORDINATE? AND WE  
18 BELIEVE IT WILL HAPPEN, SO WE DON'T HAVE ANY REASON TO  
19 DOUBT IT.

20 MR. IWAHIRO: I THINK ONE OF THE QUESTIONS THAT  
21 WAS RAISED IS THAT THIS IS NOT UNDER DHS PERMIT  
22 CURRENTLY, AND SO WHAT HAPPENS OR WHAT IS THEIR  
23 OBLIGATION. AND I THINK UNDER GENERAL LAW THAT DHS HAS  
24 THE OBLIGATION AND REQUIREMENT AND RESPONSIBILITY FOR  
25 HAZARDOUS WASTE; AND, THEREFORE, UNDER THAT CAP, YOU



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1 MIGHT SAY, WHENEVER THIS THING CLOSES UP, THEY'LL HAVE TO  
2 BE THERE. OR IF THERE'S A PROBLEM AT THE SITE, THEY WILL  
3 HAVE TO BE THERE.

4 BOARD MEMBER BREMBERG: WHO FINDS THE PROBLEM?  
5 THAT'S MY QUESTION. DO WE MONITOR? DO THEY MONITOR? DO  
6 WE DO THE HAZMAT TESTING? WHO DOES THE HAZMAT TESTING  
7 AND SAYS SUDDENLY WE HAVE A PROBLEM, BRING IN THE DHS?

8 ATTORNEY CONHEIM: UNDER THE EXISTING LEGAL  
9 ARRANGEMENTS, THE REGIONAL WATER BOARD, WHICH CROSSES THE  
10 BOUNDARIES BETWEEN OUR JURISDICTION AND STATE HEALTH,  
11 WILL BE INVOLVED IN THE ONGOING MONITORING ACCORDING TO  
12 THE WASTE DISCHARGE REQUIREMENTS SO THAT A HAZARDOUS  
13 RELEASE WILL BE DISCOVERED. THERE'S NOT GOING TO BE A  
14 GAP IN ATTENTION --

15 BOARD MEMBER BREMBERG: HEALTH SERVICES COMES  
16 IN.

17 ATTORNEY CONHEIM: WELL, LEGALLY THEY ARE  
18 RESPONSIBLE FOR HAZARDOUS WASTE CONTROL AND ENFORCEMENT  
19 SO THAT EVEN THOUGH IT'S NOT UNDER PERMIT, IT DOESN'T  
20 MEAN IT'S NOT UNDER THEIR JURISDICTION IF THEY NEED TO  
21 REASSUME THAT JURISDICTION.

22 BOARD MEMBER BREMBERG: OKAY.

23 BOARD MEMBER VARNER: LIKewise, THAT SOLID WASTE  
24 PART IS UNDER OUR JURISDICTION AND THEY HAVE TO ADHERE TO  
25 OUR CLOSURE/POSTCLOSURE LAWS.



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1 I GUESS MY QUESTION IS THIS: DO YOU SEE  
2 ANY PROBLEM OF CONFLICT BECAUSE THE OPERATOR OF THIS  
3 FACILITY THEN IS GOING TO HAVE TO ADHERE TO BOTH  
4 CLOSURE/POSTCLOSURE RULES AND THEY'RE NOT EXACTLY THE  
5 SAME? SO I THOUGHT I WOULD RAISE THAT. SOME OF THE  
6 GENTLEMAN FROM WASTE MANAGEMENT PROBABLY THOUGHT ABOUT  
7 THAT, AND THEY MIGHT HAVE SOME COMMENT, BUT THIS IS ONE I  
8 THOUGHT ABOUT AND WANT TO MAKE SURE THAT THERE ISN'T ANY  
9 PROBLEMS UNRESOLVED AT THIS TIME.

10 ATTORNEY CONHEIM: AS A LEGAL MATTER, MR.  
11 VARNER, THE WASTE BOARD'S CLOSURE JURISDICTION, THE  
12 CLOSURE PLANNING REQUIREMENTS, CAN'T CONFLICT WITH THE  
13 STATE AND REGIONAL WATER BOARDS. SO AS A -- HOWEVER THAT  
14 LEGAL CONUNDRUM IS WORKED OUT CASE BY CASE --

15 BOARD MEMBER VARNER: NOT WORRIED ABOUT THEM.  
16 IT'S JUST A QUESTION OF HEALTH SERVICES THOUGH.

17 ATTORNEY CONHEIM: THE HEALTH SERVICES HAS SAID  
18 IN ITS MAY 9TH LETTER THAT THE CLOSURE PLAN TO BE  
19 REQUIRED BY -- UNDER SUBCHAPTER 15 IS SIMILAR ENOUGH TO  
20 THEIRS THAT THEY ARE NOT REQUIRING THE PREPARATION OF A  
21 SEPARATE PLAN AND THAT THOSE CONCERNS ARE MET.

22 NOW, WHILE WE DO NOT HAVE THE SAME LEGAL  
23 RELATIONSHIP WITH REGARD TO CLOSURE AND POSTCLOSURE WITH  
24 STATE HEALTH, WE -- NOR DOES THE, I GUESS, THE COMPANY  
25 BECAUSE I WAS IN ON SOME OF THESE DISCUSSIONS, BUT THAT

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1           ISSUE WHETHER THESE THINGS WILL CAUSE A PROBLEM WOULD BE  
2           ONE THAT WOULD BE RAISED BY THE COMPANY NOT -- THEY WOULD  
3           BE THE ONES MOST CONCERNED ABOUT BEING BURDENED BY TWO  
4           SETS OF CONFLICTING REGULATIONS.

5                         BUT IN PRACTICE IT'S NOT LIKELY TO HAPPEN,  
6           AND IT'S LEGALLY PREVENTED WITH REGARD TO THE WATER  
7           BOARD. AND STATE HEALTH IS SAYING THAT THE WATER BOARD'S  
8           CLOSURE REQUIREMENTS ELIMINATE THE NECESSITY FOR THEIR  
9           IMPOSING SEPARATE ONES FOR THEM. THE CHANCES HAVE BEEN  
10          MINIMIZED FOR THAT TO OCCUR.

11                        BOARD MEMBER VARNER: VERY GOOD. IF THE  
12          DEPARTMENT OF HEALTH SERVICES HAS SAID THEY DO NOT SEE  
13          ANY CONFLICT IN IT, THAT SATISFIES ME, AND I'M SURE WASTE  
14          MANAGEMENT HAS INVESTIGATED IT, BUT IT WAS JUST A  
15          PROBLEM.

16                        MR. IWAHIRO: I JUST MIGHT ADD THAT UNDER 2448  
17          THERE'S A PROVISION THAT VARIOUS AGENCIES DO COORDINATE  
18          THE REVIEW OF THE CLOSURE PLAN. IN FACT, WE HAVE IN OUR  
19          REGULATIONS A FAIRLY DEFINED METHOD OF PROCEDURE, REALLY,  
20          OF REVIEW AND COORDINATION. SO ALONG WITH THE LETTER  
21          FROM DHS AND ALONG WITH OUR REGULATIONS FOR REVIEW OF THE  
22          CLOSURE PLAN, WE THINK THAT WE'RE IN FAIRLY GOOD SHAPE.

23                        BOARD MEMBER VARNER: OKAY. LET ME JUST GIVE  
24          YOU AN EXAMPLE OF WHAT TRIGGERS THIS SORT OF A THING IN  
25          MY MIND. WITH THE MCCOURTNEY LANDFILL PROBLEM, THEY

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1 NATURALLY WERE UPSET WITH US BECAUSE WE HAD SOME  
2 REGULATIONS THAT WE HAD TO ADHERE TO, BUT THE WATER  
3 QUALITY BOARD SAID, "WE DON'T HAVE ANY PROBLEM WITH THEM  
4 HAVING TO DO WITH A WATER ISSUE." AND SO THEY'RE SAYING  
5 THAT THE FACT THAT THEY DIDN'T HAVE ANY PROBLEM WITH IT,  
6 YOU SHOULDN'T HAVE ANY. AND NATURALLY THIS CREATED A  
7 VERY SERIOUS CONFLICT, AND THAT TYPE OF THING IS WHAT I'M  
8 TALKING ABOUT.

9                   HERE, IT SEEMS TO ME THAT THIS ISSUE HAS  
10 BEEN THOUGHT THROUGH CAREFULLY ENOUGH THAT THAT ISN'T  
11 GOING TO HAPPEN. I'M NOT WORRIED ABOUT WHAT THE WATER  
12 BOARD OR THE OTHERS. I KNOW THEY HAVE THEIR JURISDICTION  
13 AND HAVEN'T ANYTHING TO DO WITH THE THING AS FAR AS I'M  
14 CONCERNED. BUT -- AND IF THE CLOSURE/POSTCLOSURE BETWEEN  
15 A HAZARDOUS AND NONHAZARDOUS HAS NO CONFLICT IN IT, I  
16 DON'T THINK IT WILL HAPPEN.

17                   VICE CHAIRMAN MOSCONE: MR. LOCKINGTON.

18                   BOARD MEMBER LOCKINGTON: I JUST HAD A QUESTION.  
19 I MADE A NOTE WHEN I WAS READING THIS: VENTURA COUNTY  
20 BOARD OF SUPERVISORS THEN ADOPTED A STATEMENT OF  
21 OVERRIDING CONSIDERATIONS FOR THESE UNMITIGATABLE  
22 IMPACTS. COULD SOMEBODY BRIEFLY TELL ME WHAT THESE  
23 OVERRIDING CONSIDERATIONS WERE?

24                   MR. AULT: MR. LOCKINGTON, THE STATEMENT OF  
25 OVERRIDING CONSIDERATIONS IS GIVEN IN THE CONDITIONAL USE



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1 PERMIT DOCUMENT WHICH I DON'T HAVE WITH ME. HOWEVER,  
2 USUALLY THE STATEMENT OF OVERRIDING CONSIDERATIONS WILL  
3 ADDRESS THE FACT THAT THERE IS A POTENTIAL HEALTH OR  
4 SAFETY ISSUE AT STAKE FOR THE COMMUNITY AT LARGE IF THE  
5 PROJECT IS NOT IMPLEMENTED EVEN WITH THESE POTENTIALLY  
6 SIGNIFICANT NONMITIGATABLE IMPACTS.

7 IN THIS CASE IT IS THE NEED TO DEVELOP  
8 ADDITIONAL SOLID WASTE DISPOSAL CAPACITY FOR THE COUNTY  
9 BECAUSE THE COUNTY ITSELF IS -- HAS NEARLY REACHED  
10 DISPOSAL CAPACITY.

11 SO AS I STATED, IT USUALLY RESIDES ON  
12 HEALTH AND SAFETY ISSUES. IN THIS CASE ONE OF THE MAJOR  
13 FACTORS WAS THE NEED FOR ADDITIONAL DISPOSAL CAPACITY IN  
14 THE FACE OF A NEAR LACK OF REMAINING CAPACITY.

15 BOARD MEMBER LOCKINGTON: SIMILAR TO THE JUDGE'S  
16 LOGIC IN THE CASE OF LOPEZ CANYON?

17 MR. AULT: I'M NOT FAMILIAR WITH THAT.

18 ADDITIONALLY, THIS STATEMENT OF OVERRIDING  
19 CONSIDERATIONS IS PROVIDED FOR AS A MEASURE UNDER THE  
20 CALIFORNIA ENVIRONMENTAL QUALITY ACT. WE DID LOOK AT  
21 THAT.

22 BOARD MEMBER LOCKINGTON: I WAS MORE INTERESTED  
23 IN -- AND WE KIND OF WENT OVER THAT PRETTY QUICKLY -- IS  
24 WHAT WAS THE REASON? IS THIS THE LAST TRAIN TO TUCSON?

25 MR. AULT: DOES THAT ANSWER YOUR QUESTION

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25

SUFFICIENTLY?

BOARD MEMBER LOCKINGTON: I HAD A FEELING THAT WAS GOING TO BE THE ANSWER.

VICE CHAIRMAN MOSCONE: I HAD SOMETHING THAT MADE ME THINK. UNDER CONDITIONS -- SPECIFICALLY UNDER SPECIFICATIONS, PAGE 56, UNDER SPECIFICATION NO. 2: THIS FACILITY HAS A PEAK DAILY WASTE LOADING OF 3,000 TONS PER OPERATING DAY AND SHALL NOT RECEIVE MORE THAN THIS AMOUNT WITHOUT FIRST OBTAINING A REVISION OF THIS PERMIT.

NOW, HOW MANY DAYS OR MONTHS CAN THEY EXCEED THE 3,000, OR CAN THEY GO ON FOREVER, OR IS THERE A SET TIME THAT THIS SHOULD BE REPORTED?

MR. DIER: NOW, THAT IS A DAILY OPERATING LIMIT NOT TO BE EXCEEDED DURING ANY SINGLE DAY AS LONG AS THIS PERMIT REMAINS IN EFFECT.

VICE CHAIRMAN MOSCONE: IF TODAY THEY SHOULD RECEIVE 3,001 TONS, SHOULD THEY REPORT THAT TODAY OR TOMORROW, AND THEN TOMORROW THEY MAY RECEIVE 2,500 TONS, WHATEVER. IT SEEMS TO ME A WASTED EFFORT. HOW LONG SHOULD THIS EXCEED -- HOW MANY DAYS --

MR. DIER: PER DAY. ONE-DAY BASIS. ONE DAY AT A TIME. ASSUMING THEY REPORT THE WASTE THEY RECEIVE EACH OPERATING DAY.

VICE CHAIRMAN MOSCONE: SO EVERY DAY THEY'VE GOT TO GET ON THE PHONE AND TELL THEM THAT WE'VE RECEIVED



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1 200 -- 2,000 --

2 MR. DIER: MOST FACILITIES OF THIS SIZE NOW HAVE  
3 ELECTRONIC SCALES THAT AUTOMATICALLY RECORD THE DAY'S  
4 TOTAL. AND THESE ARE SUBMITTED -- I BELIEVE THERE'S  
5 PROBABLY PROVISIONS LATER ON IN THE PERMIT UNDER  
6 SELF-MONITORING TO PROVIDE FOR THE TIMELY SUBMITTAL ON A  
7 EITHER MONTHLY OR QUARTERLY BASIS OF ALL THOSE DAILY  
8 TOTALS TO THE LOCAL ENFORCEMENT AGENCY, WHO THEN IS  
9 RESPONSIBLE FOR REVIEWING THAT DATA TO SEE IF, IN FACT,  
10 THEY HAVE BEEN VIOLATING THEIR PERMIT.

11 VICE CHAIRMAN MOSCONE: WELL, I SEE UNDER  
12 SELF-MONITORING, NO. 3, "QUANTITY IN TONS AND TYPES OF  
13 WASTE AS LISTED ON THE LEA'S WASTE RECEIPT QUESTIONNAIRE  
14 RECEIVED AT THE SITE EACH MONTH."

15 SO THERE'S A DAILY REPORT AND THEN A  
16 MONTHLY REPORT; IS THAT RIGHT?

17 MR. DIER: YES.

18 VICE CHAIRMAN MOSCONE: ARE THERE ANY OTHER  
19 QUESTIONS?

20 MRS. BREMBERG.

21 BOARD MEMBER BREMBERG: THANK YOU, MR. CHAIRMAN.

22 ON PAGE 55, UNDER PROHIBITIONS, NO. 2, NO.  
23 10, BOTH DEAL WITH LIQUIDS, BUT NO. 10 IS DISPOSAL OF  
24 LIQUID SEWAGE SLUDGE LESS THAN 50 PERCENT SOLIDS. I  
25 THOUGHT THAT SEWAGE SLUDGE WAS BEING PHASED OUT AND NOT

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1 PERMITTED. ISN'T THAT WHAT YOU SAID: THEY WERE NO  
2 LONGER GOING TO TAKE SEWAGE SLUDGE?

3 MR. DIER: I DON'T BELIEVE I SAID THAT IN MY  
4 PRESENTATION.

5 BOARD MEMBER BREMBERG: THEN I WAS PROBABLY  
6 READING IT WHILE YOU WERE SAYING ANOTHER WORD AND I  
7 MISUNDERSTOOD YOU.

8 MR. DIER: THIS REPRESENTS A LEVEL OF MOISTURE  
9 CONTENT AND SOLID CONTENT THAT IS ALLOWED BY THE REGIONAL  
10 WATER BOARD PURSUANT TO SUBCHAPTER 15 REGULATIONS.

11 BOARD MEMBER BREMBERG: DOES NO. 12, THE  
12 1110-FOOT ELEVATION, DOES THAT INCLUDE THE SURCHARGE? OR  
13 IS THAT THE FINAL ELEVATION?

14 MR. DIER: THAT'S THE FINAL ELEVATION.

15 BOARD MEMBER BREMBERG: SO IT CAN GO UP TO  
16 ELEVEN SIX HUNDRED?

17 MR. DIER: THEY CANNOT GO ABOVE 1,110 FEET.

18 BOARD MEMBER BREMBERG: THAT WAS WHAT I ASKED  
19 YOU. DOES IT INCLUDE THE SURCHARGE?

20 MR. DIER: YES, IT DOES INCLUDE THE SURCHARGE.

21 BOARD MEMBER BREMBERG: THEN IT IS NOT THE  
22 ULTIMATE ELEVATION. THE ULTIMATE ELEVATION WILL BE LOWER  
23 AS IT SUBSIDES?

24 MR. IWAHIRO: YEAH. BUT THEY CAN'T PLACE THE  
25 SURCHARGE OVER --



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1 MR. DIER: ABOVE 1110.

2 BOARD MEMBER BREMBERG: OKAY. NOW, I THINK THIS  
3 ONE IS VERY AMUSING. THE PUBLIC GETS THE COMIC RELIEF  
4 I'M SURE. ON PAGE 7, NO. 5, "DISPOSAL OF LARGE DEAD  
5 ANIMALS OR SIGNIFICANT QUANTITIES OF DEAD ANIMALS SHALL  
6 BE COORDINATED WITH THE LEA. FOR THE PURPOSE OF THIS  
7 PERMIT, LARGE ANIMALS ARE THOSE LARGER THAN A HORSE OR  
8 COW."

9 HOW MANY ELEPHANTS AND BUFFALO DO WE HAVE  
10 WANDERING THROUGH SIMI VALLEY? I ALWAYS CONSIDERED A COW  
11 A FAIRLY LARGE ANIMAL AS OPPOSED TO A PUPPY DOG.

12 MR. HAUGE: CAN MAYBE I ANSWER THAT? SIMI  
13 VALLEY HAS THE LANDFILL THAT TAKES WHALES THAT WASH UP ON  
14 THE BEACH AND SEA ELEPHANTS AND THINGS LIKE THAT. THAT'S  
15 ONE OF THE LANDFILLS. WE DO GET CALLS LIKE THAT. THEY  
16 HAVE A HISTORY OF TAKING WHALES TO THE LANDFILL.

17 BOARD MEMBER BREMBERG: OKAY. I DID NOT KNOW  
18 THAT. I THOUGHT YOU --

19 MR. HAUGE: ABSOLUTELY NOT. EVERYTHING IS  
20 SERIOUS IN THIS PERMIT.

21 BOARD MEMBER BREMBERG: WELL, MAYBE SO, BUT THEN  
22 YOU -- THEY HAVE TO MAKE A DEAL WITH THE LEA BEFORE THEY  
23 BURY A WHALE?

24 MR. HAUGE: CORRECT. ABSOLUTELY. ANYTHING  
25 THAT'S LARGER THAN A HORSE OR A COW OR IF THEY HAVE



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1 FIRES, LARGE ANIMALS COMING IN, THEY SHOULD CALL US,  
2 WHICH THEY DO, AND WE MAKE ARRANGEMENTS TO HANDLE.

3 BOARD MEMBER BREMBERG: THE HORSES AND COWS GET  
4 THROWN IN AUTOMATICALLY?

5 MR. HAUGE: AN INDIVIDUAL HORSE OR COW CAN BE  
6 TAKEN IN.

7 BOARD MEMBER BREMBERG: INTERESTING.

8 VICE CHAIRMAN MOSCONE: ARE THERE ANY OTHER  
9 QUESTIONS?

10 IS THERE A MOTION FOR ACTION?

11 BOARD MEMBER VARNER: SO MOVED.

12 BOARD MEMBER BROWN: SECOND.

13 VICE CHAIRMAN MOSCONE: HAVE A MOTION AND A  
14 SECOND TO APPROVE PERMIT DECISION NO. 90-4.

15 CALL THE ROLL, PLEASE.

16 SECRETARY DUNN: BOARD MEMBERS BREMBERG?

17 BOARD MEMBER BREMBERG: AYE.

18 SECRETARY DUNN: BROWN?

19 BOARD MEMBER BROWN: YES.

20 SECRETARY DUNN: GEARHEART? ABSENT.

21 LOCKINGTON?

22 BOARD MEMBER LOCKINGTON: YES.

23 SECRETARY DUNN: TCHOBANGOLOUS? ABSENT

24 VARNER?

25 BOARD MEMBER VARNER: AYE.



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1 SECRETARY DUNN: GALLAGHER, ABSENT.

2 CHAIRMAN MOSCONE?

3 VICE CHAIRMAN MOSCONE: YES.

4 ITEM 3, CONSIDERATION OF CONCURRENCE IN A  
5 REVISED SOLID WASTE FACILITIES PERMIT AND  
6 CLOSURE/POSTCLOSURE CERTIFICATION FOR EL SOBRANTE  
7 LANDFILL, RIVERSIDE COUNTY. BOARD MEMBERS, THIS WAS TO  
8 HAVE BEEN FOR TOMORROW, BUT PEOPLE ARE HERE TODAY, SO  
9 THAT'S THE REASON FOR TAKING IT IN ORDER.

10 MR. IWAHIRO: YES, MR. CHAIRMAN. AS YOU'VE  
11 ALREADY INDICATED, THIS IS A REVISED PERMIT FOR EL  
12 SOBRANTE IN RIVERSIDE COUNTY. THIS IS AN INCREASE IN  
13 TONNAGE, AND THERE IS THIS FINANCIAL -- WELL, ACTUALLY,  
14 THE CLOSURE/POSTCLOSURE CERTIFICATION, WHICH INCLUDES A  
15 FINANCIAL MECHANISM THAT WE WANT TO LOOK AT THAT IN TERMS  
16 OF CERTIFICATION.

17 SO WE DO HAVE DON DIER AND STEVEN AULT  
18 AGAIN, AND I BELIEVE WE'LL HAVE NGUYEN VAN HANH OF OUR  
19 STAFF PRESENTING THIS ITEM WITH REGARD TO ALL THESE  
20 VARIOUS ASPECTS OF THIS PARTICULAR PERMIT.

21 MR. DIER: MR. CHAIRMAN, BOARD MEMBERS, THIS  
22 ITEM REGARDS THE EL SOBRANTE LANDFILL IN RIVERSIDE  
23 COUNTY, WHICH WAS ISSUED ITS SOLID WASTE PERMIT IN 1986  
24 UNDER NEW SUBCHAPTER 15 REQUIREMENTS.

25 WESTERN WASTE INDUSTRIES IS THE PERMITTED

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1 OWNER AND OPERATOR OF THE FACILITY. AND THE PROJECT  
2 BEFORE US THIS AFTERNOON IS DOUBLING THE DAILY PERMITTED-  
3 CAPACITY FROM 1,000 TO 2,000 TONS PER DAY. THIS INCREASE  
4 IS REQUIRED DUE TO THE INCREASED VOLUME OF WASTE  
5 ORIGINATING FROM THE CITIES OF CORONA AND NORCO AND THE  
6 INCREASED VOLUMES OF REFUSE ANTICIPATED AS A RESULT OF  
7 THE PROJECTED 1991 CLOSING OF THE DOUBLE BUTTE LANDFILL.

8 STAFF HAVE -- PRETTY MUCH THE PROJECT IS  
9 THAT. IT'S AN INCREASE IN DAILY CAPACITY FROM 1,000 TO  
10 2,000 TONS PER DAY. THERE IS REALLY NOTHING ELSE  
11 PROPOSED IN THE MAJOR -- IN THE PERMIT AS FAR AS CHANGES.

12 AS A PART OF STAFF'S PREPARATION OF THIS  
13 ITEM AND REVIEWING THE RECORD AND THE PROPOSAL SUBMITTED  
14 BY THE LEA, STAFF DID BECOME AWARE OF SOME CORRESPONDENCE  
15 FROM THE REGIONAL WATER QUALITY CONTROL BOARD WHEREIN BY  
16 THE REGIONAL BOARD DETERMINED THERE HAD BEEN SOME  
17 DEGRADATION OF GROUNDWATER DOWNGRADEMENT OF THE FILL AREA.

