

CERTIFIED
COPY

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

IN THE MATTER OF THE:)
REGULAR MONTHLY BOARD MEETING)
JULY 26, 1990)
_____)

DATE AND TIME: THURSDAY, JULY 26, 1990, 9:00 A.M.

PLACE: BOARD HEARING ROOM
1020 NINTH STREET
SACRAMENTO, CALIFORNIA

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

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1600 EAST FOURTH STREET, SUITE 220
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TELEPHONE (714) 953-4447

APPEARANCES

MR. JOHN C. MOSCONE
 MS. GINGER BREMBERG
 MR. E. L. VARNER
 MR. LES BROWN
 MR. JAMES LOCKINGTON
 DR. GEORGE TCHOBANOGLIOUS
 DR. RICHARD GEARHEART

NEW BOARD MEMBERS PRESENT:

MR. JOHN GALLAGHER
 MR. SAM EGIGIAN

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

MS. MARTHA VASQUEZ
 MR. STEVEN AULT
 MR. JESS ADAMS
 MS. MARCONI
 MR. BILL ORR
 MR. NATE GAUFF

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JULY 26, 1990

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

CHAIRMAN MOSCONE: THE MEETING OF THE INTEGRATED WASTE MANAGEMENT BOARD WILL COME TO ORDER. WE WILL PROCEED WITH THE REGULAR NOTICED AGENDA.

I WOULD LIKE TO FIRST CALL ON MR. CONHEIM TO -- FOR SOME REMARKS, PLEASE.

ATTORNEY CONHEIM: MR. CHAIRMAN AND MEMBERS, THIS IS THE TIME WHEN WE READ INTO THE RECORD THE DISCLOSURE OF EX PARTE COMMUNICATIONS WHICH BOARD MEMBERS HAVE HAD. YOU WILL RECALL THAT THAT MEANS THAT A BOARD MEMBER HAS MET WITH SOMEBODY OTHER THAN STAFF AND TALKED TO OR RECEIVED A COMMUNICATION FROM SOMEBODY OTHER THAN STAFF, AND THE LAW REQUIRES THAT THEY BE ENTERED INTO THE RECORD.

I HAVE HERE A LIST OF TWO SUCH WRITTEN -- TWO NOTATIONS, A JUNE 18TH LETTER TO FORMER CHAIRMAN GALLAGHER FROM JOHN R. WIBLE, MAYOR OF THE CITY OF LA HABRA HEIGHTS, REGARDING A NEED TO ALLEVIATE AB 939 REGULATIONS.

THEN I HAVE ONE OTHER ITEM, A JUNE 29, 1990. MEETING WITH MR. GALLAGHER WITH THE CALIFORNIA DRUM



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1 TASK FORCE REGARDING REUSABILITY AND RECYCLABILITY OF
2 STEEL DRUMS TO CONTRIBUTE TO THE AB 939 GOALS.

3 THOSE ARE THE ONLY TWO THAT I HAVE LISTED.
4 ARE THERE AT THIS TIME ANY MEMBERS OF THE BOARD WHO WISH
5 TO MAKE ANY CONTACT DISCLOSURES?

6 BOARD MEMBER BREMBERG: I DON'T KNOW IF THIS IS
7 CONSIDERED, BUT YESTERDAY IN THE CITY OF LONG BEACH I WAS
8 SPEAKER AT A WORKSHOP FOR SMALL RECYCLERS AND PRIVATE
9 HAULERS CONCERNING THE RECYCLING ASPECTS OF 939.

10 CHAIRMAN MOSCONE: I WILL -- ON MY PART, LAST
11 FRIDAY, JULY 20TH, I ATTENDED A MONTHLY MEETING OF
12 CALIFORNIA REFUSE REMOVAL COUNCIL, NORTHERN DISTRICT IN
13 OAKLAND. I WAS CALLED ON AND GAVE A BRIEF REVIEW OF THE
14 STAFF'S AND BOARD'S ACTIVITIES, MOST OF WHICH WAS
15 REQUIRED BY LEGISLATION PASSED FROM 1987 THROUGH 1989,
16 AND OF OTHER ONGOING ACTIVITIES GENERALLY. NOTHING IN
17 ANY PARTICULAR.

18 I HAD NO DIRECT CORRESPONDENCE OF ANY KIND
19 TO OR WITH ANYONE ON ANY SPECIFIC SUBJECT OR ITEM COMING
20 BEFORE THE BOARD, THIS BOARD FOR ACTION.