18 ALTHOUGH VOLATILE ORGANIC COMPOUND ACTION  
19 LEVELS HAD NOT BEEN EXCEEDED AT THE LANDFILL UNTIL THIS  
20 LAST SAMPLING EVENT IN NOVEMBER OF 1989, THE OPERATOR HAS  
21 BEEN DIRECTED BY THE REGIONAL WATER BOARD TO INITIATE  
22 VERIFICATION MONITORING. THE VERIFICATION MONITORING  
23 PROGRAM WILL BE CONDUCTED OVER A ONE-YEAR PERIOD AND WILL  
24 TARGET VOLATILE ORGANIC COMPOUNDS.

25 UNDER THIS PROGRAM THE REGIONAL BOARD CAN



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1 REQUIRE THE OPERATOR TO INSTALL ADDITIONAL GROUNDWATER  
2 MONITORING WELLS; HOWEVER, TO DATE, FROM OUR MOST RECENT  
3 DISCUSSIONS FROM THE REGIONAL WATER BOARD STAFF, THOSE  
4 ADDITIONAL MONITORING WELLS HAVE NOT BEEN REQUIRED.

5 STAFF OF THE REGIONAL WATER BOARD HAVE  
6 INDICATED TO US, HOWEVER, THAT THEY ANTICIPATE AT THE END  
7 OF THE VERIFICATION PROGRAM THE REQUIREMENT TO EXTRACT  
8 GROUNDWATER FROM THE AREA. WE WILL BE FOLLOWING THIS  
9 DEVELOPMENT AS IT OCCURS OVER THE COMING 12 MONTHS.

10 FOR THE REVIEW OF THE ENVIRONMENTAL  
11 DOCUMENT, STEVE AULT WILL MAKE THAT PRESENTATION.

12 MR. AULT: MR. CHAIRMAN AND BOARD MEMBERS.

13 THE EL SOBRANTE TONNAGE INCREASE PROJECT  
14 WAS PREPARED WITH A MITIGATED NEGATIVE DECLARATION WHICH  
15 WAS CIRCULATED THROUGH THE STATE CLEARINGHOUSE AND ALSO  
16 CIRCULATED LOCALLY AND WENT THROUGH THE NORMAL PUBLIC  
17 HEARING PROCESS.

18 A NOTICE OF DETERMINATION WAS FILED WITH  
19 THE COUNTY CLERK AND THE STATE CLEARINGHOUSE IN DECEMBER  
20 OF 1989. THERE WERE SOME POTENTIAL ENVIRONMENTAL IMPACTS  
21 THAT WERE RECOGNIZED IN THE INITIAL STUDY AND IN THE  
22 SUBSEQUENT DISCUSSIONS WITH THE BOARD STAFF OVER THE LAST  
23 YEAR AND A HALF. AND WE HAVE SUMMARIZED THOSE POTENTIAL  
24 IMPACTS AND THE -- AGAIN, SUMMARIZED THE MITIGATION  
25 MEASURES WHICH WILL BE CARRIED OUT IN ORDER TO MOVE THOSE

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1 IMPACTS TO A LEVEL OF INSIGNIFICANCE.

2 THE IMPACTS THAT WERE IDENTIFIED BY THE  
3 COUNTY AND ALSO BY BOARD STAFF WERE WITH REGARD TO SOIL  
4 EROSION, SOME POTENTIAL FOR INCREASED SOIL EROSION, AND  
5 MITIGATION BEING THAT CONSTRUCTED SLOPES WOULD BE  
6 DESIGNED TO RETAIN THE SLOPE STABILITY.

7 NOISE WAS, AGAIN, A POTENTIALLY IDENTIFIED  
8 ENVIRONMENTAL IMPACT BECAUSE OF THE POTENTIAL FOR  
9 ADDITIONAL NEED OF LANDFILL EQUIPMENT AND MORE TRUCKS  
10 ARRIVING. LANDFILL EQUIPMENT WILL HAVE NOISE CONTROL  
11 DEVICES INSTALLED TO MEET OSHA AND CAL-OSHA REGULATIONS.

12 IN TERMS OF DUST AND OTHER POTENTIAL IMPACT  
13 BECAUSE OF INCREASED ACTIVITY, THERE IS AN EXISTING WATER  
14 TRUCK THAT IS USED WITH THE OPERATION. AND THE INITIAL  
15 STUDY INDICATED THAT THIS VEHICLE HAS A SUFFICIENT  
16 CAPACITY TO MEET THE DUST CONTROL NEEDS UNDER THE  
17 EXPANDED PROJECT.

18 IN TERMS OF TRAFFIC IMPACTS, ANOTHER  
19 POTENTIAL IMPACT, BECAUSE OF THE INCREASED VEHICULAR  
20 TRAFFIC EXPECTED WITH THE INCREASE IN TONNAGE, THE  
21 OPERATOR HAS ACTUALLY COMPLETED ADDITIONAL BYPASS LANES  
22 AND A VERY WIDE PAVED ENTRANCE AREA, WHICH I HAVE SEEN  
23 SEVERAL TIMES, WITH A WIDE GATE HOUSE. AND THIS  
24 PARTICULAR MITIGATION MEASURE HAS ESSENTIALLY BEEN  
25 COMPLETED AND WAS -- APPEARED TO BE HANDLING THE TRAFFIC

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1 ADEQUATELY AND IS EXPECTED TO HANDLE TRAFFIC ADEQUATELY  
2 UNDER THE NEW PROJECT.

3 IN TERMS OF LITTER WITH THE ADDITIONAL  
4 TONNAGE, THERE MIGHT BE ADDITIONAL LITTER GENERATED ON  
5 SITE. AND ADDITIONAL LABORERS WILL BE ADDED TO CONTROL  
6 LITTER ON SITE TO MITIGATE THIS PROBLEM, POTENTIAL  
7 PROBLEM.

8 IN TERMS OF THE ACTUAL OPERATION OF THE  
9 LANDFILL, THE INCREASED TONNAGE ITSELF, ADDITIONAL  
10 LANDFILL HEAVY EQUIPMENT: TRACK DOZERS, COMPACTORS, OR  
11 OTHER MATERIAL, WILL BE PROVIDED ON AN AS-NEEDED BASIS IN  
12 ORDER TO HANDLE INCREASED TONNAGE.

13 IN TERMS OF VECTOR CONTROL AND LEACHATE,  
14 THE REFUSE -- THE EXPOSED REFUSE WILL CONTINUE TO BE  
15 COMPACTED AND COVERED IMMEDIATELY WITH DAILY INTERMEDIATE  
16 COVER TO REDUCE THE POTENTIAL FOR VECTOR PROPAGATION AND  
17 ALSO TO MINIMIZE WATER INFILTRATION. THERE IS ALSO AN  
18 EXISTING LEACHATE CONTROL MONITORING SYSTEM AT THIS  
19 FACILITY.

20 FOR LANDFILL GAS AND OTHER IDENTIFIED  
21 IMPACT BECAUSE OF THE INCREASED WASTE RECEIVED; IN OTHER  
22 WORDS, THE POTENTIAL FOR GENERATING ADDITIONAL VOLUMES OF  
23 LANDFILL GAS PER DAY, A LANDFILL GAS RECOVERY SYSTEM IS  
24 TO BE INSTALLED TO CONTROL ANY ADDITIONAL POTENTIAL  
25 LANDFILL GASES GENERATED BY THE PROJECT.

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1 AND FINALLY, IN TERMS OF EQUIPMENT, AN  
2 ADDITIONAL CRAWLER TRACTOR WILL BE ADDED TO FACILITY  
3 OPERATION WHEN THE TONNAGE LEVEL INCREASES SUFFICIENTLY  
4 TO DEMAND THIS.

5 BOARD STAFF HAS REVIEWED THE MITIGATED  
6 NEGATIVE DECLARATION. INDEED, IT WENT THROUGH SUBSEQUENT  
7 REVIEW. AND BASED UPON THE REVIEW OF THE FINAL MITIGATED  
8 NEGATIVE DECLARATION, STAFF FOUND MITIGATION MEASURES  
9 ADEQUATE FOR THE POTENTIAL IMPACTS OF THE PROJECT TO  
10 REDUCE THE IMPACTS TO A LEVEL OF INSIGNIFICANCE.

11 ADDITIONALLY, AGAIN, IN COMPLIANCE WITH  
12 PUBLIC RESOURCES CODE SECTION 21081.6, THE FACILITY  
13 OPERATOR AND COUNTY PREPARED A MITIGATION MEASURE  
14 MONITORING PROGRAM FOR THE FACILITY THAT HAS BEEN  
15 SUPPLIED, I BELIEVE, AS ATTACHMENT 3 TO YOUR BOARD  
16 PACKET.

17 STAFF HAVE AGAIN REVIEWED THAT PARTICULAR  
18 PROGRAM; THAT IS, THE APPROXIMATELY 14-PAGE DOCUMENT, AND  
19 HAVE FOUND THAT PROGRAM WITH THE TIMING, THE FUNDING  
20 SOURCES, AND THE OTHER REQUIREMENTS, SCHEDULING FOR  
21 MONITORING OF EACH MITIGATION MEASURE TO BE SATISFACTORY.

22 WITH THAT, I WOULD TURN THE PRESENTATION  
23 BACK OVER TO MR. DIER.

24 MR. DIER: AS WITH SIMI VALLEY, THERE ARE TWO  
25 REQUIREMENTS ON THE OPERATOR OF EL SOBRANTE LANDFILL

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1 REGARDING CLOSURE AND POSTCLOSURE MAINTENANCE. THESE ARE  
2 THE APPROVAL OF A CERTIFICATION, OPERATOR CERTIFICATION,  
3 AND THE SUBMITTAL OF CLOSURE/POSTCLOSURE MAINTENANCE  
4 PLANS.

5 REGARDING THE PLANS, PURSUANT TO THE PUBLIC  
6 RESOURCES CODE AND GOVERNMENT CODE, THE PRELIMINARY  
7 CLOSURE/POSTCLOSURE MAINTENANCE PLAN WILL BE DUE THE  
8 FIRST DATE AFTER JULY 1ST OF THIS YEAR THAT THE PERMIT --  
9 THE APPLICATION FOR PERMIT REVIEW WILL BE SUBMITTED.

10 WITH REGARD TO THE INITIAL COST ESTIMATES  
11 AND FINANCIAL MECHANISM, I'D LIKE AT THIS TIME HAVE  
12 NGUYEN VAN HANH ADDRESS THESE ISSUES.

13 MR. VAN HANH: MR. CHAIRMAN, BOARD MEMBERS, I'M  
14 NGUYEN VAN HANH FROM THE FINANCE UNIT OF THE BOARD.

15 IN THE PERMIT REVIEW PROCESS, THE FINANCIAL  
16 UNIT HAS THE OPPORTUNITY TO REVIEW THE FINANCIAL  
17 MECHANISM OF THE FACILITY. IN THE PAST COUPLE OF WEEKS,  
18 WE HAVE RECEIVED A COUPLE OF PROPOSALS REGARDING THE  
19 FINANCIAL MECHANISMS. AT THE TIME OF OUR WRITING OF THE  
20 PREPARATION OF THE BOARD PACKAGE HERE, THE FACILITY DID  
21 NOT HAVE A MECHANISM IN PLACE TO MEET THE REQUIREMENTS OF  
22 THE REGULATIONS.

23 SINCE THEN. AND UP UNTIL YESTERDAY, WE HAVE  
24 RECEIVED A COUPLE OF SUBMITTALS. ONE DID NOT MEET THE  
25 REQUIREMENTS, WHICH WAS RECEIVED ON THE 15TH OF JUNE.

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1 WE'VE BEEN WORKING WITH THE COUNTY AS WELL AS WESTERN  
2 WASTE. UNTIL YESTERDAY WE RECEIVED A FAX OF A MECHANISM  
3 IN THE FORM OF A TRUST FUND ESTABLISHED BY WESTERN WASTE  
4 WITH CITICORP WHICH MEETS THE REQUIREMENT OF OUR  
5 REGULATIONS.

6 THE STAFF HAS REVIEWED THE MECHANISM AND  
7 VERIFIED THAT THE CONDITIONS AS INDICATED WOULD MEET OUR  
8 REQUIREMENTS. STRICTLY FROM THE STANDPOINT OF FINANCIAL  
9 MECHANISM, THE STAFF WOULD LIKE TO RECOMMEND APPROVAL OF  
10 THE MECHANISM.

11 IF YOU HAVE ANY FURTHER QUESTIONS REGARDING<sup>1</sup>  
12 THE FINANCIAL ASPECTS, I WILL BE MOST HAPPY TO ANSWER.  
13 IF NOT, I WOULD LIKE TO RETURN THE MIKE BACK TO DON DIER.

14 VICE CHAIRMAN MOSCONE: ANY QUESTIONS?

15 BOARD MEMBER VARNER: I DO HAVE ONE. NGUYEN,  
16 YOU MENTIONED CLOSURE MECHANISM. WHAT ARE THEY DOING  
17 ABOUT POSTCLOSURE?

18 MR. VAN HANH: WELL, I SHOULD SAY CLOSURE AND  
19 POSTCLOSURE. THE FIRST ONE AS A MECHANISM COVERS BOTH  
20 CLOSURE AND POSTCLOSURE COSTS.

21 BOARD MEMBER BROWN: HOW IS THE TRUST FUND  
22 FUNDED?

23 MR. VAN HANH: THE TRUST FUND IS FUNDED IN THIS  
24 WAY: WESTERN WASTE, AS THE OPERATOR AND OWNER OF THE  
25 FACILITY, HAS TO AND HAS DONE SO SET UP AND ESTABLISHED A



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1 TRUST FUND WITH A BANKING INSTITUTION. ONCE A TRUST FUND  
2 IS SET UP. THE FIRST YEAR WESTERN WASTE DOES NOT HAVE TO  
3 PUT ANY MONEY IN THERE. HOWEVER, IN SUBSEQUENT YEARS,  
4 DEPENDING ON THE LIFE OF A FACILITY. CERTAIN INSTALLMENT  
5 WILL HAVE TO BE PAID ACCORDING TO CERTAIN FORMULA.

6 THE TRUST FUND, AS FAR AS THE MECHANISM IS  
7 CONCERNED, IS THE YARDSTICK IN THE FINANCIAL ASSURANCE.  
8 THIS PROVIDES FOR COURT ACTION. IN THIS CASE IT PROVIDES  
9 FOR SPECIFIC ASSIGNMENT OF THE MONEY IN CASE THE FACILITY  
10 RUNS INTO PROBLEMS AND CERTAIN CORRECTIVE ACTIONS NEED TO  
11 BE DONE ACCORDING TO THE PLAN. THEN THE AMOUNT OF THE  
12 MONEY DEPOSITED INTO THE TRUST FUND WILL BE USED AT THE  
13 DISCRETION OF THE BOARD BECAUSE THE BOARD IS THE  
14 BENEFICIARY OF THE MECHANISM.

15 AND THIS IS A SENSITIVE ISSUE BECAUSE IN  
16 FINANCIAL MECHANISMS THE KEY ISSUE HERE IS THAT THE  
17 BENEFICIARY IS THE BOARD. THE BOARD PROVIDES ACCESS INTO  
18 THE FUNDS SO THAT, IF NEED BE, THE FUNDS CAN BE DIVERTED  
19 TO FINANCE CORRECTIVE ACTIONS.

20 VICE CHAIRMAN MOSCONE: ANY FURTHER QUESTIONS?

21 BOARD MEMBER LOCKINGTON: I JUST WANTED TO -- I  
22 NOTICE HERE THAT THE PERMITTED CAPACITY IS 1,000 TONS,  
23 AND THEY HAVE BEEN VIOLATING IT FOR SOME TIME. I THINK  
24 THAT'S YOUR LETTER, DON. THAT POINTS THAT OUT.

25 I HAVE A QUESTION. IN THE WAY WE'RE SET



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1 UP, AND I'M NOT QUITE SURE HOW. IT'S OKAY FOR THE  
2 OPERATOR TO VIOLATE IT TILL THE LEA CATCHES HIM. IT  
3 SEEMS TO ME EVERY ONE OF THESE THAT COMES UP WITH EXACTLY  
4 THE SAME THING. THE OPERATOR GOES ON AND ON AND ON; AND  
5 IF WE DON'T DO SOMETHING, IT'S OKAY.

6 CAN SOMEBODY -- AND THE SECOND COMMENT IS,  
7 IN READING SOME OF THESE, I DON'T KNOW IF THE 2,000 IS  
8 ENOUGH ON A DAILY BASIS. IF WE'RE GOING TO CLOSE ANOTHER  
9 LANDFILL AND THE GROWTH THAT'S TAKING PLACE IN THAT AREA,  
10 WE HAVE DAYS WHERE WE ARE TAKING 1,900 TONS RIGHT NOW.  
11 I'M ASKING FOR YOUR JUDGMENT ON THAT.

12 MR. DIER: WITH REGARD TO THE FIRST POINT, I WAS  
13 BITING MY TONGUE, BUT I'LL GO AHEAD AND SAY IT ANYWAY.  
14 THE OLD ADAGE, "NOTHING IS ILLEGAL TILL YOU'RE CAUGHT,"  
15 SEEMS TO APPLY WITH THIS TYPE OF SITUATION. BUT I THINK  
16 THAT'S ONE OF THE REASONS WHY UNDER OUR NEW STATUTES THE  
17 LEA'S AND THE STATE BOARD STAFF ARE OUT THERE ON A MORE  
18 FREQUENT BASIS TO MONITOR AND ENSURE COMPLIANCE WITH THE  
19 TERMS AND CONDITIONS OF THESE PERMITS.

20 WITH REGARD TO THE SECOND POINT AND THE  
21 ADEQUACY OF THE 2,000 TONS, STAFF SHARES YOUR CONCERN. I  
22 DON'T KNOW, PERHAPS WESTERN MIGHT ADDRESS THAT ISSUE.  
23 IT'S NOT UP TO THE BOARD TO CAST JUDGMENT ON WHETHER  
24 THAT'S GOING TO BE ADEQUATE OR NOT BECAUSE. OBVIOUSLY,  
25 THE PROPOSAL IS BEFORE THE BOARD. WE DO AGREE WITH YOUR

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1 SENTIMENT THAT THAT AREA IS EXPERIENCING RAPID GROWTH.

2 BOARD MEMBER LOCKINGTON: WHAT WORRIES ME IN THE  
3 FIRST PART OF WHAT I SAID IS THE MIND-SET OF THE  
4 OPERATOR. IT'S OKAY TO VIOLATE ALL THESE THINGS. AND IT  
5 SEEMS IN THE SHORT TIME THAT I'VE BEEN HERE, EVERY TIME I  
6 SIT THERE, I MEAN, IT REMINDS ME WHEN KIDS ARE PLAYING  
7 COPS AND ROBBERS, WELL, I CAUGHT YOU. IT WOULD SEEM TO  
8 ME THAT THEY WOULD HAVE SOME RESPONSIBILITY THEMSELVES OF  
9 SAYING, "GEE, WE SHOULDN'T BE DOING THIS."

10 MR. DIER: I GAVE YOU A RATHER FLIP ANSWER, BUT  
11 I DID NOT MEAN TO LEAVE THE IMPRESSION THAT IT'S OKAY TO  
12 VIOLATE THE PERMITS. IN FACT, THAT'S WHY WE'RE GOING TO  
13 BE BRINGING BACK TO YOU IN JULY OUR PERMIT ENFORCEMENT  
14 POLICY TO ADDRESS THESE SITUATIONS WHERE LEA'S HAVE NOT  
15 BEEN ACTING PROPERLY PURSUANT TO THE AUTHORITY THEY HAVE  
16 AS AN LEA TO TAKE ACTIONS WHEN THEY BECOME AWARE OF  
17 VIOLATIONS.

18 BOARD MEMBER LOCKINGTON: IF THE COMPANY SPEAKS  
19 TO US, IT MIGHT BE INTERESTING TO GET THEIR FEELING ON  
20 HOW THEY SEE IT FROM THE OTHER SIDE.

21 MR. DIER: WELL, WE WILL HAVE AN OPPORTUNITY  
22 TO -- HOLD THAT THOUGHT, CHUCK. WE WILL BRIEFLY FINISH  
23 UP THIS ITEM, AND THEN OPEN IT UP BECAUSE WE HAVE A  
24 COUPLE OF PEOPLE WHO DO HAVE PRESENTATIONS FOR THE BOARD.

25 MR. CHAIRMAN --



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1 BOARD MEMBER BREMBERG: ON 11. PAGE 11-88. WHERE  
2 IT SAYS RIVERSIDE COUNTY WASTE MANAGEMENT DEPARTMENT WILL  
3 EVALUATE ANY REQUESTS BY PRIVATE COMPANIES INTERESTED IN  
4 BUILDING SOURCE REDUCTION AND RECYCLING OR COMPOSTING  
5 FACILITIES. AND THEN IT SAYS PROJECT APPLICANT OR  
6 SUCCESSOR IN INTEREST, LONG-TERM MAINTENANCE SHOULD BE  
7 TRANSFERRED TO THE OWNER OR TENANTS OF THE LANDFILL  
8 PROPERTY.

9 DID THAT SOUND TO ME LIKE SOMEBODY WANTS TO  
10 BUILD A SOURCE REDUCTION OR RECYCLING CENTER, AND THEY'RE  
11 REQUIRED TO TURN IT OVER TO WESTERN WASTE?

12 MR. AULT: MS. BREMBERG, I CAN'T -- THIS IS IN  
13 THE MITIGATION MONITORING PROGRAM.

14 BOARD MEMBER BREMBERG: MAYBE SOMEBODY FROM THE  
15 COUNTY OR THE COMPANY COULD.

16 MR. AULT: WHAT I WAS GOING TO MENTION IS THAT  
17 IF THERE IS A CHANGE IN OWNERSHIP OF THIS FACILITY TO  
18 ANOTHER OWNER, THEN, OF COURSE, THAT WILL NECESSITATE A  
19 NEW PERMIT TO BE ISSUED TO THAT NEW OWNER. AND IF THERE  
20 ARE ANY RESOURCE RECOVERY PROGRAMS WHICH MIGHT BE  
21 IMPLEMENTED UNDER THAT NEW OWNER, FOR INSTANCE, A WASTE  
22 PROCESSING FACILITY, THEN IN SUCH A CIRCUMSTANCE, AS A  
23 PART OF THE NEW PERMIT FOR THAT NEW OWNER, THEY WOULD  
24 MOST LIKELY NEED TO REOPEN THE CEQA PROCESS TO MAKE SURE  
25 THAT ANY POTENTIAL ENVIRONMENTAL IMPACTS FROM THAT

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1 ADDITIONAL ACTIVITY, SUCH AS WASTE PROCESSING OR, SAY, A  
2 COMPOST OPERATION.

3 BOARD MEMBER BREMBERG: THAT DOESN'T SAY ONLY  
4 HAPPENS WHEN THERE'S A CHANGE OF OWNERSHIP IN RIVERSIDE  
5 COUNTY, BUT IT SOUNDS TO ME LIKE SOMEBODY HAS ALREADY  
6 REQUESTED THAT THERE BE SOME PRIVATE COMPANIES, NOT  
7 SINGULAR, INTERESTED IN BUILDING SOURCE REDUCTION,  
8 RECYCLING, OR COMPOSTING FACILITIES, THAT THE COUNTY WILL  
9 EVALUATE IT AND THEN THE APPLICANT AND, I UNDERSTAND THE  
10 LONG-TERM SUCCESSOR, BUT IT SHOULD BE TRANSFERRED TO THE  
11 OWNERS; BUT ARE THERE COMPANIES OTHER THAN WESTERN WASTE  
12 WHO ARE PLANNING TO BUILD OR ARE MAKING APPLICATIONS?  
13 HOW DOES THAT TRACK WITH THE EXISTING PERMIT?

14 MR. AULT: I'M NOT FAMILIAR WITH THE INTENTIONS  
15 OF THE OTHER LANDFILL OPERATORS OR WASTE HAULERS IN THE  
16 AREA, BUT I BELIEVE, PERHAPS, THE LEA OR WESTERN WASTE  
17 INDUSTRIES MAY HAVE SOME INSIGHT ON THAT IF YOU CARE TO  
18 HAVE THEM ADDRESS YOU AT THE APPROPRIATE TIME.

19 BOARD MEMBER BREMBERG: THANK YOU.

20 MR. DIER: MR. CHAIRMAN, IF THERE AREN'T ANY  
21 OTHER QUESTIONS, WE'LL FINISH UP THIS ITEM BY BRIEFLY  
22 MENTIONING THAT THE PROCEDURAL REQUIREMENTS FOR  
23 APPLICATION AND PERMIT PREPARATION HAVE BEEN SATISFIED.  
24 THE LOCAL ENFORCEMENT AGENCY HAS MADE THE REQUIRED THREE  
25 FINDINGS UNDER THE GOVERNMENT CODE. STAFF HAS REVIEWED

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1 THE PROPOSED PERMIT, SUPPORTING DOCUMENTATION, AND FIND  
2 THEM TO BE ADEQUATE.

3 WITH THE LATEST INFORMATION SUBMITTED  
4 REGARDING THE FUNDING MECHANISM, STAFF IS ABLE TO  
5 RECOMMEND TO YOU THIS AFTERNOON THAT THE BOARD ADOPT  
6 PERMIT DECISION NO. 90-11, CONCURRING IN THE ISSUANCE OF  
7 PERMIT NO. 33-AA-0217, AND APPROVING THE  
8 CLOSURE/POSTCLOSURE CERTIFICATION OF THE INITIAL COST  
9 ESTIMATES AND FINANCIAL ABILITY FOR BOTH CLOSURE AND  
10 POSTCLOSURE MAINTENANCE FOR THE EL SOBRANTE LANDFILL.

11 AS INDICATED, WE DO HAVE REPRESENTATIVES  
12 FROM WESTERN WASTE INDUSTRIES, THE COUNTY WASTE  
13 MANAGEMENT DEPARTMENT VIA COUNTY COUNSEL, AND THE LOCAL  
14 ENFORCEMENT AGENCY, WHO WOULD LIKE TO MAKE SOME COMMENTS.

15 VICE CHAIRMAN MOSCONE: I HAVE A REQUEST FROM  
16 GERALD BLANKENSHIP TO SPEAK ON THIS.

17 MR. BLANKENSHIP: I THINK IT POSSIBLY WOULD BE  
18 HELPFUL IF CHUCK WENT FIRST AND MADE HIS REMARKS, WHICH  
19 YOU HAVE IN MIND. REMARKS I HAVE TO MAKE ARE REALLY NOT  
20 ON YOUR MIND AT THIS TIME.

21 MR. TOBIN: MR. CHAIRMAN, MEMBERS OF THE BOARD,  
22 MY NAME IS CHUCK TOBIN, REPRESENTATIVE OF WESTERN WASTE  
23 INDUSTRIES. AND ON THE EL SOBRANTE PROJECT, I GUESS I'VE  
24 BEEN THERE SINCE THE INCEPTION, SO TO SPEAK.

25 INSOFAR AS THE STAFF HAS RECOMMENDED

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1 APPROVAL OF THE PACKAGE. WE'RE QUITE HAPPY AND SATISFIED.  
2 WE'VE ENJOYED WORKING WITH STAFF. IT HAS BEEN A LONG  
3 PROCESS, AND I THINK IT'S BEEN A FULFILLING ONE FOR ALL  
4 PARTIES CONCERNED.

5 WITH RESPECT TO SOME OF THE ISSUES THAT  
6 HAVE BEEN RAISED SO FAR IN TERMS OF THE COMMENT, I WOULD  
7 MENTION ON THE GROUNDWATER SITUATION, YOU NOTICE THERE  
8 THAT THERE WAS AN ABNORMALITY THAT SHOWED UP IN ONE OF  
9 THE WELLS. THAT CAUSED US TO -- A LOT OF CONCERN BECAUSE  
10 WE HAD A PREDICTIVE MODEL BASED ON THE ORIGINAL SITE  
11 DESIGN AS TO WHAT SHOULD HAPPEN IN A MONITORING WELLS,  
12 AND WE SAW SOMETHING THERE THAT FELL OUTSIDE THE  
13 BOUNDARIES OF THE ABNORMALITIES.

14 IN THE MEANTIME WHAT WE HAVE DONE IS GONE  
15 BACK AND COMPLETELY REEVALUATED THE GROUNDWATER SITUATION  
16 AND DONE EXTENSIVE GROUNDWATER DRILLING, TESTING, AND  
17 ANALYSIS TO THE TUNE OF MANY HUNDREDS OF THOUSANDS OF  
18 DOLLARS, NOT ONLY TO THE IMMEDIATE SITE, BUT FOR ALL --  
19 WE OWN 1,000 ACRES ADJACENT TO THE SITE -- FOR THE ENTIRE  
20 GROUNDWATER.

21 AND WE HAVE REESTABLISHED A CORPORATE  
22 POLICY WHICH, AS YOU KNOW, UNDER 15. IT REQUIRES 5-FOOT  
23 MINIMUM SEPARATION. WE MOVED OURS UP TO 20. AND WE HAVE  
24 DECIDED FROM THIS POINT FORWARD TO LINE THE ENTIRE SITE  
25 REGARDLESS OF WHAT REGIONAL WOULD REQUIRE. IN FACT.

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1 WE'VE ALREADY PUT IN \$2 MILLION WORTH OF ADDITIONAL LINER  
2 AND INTEND TO PUT IN \$10 MILLION MORE BEFORE THE END OF  
3 THE PROJECT.

4 THE QUESTION ON THE -- WHEN YOU ARE OUTSIDE  
5 THE BOUNDARIES OF WHAT YOU ARE PERMITTED -- WHAT YOUR  
6 PERMIT SAYS IS AN INTERESTING ONE. THE ONLY STATEMENT I  
7 WOULD OFFER IN THE WAY OF AN OBSERVATION ABOUT IT IS THAT  
8 IN THE INSTANCE OF SOBRANTE, THE SITE WAS ORIGINALLY  
9 DESIGNED TO TAKE A MINIMUM 2,000 TON A DAY. ALL THE  
10 PHYSICAL PLANT, THE ROAD LEADING IN, EVERYTHING HAD THAT  
11 IN MIND AND THE ORIGINAL EIR SAYS THAT.

12 BUT WHEN IT CAME TO THE FIRST ROUND OF  
13 PERMITTING ALLOWED A DAILY OPERATING OF 1,000, AND THEN  
14 UNFORTUNATELY IT TOOK -- BECAUSE THIS IS BASICALLY A  
15 SEVERAL-YEAR PROCESS LEADING UP TO TODAY'S EVENT, WE  
16 STARTED THE 2,000 TON A DAY AT LEAST 18 MONTHS AGO, AS  
17 STEVE -- PROBABLY MORE LIKE 24 MONTHS AGO. AND IT'S  
18 JUST -- YOU GET INTO A BIT OF AN OVERLAP IS WHAT IT BOILS  
19 DOWN TO.

20 IN A SENSE WE'VE BEEN OPERATING FOR THE  
21 LAST -- I BELIEVE THE LEA COULD INDICATE -- FOR THE LAST  
22 SIX MONTHS, I BELIEVE, UNDER A NOTICE AND ORDER, WHICH  
23 HAS BEEN ACTUALLY HELPFUL FROM THE POINT OF VIEW OF THE  
24 OPERATOR BECAUSE THE NOTICE AND ORDER THEN SAYS, "LOOK,  
25 WE DO KNOW WHAT THE SITUATION IS. WE HAVE GIVEN YOU A



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1 FIRM CUT-OFF DATE WITH RESPECT TO COMPLETION OF YOUR  
2 PERMITTING TASK. AND ALTHOUGH ON THE ONE HAND, YES, YOU  
3 ARE OUTSIDE OF THE LEGAL PERMITTED DAILY; ON THE OTHER  
4 HAND, THE NOTICE AND ORDER SETS FORTH A STRICT TIMETABLE  
5 FOR COMPLIANCE, WHICH BASICALLY SAYS EITHER ACHIEVE THE  
6 TASK BY THIS DATE OR REVERT BACK TO WHAT THE OLD PERMIT  
7 SAID."

8 I'M SORRY, MS. BREMBERG, I DID NOT HEAR  
9 THIS POINT IN YOUR DOCUMENT YOU WERE MAKING REFERENCE TO.

10 BOARD MEMBER BREMBERG: I'LL READ IT TO YOU.  
11 "THE RIVERSIDE COUNTY WASTE MANAGEMENT DEPARTMENT WILL  
12 EVALUATE REQUESTS BY PRIVATE COMPANIES WHO ARE INTERESTED  
13 IN BUILDING SOURCE REDUCTION, RECYCLING, OR COMPOSTING  
14 FACILITIES IN THE WESTERN RIVERSIDE AREA."

15 MR. TOBIN: YES. WHAT DOCUMENT IS THAT  
16 STATEMENT FOUND IN?

17 BOARD MEMBER BREMBERG: PAGE 88 OF OUR PACKAGE.

18 MR. TOBIN: WHICH ONE IS THAT UNDER?

19 BOARD MEMBER BREMBERG: IT'S UNDER MONITORING  
20 WORK PROGRAM.

21 MR. AULT: THE MITIGATION MEASURE, CHUCK, THAT  
22 WAS SET UP WITH REGARD TO THE IMPACT OF THE REDUCED LIFE  
23 OF THE LANDFILL DUE TO INCREASED WASTE LOADS.

24 MR. TOBIN: THERE IS -- IN THE ACTUAL WORLD,  
25 THERE ARE NO OTHER PROJECTS WHICH ARE PROPOSED AT THIS

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1 POINT IN TIME.

2 BOARD MEMBER BREMBERG: WELL, THEN, WHO WROTE  
3 THIS?

4 MR. TOBIN: THAT WAS WRITTEN BY THE STAFF OF THE  
5 DEPARTMENT OF WASTE MANAGEMENT WHO WROTE THAT FOR THE  
6 PLANNING DEPARTMENT. MAYBE I SHOULD BACK UP HERE. I  
7 DON'T WANT -- SOBRANTE IS A PUBLIC/PRIVATE PARTNERSHIP  
8 ARRANGEMENT, AND WE HAVE -- THE ORIGINAL EIR WAS DONE BY  
9 WASTE MANAGEMENT, AND CONSEQUENTLY MUCH OF THE  
10 ENVIRONMENTAL WORK IS THEN, AS A MATTER OF CONTINUITY, IS  
11 STILL DONE BY THAT DEPARTMENT.

12 THE CONTRACT REQUIRES THAT THE PERMIT BE IN  
13 WESTERN'S NAME AND THAT WESTERN BE RESPONSIBLE FOR  
14 COMPLETION OF PERMITTING ACTIVITIES. SO THAT'S WHERE YOU  
15 GET A BIT OF A HYBRID DEPENDING ON WHICH SIDE OF THE  
16 EQUATION YOU ARE TALKING ABOUT AS TO WHO MIGHT HAVE BEEN  
17 THE AUTHOR, BUT WE WORK PRESUMABLY AS A TEAM WITH RESPECT  
18 TO ALL COMPONENTS OF THE PROJECT.

19 BOARD MEMBER BREMBERG: IF ANOTHER COMPANY CAME  
20 IN AND MADE A PROPOSAL THAT WAS TOO GOOD TO RESIST,  
21 RIVERSIDE COUNTY COULD ACCEPT IT?

22 MR. TOBIN: NOT UNDER -- WESTERN OWNS THE  
23 PROPERTY AND HAS THE PERMIT. AND I WOULD JUST AGAIN --

24 MR. AULT: I THINK, HAVING A CHANCE TO LOOK AT  
25 THIS PARTICULAR MITIGATION MEASURE A LITTLE MORE



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1 CAREFULLY, PUTTING IT IN CONTEXT. WITH THIS INCREASE IN  
2 TONNAGE FROM 1000, 2000 TONS PER DAY, SO THAT THE LIFE OF  
3 THE LANDFILL IS GOING TO BE REDUCED.

4 SO -- BECAUSE THAT IN ITSELF COULD BE A  
5 POTENTIAL ADVERSE IMPACT FOR THE COMMUNITY IN HAVING A  
6 SHORTER TIME OF DISPOSAL RESOURCE AVAILABLE, THE  
7 MITIGATION MEASURE THAT WAS PROPOSED WAS SIMPLY THAT  
8 WASTE MANAGEMENT DEPARTMENT WOULD CONSIDER REQUESTS FOR  
9 DIFFERENT TYPES OF SOURCE REDUCTION, RECYCLING,  
10 COMPOSTING ACTIVITIES TO REDUCE THE AMOUNT OF WASTE THAT  
11 EL SOBRANTE MIGHT HAVE TO ACCEPT AND, THEREFORE, EXTEND  
12 THE LIFE OF THE LANDFILL. THAT WAS SIMPLY --

13 BOARD MEMBER BREMBERG: THAT'S WHAT I THOUGHT IT  
14 WAS SUPPOSED TO SAY, BUT NOBODY TOLD ME THAT. SO THEN IT  
15 HAS TO REVERT TO THE OWNER OR TENANTS OF THE LANDFILL.  
16 SO IF THE COUNTY --

17 MR. AULT: THAT'S FOR FUNDING OF THE COST OF  
18 THIS MONITORING PROGRAM.

19 BOARD MEMBER BREMBERG: OKAY. THANK YOU.

20 VICE CHAIRMAN MOSCONE: JIM.

21 BOARD MEMBER LOCKINGTON: I DIDN'T MEAN TO PICK  
22 ON YOU. THAT ISN'T WHAT IT WAS.

23 MR. TOBIN: OH, I UNDERSTAND. IT WAS A GENERIC  
24 QUESTION.

25 BOARD MEMBER LOCKINGTON: PREVIOUS PEOPLE HAVE



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1 SAID THAT THE PERMIT IS FOR 500. IS DOING 2,000. SO THE  
2 COUNTY CONCURS -- I BEG YOUR PARDON -- SO THE COUNTY THEN  
3 SAYS THAT THEY HAVE A TERRIBLE SITUATION.

4 WHAT I'M SAYING IS I'M LOOKING FOR A CAUSE  
5 AND EFFECT RELATIONSHIP. HOW DO WE GET UP TO THIS POINT  
6 WHERE WE HAVE NO OTHER ALTERNATIVE? WELL, IT SEEMS TO ME  
7 ONE DAY WE HAD 500, AND THEN WE HAD 600, AND THEN WE HAD  
8 700, THEN WE HAD 1200, AND PRETTY SOON WE'RE AT 2,000,  
9 AND OUR OWN LOGIC SAYS, "HOLY COW, WHAT ARE WE GOING TO  
10 DO ABOUT THIS?"

11 AND THAT WAS THE ONLY POINT I WAS TRYING TO  
12 MAKE. EVERY TIME WE GET INTO ONE OF THESE THINGS, IT  
13 SEEMS THAT WE KEEP FOLLOWING THE SAME PATTERN. I WAS  
14 JUST ASKING OF THE STAFF MAYBE HOW WE GET TO THIS.  
15 BECAUSE YOU'RE CONCURRING, OKAY, AND I DON'T BLAME YOU  
16 BECAUSE YOU'RE LOOKING AROUND SAYING, "HOLY COW."

17 MR. DIER: MR. LOCKINGTON, WE'RE NOT  
18 RECOMMENDING CONCURRENCE BECAUSE WE'RE LOOKING AROUND  
19 SAYING, "HOLY COW." WE'RE RECOMMENDING CONCURRENCE  
20 BECAUSE WE FIND NO BASIS TO OBJECT. THEY HAVE SATISFIED  
21 THE REQUIREMENTS, GOOD, BAD, OR WHATEVER THEY ARE, THAT  
22 EXIST IN THE STATUTE AND REGULATIONS FOR PERMITTING OF  
23 THESE FACILITIES.

24 BOARD MEMBER LOCKINGTON: IN THIS CASE.

25 MR. DIER: IN THIS CASE AND EVERY CASE WE BRING



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1 BEFORE YOU.

2 BOARD MEMBER LOCKINGTON: I HARKEN BACK. THE  
3 ONE BEFORE IS WHEN THE COUNTY -- LET ME SEE IF I CAN FIND  
4 THE QUOTATION HERE.

5 THE VENTURA COUNTY HAD AN OVERRIDING  
6 WORDS -- I CAN'T FIND THE LANGUAGE RIGHT AT THE MOMENT --  
7 CONSIDERATIONS, AND I'M SURE THAT, AS YOU SAID, STEVE,  
8 THAT ONE OF THOSE CONSIDERATIONS IS YOU NEED IT.

9 MR. AULT: YES. THAT WAS THE DECISION OF  
10 VENTURA COUNTY IN THAT CASE. I MIGHT ADD, THOUGH, MR.  
11 LOCKINGTON, IN THE CASE OF RIVERSIDE COUNTY, THERE ARE  
12 ESPECIALLY -- NOT ESPECIALLY -- BUT IN THE WESTERN  
13 PORTION OF THE COUNTY, AS WELL AS ELSEWHERE, THERE ARE  
14 SITES THAT ARE CURRENTLY OPERATED BY COUNTY WASTE  
15 MANAGEMENT DEPARTMENT WHICH HAVE BEEN IDENTIFIED AS  
16 POTENTIAL SITES FOR EXPANSION.

17 AND SO THERE SHOULD BE, ASSUMING THAT THE  
18 PERMIT REVISION AND EXPANSION PROCESS GOES SMOOTHLY,  
19 THERE SHOULD BE ADDITIONAL AVAILABLE CAPACITY COMING INTO  
20 EXISTENCE FOR THE WESTERN COUNTY AREA, PERHAPS BY THE END  
21 OF THE DECADE.

22 ADDITIONALLY, MANY OF THE SOLID WASTE  
23 FACILITIES IN RIVERSIDE COUNTY. WHICH ARE ALL THE OTHERS,  
24 ARE OPERATED BY THE COUNTY ITSELF, ARE NOW GOING THROUGH  
25 THE CEQA PROCESS FOR PERMIT REVISIONS. SOME FOR INCREASE

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1 TONNAGE. SOME FOR EXPANSION.

2 SO I THINK THE WASTE MANAGEMENT DEPARTMENT  
3 IS TRYING TO LOOK TO THE FUTURE AND TRYING TO REVISE  
4 PERMITS IN ORDER TO NOT ONLY COME INTO COMPLIANCE WHERE  
5 NEEDED, BUT ALSO TO LOOK TO THE FUTURE FOR DISPOSAL  
6 CAPACITY.

7 BOARD MEMBER VARNER: MR. CHAIRMAN.

8 VICE CHAIRMAN MOSCONE: MR. VARNER.

9 BOARD MEMBER VARNER: I'D ADDRESS THIS QUESTION  
10 TO CHUCK OR TO THE STAFF.

11 HOW LONG REALISTICALLY DOES IT TAKE YOU TO  
12 GET A PERMIT REVISION ONCE YOU COME TO THE CONCLUSION  
13 THAT YOU NEED ONE?

14 MR. TOBIN: THERE'S A WHOLE ROOM FULL OF PEOPLE  
15 THAT STRUGGLE WITH THAT QUESTION EVERY DAY, AND THEY WILL  
16 TELL YOU, UNFORTUNATELY, IT DEPENDS ON THE CIRCUMSTANCES.

17 WE KNOW WHAT THE STATUTORY TIME LINES ARE  
18 GIVEN THAT YOU HAVE TO PERFORM A SPECIFIC TASK; I.E., IF  
19 YOU HAVE TO WRITE AN EIR, YOU ARE LOOKING AT A MINIMUM OF  
20 SIX MONTHS JUST ON THE BASIS OF STATUTORY TIME LINES.

21 YOU CAN WORK OUT -- AND EVERY OPERATOR AND  
22 STATE PEOPLE DO -- WE WORK OUT CRITICAL PATH CHARTS EVERY  
23 DAY AND TRY TO FIGURE OUT WHAT'S ON THE PATH AND HOW TO  
24 DO THAT.

25 IN THE CASE OF SOBRANTE. FROM START TO



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1 FINISH TO -- FROM THE GLEAM IN THE EYE TO OPENING THE  
2 GATE WAS SOMETHING ON THE ORDER OF A THREE-YEAR PROCESS.  
3 THIS ONE I MENTIONED WAS TWO YEARS, BUT THERE WERE SOME  
4 SPECIAL CIRCUMSTANCES THAT WENT INTO A PORTION OF THAT  
5 TIME LINE, WHICH WE'LL GET INTO IN JUST A MINUTE. BUT  
6 THAT'S OFTENTIMES WHAT YOU ARE LOOKING AT.

7 YOU CAN PERHAPS -- I'M LOOKING AT A PROJECT  
8 NOW WHERE I AM ATTEMPTING TO DO A REPERMITTING IN 12  
9 MONTHS OR LESS. AND THAT'S GOING THROUGH, FIRST, A LAND  
10 USE CONDITIONAL USE PROCESS ON THE FRONT END AND THEN  
11 COMING TO A PERMIT REVISION ON THE BACK END. BUT THAT'S  
12 AN AMBITIOUS TIME LINE.

13 BOARD MEMBER VARNER: I WOULD AGREE. ISN'T  
14 THERE SOMETIMES THAT IT EVEN TAKES LONGER THAN THIS?

15 MR. TOBIN: OH, YES.

16 BOARD MEMBER VARNER: MY POINT IS THIS, THAT IT  
17 HELPS MR. LOCKINGTON MAYBE UNDERSTAND SOMEWHAT OF THE  
18 PROBLEMS, THAT ONCE THAT THING BECOMES KNOWN, THAT THERE  
19 IS A NEED FOR REVISION, SOMETIMES THE PROCESS YOU HAVE TO  
20 GO THROUGH TO GET IT TAKES YEARS. AND NATURALLY, IN THE  
21 MEANTIME, THERE'S A GROWTH AND A NEED AND MAYBE SOME  
22 OTHER CLOSINGS THAT CREATES THIS KIND OF A DELINQUENT  
23 SITUATION. AND THAT'S OPPOSED, JIM, TO SOME OF THOSE  
24 THAT WE FIND THAT DELIBERATELY ATTEMPT TO SIDETRACK THE  
25 THING, SO I JUST WANTED TO MAKE THAT DISTINCTION.

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1 MR. TOBIN: THE PROBLEM WITH THE NOTICE AND  
2 ORDER PROCESS, AT LEAST AS APPLIED TO OUR CASE, WAS A  
3 GOOD PROCESS BECAUSE IT DID FERRET OUT INTENT. IT ASKED  
4 THE QUESTION -- THE LEA ASKED THE QUESTION AT THE FRONT  
5 END: WHAT WAS THE INTENT OF THE OPERATOR? WERE THEY  
6 OPERATING WITH THE INTENT TO REMEDY IN MOVING FORWARD IN  
7 A GOOD-FAITH BASIS OR WAS THERE SOMETHING ELSE?

8 AND THEN, AGAIN. THE ORDER CAME DOWN, THE  
9 NOTICE SAID, "WE FIND YOU OUTSIDE, AND WE ORDER YOU BY  
10 SUCH-AND-SUCH A DATE TO COME INTO CONCURRENCE." IT WAS A  
11 GOOD PROCESS.

12 THE OTHER THING, MR. LOCKINGTON, I THINK  
13 YOU FIND THIS, AGAIN WITH OUR LEA, IS THAT THEY ARE  
14 LOOKING FORWARD. THE PROCESS SEEMS TO BE REACTIVE AND  
15 CATCH-UP ALL THE TIME. REACT, CATCH UP; REACT, CATCH UP.  
16 THEY ARE BECOMING MORE PROACTIVE NOW AND HAVE ALREADY  
17 TALKED TO US ABOUT A 3000, 4000, BECAUSE YOU CAN SEE THE  
18 NUMBERS IN THE PLAN REGARDLESS OF WHATEVER.

19 I MEAN, IT DOESN'T TAKE MUCH PAPER/PENCIL  
20 WORK TO SEE WHERE THE NUMBERS ARE GOING WITH RESPECT TO  
21 EACH SITE. SO YOU CAN GET A REAL -- AGAIN, TIMING THAT  
22 TO MAKE SURE YOU ARE AT THE RIGHT POINT IN X YEAR OR Y  
23 YEAR, SOMETIMES YOU DON'T QUITE MAKE IT.

24 CAN I FOR ONE OTHER, JUST TAKE UP ONE OTHER  
25 ISSUE HERE. SIR? ON THE -- I'M OBLIGATED AND MUST

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1 ADDRESS THE ISSUE OF THE FORM 100, THE TRUST FUND.

2 THE ORIGINAL SOBRANTE CONTRACT CALLED FOR A  
3 TRUST FUND TO BE ESTABLISHED UNDER COUNTY SUPERVISION;  
4 THAT IS, BY THE TREASURER-TAX COLLECTOR, FROM WHICH THE  
5 DEPARTMENT OF WASTE MANAGEMENT IS AN ENTERPRISE FUND,  
6 FUNDS WOULD BE MADE AVAILABLE FOR SOBRANTE CLOSURE AND  
7 POSTCLOSURE TRUST. THAT WAS ENUMERATED IN THE CONTRACT  
8 THAT RIVERSIDE COUNTY HAD WITH WESTERN WASTE INDUSTRIES.