21 ARE THERE ANY OTHERS?

22 BOARD MEMBER GEARHEART: YESTERDAY I HAD
23 COMMUNICATION WITH REPRESENTATIVES FROM CALIFORNIANS
24 AGAINST WASTE CONCERNING AGENDA ITEM NO. 6, THE COST FEE
25 STUDY, AND ALSO ON SENATOR HART'S BILL THAT WE'LL

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1 PROBABLY TALK ABOUT LATER.

2 CHAIRMAN MOSCONE: ARE THERE ANY OTHERS? OKAY.

3 MR. CONHEIM.

4 ATTORNEY CONHEIM: ARE THERE OTHERS? ALL RIGHT.

5 ONE OTHER OPENING NOTE, SINCE IT WAS BASED
6 ON MY ADVICE, MR. GALLAGHER HAS AUTHORIZED ME TO STATE
7 FOR THE RECORD THAT HE IS SITTING OFF THE DAIS. AS YOU
8 KNOW, HE HAS BEEN APPOINTED BY THE GOVERNOR TO THE NEW
9 INTEGRATED WASTE MANAGEMENT BOARD, AND HE HAS RESIGNED AS
10 CHAIRMAN OF THE HOLDOVER WASTE MANAGEMENT BOARD UPON MY
11 ADVICE IN ORDER TO AVOID THE APPEARANCE OF ACTING IN TWO
12 OFFICES THAT COULD BE DETERMINED TO BE INCOMPATIBLE,
13 ALTHOUGH I'M NOT SURE THEY ARE, BUT THERE IS AN
14 INSTITUTIONAL PROVISION THAT PROHIBITS HOLDING TWO
15 INCOMPATIBLE OFFICES.

16 MR. GALLAGHER IS SITTING OFF THE DAIS AND
17 IS AVAILABLE IN THE ROOM IF IT HAD BEEN NECESSARY TO
18 CONSTITUTE A QUORUM OF THE HOLDOVER WASTE MANAGEMENT
19 BOARD, BUT WILL NOT PARTICIPATE IN THE DELIBERATIONS OF
20 THE BOARD AT THIS MEETING AND SUBSEQUENT MEETINGS IN
21 WHICH YOU STILL REMAIN TO SIT.

22 I THINK THAT FAIRLY REPRESENTS THE DECISION
23 THAT MR. GALLAGHER HAS MADE, AND CORRECT ME IF I'M WRONG.

24 MR. GALLAGHER: THAT'S FINE.

25 ATTORNEY CONHEIM: FURTHERMORE, AS WE TURN IT



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1 OVER FOR THE AGENDA, WE SHOULD POINT OUT THAT WE
2 DISCUSSED IN CLOSED SESSION LITIGATION INVOLVING NEVADA
3 COUNTY, INVOLVING BERRY STREET MALL, INVOLVING THE SANTA
4 FE RAILWAY DERAILMENT CASE, AND THE MATTERS CONCERNING
5 CLOSURE AND POSTCLOSURE PLANNING AND FINANCIAL
6 CERTIFICATIONS THAT ARE BEING REFERRED TO THE ATTORNEY
7 GENERAL.

8 THOSE LAST CASES WILL BE DISCUSSED FURTHER
9 IN OPEN SESSION, AND WE SHOULD NOT -- I'M ADVISING THAT
10 THE DISCUSSIONS WE HAD IN CLOSED SESSION SHOULD REMAIN
11 CONFIDENTIAL BASED ON THE NEEDS OF LITIGATION. BUT I
12 HAVE POINTED OUT THE CASES THAT WE DISCUSSED.

13 THANK YOU, MR. CHAIRMAN. THAT CONCLUDES MY
14 OPENING STATEMENTS.

15 CHAIRMAN MOSCONE: MR. LARSON, ARE THERE ANY
16 PROPOSED CHANGES IN THE ORDER OF THE AGENDA ITEMS?

17 MR. LARSON: YES, MR. CHAIRMAN, I WANT TO
18 APPRISE THE BOARD OF ACTUALLY THREE CHANGES OR REQUESTS.
19 DUE TO THE FACT THAT REPRESENTATIVES WHO TOOK PART IN AN
20 AD HOC COMMITTEE FOR DISCUSSION OF THE DISPOSAL COST FEE
21 STUDY, ITEM NO. 6, IT IS THE REQUEST OF THE EXECUTIVE
22 STAFF THAT THAT ITEM BE HEARD THIS AFTERNOON, PLEASE.

23 IT HAS BEEN REQUESTED BY THE
24 REPRESENTATIVES FROM NEVADA COUNTY THAT ITEM NO. 11
25 CONCERNING THE STATUS OF MCCOURTNEY LANDFILL BE HEARD

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1 TOMORROW.