9 IN THE COURSE OF APPLYING FOR THIS PERMIT  
10 REVISION FROM 1 TO 2,000 TON A DAY AND ALSO INsofar AS  
11 THE STATE HAD ADOPTED NEW GUIDELINES WITH RESPECT TO  
12 FINANCIAL MECHANISMS FOR CLOSURE AND POSTCLOSURE, THIS  
13 PROJECT WAS CONFRONTED WITH THE NEED TO COMPLY WITH THOSE  
14 GUIDELINES.

15 A DIALOGUE BEGAN APPROXIMATELY SIX MONTHS  
16 AGO OVER THIS ISSUE BETWEEN RIVERSIDE COUNTY, WESTERN  
17 WASTE INDUSTRIES, AND THE STATE OF CALIFORNIA. WE HAVE  
18 GONE THROUGH SOME ITERATIONS ON THAT DIALOGUE.

19 AS STAFF HAS INDICATED TO YOU, THE FORM 100  
20 SUBMITTED AS OF YESTERDAY IS FULLY IN COMPLIANCE WITH ALL  
21 APPROPRIATE RULES AND REGULATIONS. HOWEVER, THERE WAS A  
22 PREVIOUS FORM 100 WHICH HAD BEEN THOUGHT OPERATIONAL AT  
23 LEAST UP UNTIL A FEW DAYS AGO.

24 I HAVE WITH ME MR. JERRY BLANKENSHIP FROM  
25 COUNTY COUNSEL'S OFFICE, WHO WOULD WISH TO ADDRESS THE

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1 BOARD PERTAINING TO THIS PREVIOUS FORM 100. THE  
2 PRINCIPAL ISSUE IN THE PREVIOUS FORM 100 WAS THAT UNDER  
3 THE SECTION OF WHO IS THE GRANTOR UNDER THE TRUST, YOU  
4 HAVE TO HAVE A GRANTOR. THAT, AS IT READS NOW IN THE MOST  
5 RECENTLY, IS WESTERN WASTE INDUSTRIES.

6 BUT IN THE PREVIOUS FORM 100, THERE WAS A  
7 CO-GRANTOR OF BOTH WESTERN AND THE COUNTY OF RIVERSIDE.  
8 AND MR. BLANKENSHIP IS HERE SPECIFICALLY TO ADDRESS THE  
9 BOARD PERTAINING TO THAT PREVIOUS FORM 100.

10 MS. MORRISON: BEFORE MR. BLANKENSHIP DOES THAT,  
11 I WOULD LIKE TO TELL THE BOARD THAT I'M THE LEGAL ADVISOR  
12 FOR THE BOARD. AND WE ADOPTED IN REGULATION FORM 100,  
13 WHICH REQUIRES THAT THE GRANTOR BE THE OWNER AND OPERATOR  
14 OF A SITE, AND THAT IS THE ONLY LEGAL PARTY THAT WE HAVE  
15 A RELATIONSHIP WITH.

16 AND THE COUNTY OF RIVERSIDE WISHED TO PUT  
17 THEMSELVES IN THE PLACE AS A CO-GRANTOR, AND THE BOARD  
18 HAS NO LEGAL RELATIONSHIP WITH THEM, AND WE FOUND IT  
19 INAPPROPRIATE FOR THEM TO BE ON THE DOCUMENT AND ADVISED  
20 THEM IN THAT WAY. AND THEY WERE -- THEY WERE NOT PLEASED  
21 WITH THAT PARTICULAR ADVICE, BUT THAT IS THE WAY THE  
22 REGULATIONS READ.

23 WE HAD TWO YEARS OF RULEMAKING IN WHICH WE  
24 WENT THROUGH WHAT MECHANISMS ARE ACCEPTABLE. THE BOARD  
25 DECIDED ON ACCEPTABLE MECHANISMS, AND THE IDEA THAT



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1 SOMEONE COULD PROVIDE FINANCIAL ASSURANCE FOR A PARTY WAS  
2 DISCUSSED DURING THAT RULEMAKING PROCESS. IT WAS DECIDED  
3 THAT IF A PARTY WANTED TO PROVIDE FINANCIAL ASSURANCE FOR  
4 AN OWNER/OPERATOR, THEY COULD DEVELOP THEIR OWN CONTRACT  
5 OR AGREEMENT ON THE SIDE TO PROVIDE THAT FUNDING, BUT  
6 THAT FROM A LEGAL STANDPOINT THE BOARD ONLY HAS A  
7 RELATIONSHIP WITH THE PERSON WHO'S LISTED ON THE PERMIT  
8 AS THE OWNER AND OPERATOR. IN THIS CASE THAT WAS WESTERN  
9 WASTE.

10 MR. BLANKENSHIP WANTS TO SPEAK.

11 MR. BLANKENSHIP: I'LL WAIT A MINUTE. I HAVE A  
12 FEW DOCUMENTS TO PASS OUT.

13 MS. MORRISON: I ALSO WANTED TO TELL THE BOARD  
14 THAT THE FORM 100 WHICH WE RECEIVED THAT SHOWED THE  
15 COUNTY AS CO-GRANTOR WAS FIRST SEEN FOR ME IN ITS  
16 EXECUTED FORM ON MONDAY OF THIS WEEK. IT CAME IN LAST  
17 FRIDAY. AND WE IMMEDIATELY SPENT MOST OF MONDAY AND  
18 TUESDAY TALKING WITH PEOPLE FROM THE COUNTY OF RIVERSIDE.  
19 MR. BLANKENSHIP AND I HAD SEVERAL CONVERSATIONS, AND I'VE  
20 TRIED TO AID THEM TO RECTIFY THE SITUATION BEFORE THEIR  
21 ITEM CAME BEFORE THE BOARD TODAY.

22 THE OTHER THING IS THAT IN LOOKING BACK.  
23 THROUGH MY NOTES AND CONVERSATIONS, IN A CONVERSATION  
24 WITH MR. BLANKENSHIP IN APRIL, I HAD STATED TO HIM THAT  
25 WESTERN WASTE WAS THE OWNER AND OPERATOR. AT THAT TIME

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1 THE COUNTY OF RIVERSIDE HAD WANTED TO COME BEFORE THE  
2 BOARD AND TALK.. AND I HAD SAID HE CERTAINLY HAD THE --  
3 THE RIGHT AND ENTITLEMENT TO DO THAT, BUT THAT IN  
4 FASHIONING THE MECHANISM THEY SHOULD REMEMBER THAT  
5 WESTERN WASTE IS THE PERSON THAT WE HAVE A LEGAL  
6 RELATIONSHIP WITH.

7 MR. BLANKENSHIP: YES. INTRODUCE MYSELF, JERRY  
8 BLANKENSHIP, DEPUTY COUNTY COUNSEL FROM RIVERSIDE COUNTY.  
9 IF I COULD JUST TOUCH UP A LITTLE BIT -- JUST GO BACK  
10 OVER WHAT CHUCK TOBIN SAID.

11 THE FIRST EXHIBIT YOU HAVE HERE IS THE  
12 EXCERPT FROM THE WRITTEN CONTRACT, WHICH IS ABOUT 45  
13 PAGES LONG, WITH THE COUNTY OF RIVERSIDE AND WESTERN  
14 WASTE ENTERED INTO IN 1985. AND I JUST PUT IN TWO PAGES  
15 HERE SOLEY ON THE NARROW ISSUE THAT WE'RE TALKING ABOUT.  
16 8.1 SAYS, "THE COUNTY SHALL, DURING THE TERM OF THIS  
17 AGREEMENT, CONTRIBUTE THE MONIES TO THE SITE CLOSURE  
18 FUND."

19 SO WHEN THE DOCUMENT -- WHEN THE PARTIES  
20 GOT INTO A RELATIONSHIP IN '85, DREW THIS UP, THEY  
21 CONTEMPLATED SETTING UP A TRUST FUND, AND THAT THE COUNTY  
22 WOULD CONTRIBUTE THE MONIES TO THE TRUST FUND FOR THE  
23 CLOSURE AND THE POSTCLOSURE OF THE LANDFILL.

24 THEN ANOTHER POINT IN THE CONTRACT, IT  
25 INDICATES THAT THE COUNTY COLLECTS THE MONEY AT THE

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1 LANDFILL. THEY OPERATE THE COLLECTION OF THE MONEY. SO  
2 THE MONEY IS ALWAYS THE COUNTY'S MONEY WITH RESPECT TO  
3 THAT PORTION WHICH IS FOR CLOSURE AND POSTCLOSURE  
4 MAINTENANCE OF THE SITE.

5 THE SECOND PART OF THE EXHIBIT 1 REITERATES  
6 WHAT I SAID. A POINT IS MADE DOWN HERE IN THE MIDDLE  
7 THAT WHEN THE LANDFILL IS FINALLY WOUND DOWN AND IF  
8 WESTERN WANTS TO WALK AWAY FROM IT AND CONVEY IT TO THE  
9 COUNTY, THAT THE COUNTY THEN -- AND THIS IS ACTUALLY KIND  
10 OF CONTEMPLATED IN THE CONTRACT -- THE COUNTY THEN SHALL  
11 HAVE THE DUTY OF MAINTAINING THE SITE IN A CLOSED  
12 CONDITION. SO THERE IS AN EMBRYONIC LOOKING INTO THE  
13 FUTURE WITH THE COUNTY AS A RESIDUARY, SO TO SPEAK. SO  
14 THAT'S WHAT THE FIRST DOCUMENT IS INTENDED TO KIND OF  
15 HIGHLIGHT.

16 THE WASTE MANAGEMENT PEOPLE HAVE HAD THIS  
17 DOCUMENT FOR, OH, AT LEAST NINE MONTHS, BUT MAYBE EVEN  
18 LONGER, THE ENTIRE DOCUMENT.

19 THE SECOND PIECE OF PAPER IS A LETTER WHICH  
20 I DID SEND UP ON FEBRUARY THE 9TH, UP TO THE DEPARTMENT.  
21 AND ON THE SECOND PAGE IS WHAT I HIGHLIGHTED THERE. WHEN  
22 WE BECAME AWARE OF THE NEW FORM 100, IT WAS PUT IN A  
23 GREAT FINALITY IN NOVEMBER, I BELIEVE, OF LAST YEAR.

24 SO LOOKING AT IT. THEN, IN FEBRUARY ON THE  
25 SECOND TO LAST PARAGRAPH THERE. I MENTION -- FIRST OF

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1 ALL. I SAID THAT WE WANTED JUST TO CONTINUE WITH THE  
2 TRUST ARRANGEMENT THAT WE HAD BEFORE. BUT IF THE STATE  
3 PEOPLE, IF THE STAFF AT STATE LEVEL DIDN'T CARE FOR THAT,  
4 THEN WE WOULD GO WITH THE FORM 100, BUT WE WANT RIVERSIDE  
5 COUNTY AND WESTERN TO BE CO-GRANTORS UNDER THE FORM AND  
6 HAVE THE COUNTY, INSTEAD OF THE STATE, BE THE  
7 BENEFICIARY.

8 THE NEXT DOCUMENT IS ON APRIL 11TH, AND I  
9 HIGHLIGHT THE SECOND PARAGRAPH HERE AGAIN. THIS IS  
10 BASICALLY SAYING THE SAME THING. OUR INDICATIONS WE WERE  
11 INTERESTED IN HAVING THE COUNTY AND WESTERN BE  
12 CO-GRANTORS, ETC. AND THAT WAS IN THERE. WE HAD  
13 ATTACHED TO IT THE DRAFT OF HOW IT WOULD READ, AND ON THE  
14 THIRD PAGE YOU CAN SEE THERE THERE'S A MENTIONING OF  
15 WESTERN AND COUNTY OF RIVERSIDE TOGETHER.

16 LATER ON ON PAGE 5 OF THE ATTACHMENT TO IT,  
17 THAT IS A NEW REVISION TO THIS LENGTHY OLD LONG-WINDED  
18 CONTRACT, A NEW REVISION THAT THE COUNTY AND WESTERN DREW  
19 UP TOGETHER, MENTIONING THAT THE COUNTY WOULD CONTINUE TO  
20 CONTRIBUTE THE MONEY AND THAT THEY WOULD BOTH BE  
21 CO-GRANTORS AND THAT THE -- WE HAVE A MUTUALLY AGREED  
22 UPON TRUSTEE, AND THEN THAT THE INTEGRATED WASTE  
23 MANAGEMENT BOARD WOULD BE THE BENEFICIARY, WOULD BE THE  
24 BENEFICIARY.

25 THEN ON THE NEXT EXHIBIT 4 IS, AGAIN, THE

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1 AMENDMENT TO THE AGREEMENT SPECIFYING THIS, AND YOU CAN  
2 LOOK AGAIN ON PAGE 5. THEN ON THE LAST EXHIBIT I HAVE,  
3 EXHIBIT -- SECOND TO LAST EXHIBIT. EXHIBIT 5. THE LAST  
4 PAGE THERE I WROTE A LETTER ON MAY 14TH TO THE ATTORNEY  
5 FOR WESTERN, AS THE COUNTY AND WESTERN WERE NEGOTIATING  
6 THAT AND GIVING THE STATE AS A BENEFICIARY, MAKING US A  
7 CO-GRANTOR AND TRYING TO FIND A SUITABLE TRUSTEE, AND  
8 ANGUISHING WHETHER OR NOT THE COUNTY COULD BE THE  
9 TRUSTEE, BUT ACTUALLY AN OUTSIDE PERSON HAD TO BE THE  
10 TRUSTEE AND IDENTIFYING AN OUTSIDE PERSON, THE ATTORNEY  
11 FOR WESTERN CAME PROMPTLY AND SAID TO ME, "JERRY, WRITE A  
12 LETTER UP THERE GOING WAY BACK TO THE BEGINNING AND  
13 ASKING THE STAFF TO LOOK AT THE ORIGINAL AGREEMENT THAT  
14 THEY HAD AND THE ORIGINAL TRUST THAT WAS UP THERE BEFORE  
15 ANY OF THIS EVER STARTED, AND JUST ASK THEM IF THEY WENT  
16 THROUGH AND LOOKED AT ALL OF THAT, COULD THEY PUT THAT  
17 TOGETHER COMPOSITELY AND SAY IT WAS ACCEPTED. I RESENT  
18 THESE CONFERENCES." I SAID, "ROY, OKAY. I'LL DO IT.  
19 I'LL DO IT. SO BE IT." SO I'M JUST A HUMBLE PERSON  
20 WRITING A LETTER ON MAY 14TH.

21 WE GOT BACK TWO LETTERS, ONE FROM MAUREEN  
22 MORRISON AND ALSO ONE FROM THE STAFF. AND BASICALLY THE  
23 CRITICISM WAS THAT THE TRUSTEE COULD NOT BE THE TREASURER  
24 OF RIVERSIDE COUNTY AS WE HAD HAD IT BEGINNING WITH THE  
25 OLD AGREEMENT IN '85. THE TRUSTEE WOULD HAVE TO BE AN

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1 OUTSIDE BANK. EVEN THOUGH THERE'S A LITTLE ADMINISTRATION  
2 FEE. YOU KNOW, HAVE TO BE AN OUTSIDE INDIVIDUAL, A BANK,  
3 AND THAT THE STATE BOARD WOULD HAVE TO BE THE  
4 BENEFICIARY. SO, FINE. THAT WAS IN THERE.

5 BUT THERE WAS NO CRITICISM IN HERE THAT  
6 WESTERN AND THE COUNTY WOULD BE CO-GRANTORS, THAT WAS  
7 JUST NEVER HIGHLIGHTED AS BEING WRONG. AND SO -- BUT  
8 THEY TODAY ARE SAYING IT'S UNACCEPTABLE IN THEIR EYES.  
9 THEY'RE FREE TO SAY THAT. I THINK THEY'RE CERTAINLY  
10 ENTITLED. IT'S A VERY RESPECTABLE POINT OF VIEW. BUT  
11 THE WRONGNESS OF IT REALLY DOESN'T LEAP OUT AND HIT  
12 ANYBODY. THAT'S WHY IT WENT SO LONG BEFORE BASICALLY THE  
13 BOARD SAID THIS CANNOT BE DONE THIS WAY ON MONDAY OF THIS  
14 WEEK.

15 AND SO MR. NELSON CAME TO ME ON TUESDAY AND  
16 SAID HE WAS VERY -- HEARD ABOUT IT, AND SO WE HAD A  
17 CONFERENCE CALL WITH MS. MORRISON. IT WAS A VERY  
18 CONCILIATORY, EXCELLENT DISCUSSION WITH THE STAFF, AND WE  
19 TRIED TO, YOU KNOW, SMOOTH FEELINGS. BUT, ANYWAY, THE  
20 COUNTY IS STILL CONCERNED ABOUT IT.

21 IN CLOSING, I COULD MENTION A COUPLE OF  
22 POINTS. THE MONIES IN THE TRUST, AND THERE'S ABOUT  
23 \$560,000 IN THE TRUST RIGHT NOW THAT HAVE BEEN BUILDING  
24 UP THAT WERE GATE COLLECTED BY THE COUNTY, AND THE COUNTY  
25 JUST -- THEY WERE COUNTY MONIES FROM THE VERY BEGINNING.

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1           THEY WERE NEVER THE WESTERN'S MONEY.

2                         SO TO PUT WESTERN IN AS A CO-GRANTOR, SAY  
3           TO KIND OF ASK WHEN THE MONEY SHOULD BE RELEASED IS KIND  
4           OF OFFENSIVE TO THE COUNTY BECAUSE THEY NEVER WENT INTO  
5           LEGAL TITLE.   THESE MONIES NEVER FELL INTO WESTERN'S  
6           HANDS.   SO THE COUNTY GETS A LITTLE SHAKY THAT THEY COULD  
7           ASK TO BE WITHDRAWN UPON REQUEST FROM WESTERN; BUT, OF  
8           COURSE, IT HAS TO BE BLESSED BY YOU BEFORE IT WOULD  
9           ACTUALLY BE PAID OUT TO A CONTRACTOR TO DO ANY CLOSURE  
10          WORK.   AT ANY RATE, THE TITLE TO THE MONEY WAS ALWAYS  
11          WITH THE COUNTY.   THE COUNTY ALWAYS COLLECTED IT.   NEVER  
12          WENT INTO WESTERN'S HANDS.

13                        THE -- UNDER THE FORM 100, IT SAYS THAT THE  
14          GRANTOR MUST BE THE OPERATOR OF THE LANDFILL OR HIS  
15          SUCCESSOR.   AND, AGAIN, GOING BACK TO THIS DOCUMENT ON  
16          THE SECOND PAGE, IT CONTEMPLATES THAT POSSIBLY -- I'M NOT  
17          GUARANTEEING IT -- BUT POSSIBLY THE COUNTY MIGHT END UP  
18          AS A SUCCESSOR TO WESTERN.

19                        SO THE BOARD COULD, USING THE FOLLOWING  
20          REASONING, THAT THE COUNTY COULD BE A SUCCESSOR TO  
21          WESTERN, THEREFORE, IT COULD QUALIFY AS A GRANTOR AND  
22          WESTERN AND THE COUNTY COULD BE GRANTORS WITHOUT BEING SO  
23          PROFOUNDLY OFFENSIVE IN BEING THAT.   AND, IN FACT, THEY  
24          WERE NOT OFFENSIVE BECAUSE THE CRITICISM OF IT DIDN'T  
25          COME UP UNTIL MONDAY.

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1 THE LAST QUESTION I'D POINT IS KIND OF A  
2 HYPERLEGALISTIC ONE, BUT I DID SEND A LITTLE EXCERPT FROM  
3 A CASE FROM THE U.S. SUPREME COURT. BACK IN MINNESOTA A  
4 COMPANY HAD A VOLUNTARY PENSION PLAN FOR ITS EMPLOYEES.  
5 IT CONTRIBUTED THE MONEY. IT COULD PULL THE PLAN BACK OR  
6 CUT IT BACK OR -- AT ANY TIME THAT IT WANTED TO. AND SO  
7 IT WAS IN THE MOOD TO DO THAT, BUT THE STATE OF MINNESOTA  
8 PASSED A LAW SAYING THE PLAN WOULD HAVE TO STAY THAT WAY.  
9 IT COULDN'T GET A -- EXCUSE ME -- IT STATED THAT THE  
10 CORPORATION WOULD HAVE TO MAKE THE CONTRIBUTION TO THE  
11 PLAN TO MAKE IT A LITTLE BIT MORE FINANCIALLY SOLID.

12 THE COMPANY THEN ATTACKED THIS AS AN  
13 ABRIDGEMENT OF THE CONTRACT, IMPAIRING AN EXISTING  
14 CONTRACTUAL RELATIONSHIP, AND THEN IT'S DISCUSSED IN THE  
15 CASE A LITTLE BIT. AND THE LAST PAGE I GAVE YOU HERE  
16 KIND OF HIGHLIGHTS THOSE POINTS. AND THAT'S KINDS OF  
17 WHAT WE HAD HERE.

18 AT THE VERY TOP OF THE LAST PAGE IS A POINT  
19 JUST LIKE WE HAD HERE. WE HAD A VERY -- A COUNTY THAT  
20 HAD A LOT OF FORESIGHT, THAT THEY SHOULD BE COMPLIMENTED  
21 FOR BACK IN '85, TO SET UP A CLOSURE TRUST FUND AND TO BE  
22 HYPERCONSERVATIVE, AND THEY WOULD BE RESPONSIBLE FOR  
23 PUTTING THE MONIES IN IT. IT WOULDN'T BE A PRIVATE  
24 OPERATOR. SO THEY SET UP THE TRUST FUND WITH THE  
25 TREASURER AS THE TRUSTEE.



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1 SO THEY WERE VERY ENLIGHTENED AND VERY  
2 FORWARD LOOKING, AND THEY WERE THE COUNTY MONIES. AND  
3 NOW, BECAUSE WE'VE GOT THIS \$560,000 IN COUNTY FUNDS, WE  
4 HAVE -- BASICALLY WE'RE IN A SITUATION WHERE THE STAFF  
5 WOULD LIKE TO PULL IT AWAY AND JUST SAY IT GOES INTO THIS  
6 NEW FUND SOLELY ASKING TO BE WITHDRAWN BY WESTERN.

7 AND SO FOR OUR OWN ENLIGHTENMENT AND  
8 PREPLANNING, THE NEW REGULATION IS KIND OF TWISTING US A  
9 LITTLE BIT. IT'S -- YOU MIGHT LOOK UPON IT AS AN  
10 IMPAIRMENT OF CONTRACT, BUT MAYBE THAT'S STRETCHING THE  
11 POINT. IT'S ALSO KIND OF A HYPER-OVERREGULATION. YOU'VE  
12 HEARD ABOUT THE REGULATORY STATE TAKING OVER, WHICH IS A  
13 KIND OF A BUZZ WORD IN LEGAL CIRCLES NOW, REGULATORY  
14 TAKING OVER LAND. AND YOU HAVE AN OVERREGULATION OF THE  
15 FUND. IT'S KIND OF BEING STRIPPED AWAY FROM THE COUNTY'S  
16 CONTROL, AND SO THE COUNTY IS NATURALLY OFFENDED BY IT.

17 WE WOULD JUST LIKE TO BE CO-GRANTORS. THE  
18 OPERATOR CAN CERTAINLY BE THE GRANTOR, BUT THE COUNTY  
19 WOULD JOIN WITH IT. WE FEEL THAT IT'S WITHIN THE LAW  
20 BECAUSE THE COUNTY IS POTENTIAL SUCCESSOR AND IT WAS THE  
21 COUNTY'S MONEY TO BEGIN WITH. AND IT WASN'T REALLY THAT  
22 OFFENSIVE BECAUSE IT DIDN'T COME TO LIGHT UNTIL MONDAY OF  
23 THIS WEEK THAT IT WAS SO PROFOUNDLY WRONG.

24 VICE CHAIRMAN MOSCONE: ANY QUESTIONS? THANK  
25 YOU.

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1 I HAVE A REQUEST FROM SUSAN VASQUEZ TO  
2 SPEAK ON THIS.

3 MS. VASQUEZ: THANK YOU. I JUST HAVE A QUICK  
4 QUESTION. SOMETHING THAT WAS SAID IN PASSING. AND IT  
5 MAY BE BECAUSE OF THE ACOUSTICS IN THE ROOM THAT I DID  
6 NOT HEAR THIS PART OF IT, BUT YOU WERE REFERRING TO  
7 LOOKING FORWARD FOR THIS LANDFILL AND THE PROACTIVE  
8 STANCE THAT IT WAS TAKING AND THE FIGURE THREW OUT OF  
9 ABOUT 3 OR 4,000.

10 I'D LIKE TO KNOW WHAT THE PERCENTAGE OF  
11 WASTE REDUCTION THEY'RE GOING TO TARGET IN THE AREA OF  
12 RESOURCE RECOVERY FOR THAT AREA AND IF THEY HAVE A PAPER  
13 ON THAT OR ANY KIND OF --

14 MR. IWAHRO: FOR THE RECORD, WOULD YOU STATE  
15 WHO YOU REPRESENT.

16 MS. VASQUEZ: I'M SUSAN VASQUEZ. I'M A PRIVATE  
17 CITIZEN. I DON'T REPRESENT ANYONE.

18 MR. AULT: MR. CHAIRMAN, PERHAPS I CAN RESPOND  
19 AT LEAST IN A GENERAL WAY. UNDER ASSEMBLY BILL 939, EACH  
20 COUNTY AND ITS UNINCORPORATED AREA IN EACH CITY IS GOING  
21 TO HAVE TO ACHIEVE A 25-PERCENT AND 50-PERCENT WASTE  
22 DIVERSION GOAL BY 1995 AND THE YEAR 2000 RESPECTIVELY.

23 SO IF YOU -- I DON'T KNOW HOW YOU DEFINE  
24 THE TERM "RESOURCE RECOVERY," BUT THE LEGISLATION LOOKS  
25 AT WASTE REDUCTION, COMPOSTING, AND ALSO RECYCLING

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1           ACTIVITIES. SO THE COUNTY UNINCORPORATED AREA IS GOING  
2           TO PLAN TO MEET TO THOSE GOALS BY 1995 AND 2000. AND  
3           THEY WILL, I PRESUME, BE WORKING WITH BOTH THE PUBLIC  
4           SECTOR AND THE PRIVATE SECTOR TO ACHIEVE THOSE GOALS.

5                        I DON'T KNOW HOW THAT WILL ROLL OUT IN  
6           TERMS OF PROGRAMS AT EL SOBRANTE LANDFILL, BUT THE COUNTY  
7           WILL HAVE TO MEET THOSE GOALS.

8                        MS. VASQUEZ: I GUESS MY QUESTION IS THAT THEY  
9           ARE HAVING SO MANY PROBLEMS NOW, DO THEY HAVE ANYTHING  
10          NOW IN THE WORKS THAT IS SAYING WE PROJECT TO HAVE THIS  
11          DONE BY 1992, '93 AT A CERTAIN PERCENTAGE? THEY HAVE  
12          SOMETHING ACTIVE ON THAT?

13                      VICE CHAIRMAN MOSCONE: EXCUSE ME FOR  
14          INTERRUPTING, BUT IT ISN'T EACH FACILITY'S  
15          RESPONSIBILITY. IT'S THE CITY AND/OR COUNTY'S  
16          RESPONSIBILITY TO SEE THAT SO MUCH IS RECYCLED. SO IT  
17          COULD VERY WELL BE THAT EVERY LOAD THAT COMES OUT TO THAT  
18          LANDFILL HAS ALREADY HAD 100 PERCENT RECYCLING.  
19          EVERYTHING THAT CAN BE SOLD OR RECYCLED HAS ALREADY BEEN  
20          RECYCLED.

21                      MS. VASQUEZ: YOU ARE SAYING THAT THAT'S WHAT  
22          HAPPENS IN THAT COUNTY?

23                      VICE CHAIRMAN MOSCONE: I'M NOT SAYING THAT'S  
24          WHAT HAPPENS, BUT IT COULD VERY WELL BE. IT COULD BE.  
25          IT'S NOT A QUESTION FOR WESTERN WASTE TO SEE TO IT THAT

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1           THEY'RE HAPPENING. IT'S UP TO THE COUNTY TO SEE TO IT  
2           THAT THEY RECYCLE THE 25 PERCENT OR WHATEVER IT MIGHT BE  
3           TOTALLY IN THE AREA.

4           MR. FANNING: MR. MOSCONE, IF I COULD COMMENT.  
5           I'M JOHN FANNING, DIRECTOR OF ENVIRONMENTAL HEALTH IN  
6           RIVERSIDE COUNTY, CHAIRMAN OF THE LEA. THERE ARE A  
7           NUMBER OF PROPOSALS IN THE WORKS WITH WESTERN WASTE AND A  
8           NUMBER OF OTHER OPERATORS IN THAT AREA OF OUR COUNTY TO  
9           DO THAT WASTE REDUCTION TO MEET 939.

10           WE ALSO HAVE A COMPOSTING FACILITY  
11           PERMITTED RIGHT ADJACENT TO THIS PROPERTY IN THAT AREA TO  
12           HELP US REDUCE THAT MATERIAL. SO WE'RE LOOKING AT  
13           GREENWASTE, WE'RE LOOKING AT SLUDGE, WHICH WE DON'T ALLOW  
14           IN OUR LANDFILL, AND OTHER RECYCLING. YES, WE'RE MOVING  
15           AHEAD PRIOR TO THE MANDATES OF 939.

16           THERE ARE SOME DRAWINGS ON THE BOARD  
17           INVOLVED WITH MR. TOBIN. AND BECAUSE OF PROPRIETARY  
18           PROJECTS WE'RE WORKING ON, I WON'T ADDRESS THOSE,  
19           BUT IF WESTERN WASTE WOULD LIKE TO ADDRESS THOSE.

20           MR. TOBIN: PROBABLY THE MAJOR COMPONENT. WE'RE  
21           LOOKING FORWARD FOR THE NEXT TEN YEARS BEFORE WE RUN OUR  
22           COMPUTER PROJECTIONS OUT WITH THE COUNTY STAFF PEOPLE  
23           FACTORING IN 939 AND THE VOLUME REDUCTIONS ALL THE WAY  
24           THROUGH.

25           SOBRANTE IS ALREADY THE RECIPIENT OF TWO



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1 SITES WHICH HAVE CLOSED AND OVER THAT TEN-YEAR PERIOD  
2 WILL BECOME EVEN WITH REDUCTIONS RECIPIENTS OF THREE  
3 OTHER SITES WHICH WILL CLOSE. SO THAT ACCOUNTS FOR  
4 THE -- THE COMMENT HE HAD ABOUT LOOKING FORWARD TO THE  
5 THREE. FOUR WAS WITH THE 939 BUILT IN.

6 MS. VASQUEZ: ANY OTHER SITES CLOSING DOWN AT  
7 THE SAME TIME?

8 MR. TOBIN: CORRECT. YES. THAT'S A TEN-YEAR  
9 PERIOD.

10 MS. VASQUEZ: THANK YOU VERY MUCH.

11 VICE CHAIRMAN MOSCONE: ARE THERE ANY QUESTIONS?

12 DON, WE HAVE BEFORE US A PERMIT DECISION  
13 90-11. SEEMS TO ME THAT IN YOUR RECOMMENDATION YOU MADE  
14 A SEPARATE RECOMMENDATION OR A RESOLUTION, OR THE  
15 CLOSURE/POSTCLOSURE, I SEE, IS A PART OF THIS RESOLUTION  
16 ON THE PERMIT DECISION. DID YOU WANT SOMETHING SEPARATE?

17 MR. DIER: NO, MR. CHAIRMAN. I ADDED -- AND  
18 IT'S AN OVERSIGHT ON MY PART IN THE STAFF REPORT -- IN  
19 OUR RECOMMENDATION ON PAGE NO. 72, I DID NOT INCLUDE THE  
20 FACT THAT THE RESOLUTION DID ALSO INCLUDE THE APPROVAL OF  
21 THE CERTIFICATION, COST ESTIMATES, AND FINANCIAL  
22 MECHANISM. THAT IS IN THE RESOLUTION.

23 VICE CHAIRMAN MOSCONE: SO THERE'S NO CHANGE  
24 NECESSARY?

25 MR. DIER: NO CHANGES NECESSARY.

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1 VICE CHAIRMAN MOSCONE: DO WE HAVE A MOTION?  
 2 BOARD MEMBER LOCKINGTON: SO MOVED.  
 3 BOARD MEMBER BROWN: SECOND.  
 4 VICE CHAIRMAN MOSCONE: MOTION AND A SECOND,  
 5 APPROVAL OF PERMIT DECISION 90-11. MADAM SECRETARY, CALL  
 6 THE ROLL.  
 7 SECRETARY DUNN: BOARD MEMBERS BREMBERG?  
 8 BOARD MEMBER BREMBERG: AYE.  
 9 SECRETARY DUNN: BROWN?  
 10 BOARD MEMEBER BROWN: YES.  
 11 SECRETARY DUNN: GEARHEART? ABSENT.  
 12 LOCKINGTON?  
 13 BOARD MEMBER LOCKINGTON: AYE.  
 14 SECRETARY DUNN: TCHOBANGOLOUS? ABSENT.  
 15 VARNER?  
 16 BOARD MEMBER VARNER: AYE.  
 17 SECRETARY DUNN: GALLAGHER?  
 18 CHAIRMAN GALLAGHER: ABSTAIN.  
 19 SECRETARY DUNN: CHAIRMAN MOSCONE?  
 20 VICE CHAIRMAN MOSCONE: AYE.  
 21 WE WILL TAKE A FIVE- OR TEN-MINUTE BREAK.  
 22 (A BREAK WAS TAKEN.)  
 23 CHAIRMAN GALLAGHER: BRING THE MEETING OF THE  
 24 WASTE MANAGEMENT BOARD TO ORDER, PLEASE.  
 25 I WANT TO THANK MR. MOSCONE FOR ACTING AS



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1 CHAIR DURING MY ABSENCE THIS MORNING. WE WILL PROCEED  
2 WITH THE AGENDA. AND WE'RE READY TO LOOK AT ITEM 13,  
3 WHICH I UNDERSTOOD WAS PROMISED TO BE LOOKED AT THIS  
4 AFTERNOON.

5 MR. OLDALL: YES. MR. CHAIRMAN. ITEM 13 IS A  
6 PRESENTATION ON PAINT RECYCLING BY LINDA PRATT, HOUSEHOLD  
7 HAZARDOUS WASTE COORDINATOR FROM SAN DIEGO COUNTY.

8 WE HAVE TO HAVE MORE THAN ONE REASON TO  
9 COME TO SAN DIEGO COUNTY, AND ONE OF THE MOST SIGNIFICANT  
10 THINGS THAT'S BEEN GOING ON FOR A WHILE IS THIS WHOLE  
11 AREA OF LATEX AND OIL PAINT AND BASE PAINT RECYCLING HERE  
12 IN THIS AREA. AND I THINK LINDA, TOGETHER WITH HERB  
13 BERTON FROM OUR STAFF, WISH TO MAKE A PRESENTATION TO THE  
14 BOARD.

15 MR. BERTON: I HAVE A FEW INTRODUCTORY REMARKS.  
16 AS YOU ARE AWARE, MOST OF THE MATERIAL COLLECTED AT  
17 HOUSEHOLD HAZARDOUS COLLECTION EVENT CONSISTS MAINLY OF  
18 USED MOTOR OIL AND PAINT. WHILE RECYCLING OPPORTUNITIES  
19 EXIST FOR USED MOTOR OIL, THE SAME CANNOT BE SAID FOR  
20 PAINT, PARTICULARLY OIL-BASED PAINT.

21 OIL-BASE PAINT CANNOT BE RECYCLED BECAUSE  
22 OF REGULATORY CONSTRAINTS, MAINLY AIR QUALITY MANAGEMENT  
23 DISTRICT RESTRICTIONS DEALING WITH VOLATILE ORGANIC  
24 COMPOUNDS THAT ARE PRESENT IN THE OIL-BASED PAINT.

25 THE GOOD NEWS, HOWEVER, IS THAT LATEX PAINT



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1 FOR THE MOST PART CAN BE RECYCLED. AND MANY COMMUNITIES  
2 THAT CONDUCT THESE COLLECTION EVENTS ARE ATTEMPTING TO  
3 RECYCLE THIS LATEX PAINT. THE BAD NEWS IS THAT THERE'S  
4 ONLY ONE MAJOR PAINT RECYCLING -- OR ONE MAJOR PAINT  
5 COMPANY IN CALIFORNIA THAT WILL ACTUALLY ACCEPT PAINT FOR  
6 RECYCLING.

7 LINDA PRATT, THE HOUSEHOLD HAZARDOUS  
8 PROGRAM MANAGER FOR SAN DIEGO COUNTY, WILL ACTUALLY BE  
9 DISCUSSING THE PAINT RECYCLING IN THE STATE AND POSSIBLY  
10 HOW THE MARKETS DEVELOPMENT COMMISSION CAN ASSIST IN  
11 FURTHERING THE PAINT -- LATEX PAINT RECYCLING.

12 SO WITHOUT FURTHER ADO, I'D LIKE TO  
13 INTRODUCE LINDA PRATT.

14 MS. PRATT: I BROUGHT YOU ALL A GIFT. I'LL PASS  
15 THIS AROUND WHILE I'M GIVING MY PRESENTATION AND YOU CAN  
16 BE LOOKING AT IT.

17 FIRST OF ALL, I APPRECIATE THE OPPORTUNITY  
18 TO PRESENT THE INFORMATION ON RECYCLING PAINT COLLECTED  
19 THROUGH HOUSEHOLD HAZARDOUS MATERIALS COLLECTION  
20 PROGRAMS. I WILL PROVIDE YOU WITH A SUMMARY OF THE  
21 ISSUES THAT ARE CURRENTLY IMPACTING OUR PROGRAMS IN OUR  
22 RECYCLING EFFORTS, AND I WILL PRESENT SOME SUGGESTIONS  
23 THAT MAY BRING US CLOSER TO RESOLVING THE PROBLEM.

24 THE DYNAMIC ISSUES ASSOCIATED WITH  
25 HOUSEHOLD HAZARDOUS MATERIALS IS EVOLVING INTO ONE OF THE

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1 MOST IMPORTANT HAZARDOUS WASTE MANAGEMENT TOPICS OF THE  
2 1990S. AND IT IS ENCOURAGING THAT A RECENT PUBLIC  
3 OPINION POLL SPONSORED BY THE SAN DIEGO HOUSEHOLD  
4 HAZARDOUS MATERIALS PROGRAM INDICATED THAT THERE IS A  
5 WILLINGNESS ON THE PART OF THE PUBLIC TO DO THE RIGHT  
6 THING WITH HOUSEHOLD HAZARDOUS MATERIALS IF SOMEONE WOULD  
7 JUST TELL THEM WHAT THAT RIGHT THING IS.

8 FINALLY, ENVIRONMENTAL STEWARDSHIP IS NOT  
9 JUST CONSIDERED TO BE SOMEONE ELSE'S RESPONSIBILITY, BUT  
10 RATHER ONE IN WHICH ALL SEGMENTS OF SOCIETY MUST ACTIVELY  
11 PARTICIPATE. HOUSEHOLD HAZARDOUS MATERIALS PROGRAMS HAVE  
12 HAD A TREMENDOUS INCREASE IN THE LEVEL OF PUBLIC  
13 PARTICIPATION WITHIN THE LAST TWO YEARS. AND AS A  
14 RESULT, THE PROGRAMS ARE NOW FACED WITH A HAZARDOUS WASTE  
15 MANAGEMENT CRISIS THAT COULD RIVAL MOST BUSINESSES.

16 IN SAN DIEGO COUNTY THE TOTAL VOLUME OF  
17 MATERIAL RECEIVED THROUGH OUR COUNTYWIDE PROGRAM WAS  
18 APPROXIMATELY 46,000 GALLONS IN FISCAL YEAR 1987-88. IT  
19 GREW TO 61,000 GALLONS IN FISCAL YEAR 1988-89; AND WE  
20 ESTIMATE THAT FOR THIS CURRENT FISCAL YEAR, WE WILL REACH  
21 NEARLY 80,000 GALLONS OF, QUOTE, HAZARDOUS WASTE THAT WE  
22 NEED TO MANAGE.

23 PAINT AND RELATED PRODUCTS CONSTITUTE MORE  
24 THAN HALF OF THAT TOTAL WASTESTREAM. NOW THAT CITIES AND  
25 COUNTIES ARE MANDATED TO HAVE A HOUSEHOLD HAZARDOUS

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1 MATERIALS PROGRAM BECAUSE OF RECENT LEGISLATION, WE WILL  
2 BE COLLECTING EVEN MORE MATERIALS FROM THE PUBLIC ON A  
3 STATEWIDE BASIS.

4 AND ALTHOUGH WE ARE THRILLED THAT THIS IS  
5 BEING PULLED OUT OF THE SOLID WASTESTREAM, WHICH MAY  
6 PRESUMABLY BE DESTINED FOR THE MUNICIPAL LANDFILLS, WE  
7 ARE FACED WITH THE CHALLENGE OF MANAGING IT  
8 APPROPRIATELY.

9 I KNOW THE LOAD CHECK PROGRAMS THAT WILL  
10 SOON BE IMPLEMENTED, WE WILL SEE EVEN MORE HOUSEHOLD  
11 HAZARDOUS WASTE BEING PULLED OUT.

12 MANY PROGRAMS HAVE NOT YET DEVELOPED  
13 RECYCLING OR REUSE PROGRAMS FOR THE PAINT WASTESTREAM AND  
14 ARE DISPOSING OF ALL THE MATERIAL. CURRENTLY, AS HERB  
15 MENTIONED, THE OIL-BASE PAINT IS NOT RECYCLABLE BECAUSE  
16 OF THE VOLATILE ORGANIC CONTENT OR OTHERWISE KNOW AS VOC,  
17 WHICH EXCEEDS AIR POLLUTION CONTROL STANDARDS.

18 THEREFORE, THE PAINT IS INCINERATED AT AN  
19 AVERAGE COST OF ANYWHERE BETWEEN 4 AND \$12 PER GALLON.  
20 THE LATEX PAINT IS EVEN -- EITHER DISPOSED OF AT A  
21 MUNICIPAL LANDFILL -- WE DON'T DO THAT IN SAN DIEGO  
22 COUNTY -- AT A VERY LOW COST, OR IT IS DISPOSED OF AT A  
23 CLASS 1 LANDFILL OR INCINERATED AS A HAZARDOUS WASTE AT  
24 VIRTUALLY THE SAME COST AS THE OIL-BASE PAINT.

25 THE RECYCLING EFFORTS OF VARIOUS PROGRAMS



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1 THROUGHOUT THE NATION ARE TO BE COMMENDED. THERE ARE  
2 MANY INTERESTING SUCCESS STORIES OF REUSING PAINT OUTSIDE  
3 OF CALIFORNIA. THE KEY TO SUCCESSFULLY RECYCLING THE  
4 MATERIAL IS PROVIDING A QUALITY PRODUCT AND FINDING AN  
5 APPROPRIATE MARKET FOR THAT PRODUCT. MOST OFTEN THE  
6 GOVERNMENT SPONSORED COLLECTION PROGRAMS PREFER TO DONATE  
7 THE PAINT TO NONPROFITS OR CHARITABLE ORGANIZATIONS.

8 IN 1987 SAN DIEGO COUNTY WAS ABLE TO SELL  
9 55-GALLON DRUMS OF CONSOLIDATED LATEX PAINT TO THE PUBLIC  
10 AT A COUNTY COOPERATIVE AUCTION, BUT THE AVERAGE COST WAS  
11 ABOUT \$20 PER DRUM. AND YOU CAN FIGURE OUT THAT. THE  
12 PER GALLON COST WAS NOT VERY GOOD. SO A DECISION WAS  
13 MADE TO FOCUS EFFORTS TO DONATE THE PAINT TO WORTHWHILE  
14 CAUSES.

15 UNFORTUNATELY, SAN DIEGO COUNTY MUST  
16 SIGNIFICANTLY CURTAIL THE VOLUME OF PAINT RECYCLED, AND  
17 THE REASONS ARE THREEFOLD. FIRST OF ALL, WE ARE ONE OF  
18 THE FEW COUNTY PROGRAMS THAT HAVE TESTED OUR LATEX PAINT,  
19 AND WE HAVE FOUND THAT OUR LATEX PAINT EXCEEDS VOC  
20 LIMITATIONS.

21 BOARD MEMBER BREMBERG: AREN'T YOU SORRY YOU DID  
22 THAT?

23 MS. PRATT: I BEG YOUR PARDON. YEAH. WE ARE  
24 TRYING TO BE THOROUGH.

25 SECONDLY, THE STATE CURRENTLY REQUIRES A

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1 STATE TREATMENT STORAGE AND DISPOSAL FACILITY PERMIT, A  
2 STATE LICENSE PERMIT, FOR THOSE FACILITIES THAT ARE GOING  
3 TO BULK THE OIL-BASE PAINT. AND THE JURY IS STILL OUT,  
4 IF YOU WILL, AS TO WHETHER OR NOT THIS TSDF PERMIT WILL  
5 ALSO BE REQUIRED FOR THOSE FACILITIES THAT BULK THE LATEX  
6 PAINT ALSO.

7 AND LASTLY, THE MARKET TO USE THE PAINT IS  
8 LIMITED RIGHT NOW. WHO WANTS TO USE SOMEBODY ELSE'S OLD  
9 PAINT? WELL, WE FOUND THAT THERE IS SOME INTEREST FROM  
10 HIGH SCHOOL AND COLLEGE DRAMA CLASSES. IN SAN DIEGO  
11 COUNTY THERE IS A SIGNIFICANT NEED FROM GRAFFITI

12 IRRADICATION PROGRAMS. THERE ARE A NUMBER OF OTHER  
13 OPPORTUNITIES THAT WILL LOW INCOME IMPROVEMENT PROJECTS,  
14 SOCIAL SERVICE AGENCIES AND PRISONS, JUST TO NAME A FEW.

15 WHEN LOOKING AT THE COST BENEFIT FOR  
16 RECYCLING THE MATERIAL, THE TWO FACTORS THAT MUST BE  
17 CONSIDERED ARE THE COST TO DISPOSE OF THE WASTE AND THE  
18 PRODUCT COST SAVINGS TO THE USER. AND I'M SURE THAT YOU  
19 ARE FAMILIAR WITH THOSE TYPES OF RECYCLING ISSUES.

20 IN CALIFORNIA -- I'M NOW GOING TO ELABORATE  
21 ON THE THREE FACTORS THAT WE NEED TO ADDRESS.

22 IN CALIFORNIA THE AIR RESOURCES CONTROL  
23 BOARD HAS IDENTIFIED SOLVENTS IN PAINT AS A CONTRIBUTOR  
24 TO AIR POLLUTION AND HAS SET LIMITS OF 250 GRAMS PER  
25 LITER OF VOC FOR ARCHITECTURAL COATING. AS I SAID, SOME

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1 OF OUR LATEX PAINT HAS COME BACK WITH RESULTS OF ABOUT  
2 290 MILLIGRAMS PER LITER OF VOC.

3 IF THE PAINT CANNOT BE RECYCLED, IT MUST BE  
4 LANDFILLED OR INCINERATED, AND THE COST OF DOING SO IS  
5 THREATENING THE ECONOMIC SURVIVAL OF HOUSEHOLD HAZARDOUS  
6 MATERIALS PROGRAMS THROUGHOUT THE STATE AS WELL AS THE  
7 NATION.

8 A SECOND RESTRICTION THAT IMPEDES THE  
9 ABILITY OF THE PROGRAM TO CONSOLIDATE AND RECYCLE THE  
10 PAINT, AS I MENTIONED, IS THE REQUIREMENT OF THE  
11 TREATMENT SOURCE, THIS LOCAL FACILITY PERMIT, THE TSDF  
12 PERMIT. TREATMENT IS DEFINED AS ANY CHANGE IN THE  
13 PHYSICAL MAKEUP OF THE MATERIAL; AND, AS SUCH, FILTERING  
14 THE PAINT PRIOR TO CONSOLIDATING IT MAY BE VIEWED AS  
15 TREATMENT.

16 I AM A MEMBER OF A STATEWIDE PAINT TASK  
17 FORCE WHICH PULLS TOGETHER STAFF FROM THE INTEGRATED  
18 WASTE MANAGEMENT BOARD, THE STATE DEPARTMENT OF HEALTH  
19 SERVICES, THE STATE GENERAL SERVICES OFFICE OF  
20 PROCUREMENT, AS WELL AS REPRESENTATIVES FROM SIX MAJOR  
21 PAINT COMPANIES.

22 THE GOAL OF THAT TASK FORCE IS TO WORK  
23 TOWARDS RESOLVING THE ISSUE OF GETTING MORE INVOLVEMENT  
24 FROM PRIVATE INDUSTRY. THERE IS ONLY ONE PAINT COMPANY,  
25 AGAIN, AS HERB MENTIONED, THAT IS CURRENTLY WILLING TO

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1 RECYCLE PAINT FROM HOUSEHOLD PROGRAMS. AND WITH THE  
2 POTENTIAL THAT A TSDF PERMIT WILL BE REQUIRED TO DO THAT,  
3 THEY MAY NOT BE AROUND TO HELP US EITHER.

4 MARKET DEVELOPMENT. OUR GOAL IS TO PRODUCE  
5 A QUALITY PRODUCT. YOU SEE THE KIND OF PRODUCT THAT WE  
6 CAN PRODUCE. WE WORK VERY HARD TO SEGREGATE THE OIL-BASE  
7 PAINT FROM THE LATEX PAINT. WE SEGREGATE IT BASED ON  
8 LIGHT AND DARK COLORS, AND WE HAVE A WHOLE SEPARATE  
9 CATEGORY FOR WHITE. BUT IT'S NOT GOING TO DO US MUCH  
10 GOOD IF WE CAN'T RECYCLE IT IN OUR COUNTY.

11 WE DO NEED ASSISTANCE PERHAPS FROM YOUR  
12 MARKET DEVELOPMENT COMMISSION TO ASSIST US IN MAKING IT  
13 MORE FEASIBLE FOR THIS PAINT TO BE RECYCLED. WE NEED  
14 SOME LENIENCY IN THE AIR RESOURCES CONTROL BOARD  
15 REQUIREMENTS FOR VOC IN ARCHITECTURAL COATINGS,  
16 SPECIFICALLY FOR RECYCLED PAINT. THIS IS PAINT THAT WAS  
17 PURCHASED AT A STORE, AND WE'RE NOW JUST COLLECTING IT.

18 WE FEEL THAT IT WOULD BE APPROPRIATE TO BE  
19 ABLE TO REUSE THIS MATERIAL IN THE COMMUNITY FOR  
20 WORTHWHILE CAUSES RATHER THAN GETTING RID OF IT AT A  
21 LANDFILL OR INCINERATING IT SOMEWHERE. WE ALSO NEED SOME  
22 ASSISTANCE FROM THE DEPARTMENT OF HEALTH SERVICES TO  
23 REVIEW THEIR DEFINITION OF TREATMENT AND, HOPEFULLY, THAT  
24 WE CAN DO VERY PRELIMINARY FILTERING OF THE PAINT BEFORE  
25 POURING IT INTO OUR 55-GALLON DRUMS AND NOT BE REQUIRED

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1 TO HAVE A TSDF PERMIT TO DO THAT.

2 OBVIOUSLY, PRUDENT PURCHASING IS THE KEY  
3 MESSAGE THAT WE TRY TO SEND OUT INTO THE COMMUNITY. BUY  
4 ONLY WHAT YOU NEED AND THEN USE IT UP.

5 MANY PROGRAM REPRESENTATIVES WOULD AGREE  
6 THAT SOURCE REDUCTION OPPORTUNITIES COULD BE GREATLY  
7 ASSISTED BY APPROPRIATE LEGISLATION THAT WOULD DO THE  
8 FOLLOWING. FIRST OF ALL, DEVELOP PACKAGING REQUIREMENTS  
9 THAT WOULD REDUCE THE VOLUME OF MATERIAL SOLD SO THAT  
10 THERE WAS MORE OF A LIKELIHOOD THAT THE MATERIAL WOULD BE  
11 USED UP.

12 SECONDLY, CREATE A PRODUCT USER FEE OR  
13 TAX -- I DON'T LIKE TO USE THAT THREE-LETTER WORD -- ON  
14 HAZARDOUS MATERIALS SOLD IN ORDER TO HELP DEFRAY THE COST  
15 OF HOUSEHOLD HAZARDOUS MATERIALS PROGRAMS; AND, SECONDLY,  
16 THIS MAY HELP DRAW ATTENTION TO THE FACT THAT THERE ARE  
17 SAFER SUBSTITUTES.

18 SO WHAT WE WOULD LIKE, AGAIN, IS SOME KIND  
19 OF LEGISLATION PUT FORTH THAT WOULD REQUIRE SOME KIND OF  
20 A PRODUCT USER FEE ON PAINT AND RELATED MATERIALS. I  
21 REALIZE THAT THIS IS NOT THE MOST TOXIC MATERIAL THAT  
22 WE'RE DEALING WITH IN OUR PROGRAMS, BUT IT IS THE ONE  
23 THAT CONSTITUTES THE GREATEST VOLUME, AND IT IS VERY  
24 EXPENSIVE TO MANAGE.

25 AND, LASTLY, WE WOULD LIKE IMPROVED PRODUCT

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1 LABELING REQUIREMENTS SO THAT IT CLEARLY STATES  
2 APPROPRIATE DISPOSAL OPTIONS.

3 ONCE AGAIN, I APPRECIATE YOUR TIME, AND I  
4 LOOK FORWARD TO PROVIDING ANY FURTHER INFORMATION IF YOU  
5 HAVE ANY QUESTIONS.

6 CHAIRMAN GALLAGHER: THANK YOU, MS. PRATT. ANY  
7 QUESTIONS?

8 MR. BROWN.

9 BOARD MEMBER BROWN: AS WITH ALL RECYCLABLES,  
10 THE MARKET -- WHAT TO DO WITH IT BECOMES THE REAL ISSUE.  
11 IT'S GREAT TO COLLECT IT AND ALL THAT STUFF, BUT  
12 EVENTUALLY YOU GET DOWN TO DOING SOMETHING WITH IT. AND,  
13 OF COURSE, WHAT YOU WANT TO DO WITH IT IS SELL IT AND  
14 MAKE MONEY, AT LEAST TO COVER YOUR COSTS. I DON'T THINK  
15 ANY OF US ARE LOOKING FOR ANYTHING MORE THAN THAT.

16 ASIDE FROM THE USE OF COVERING UP GRAFFITI  
17 AND THE NEED FOR MORE GRAFFITI, DO YOU HAVE DISCUSSIONS  
18 WITH THE FOLKS THAT PRODUCE THESE PRODUCTS? AND ARE THEY  
19 HELPFUL AT ALL IN TRYING TO CREATE MARKETS, REUSE WHAT  
20 THEY -- YOU KNOW, WHAT ISN'T USED? WHAT DO YOU FIND  
21 THERE?

22 MS. PRATT: IN THAT PAINT TASK FORCE THAT I TOLD  
23 YOU ABOUT, WE HAVE SIX PAINT MANUFACTURING COMPANIES THAT  
24 ARE -- THAT SEND REPRESENTATIVES ROUTINELY. AND THEN WE  
25 ALSO WORK WITH STAFF FROM THE OFFICE OF PROCUREMENT,



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1 STATE OFFICE OF PROCUREMENT. AND THEY ARE WORKING VERY  
2 DILIGENTLY TO INCORPORATE SOME LANGUAGE IN THEIR  
3 PROCUREMENT DEPARTMENT THAT WOULD REQUIRE THE USE OF  
4 RECYCLED PAINT WHEN IT WAS AVAILABLE.

5 AGAIN, WE HAVE TO PROVE THAT THE PRODUCT IS  
6 A QUALITY PRODUCT, AND I UNDERSTAND THAT. BUT THE PAINT  
7 MANUFACTURERS, THE ONE COMPANY THAT IS RECYCLING THE  
8 PRODUCT SELLS SOME OF IT AS LOWER QUALITY PAINT THROUGH  
9 THEIR STORES, BUT THEN IT ALSO REQUIRES THAT THE PROGRAM  
10 THAT GIVES IT THE PAINT TO RECYCLE TAKES BACK THAT SAME  
11 VOLUME OF PAINT, AND THEN THEY HAVE TO DO SOMETHING WITH  
12 IT ALSO.

13 SO IT SOUNDS CONFUSING BECAUSE YOU'RE  
14 WONDERING HOW THEY'RE TAKING IT BACK. THEY'RE MIXING  
15 THEIR PAINT RESIDUES AND THE WATER WHEN THEY CLEAN TANKS  
16 AND ALL THAT, THEY'RE MIXING WHAT THEY HAVE AS WASTE  
17 LATEX PAINT WITH THE PAINT COMING IN FROM COUNTY  
18 PROGRAMS. AND SO THEY HAVE THIS HUGE VOLUME THAT THEY'RE  
19 BLENDING TOGETHER. AND IT'S ACTUALLY AT A RATIO OF  
20 SOMEWHERE AROUND 20 PERCENT COUNTY PAINT, 80 PERCENT  
21 THEIR WASTE PAINT.

22 AND IT'S ALLOWING THEM TO GET A BETTER  
23 QUALITY MATERIAL THAT THEY CAN SELL AT THEIR STORES. BUT  
24 BECAUSE IT DOESN'T GO -- IT DOESN'T SELL VERY EASILY,  
25 THEY STILL REQUIRE THE COUNTIES TO TAKE IT BACK AND DO



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1 SOMETHING WITH IT. I BELIEVE IT'S AT LEAST THE VOLUME  
2 THAT THE COUNTY SENDS.

3 BOARD MEMBER BROWN: OH, I SEE WHAT YOU'RE  
4 SAYING.

5 BOARD MEMBER LOCKINGTON: HOW DO THE  
6 MANUFACTURERS THAT ARE ON YOUR COMMITTEE, WHATEVER IT IS,  
7 HOW DO THEY FEEL ABOUT A PREDISPOSAL FEE?

8 MS. PRATT: WELL, THEY DIDN'T FEEL REAL GOOD  
9 ABOUT IT, ACTUALLY. I PRESENTED IT AT THE LAST MEETING,  
10 AND THE IMMEDIATE REACTION WAS NO. AND THE REASON WAS  
11 BECAUSE APPARENTLY, UNBEKNOWNST TO ME, THERE'S SOME  
12 ACTIVITY FROM THE AIR RESOURCES CONTROL BOARD THAT IS  
13 ASKING FOR SOME KIND OF AN ADDITIONAL TAX OR FEE ON PAINT  
14 THAT I WASN'T AWARE OF. AND THEY'RE JUST FEELING THAT  
15 PAINT IS BEING SINGLED OUT RIGHT NOW.

16 MY FEELING IS THAT THAT COST WILL BE  
17 RECOVERED, OBVIOUSLY. IT'S THE CONSUMER THAT'S GOING TO  
18 PAY THE COST, NOT THE MANUFACTURER SO MUCH. SO I THINK  
19 WE NEED TO SHOW THAT WE NEED MORE FUNDING TO HANDLE THIS  
20 PROBLEM.

21 BOARD MEMBER LOCKINGTON: SECOND QUESTION. WHAT  
22 IS THEIR ANSWER REGARDING OIL-BASE PAINT?

23 MS. PRATT: THEIR ANSWER -- WHAT DO YOU MEAN?

24 BOARD MEMBER LOCKINGTON: WHAT DO YOU DO WITH  
25 IT? IF YOU ARE SAYING THAT IT HAS VOC'S, WHICH I'M VERY

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1 FAMILIAR WITH, I MEAN WHAT DO YOU DO?

2 MS. PRATT: YOU INCINERATE IT.

3 BOARD MEMBER LOCKINGTON: YOU INCINERATE IT AT  
4 THE COST OF \$12 A GALLON, YOU SAID?

5 MS. PRATT: WELL, SOMEWHERE BETWEEN, I THINK, 3  
6 TO 12 -- IT VARIES, 3 TO \$12 PER GALLON. I TOOK A SURVEY  
7 OF PROGRAMS THROUGHOUT THE STATE.

8 BOARD MEMBER LOCKINGTON: AND YOU DO HAVE PEOPLE  
9 IN SAN DIEGO THAT ARE PURCHASING THAT NEGATIVELY FROM YOU  
10 PAYING THEM \$12 A GALLON TO TAKE IT AWAY? HOW DOES THAT  
11 WORK?

12 MS. PRATT: WE CONTRACT -- OUR PROGRAM  
13 CONTRACTED A HAZARDOUS WASTE FIRM, A LICENSED HAZARDOUS  
14 WASTE FIRM. NOW, WHEN WE COLLECT THE MATERIAL THROUGH  
15 OUR COLLECTION EVENTS OR WHATEVER MECHANISMS WE USE TO  
16 COLLECT IT, THEY COLLECT NOT JUST THE PAINT, BUT  
17 PESTICIDES AND ALL THESE OTHER THINGS, ALL THESE OTHER  
18 HOUSEHOLD HAZARDOUS MATERIALS, AND THAT IS HANDLED AS ANY  
19 OTHER HAZARDOUS WASTE IS HANDLED. IT'S MANIFESTED AND --

20 BOARD MEMBER LOCKINGTON: I SEE. YOU REALLY  
21 DON'T KNOW WHAT -- IT'S ALL LUMPED TOGETHER AT \$12 FOR  
22 THUS AND SO, OR DO THEY BREAK IT OUT? IS YOUR TRUE COST  
23 OF GETTING RID OF THE PAINT \$12? DO YOU KNOW THAT? OR  
24 IS THAT JUST WHAT YOU PAY?

25 MS. PRATT: I KNOW THAT THE DISPOSAL COST FOR US



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1 IS AROUND \$8 -- \$8 OR \$9 PER GALLON, NOT INCLUDING THE  
2 STAFF TIME TO BULK IT, TO COLLECT IT FROM THE COLLECTION  
3 EVENTS, OR ANY OF THAT. BUT THE DISPOSAL COST IS --

4 BOARD MEMBER VARNER: COULD YOU GIVE ME A  
5 DEFINITION OF WHAT THIS ADVANCE DISPOSAL FEE MEANS?  
6 DOESN'T PAY FOR DISPOSING THE MATERIAL, DOES IT?

7 MS. PRATT: CURRENTLY OUR PROGRAM IS FUNDED FROM  
8 OUR COUNTY DEPARTMENT OF PUBLIC WORKS THROUGH THE TIPPING  
9 FEES. AND BECAUSE THERE ARE A NUMBER OF OTHER ISSUES  
10 FACING OUR COUNTY DEPARTMENT OF PUBLIC WORKS, TIPPING  
11 FEES ARE GOING TO BE NEEDED FOR THESE OTHER PROJECTS,  
12 LIKE SITING LANDFILLS AND THINGS, WHICH I'M SURE YOU ARE  
13 VERY FAMILIAR WITH.

14 WE DO NEED MONEY TO COVER THE COST OF THESE  
15 PROGRAMS. AND WHAT WE SEE IS AN INCREASED VOLUME OF  
16 PAINT THAT IS REALLY GROWING ASTRONOMICALLY. AND SO THIS  
17 ADVANCE DISPOSAL FEE IS GOING TO COVER THE COST OF  
18 COLLECTING THE MATERIAL AND, HOPEFULLY, RECYCLING IT. WE  
19 WANT TO CALL IT THE ADVANCE RECYCLING FEE.

20 BOARD MEMBER VARNER: ALL RIGHT. I'LL TELL YOU  
21 WHY I ASKED THE QUESTION, BECAUSE THE PUBLIC IN GENERAL  
22 DOES NOT UNDERSTAND WHAT THIS MEANS. WHEN THEY TALK  
23 ABOUT AN ADVANCE DISPOSAL FEE, THEY THINK THEY WON'T HAVE  
24 TO PAY FOR GARBAGE SERVICE ANYMORE BECAUSE THIS FEE THAT  
25 THEY'RE PAYING UP FRONT IS GOING TO PAY FOR ALL THAT.

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1 THAT'S WHERE THE CONFUSION IS.

2 MS. PRATT: I DIDN'T REALIZE. I SEE YOUR POINT,  
3 THOUGH.

4 BOARD MEMBER VARNER: SO THE FEES ARE TO PAY FOR  
5 PROGRAMS TO DO WHATEVER, AND NATURALLY THOSE PROGRAMS  
6 WILL GROW AND GROW.

7 MS. PRATT: OUR BUDGET FOR THIS COMING FISCAL  
8 YEAR IS 1.3 -- NEARLY \$1.35 MILLION. AND MOST OF THAT --  
9 OVER 60 PERCENT OF THAT IS FOR DISPOSAL COSTS.

10 BOARD MEMBER LOCKINGTON: COSTS REALLY DON'T  
11 CHANGE. IT'S JUST WHO'S GOING TO PAY FOR THEM, RIGHT?

12 MS. PRATT: THAT'S EXACTLY CORRECT. THAT'S  
13 EXACTLY CORRECT.

14 BOARD MEMBER VARNER: I THINK THEY DO CHANGE,  
15 JIM. THEY CHANGE UPWARD.

16 BOARD MEMBER LOCKINGTON: I WANTED HER TO SAY  
17 THAT. I DIDN'T WANT TO SAY IT.

18 CHAIRMAN GALLAGHER: MS. PRATT, WE APPRECIATE  
19 HEARING YOUR POINT OF VIEW. I SHOULD TELL YOU THAT THE  
20 LAW REQUIRES THAT BETWEEN NOW AND JANUARY 1 OF 1991, THAT  
21 THIS BOARD DO A STUDY AND MAKE RECOMMENDATIONS TO THE  
22 LEGISLATURE ON ADVANCE DISPOSAL FEE SYSTEMS.

23 IF YOU HAVE A POINT OF VIEW ON IT, AND YOU  
24 WISH TO ARTICULATE IT, WE'D BE PLEASED IF YOU WOULD WRITE  
25 IT DOWN AND MAIL IT TO THE EXECUTIVE OFFICER OF THE WASTE



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1 MANAGEMENT BOARD. WE'D INCLUDE IT IN THE OTHER TESTIMONY  
2 THAT IS BEING TAKEN ON THAT ISSUE, AND WE'D LIKE TO HEAR  
3 IT.

4 AND CERTAINLY NONE OF US HAVE OUR FEET SET  
5 IN CONCRETE ON THAT, AND IT'S A PRETTY GOOD IDEA TO GET  
6 AS BROAD A VIEWPOINT AS WE CAN. SO WE'D APPRECIATE VERY  
7 MUCH IF YOU'D DO THAT.

8 MS. PRATT: I APPRECIATE THE OPPORTUNITY.  
9 GREAT.

10 CHAIRMAN GALLAGHER: I'M A LITTLE BIT CONCERNED.  
11 I'M SURE THAT IF THE VOLATILE ORGANIC COMPOUNDS IN LATEX  
12 PAINT ARE BEING EXCEEDED IN SAN DIEGO COUNTY, CERTAINLY  
13 THEY ARE BEING EXCEEDED EVERYWHERE IN THE SOUTHCOAST AIR  
14 QUALITY MANAGEMENT DISTRICT. I DON'T BELIEVE THERE'S ANY  
15 PAINT MANUFACTURER THAT'S MAKING PAINT SPECIALLY FOR SAN  
16 DIEGO COUNTY THAT WOULD MAKE IT VERY MUCH DIFFERENT THAN  
17 THE OTHERS.

18 I BELIEVE THAT A PART OF THE TENDERNESS ON  
19 THE PART OF THE PAINT INDUSTRY IS THEY ARE BEING PRETTY  
20 WELL SCRUTINIZED BY THE AIR RESOURCES CONTROL BOARD, AND  
21 THEY'RE PROBABLY GOING TO HAVE TO WORK TO REDUCE THE  
22 ORGANIC COMPOUNDS THAT'S IN LATEX PAINT. AND AS THAT  
23 OCCURS, I THINK, IF YOU RESTUDY YOUR THINGS, YOU PROBABLY  
24 WILL FIND THAT YOU WILL HAVE SOLVED PART OF THAT PROBLEM  
25 BY A CHANGE IN THE MANUFACTURER'S PROCESSES.

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1 AND THAT MAY HELP YOU ELIMINATE ONE  
2 PROBLEM. THAT CERTAINLY WILL NOT HELP YOU, NECESSARILY,  
3 ON THE OIL-BASE PAINTS BECAUSE THEY REALLY HAVE A PRETTY  
4 BIG BAG OF WORMS THERE.

5 MS. PRATT: WELL, IN OUR PROGRAMS, TOO, WE DON'T  
6 JUST RECEIVE NEW PAINT. WE RECEIVE PAINT THAT'S BEEN IN  
7 SOMEONE'S GARAGE FOR QUITE A WHILE. AND IT WAS JUST A  
8 RECENT CHANGE IN THE LAW THAT DECREASED THE VOC LIMITS IN  
9 ARCHITECTURAL COATINGS.

10 AND FOR THAT REASON, EVEN THOUGH IT WAS  
11 OKAY TO SELL IT TWO YEARS AGO, IT HAS CHANGED. AND THE  
12 PAINT THAT WE'RE GETTING IS, AT LEAST, THREE TO TEN YEARS  
13 OLD IF NOT OLDER. SO IT WILL -- I AGREE WITH YOU, THAT  
14 IT WILL TAKE US SOME TIME TO GET THAT. IT WILL BE A FEW  
15 YEARS.

16 CHAIRMAN GALLAGHER: NO DOUBT. WELL, THANK YOU  
17 VERY MUCH.

18 MS. PRATT: THANK YOU.

19 MR. BERTON: MR. CHAIRMAN, ONE REAL QUICK THING  
20 I'D LIKE TO ADD, LIKE TO STRESS, ACTUALLY. WITH THE 939  
21 AND THE FACT THAT THESE HOUSEHOLD HAZARDOUS PROGRAMS ARE  
22 MANDATORY, WE'RE GOING TO SEE MORE PAINT COMING IN.  
23 SO -- AS MORE PROGRAMS COME ON LINE.

24 AND WITH ONLY ONE PAINT MANUFACTURER AT  
25 THIS TIME, THEY MAY JUST DECIDE, AT LEAST, NOT TO TAKE

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1 ANYMORE BECAUSE THEY'RE BEING OVERBURDENED. AND THEN ALL  
2 THIS PAINT, WHERE IS IT GOING TO GO? THERE'S ONLY ONE  
3 CLASS 1 LANDFILL IN THE STATE NOW, TOO, AND THEY'RE KIND  
4 OF LOOKING CAREFULLY AT WHAT'S BEING COLLECTED NOW ALSO  
5 BECAUSE OF ANOTHER LAW WHICH -- THE LAND BAN LAW THAT  
6 REQUIRES PROFILES OF WHAT'S IN THE LAND PACKS. SO  
7 THEY'RE BECOMING VERY LEERY BECAUSE THIS SORT OF STUFF.

8 SO THE QUESTION COMES TO MIND, ONCE WE  
9 COLLECT ALL THIS STUFF, WHERE IS IT GOING TO GO? SO  
10 THAT'S WHY THE FIRST STEP IN THE PROCESS WAS GETTING TO  
11 THE GENERAL SERVICES. AND THEY'RE ACTUALLY GOING TO BE  
12 DOING A PILOT STUDY AT CAL. EXPO. THEY'RE GOING TO BE  
13 PAINTING OUTBUILDINGS, AND THEY ALSO HAVE A DEVICE CALLED  
14 A WEATHEROMETER WITH WHICH TO CHECK THE SWATCHES OF PAINT  
15 LIKE THIS TO DIFFERENT TYPES OF CLIMATES WITHIN THIS  
16 CONTROLLED ENVIRONMENT TO SEE THE DURABILITY OF PAINT.

17 THE IDEA BEING THAT PERHAPS THE STATE COULD  
18 BE A MARKET IN ITSELF AND PERHAPS EXPAND FROM THERE. AND  
19 AT THAT POINT, I THINK THE MARKETS DEVELOPMENT COMMISSION  
20 COULD ASSIST IN THAT TO THAT END.

21 CHAIRMAN GALLAGHER: WELL, I'M SURE AS AN ANSWER  
22 TO THAT, THAT WE WILL BE LOOKING AT THAT. I'D ALSO LIKE  
23 TO THROW OUT FOR THOSE PEOPLE WHO ARE INVOLVED IN THIS,  
24 THAT THERE SHOULD BE SOME COMMUNICATION BY THE COUNTY  
25 WITH THE PAINT AND COATING MANUFACTURERS ASSOCIATION TO

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1 BRING A LITTLE BIT OF PRESSURE TO BEAR UPON THEM TO  
2 UNDERSTAND THAT THEY HAVE A CERTAIN AMOUNT OF  
3 RESPONSIBILITY, AS DO A LOT OF OTHER PEOPLE, FOR HELPING  
4 IN THIS.

5 THE GLASS PEOPLE HAVE HAD TO COME UP WITH  
6 MEANS OF ACCEPTING GREATER AMOUNTS OF COLOR. CAN  
7 INDUSTRY HAS HAD TO COME UP WITH WAYS AND MEANS OF  
8 ACCEPTING A GREATER AMOUNT OF ALUMINUM. AND, CERTAINLY,  
9 I CAN'T SEE WHY THEY SHOULD NOT BE CALLED FOR THE PAINT  
10 AND VARNISH ASSOCIATION THEIR NEED TO BE RESPONSIVE IN  
11 THAT REGARD, TOO.

12 MR. BERTON: THERE'S BEEN TWO MEETINGS SO FAR,  
13 THE PAINT TASK FORCE, TWO OR THREE. AND THEY HAVE BEEN  
14 PRESENT AT ALL OF THEM. THE NEXT MEETING, FOR YOUR  
15 INFORMATION, WILL BE JULY 23RD. IT WILL BE IN SACRAMENTO  
16 AT OUR BOARD ROOM. SO IF YOU ARE INTERESTED OR ANY OF  
17 THE OTHER BOARD MEMBERS THAT ARE INTERESTED IN ATTENDING,  
18 YOU ARE MORE THAN WELCOME TO ATTEND.

19 BOARD MEMBER BREMBERG: I JUST THOUGHT OF  
20 SOMETHING WHEN LINDA MENTIONED OR YOU THE CAL. EXPO. YOU  
21 KNOW, THINKING IN LOS ANGELES COUNTY, THERE'S SANTA  
22 ANITA, THERE'S HOLLYWOOD PARK, THERE'S LOS ALAMITOS.  
23 THEY HAVE TO PAINT THEIR STABLES, THEY HAVE TO PAINT  
24 WHERE THEY STORE THEIR HAY, THEY HAVE TO PAINT, REPAINT,  
25 AND REPAINT. AND I DON'T KNOW THAT THERE'S ANY



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1 RESTRICTIONS ON COLOR. I DON'T KNOW THAT THE HORSES  
2 REALLY CARE. WELL, I HAVEN'T TALKED TO THEM RECENTLY,  
3 BUT I DON'T KNOW WHAT SAN DIEGO COUNTY HAS IN THE WAY OF  
4 DEL MAR, PUBLIC ENTERTAINMENT PLACES THAT HAVE A BACK  
5 AREA THAT -- I JUST WONDER IF ANYBODY WOULD TAKE TIME,  
6 YOU KNOW, TO GO AROUND AND PEDDLE YOUR WARES TO FARE  
7 BOARDS AND TO RACING COMMISSIONERS AND OWNERS OF STABLES,  
8 DAIRY BARNS.

9 MS. PRATT: THAT'S TRUE. THERE ARE  
10 OPPORTUNITIES.

11 CHAIRMAN GALLAGHER: WELL, IS THE PROBLEM REALLY  
12 THE PROBLEM OF GETTING RID OF IT OR MORE THE PROBLEM OF  
13 GETTING IT RECYCLED SO YOU CAN GET RID OF IT?

14 MS. PRATT: THE PROBLEM IS ENVIRONMENTAL.

15 CHAIRMAN GALLAGHER: MAYBE BOTH. I DON'T KNOW.

16 MS. PRATT: IT IS BOTH. THERE'S THE QUESTION OF  
17 USING AN UNKNOWN KIND OF PRODUCT THAT SOME PEOPLE AREN'T  
18 WILLING TO TAKE THE CHANCE ON, BUT IT'S ALSO THE PROBLEM  
19 WITH THE VOC REQUIREMENTS.

20 I WORK FOR A LOCAL ENVIRONMENTAL REGULATORY  
21 AGENCY, THE HAZARDOUS MATERIALS MANAGEMENT DIVISION OF  
22 THE COUNTY HEALTH DEPARTMENT, AND I WOULD FEEL VERY  
23 AWKWARD USING PAINT THAT A SISTER AGENCY, THE AIR  
24 POLLUTION CONTROL DISTRICT, HAS TOLD ME EXCEEDED THEIR  
25 RESTRICTIONS. AND SO I THINK I NEED TO BE RESPONSIBLE



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1 AND NOT GO AGAINST THEIR RESTRICTIONS UNLESS WE GET SOME  
2 LENIENCY IN THOSE RESTRICTIONS FOR HOUSEHOLD HAZARDOUS  
3 MATERIALS.

4 CHAIRMAN GALLAGHER: WELL, IT'S A DILEMMA, BUT  
5 WE'LL BE HELPING YOU AND WORKING WITH YOU.

6 MS. PRATT: I HOPE SO. THANK YOU VERY MUCH.

7 CHAIRMAN GALLAGHER: THANK YOU FOR COMING.

8 WE ARE GOING TO REARRANGE THE AGENDA AND  
9 WE'RE GOING TO ASK THAT ITEM 12 BE THE NEXT ITEM FIRST.

10 MR. OLDALL: CONSIDERATION OF SUPPORT FOR  
11 CALIFORNIA'S AFFILIATION WITH KEEP AMERICA BEAUTIFUL, A  
12 NONPROFIT ORGANIZATION.

13 I THINK CHRIS IS GOING TO PRESENT THE ITEM.

14 MR. PECK: YES, MR. CHAIRMAN, MEMBERS OF THE  
15 BOARD. SINCE THE GOVERNOR SIGNED A PROCLAMATION THIS  
16 MORNING AFFILIATING THE STATE OFFICIALLY WITH KEEP  
17 AMERICA BEAUTIFUL AND, IN ANTICIPATION OF THAT, WE PUT  
18 THIS ITEM ON OUR AGENDA.

19 AS YOU RECALL, IN THE MAY MEETINGS, WE  
20 TALKED ABOUT -- WE HAD AN ITEM ON THE AGENDA THAT WE WERE  
21 TALKING ABOUT HIRING AN EXECUTIVE DIRECTOR FOR KEEP  
22 AMERICA BEAUTIFUL, A NONPROFIT AFFILIATE IN CALIFORNIA,  
23 AND DECIDED INSTEAD THAT IT WOULD BE BETTER TO LET THE  
24 NEW ORGANIZATION AND ITS BOARD OF DIRECTORS PICK THEIR  
25 OWN EXECUTIVE DIRECTOR.

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1 BY THE WAY, THIS MORNING THE GOVERNOR ALSO  
2 APPOINTED 26 OF THE 32 PEOPLE WHO WERE SENT FORWARD AS  
3 NOMINEES TO THE BOARD OF DIRECTORS TO THE BOARD OF  
4 DIRECTORS OF THE CALIFORNIA AFFILIATE, KEEP AMERICA  
5 BEAUTIFUL. SO WE NOW HAVE A GROUP IN PLACE THAT WE CAN  
6 START WORKING WITH. I'M SURE THAT WE'LL BE WORKING WITH  
7 THE FOLKS UP AT KEEP AMERICA BEAUTIFUL WESTERN OFFICE IN  
8 PURSUIT OF A FIRST MEETING PROBABLY AS EARLY AS NEXT  
9 MONTH SOMETIME.

10 ANYHOW, IN ANTICIPATION OF THAT, WHAT WE  
11 WANTED TO DO IS TALK TO THE BOARD ABOUT MAKING A FORMAL  
12 COMMITMENT ESSENTIALLY OF RESOURCES IN SUPPORT OF THAT  
13 ORGANIZATION. OUR SENSE IS THAT WHAT WE WANT TO DO IS TO  
14 MAKE A COMMITMENT OF UP TO \$75,000 IN CONTRACT FUNDS OUT  
15 OF NEXT YEAR'S BUDGET WHEN THAT MONEY IS APPROPRIATED IN  
16 THE 1990 BUDGET ACT, WHICH WE HOPE WILL BE BY THE FIRST  
17 OF JULY, IF NOT SOONER, AND ALSO TO MAKE A COMMITMENT OF  
18 A COUPLE OF STAFF POSITIONS.

19 OUR THOUGHT IS THAT WE WOULD HAVE AN  
20 ANALYST AND PROBABLY A SECRETARY WORKING AT THE BOARD'S  
21 HEADQUARTERS FULL TIME IN SUPPORT OF THE NONPROFIT  
22 ORGANIZATION DOING MEETINGS AND ASSISTING THE EXECUTIVE  
23 DIRECTOR THAT WAS HIRED BY THE KEEP AMERICA BEAUTIFUL  
24 BOARD.

25 WITH THAT AS A BACKGROUND, I'D BE HAPPY TO



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1 ANSWER ANY QUESTIONS. AND WE'RE ALL REAL HAPPY THIS HAS  
2 ALL COME TOGETHER. IT COULDN'T HAVE HAPPENED ANY LATER  
3 AND IT WORKED. HERE WE ARE. AND WE HAVE AN OPPORTUNITY,  
4 I THINK, TO DEMONSTRATE TO THE BOARD'S AND THE STATE'S  
5 COMMITMENT TO THE KEEP AMERICA CALIFORNIA AFFILIATE. IN  
6 TIME WE CAN FEEL REAL GOOD ABOUT THE BOARD, AND MEET WITH  
7 THE THE NATIONAL BOARD OF DIRECTORS THIS EVENING.

8 CHAIRMAN GALLAGHER: THANK YOU, MR. PECK.

9 ARE THERE ANY QUESTIONS OF MR. PECK? WHAT  
10 TOOK YOU SO GODDAMN LONG TO GET IT DONE, CHRIS? IT'S  
11 ONLY BEEN TWO YEARS.

12 MR. PECK: I HAD TO READ THE PROCLAMATION.  
13 ACTUALLY, I HADN'T READ IT SINCE WE SENT IT OVER THERE  
14 NINE MONTHS AGO, BUT IT'S STILL PRETTY MUCH THE WAY WE  
15 WROTE IT.

16 CHAIRMAN GALLAGHER: WELL, IT'S JUST GREAT. I'M  
17 SURE EVERYBODY UP HERE ON THIS DAVIS AGREES THAT THIS IS  
18 THE END OF A SORT OF AGREEMENT OF GETTING IT ALL DONE,  
19 AND NOW WE'RE ABLE TO REALLY GO TO WORK. THANK YOU FOR  
20 ALL THE WORK YOU DID. " AND I'M SURE THERE'S A LOT OF  
21 PEOPLE OUT THERE, CANDY AND OTHERS, THAT DID LOT OF WORK.

22 BOARD MEMBER BREMBERG: IF CANDY HADN'T HAD THE  
23 FAITH AND KEPT THE FIRE BURNING, IT PROBABLY WOULD HAVE  
24 FLICKERED AND GONE OUT.

25 CHAIRMAN GALLAGHER: YEAH, I THINK SO. IS SHE



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1 FAINTED --

2 MR. PECK: I THINK SHE'S ON THE PHONE CALLING  
3 THE PEOPLE WHO WERE APPOINTED TO THE BOARD OF DIRECTORS  
4 TO LET THEM KNOW. WE'RE GETTING ON THIS RIGHT AWAY.  
5 WE'RE NOT GOING TO LET IT GET COLD.

6 CHAIRMAN GALLAGHER: WELL, IT'S JUST GREAT. ANY  
7 QUESTIONS?

8 BOARD MEMBER BREMBERG: WHERE DID THEY GET THE  
9 NAMES FOR THE GOVERNOR'S SELECTION? WERE THEY VOLUNTEERS  
10 OR WHAT?

11 MR. PECK: IT WAS A COMBINATION OF NAMES THAT  
12 WERE FORWARDED FROM KEEP AMERICA BEAUTIFUL, CALIFORNIA  
13 REPRESENTATIVES OF SOME OF THEIR NATIONAL BOARD  
14 COMPANIES. ALSO, IT WAS NAMES THAT CAME -- WE WORKED ON  
15 IDENTIFYING ASSOCIATIONS, TRADE ASSOCIATIONS AND THINGS  
16 THAT WE THOUGHT OUGHT TO BE REPRESENTED TO PUT TOGETHER A  
17 BROAD SPECTRUM OF INDIVIDUALS REPRESENTATIVE OF THE WHOLE  
18 PROCESS IN THE CALIFORNIA BUSINESS INDUSTRY, GOVERNMENT  
19 AND NONPROFIT AND ENVIRONMENTAL ORGANIZATIONS, AND A LOT  
20 OF THOSE NAMES WERE ACTUALLY FORWARDED BY THOSE GROUPS.  
21 SO THERE WERE, I THINK, ABOUT SIX MORE NAMES THAT HAVE  
22 YET TO BE APPOINTED, AND THEY'RE JUST WAITING FOR SOME  
23 APPLICATIONS TO COME IN.

24 LOOKS LIKE IT'S A GO. I GUESS WHAT WE'D  
25 LIKE IS FOR THE BOARD TO ACTUALLY MAKE A FORMAL



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1 COMMITMENT IN THE TERMS OF A MOTION TO SET ASIDE \$75,000  
2 IN CONTRACT FUNDS TO SUPPORT THE GOALS AND ACTIVITIES OF  
3 THE CALIFORNIA AFFILIATE OF KEEP AMERICA BEAUTIFUL, AND  
4 ALSO TO GO ON RECORD THAT THEY'RE SUPPORTIVE OF THE  
5 STAFFING COMMITMENTS AS WELL.

6 BOARD MEMBER BREMBERG: MR. CHAIRMAN, I WOULD  
7 MOVE ADOPTION OF THE STAFF RECOMMENDATION.

8 BOARD MEMBER VARNER: SECOND.

9 CHAIRMAN GALLAGHER: STAFF RECOMMENDATION WOULD  
10 SET ASIDE THE APPROPRIATE AMOUNT OF FINANCIAL SUPPORT FOR  
11 THE KEEP AMERICA BEAUTIFUL AFFILIATION FOR THE 1990-91  
12 BUDGET. OBVIOUSLY, I DON'T THINK ANY OF US KNOW THE  
13 CONSTRAINTS THAT WILL BE IN THERE, BUT TO THE DEGREE THAT  
14 THIS BOARD CAN EFFECT IT, I'D ASK YOU TO CALL THE ROLL.

15 BOARD MEMBER LOCKINGTON: MAY I ASK A QUESTION  
16 BEFORE WE GO?

17 CHAIRMAN GALLAGHER: YES.

18 BOARD MEMBER LOCKINGTON: CHRIS, SO I  
19 UNDERSTAND, WHOSE PAYROLL ARE THESE TWO PEOPLE GOING TO  
20 BE ON, THE STATE'S PAYROLL OR KEEP AMERICA BEAUTIFUL  
21 PAYROLL?

22 MR. PECK: THE -- THERE WILL BE TWO STAFF  
23 POSITIONS THAT WILL BE -- THEY WILL BE STATE EMPLOYEES,  
24 WORKING OUT OF OUR OFFICES, THAT WILL BE ESSENTIALLY LIKE  
25 LOANED EXECUTIVES, LOANED STAFF TO THE PROGRAM FOR A

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1 PERIOD OF ABOUT PROBABLY TWO YEARS.

2 AND AT THAT POINT IN TIME THAT WILL BE REASSESSED.

3 WHAT WE REALLY WANT TO DO IS GIVE THE NEW  
4 ORGANIZATION EVERY OPPORTUNITY TO SUCCEED. ULTIMATELY,  
5 THERE WILL BE SELF-FUNDING, YOU KNOW, AS A NONPROFIT  
6 ORGANIZATION. WE JUST WANT TO PUT THE SEED MONEY AND THE  
7 STAFF SUPPORT IN THERE SO THAT THEY HAVE EVERY CHANCE OF  
8 SUCCEEDING.

9 SECOND PART OF THE CONTRACT WITH -- WILL BE  
10 WITH THE NONPROFIT ORGANIZATION, AND THAT MONEY WILL BE  
11 USED -- IT WILL BE -- THE CONTRACT WILL BE WRITTEN SO  
12 THAT WE'LL BE SUPPORTING THEIR GOALS AND OBJECTIVES. IF  
13 IT'S TO FUND THEIR EXECUTIVE DIRECTOR, THAT WILL BE THEIR  
14 DECISION; BUT IT'S A COMMITMENT ESSENTIALLY ON OUR PART  
15 OF THE \$75,000 AS A NONSTATE EMPLOYEE. THAT WILL BE  
16 SOMEONE THAT THEY WILL HIRE -- AND HIRE AND FIRE, SERVE  
17 AT THE PLEASURE OF THEIR BOARD OF DIRECTORS.

18 CHAIRMAN GALLAGHER: ANYTHING FURTHER, MR.  
19 LOCKINGTON? THANK YOU.

20 CALL THE ROLL, PLEASE.

21 SECRETARY DUNN: BOARD MEMBERS BREMBERG?

22 BOARD MEMBER BREMBERG: AYE.

23 SECRETARY DUNN: BROWN?

24 BOARD MEMBER BROWN: YES.

25 SECRETARY DUNN: GEARHEART? ABSENT.



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LOCKINGTON?

BOARD MEMBER LOCKINGTON: YES.

SECRETARY DUNN: MOSCONE?

BOARD MEMBER MOSCONE: YES.

SECRETARY DUNN: TCHOBANGOLOUS? ABSENT.

VARNER?

BOARD MEMBER VARNER: AYE.

SECRETARY DUNN: CHAIRMAN GALLAGHER?

CHAIRMAN GALLAGHER: AYE.

AFTER ALL THAT GOOD NEWS, IT NOW IS  
APPROPRIATE, I GUESS, THAT WE GO TO THE NEXT ITEM, WHICH  
IS ITEM NO. 12 -- OH, ITEM NO. 11.

MR. OLDALL: THAT'S THE PRESENTATION BY ROGER  
POWERS, PRESIDENT OF KEEP AMERICA BEAUTIFUL. I THINK MR.  
POWERS COULD NOT BE HERE TODAY, AND I THINK TERESA CREECH  
IS HERE IN HIS PLACE TO MAKE THE PRESENTATION TO THE  
BOARD.

MS. CREECH: THANK YOU, MEMBERS OF THE BOARD.  
FIRST OF ALL, I BRING YOU THE WARMEST REGARDS FROM ROGER  
POWERS, WHO IS PRESIDENT OF KEEP AMERICA BEAUTIFUL, AND  
WE LOOK FORWARD TO GRETTING YOU IN PERSON THIS EVENING AT  
THE JOINT RECEPTION BETWEEN OUR NATIONAL BOARD OF  
DIRECTORS. THIS IS, OF COURSE, THE OCCASION OF OUR  
MID-YEAR BOARD MEETING, AND IT WAS LOCATED HERE IN SAN  
DIEGO IN ANTICIPATION OF THE FACT THAT WE WOULD HAVE SOME

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1 VERY GOOD NEWS TO PASS ON TO THEM. THAT RECEPTION, OF  
2 COURSE, WE ARE DELIGHTED THAT YOU WILL BE JOINING US.  
3 AND WE WILL ALSO HAVE WITH US THE MEMBERS OF FROM OUR  
4 AFFILIATE, I LOVE A SAN DIEGO COUNTY INCORPORATED.

5 THIS IS ONE THE OUTSTANDING PROGRAMS, NOT  
6 JUST IN CALIFORNIA, BUT ACROSS THE NATION, REPRESENTING A  
7 KAB AFFILIATE THAT HAS REALLY MADE OUTSTANDING PROGRESS,  
8 AND IT CERTAINLY WILL BE A MODEL THAT WE WILL BE ABLE TO  
9 EMULATE AGAIN, NOT JUST IN OUR OWN STATE, BUT IT HAS  
10 ALREADY BEEN HELD UP AND WILL BE CONTINUED TO BE EMULATED  
11 THROUGHOUT THE COUNTRY.

12 I'D LIKE TO MAKE JUST A FEW COMMENTS. AS  
13 YOU ARE AWARE, BACK IN JANUARY GOVERNOR DEUKMEJIAN MADE A  
14 COMMITMENT TO THE STATE OF CALIFORNIA TO ADDRESS THE  
15 CONCERNS OF LITTER PREVENTION AND GRAFFITI AND PRIDE IN  
16 OUR STATE. AND I THINK IT'S WONDERFUL THAT TODAY IS THE  
17 DAY THAT THEY ARE LOOKING AT AN ACTUAL PROCLAMATION  
18 INDICATING OFFICIAL AFFILIATION BETWEEN THE STATE OF  
19 CALIFORNIA AND OUR ORGANIZATION ON A NATIONAL LEVEL.

20 WHAT THIS WILL PERMIT IS A MUCH MORE  
21 AGGRESSIVE INVOLVEMENT ON OUR PART IN WORKING AT THE  
22 GRASS ROOTS LEVEL, WORKING WITHIN THE COMMUNITIES, IN  
23 ORDER TO ADDRESS THE VERY SERIOUS CONCERNS THAT WE HAVE  
24 ALREADY BEGUN TO DEAL WITH IN TERMS OF 939, AND COMING UP  
25 WITH INTEGRATED WASTE MANAGEMENT PLANS THAT MAKE SENSE

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1 FOR THE COMMUNITY AND THAT THE INDIVIDUAL CAN UNDERSTAND  
2 AND WORK WITH. AND WE WILL CERTAINLY SEE THIS AS ONE OF  
3 OUR MAJOR OBJECTIVES AS WE DEVELOP THIS PROGRAM.

4 I WOULD LIKE AT THIS POINT TO ALSO COMMENT  
5 ON THE FACT THAT THE PUBLIC/PRIVATE PARTNERSHIP THAT'S  
6 BEEN ESTABLISHED THROUGH THE 32-MEMBER BOARD OF DIRECTORS  
7 TO THE NONPROFIT ORGANIZATION WILL FACILITATE THESE GOALS  
8 GREATLY. IT DOES PUT THINGS RIGHT BACK INTO THE ARENA OF  
9 WE ALL HAVE TO WORK ON THIS TOGETHER. AND I THINK WE  
10 HAVE A VERY, VERY STRONG GROUP THAT WILL BE REPRESENTING  
11 THE STATE AND CERTAINLY WILL MAKE SIGNIFICANT PROGRESS AS  
12 WE MOVE ALONG.

13 I WOULD ALSO LIKE TO TAKE A MOMENT TO  
14 PERSONALLY THANK THE PEOPLE AT THE CALIFORNIA INTEGRATED  
15 WASTE MANAGEMENT BOARD FOR THEIR SUPPORT AND ALLOWING  
16 THIS TO DEVELOP OVER A LONG PERIOD OF TIME AND ALSO THE  
17 STAFF. AND I WOULD LIKE TO MENTION GEORGE LARSON, ALAN  
18 OLDALL, CHRIS PECK, JOELLEN JACKSON, AND CANDY ROBERTSON,  
19 IN PARTICULAR, FOR THEIR SUPPORT IN FACILITATING THIS  
20 PARTICULAR MOMENTOUS OCCASION.

21 I KNOW THAT THIS PROGRAM IS GOING TO BE ONE  
22 THAT'S LOOKED AT AROUND THE NATION. WE ARE THE 18TH  
23 OFFICIAL KEEP AMERICA BEAUTIFUL STATE, BUT I HAVE NO  
24 DOUBT THAT CALIFORNIA IS GOING TO BE THE ONE THAT  
25 EVERYBODY WANTS TO BE JUST LIKE, AND I'M LOOKING FORWARD

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1 TO WORKING WITH EVERYBODY.

2 BOARD MEMBER BREMBERG: THEY CAN HAVE OUR  
3 GARBAGE IF THEY WANT IT.

4 MS. CREECH: YOU NEVER KNOW.

5 AT THIS POINT MY COMMENTS ARE CONCLUDED,  
6 BUT I WOULD LIKE TO SAY THAT I'M DELIGHTED TO PROCEED  
7 INTO THE EXECUTIVE DIRECTOR OF THE I LOVE A CLEAN SAN  
8 DIEGO PROGRAM IN MY COMMENTS TO YOU. GAY SIKORA IS NOT  
9 ONLY A FRIEND, BUT AN OUTSTANDING ASSOCIATE TO BE WORKING  
10 WITH, AND SHE IS ONE OF THE NEW APPOINTEES TO OUR  
11 STATEWIDE NONPROFIT ORGANIZATION.

12 SO THANK YOU VERY MUCH.

13 CHAIRMAN GALLAGHER: THANK YOU, TERESA. ANY  
14 QUESTIONS?

15 BOARD MEMBER BREMBERG: NICE TO SEE YOU AGAIN.

16 MS. CREECH: THANK YOU.

17 CHAIRMAN GALLAGHER: THAT LED RIGHT INTO THE  
18 ITEM NO. 10.

19 MR. OLDALL: THAT WAS A PRESENTATION BY I LOVE A  
20 CLEAN SAN DIEGO INCORPORATED, AND AS TERESA POINTED OUT,  
21 I THINK WE HAVE WITH US GAY SOROKA, THE EXECUTIVE  
22 DIRECTOR OF THAT ORGANIZATION.

23 MS. SOROKA: I GUESS I'M KIND OF HERE TO BE THE  
24 SHOW AND TELL AND TO TALK A LITTLE BIT ABOUT WHAT A KEEP  
25 AMERICA BEAUTIFUL PROGRAM CAN DO WITHIN A COMMUNITY AND



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1 HOW, CERTAINLY, I LOVE A CLEAN SAN DIEGO IS VERY EXCITED  
2 AND HAPPY TO SEE THE STATE OF CALIFORNIA BECOME  
3 AFFILIATED AS A STATE WITH THE KEEP AMERICA BEAUTIFUL  
4 PROGRAM.

5 PERSONALLY, IT WILL BE VERY VERY NICE TO GO  
6 BACK TO KEEP AMERICA BEAUTIFUL CONVENTION IN DECEMBER AND  
7 HAVE CALIFORNIA WELL REPRESENTED INSTEAD OF BEING THE  
8 LONE STEP-CHILD FROM THE WEST AS WE DEAL WITH ALL THE  
9 SOUTHERN ACCENTS AND THE EAST COAST MENTALITY TOWARDS  
10 KEEP AMERICA BEAUTIFUL. WE'VE ALWAYS BEEN KIND OF THAT  
11 GROUP OUT THAT'S THERE ON THE FRINGE, SO IT WILL BE NICE  
12 TO BE ABLE TO HEAR OUR VOICE SPOKEN LOUDLY AND CLEARLY.

13 I LOVE A CLEAN SAN DIEGO IS AN ORGANIZATION  
14 THAT'S BEEN AROUND SINCE THE MID-'50S, FORMED THROUGH ALL  
15 VOLUNTEERS, CALLED THE WAR AGAINST LITTER COMMITTEE, AND  
16 WITH PROGRAMS THAT WERE NAMED FOR STOP LITTERING OUR  
17 BEACHES AND BAYS, SLOB, AND A VARIETY OF OTHER NAMES THAT  
18 I THINK WERE PRETTY INDICATIVE OF THE TIME IN A FAIRLY  
19 MILITARISTIC TONE TO GET RID OF LITTER IN OUR COMMUNITY.

20 WE, LIKE EVERYONE ELSE, HAVING EVOLVED  
21 THROUGH THE '50S AND IN 1977 BECAME A CLEAN COMMUNITY  
22 SYSTEM AFFILIATED WITH KEEP AMERICA BEAUTIFUL. AND WE  
23 HAVE BEEN ABLE TO SUCCESSFULLY USE THEIR MODEL FOR  
24 CHANGE, WHICH I THINK WHAT MAKES US SO SUCCESSFUL IS  
25 THAT, IN FOLLOWING THE KEEP AMERICA BEAUTIFUL MODEL, IT'S

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1 A BEHAVIORAL BASE MODEL FOR CHANGE.

2 IT'S NOT JUST PULLING TOGETHER A GROUP OF  
3 VOLUNTEERS AND GOING IN TO DOING GRAFFITI CLEANOUT OR  
4 LITTER PICKUP OR EVEN A BIG RECYCLING EVENT. IT'S  
5 WORKING WITHIN THE COMMUNITY, IDENTIFYING PARTNERS FROM  
6 THE PRIVATE SECTOR AND THE PUBLIC SECTOR, GETTING  
7 VOLUNTEERS TO NURTURE AND MAINTAIN AND MOVE TOWARD A GOAL  
8 OF A LITTER-FREE BEAUTIFUL COMMUNITY.

9 AND I THINK THAT, WHILE I WOULDN'T SAY WE  
10 WERE THE BEST AT IT, I THINK THERE'S A LOT OF OTHER  
11 GROUPS DOING JUST AS WELL, I THINK WE HAVE MANAGED TO  
12 SUCCESSFULLY PUT TOGETHER THAT PARTNERSHIP HERE IN THE  
13 SAN DIEGO COUNTY COMMUNITY.

14 IN 1986 WE WERE KNOWN BY OUR LOGO AS I LOVE  
15 A CLEAN SAN DIEGO, AND THE BOARD DECIDED THAT THE WAR  
16 AGAINST LITTER COMMITTEE MAYBE SOUNDED A LITTLE TOO  
17 MILITARISTIC, AND SO WE CHANGED OUR NAME TO I LOVE A  
18 CLEAN SAN DIEGO COUNTY INCORPORATED.

19 AND I THINK WHATS HAPPENED -- I'VE BEEN  
20 AFFILIATED WITH I LOVE A CLEAN SAN DIEGO SINCE 1988; AND  
21 WHEN I FIRST GOT INVOLVED, I WAS A LITTLE CONCERNED THAT  
22 THERE WASN'T ENOUGH HEART IN THIS ISSUE FOR ME. I CAME  
23 FROM HAVING SPENT A YEAR TRAVELING THE STATE OF  
24 CALIFORNIA TALKING TO HIGH SCHOOL STUDENTS ABOUT ALCOHOL  
25 AND DRUG PROBLEMS AND DOING THOSE RALLIES WITH 2,000

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1 STUDENTS, AND IT WAS LIFE AND DEATH KINDS OF ISSUES.

2 SO I SAID TO THE BOARD, "WELL, I'LL SEE  
3 WHAT I CAN DO TO HELP YOU OUT," BECAUSE THEY WERE KIND OF  
4 IN A -- THEY WERE HAVING AN EXECUTIVE DIRECTOR LEAVE  
5 UNEXPECTEDLY, AND I WAS DOING SOME CONSULTING FOR THEM,  
6 "BUT I'M NOT SURE THERE'S ENOUGH IN THIS ISSUE FOR ME."  
7 AND IN THE LAST TWO AND A HALF YEARS WE'VE SEEN AN  
8 INCREDIBLE CHANGE, AND I QUICKLY TURNED AROUND MY  
9 ATTITUDE ABOUT THIS ISSUE. IT ISN'T A LIFE AND DEATH  
10 ISSUE IN MANY WAYS, BUT THERE'S NOT HEART IN IT.

11 CERTAINLY, AS WE COME OFF OF AN INCREDIBLE  
12 HYPE FROM EARTH DAY 1990 AND THE 20TH ANNIVERSARY OF  
13 EARTH DAY AND HAVING FOUND MYSELF BEING IN THE DUBIOUS  
14 POSITION OF SERVING AS A HISTORICAL PERSPECTIVE FOR OUR  
15 MEDIA ABOUT EARTH DAY 1970 AND EARTH DAY 1990 AND  
16 REALIZING I'M OLD ENOUGH TO BE ABLE TO GIVE SOME HISTORY,  
17 WHAT I'VE COME TO SEE THAT WHAT'S CHANGED IS, ONE, THAT  
18 WE KNOW THIS IS NOW A CRITICAL ISSUE FOR OUR COMMUNITIES.  
19 THAT WE DON'T HAVE TIME TO STEP ASIDE FROM THE PROBLEMS  
20 AND CRISIS WE'RE FACING IN RELATION TO OUR SOLID WASTE  
21 ISSUES. THAT REALLY THE TIME IS NOW TO START TO INITIATE  
22 CHANGE OR IT'S VERY UNCLEAR WHETHER OR NOT WE'LL HAVE ANY  
23 MORE OPPORTUNITIES.

24 THE OTHER DIFFERENCE, I THINK, FROM 1970  
25 WHEN I WAS OUT MARCHING IN THE STREET FOR EARTH DAY, THE

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1 FIRST EARTH DAY, AND EARTH DAY 1990, THERE'S NO LONGER  
2 ARE WE ABLE TO LOOK TO BUSINESS AS THE BAD GUYS ALONE AND  
3 POINT OUR FINGERS AND BLAME THEM AND EXPECT THAT BECAUSE  
4 WE PASS LEGISLATION THAT THE ISSUES WILL BE TAKEN CARE  
5 OF.

6 I THINK WHAT WE'RE NOW SEEING IS THAT THERE  
7 DEFINITELY NEEDS TO BE A PARTNERSHIP BETWEEN INDIVIDUALS,  
8 COMMUNITIES, GOVERNMENT, AND BIG BUSINESS IF WE'RE GOING  
9 TO ATTEMPT TO SOLVE OUR PROBLEMS. I DON'T THINK YOU CAN  
10 EXPECT GOVERNMENTS TO GRAPPLE WITH THOSE GLOBAL ISSUES  
11 THAT'S DEPLETING OZONE AND RAIN FORESTS BEING CUT DOWN  
12 AND ALL THOSE OTHER ISSUES THAT ON AN INTERNATIONAL LEVEL  
13 WE'VE GOT TO COME TO CONSENSUS IF WE AS INDIVIDUALS  
14 AREN'T READY TO TAKE THAT FIRST STEP TO BEGIN TO CHANGE  
15 OUR OWN LIFESTYLE, TO SORT OUT OUR TRASH AT A VERY  
16 MINIMAL LEVEL, TO MAKE GOOD DECISIONS IN THE SUPERMARKET,  
17 TO THINK ABOUT GETTING OUT OF YOUR CAR ONE DAY A WEEK TO  
18 HELP OUR CITIES DEAL WITH THEIR AIR POLLUTION PROBLEMS.  
19 AND I THINK THAT CERTAINLY THE WASTE MANAGEMENT BOARD  
20 WILL BE TAKING THE LEAD AS WE MOVE THROUGH THE '90S AND  
21 ATTEMPT TO DEAL WITH MEETING THOSE GOALS OF WASTE  
22 REDUCTION.

23 AND WHAT A KEEP AMERICA BEAUTIFUL SYSTEM  
24 OFFERS TO YOU IS A VEHICLE TO PULL TOGETHER THOSE  
25 PARTNERS THAT I JUST MENTIONED TO BEGIN TO MAKE CHANGE.

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1 SOME VERY BRIEF EXAMPLES OF OUR RECENT SUCCESSES AT I  
2 LOVE A CLEAN SAN DIEGO, AND I THINK THAT WE'LL SEE  
3 SUCCESS LIKE THIS THROUGHOUT THE STATE, WE HAVE A  
4 PARTNERSHIP WITH HOME DEPOT, WHICH IS A LARGE KIND OF  
5 DO-IT-YOURSELF HOMEBUILDING, GARDENING KIND OF OPERATION  
6 HERE. AND WHAT HAPPENS IS THEY SELL TARPS FOR US, TARPS  
7 THAT ARE MADE FROM RECYCLED FISHING NET. WE PUT THEM  
8 TOGETHER WITH A SUPPLIER. THEY SELL THOSE TARPS, AND ON  
9 EVERY TARP THEY SELL WE GET \$3 IN PROFIT FROM THOSE TARPS  
10 THAT WE THEN PUT INTO OUR PROGRAM.

11 WE ALSO WERE ABLE TO FINALLY BREAK DOWN THE  
12 DOORS OF PACIFIC BELL AFTER A YEAR OF TRYING TO GET THEM  
13 TO SUPPORT A PHONE BOOK RECYCLING. LAST SPRING DURING  
14 OUR APRIL CLEAN MONTH -- WE CALL IT DON'T TRASH SAN DIEGO  
15 DOWN HERE -- WE TRIED VERY HARD TO GET PACIFIC BELL  
16 INTERESTED IN THIS PROGRAM WITHOUT MUCH SUCCESS.

17 THEY DIDN'T THINK THEY COULD FIND A MARKET  
18 FOR THE BOOKS. THEY WEREN'T SURE THAT WE WOULD BE ABLE  
19 TO RECYCLE THEM. AND SO THEY ISSUED A PRESS RELEASE IN  
20 SUPPORT OF OUR PROGRAM, AND THAT PROGRAM LAST YEAR  
21 COLLECTED ABOUT 30 TONS OF BOOKS. SO WE FELT PRETTY GOOD  
22 ABOUT THAT, THINKING IT WAS 30 TONS THAT DIDN'T GO TO THE  
23 LANDFILL.

24 SO THIS YEAR WE FINALLY FOUND THAT ONE  
25 PERSON IN THE INDUSTRY, THE YELLOW PAGES MANAGER DOWN

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1           HERE IN SAN DIEGO, THAT WAS WILLING TO TAKE THE BATTLE TO  
2           THE CORPORATE OFFICE IN SAN FRANCISCO. AND WE GOT PAC  
3           BELL'S FULL COMMITMENT TO OUR PROGRAM, INCLUDING AN  
4           INSERT IN THE BOOK THAT TOLD RESIDENTS IN SAN DIEGO WHEN  
5           THEY COULD TAKE THEIR BOOK AND WHERE THEY COULD TAKE  
6           THEIR BOOK TO GET IT RECYCLED. AND WE GOT A LOCAL  
7           SUPERMARKET, VONS MARKETS, TO AGREE TO BE THE DROPOFF  
8           SITES FOR US.

9                           AND THE DIFFERENCE IN TERMS OF VOLUME IS IN  
10           16 DAYS THIS YEAR WE COLLECTED 630 TONS OF BOOKS, ABOUT  
11           35 PERCENT OF THE BOOKS THAT WERE DISTRIBUTED. AND WE  
12           ARE NOW GETTING READY TO DO THAT SAME PROJECT AGAIN IN  
13           NORTH COUNTY. AND IN SEPTEMBER, WHEN THEY DISTRIBUTE THE  
14           BOOKS IN OUR SOUTH BAY EAST COUNTY, WE WILL BE THERE  
15           AGAIN.

16                           THAT PROJECT, I THINK WE'RE PARTICULARLY  
17           PROUD OF BECAUSE WE GOT TURNED DOWN BY PAC BELL MANY  
18           TIMES. IF WE HAD GOTTEN ANGRY, AS OUR BOARD FIRST WANTED  
19           TO DO AND WROTE A LOT OF NASTY LETTERS TO THEIR LEADERS,  
20           I'M NOT SURE THAT THE NEXT YEAR WE WOULD HAVE BEEN ABLE  
21           TO MOVE THEM AS FAR FORWARD AS WE WERE, BUT I THINK IT  
22           SHOWS THAT INDIVIDUAL EFFORT CAN MAKE A DIFFERENCE, THAT  
23           YOU HAVE TO FIND THAT ONE VOICE WITHIN A COMPANY THAT  
24           MIGHT BE WILLING TO LISTEN TO YOU; AND IF YOU'LL PROVIDE  
25           THE SUPPORT WITHIN THE COMMUNITY, YOU CAN MAKE THINGS

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1 HAPPEN.

2 I KNOW YOU'VE HAD A LONG DAY. AND  
3 HOPEFULLY WE'LL ALL HAVE A CHANCE TO TALK MORE INFORMALLY  
4 TONIGHT. I'M VERY PLEASED TO BE APPOINTED TO THE KEEP  
5 AMERICA BEAUTIFUL BOARD HERE IN CALIFORNIA AND BE ABLE TO  
6 MAYBE HELP LEND A HAND TO DEVELOP A NETWORK THAT WILL  
7 ENCOURAGE PROGRAMS LIKE I LOVE A CLEAN SAN DIEGO.

8 I'M PLEASED TO BE ABLE TO WORK WITH THE  
9 WASTE MANAGEMENT BOARD AND REALLY LOOKING FORWARD TO  
10 GREAT SUCCESS IN CALIFORNIA.

11 ANY QUESTIONS? I BROUGHT ALONG SOME  
12 MATERIALS, SAMPLES OF THE KINDS OF THINGS THAT A KAB  
13 SYSTEM CAN DO TO HELP.

14 CHAIRMAN GALLAGHER: ANY QUESTIONS? I'D BE  
15 INTERESTED IN ONE, THE FISHNET TARP. I RECALL WAY BACK  
16 WHEN JOYCE IRWIN AND I AND A NUMBER OF OTHERS WERE  
17 INVOLVED IN THAT. I'M JUST WONDERING HOW MANY OF THEM DO  
18 YOU SELL?

19 MS. SOROKA: WE SELL ABOUT 3,000 A QUARTER.

20 CHAIRMAN GALLAGHER: THAT'S INCREDIBLE.  
21 CONGRATULATIONS.

22 MS. SOROKA: NOW, THAT'S JUST FROM SAN DIEGO  
23 COUNTY THAT WE GET THE MONEY FROM. THE HOME DEPOT IS  
24 ALSO IN ORANGE COUNTY AND THEY ARE IN ORANGE COUNTY  
25 STORES. SO I THINK YOU COULD ACTUALLY DOUBLE THAT



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1 NUMBER, BUT WE -- THE REVENUE COMES FROM THE NETS THAT  
2 ARE SOLD IN SAN DIEGO.

3 CHAIRMAN GALLAGHER: I THINK THAT IS JUST  
4 FANTASTIC BECAUSE WE TALKED ABOUT ALL THE THINGS YOU'RE  
5 TALKING ABOUT NOW, AND WE WERE VERY UNSUCCESSFUL REALLY  
6 IN THE MARKETING END OF IT, AND YOU'RE DOING A REAL GOOD  
7 JOB.

8 MS. SOROKA: WE ALSO HAVE A VERY GOOD  
9 RELATIONSHIP WITH CALTRANS, THE CALTRANS DISTRICT HERE IN  
10 SAN DIEGO, AND THERE'S SOMEONE FROM CALTRANS ON OUR  
11 BOARD. SO IT WAS A COMBINATION OF JIM LEICHER (PHONETIC)  
12 FROM CALTRANS AND SOME PEOPLE ON I LOVE CLEAN SAN DIEGO  
13 BOARD THAT PUT TOGETHER THAT LITTLE PACKAGE WITH HOME  
14 DEPOT. I'M NOT SURE IF HOME DEPOT UNDERSTANDS WHY  
15 THEY'RE DOING IT, BUT THEY'VE DONE IT FOR TWO YEARS, AND  
16 WE'RE VERY HAPPY WITH THE WHOLE SUCCESS OF THAT.

17 CHAIRMAN GALLAGHER: THANK YOU VERY MUCH. ANY  
18 FURTHER QUESTIONS? WE'LL SEE YOU ALL TONIGHT THEN.

19 WE'RE GOING TO HEAR ONE MORE ITEM, BETH, IF  
20 YOU CAN STAND IT, ITEM NO. 5.

21 MR. IWAHRO: MR. CHAIRMAN, THIS IS OUR REGULAR  
22 REPORT ON THE STATUS OF THE CLOSURE/POSTCLOSURE  
23 CERTIFICATIONS. AND ALSO, WE HAVE CONSIDERATION FOR AN  
24 ACTION ON THIS REGARDING THOSE THAT ARE NOT RESPONDING IN  
25 THE FASHION THEY SHOULD.

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1 BILL ORR WILL GIVE US A RUNDOWN ON THIS AND  
2 MAKE THE RECOMMENDATION. ALONG WITH BILL, HE'LL BE  
3 ASSISTED BY MAUREEN.

4 MR. ORR: THANK YOU. MR. CHAIRMAN, BOARD  
5 MEMBERS, GOOD AFTERNOON.

6 WHAT I'D LIKE TO DO TODAY IS JUST REAL  
7 BRIEFLY MENTION SOME OF THE THINGS THAT WE'VE DONE IN THE  
8 LAST MONTH RELATIVE TO THE CLOSURE/POSTCLOSURE  
9 CERTIFICATION, SOME OF WHICH WE'VE HEARD ABOUT SOME OF  
10 THE MAJOR ACTIVITIES IN THE PRECEDING PERMIT ACTIONS.

11 BUT WE HAVE REVIEWED A NUMBER OF  
12 CERTIFICATIONS DURING THIS LAST MONTH AND HAVE WRITTEN A  
13 NUMBER OF LETTERS, AND I WOULD LIKE TO FOCUS IN ON A FEW  
14 OF THOSE.

15 FIRST OF ALL, IN RESPONSE TO PREVIOUS  
16 LETTERS, TWO FACILITIES, WHOSE DEADLINES FOR COMPLYING  
17 WITH THE CLOSURE/POSTCLOSURE REQUIREMENTS, HAVE  
18 SUBSEQUENTLY LAPSED. ONE OF THEM IS STILL WORKING  
19 DILIGENTLY TRYING TO ESTABLISH SOMETHING, AND SO WE WOULD  
20 LIKE TO GIVE THEM UNTIL NEXT MONTH TO SEE WHAT BECOMES OF  
21 THEIR FINANCIAL MECHANISMS.

22 THE OTHER ONE, THE WEAVERVILLE LANDFILL,  
23 WE'VE HEARD NOTHING FROM. AND SO WE WOULD RECOMMEND THAT  
24 THEY BE REFERRED TO THE ATTORNEY GENERAL TO SEND THEM A  
25 LETTER REMINDING THEM OF THE CERTIFICATION REQUIREMENTS.

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1 PROBABLY THE MOST SUBSTANTIAL THING THAT  
2 HAPPENED DURING THIS LAST MONTH WOULD BE THAT THE  
3 ATTORNEY GENERAL SENT LETTERS TO A NUMBER OF FACILITIES  
4 THAT ARE LOCATED ON PAGE 113 OF YOUR BOARD PACKET. AND  
5 WHEN THE AGENDA ITEM WAS PREPARED, THE LETTERS HAD BEEN  
6 READIED BUT HAD NOT YET BEEN SENT. BUT SUBSEQUENTLY ON  
7 JUNE 7TH, THE ATTORNEY GENERAL DID SEND LETTERS GIVING 30  
8 DAYS FOR COMPLIANCE WITH THE CLOSURE/POSTCLOSURE  
9 REQUIREMENTS TO THOSE FACILITIES LISTED THERE IN THE  
10 MIDDLE OF THE PAGE.

11 THEN FINALLY, THERE'S A GROUP OF SEVEN  
12 FACILITIES THAT HAD PREVIOUSLY BEEN SENT LETTERS BY THE  
13 ATTORNEY GENERAL'S OFFICE GIVING THEM 30 DAYS TO COMPLY  
14 AND HAVE NOT YET COMPLIED WITH THOSE REQUIREMENTS. THOSE  
15 FACILITIES WERE ALSO SENT FOLLOW-UP LETTERS BY BOARD  
16 STAFF TELLING THEM WHAT OUTSTANDING ITEMS THEY HAD TO  
17 COMPLY WITH, AND WE HAVE NOT RECEIVED ANY SUBSTANTIAL  
18 COMPLIANCE FOR THOSE.

19 SO MOVING INTO THE BOARD ACTION, THERE ARE  
20 SEVEN FACILITIES THERE, SIX OF WHICH ARE IN MONO COUNTY,  
21 THE WALKER SANITARY LANDFILL, BRIDGEPORT SANITARY  
22 LANDFILL, PUMICE VALLEY SANITARY LANDFILL, THE BENTON  
23 CROSSING SANITARY LANDFILL, THE CHALFANT SANITARY  
24 LANDFILL, AND THE BENTON SANITARY LANDFILL.

25 CHAIRMAN GALLAGHER: EXCUSE ME, WHAT COUNTY?



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SANTA ANA, CALIFORNIA 92701

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1 MR. ORR: THOSE WERE IN MONO COUNTY.

2 AND THEN IN ADDITION, THERE'S ONE LANDFILL,  
3 WEST SEVENTH STREET DISPOSAL SITE, THAT WE HAVE NOT HEARD  
4 NOTHING FROM IN RESPONSE TO OUR LETTERS.

5 AND WE WOULD RECOMMEND TO THE BOARD THAT  
6 THEY BE REFERRED TO THE ATTORNEY GENERAL, AND WE WOULD  
7 ESTABLISH A LITIGATION FILE THAT WOULD LEAD TO A FILING  
8 OF CIVIL ACTION AGAINST THOSE PARTICULAR FACILITIES.

9 CHAIRMAN GALLAGHER: YOU'VE HEARD THE COMMENTS  
10 AND RECOMMENDATIONS. ARE THERE ANY QUESTIONS OF MR. ORR  
11 OR MAUREEN? IF NOT, I'LL ENTERTAIN A MOTION ON THE  
12 ISSUE.

13 BOARD MEMBER BROWN: I'LL MOVE THE STAFF  
14 RECOMMENDATION.

15 BOARD MEMBER LOCKINGTON: SECOND.

16 CHAIRMAN GALLAGHER: BEEN MOVED AND SECONDED  
17 THAT WE ADOPT THE RECOMMENDATION THAT WE ESTABLISH A  
18 LITIGATION FILE ON THOSE DELINQUENT LANDFILLS AND PROCEED  
19 FORTHWITH TO GET READY TO PROSECUTE IF NECESSARY.

20 CALL THE ROLL, PLEASE.

21 SECRETARY DUNN: BOARD MEMBERS BREMBERG?

22 BOARD MEMBER BREMBERG: AYE.

23 SECRETARY DUNN: BROWN?

24 BOARD MEMBER BROWN: YES.

25 SECRETARY DUNN: GEARHEART? ABSENT.

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LOCKINGTON?

BOARD MEMBER LOCKINGTON: YES.

SECRETARY DUNN: MOSCONE? ABSENT.

TCHOBANGOLOUS? ABSENT.

VARNER?

BOARD MEMBER VARNER: AYE.

SECRETARY DUNN: CHAIRMAN GALLAGHER?

CHAIRMAN GALLAGHER: AYE.

THANK YOU VERY MUCH. AS I INDICATED  
EARLIER, WE'RE HEARING THAT ONE ITEM. WE'RE GOING TO  
RECESS NOW UNTIL TOMORROW MORNING, 9 O'CLOCK TOMORROW.  
WE'RE IN RECESS UNTIL 9 O'CLOCK TOMORROW.

THANK YOU ALL FOR COMING.

(END OF PROCEEDINGS.)

BETH C. DRAIN, CSR 7152

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REPORTER'S CERTIFICATE

I, BETH C. DRAIN, HEREBY CERTIFY THAT ON THE 21ST DAY OF JUNE 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.

*Beth C. Drain*

REGISTERED PROFESSIONAL REPORTER

CERTIFIED SHORTHAND REPORTER

CERTIFICATE NO. 7152

BETH C. DRAIN, CSR 7152

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