2 AND AT THE REQUEST OF THE CONTRACTOR, ITEM
3 NO. 13, WE WISH TO DEFER CONSIDERATION OF THE FINAL
4 CONTRACT REPORT ON THE TARGET GROUP TO BE DEFERRED UNTIL
5 THE AUGUST MEETING.

6 THAT'S ALL THE CHANGES TO THE PUBLISHED
7 AGENDA.

8 FOR THE RECORD, I'D LIKE TO NOTE FOR
9 THOSE -- EVERYONE ON THE LIST SHOULD HAVE RECEIVED THAT
10 WE HAVE AN ADDENDUM TO THE JULY MEETING, WHICH IS AN
11 ADDENDUM FOR CONSIDERATION OF APPROVAL OF A MEMORANDUM OF
12 UNDERSTANDING AMONG ENVIRONMENTAL AFFAIRS AGENCY, AIR
13 RESOURCES BOARD, WATER RESOURCES CONTROL BOARD, AND
14 INTEGRATED WASTE MANAGEMENT BOARD THAT, AS NOTICED IN THE
15 ADDENDUM, IS TO BE CONSIDERED BY THE BOARD ON FRIDAY.

16 THAT IS ALL -- THOSE ARE ALL THE CHANGES,
17 MR. CHAIRMAN.

18 CHAIRMAN MOSCONE: BOARD MEMBERS HAVE ANY
19 REQUESTED CHANGES? IF NOT, WE'LL PROCEED WITH ITEM NO.
20 1. CONSIDERATION OF CONCURRENCE IN A NEW SOLID WASTE
21 FACILITIES PERMIT FOR GOLD COAST RECYCLING, INC., VENTURA
22 COUNTY.

23 MR. IWAHIRO: MR. CHAIRMAN, THIS IS A NEW
24 FACILITY -- PERMIT FOR A NEW FACILITY TRANSFER STATION
25 PROCESSING FACILITY IN VENTURA COUNTY. MARTHA VASQUEZ OF



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1 OUR PERMITS DIVISION AND STEVE AULT OF OUR PLANNING WILL
2 BE GIVING THIS ITEM.

3 MS. VASQUEZ: GOOD AFTERNOON, BOARD MEMBERS.

4 THIS ITEM REGARDS THE CONSIDERATION OF
5 CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITY
6 PERMIT FOR GOLD COAST RECYCLING. THIS FACILITY IS
7 LOCATED IN THE CITY OF VENTURA.

8 THE GOLD COAST FACILITY WILL PROCESS AND
9 SORT RECYCLABLE MATERIALS FROM RESIDENTIAL CURBSIDE
10 COLLECTION PROGRAMS AND ALSO SELECTED COMMERCIAL LOADS.
11 THIS FACILITY CURRENTLY RECEIVES LIMITED AMOUNTS OF
12 CURBSIDE RECYCLABLES. THE PROPOSED PERMIT WILL ALLOW UP
13 TO 440 TONS PER DAY.

14 MATERIAL RECEIVED AT THE FACILITY IS DUMPED
15 ONTO A CONCRETE TIPPING PAD AND PUSHED ONTO A CONVEYOR
16 THAT IS RECESSED INTO THE FLOOR. THE CONVEYOR MOVES THE
17 MATERIAL TO AN ELEVATED SORTING LINE, AND A CREW OF UP TO
18 20 EMPLOYEES HAND SORTS RECYCLABLES. THEY DROP THE
19 RECYCLABLE MATERIALS INTO BINS THAT ARE LOCATED DIRECTLY
20 BENEATH THE CONVEYOR BELT.

21 THE RECOVERED MATERIALS ARE EITHER BAILED
22 OR PLACED IN LARGER BINS FOR SALE TO LOCAL, REGIONAL, AND
23 EXPORT MARKETS. GOLD COAST IN THE CITY OF VENTURA HAS
24 DONE AN EXCEPTIONAL JOB IN ESTABLISHING MARKETS FOR MANY
25 KINDS OF RECYCLED GOODS.

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1 I VISITED THE SITE RECENTLY, AND I WAS MOST
2 IMPRESSED WITH THE VOLUME THAT COMES IN, JUST A TRICKLE
3 OF RESIDUAL MATERIAL THAT ACTUALLY ENDS UP IN THE
4 LANDFILL.

5 THIS ENTIRE OPERATION IS HOUSED IN AN
6 ENCLOSED BUILDING, AND IT WILL BE IN OPERATION 24 HOURS A
7 DAY. THE FACILITY WAS INSPECTED ON JUNE 12TH BY COUNTY
8 AND STATE INSPECTORS, AND DURING THAT INSPECTION A NUMBER
9 OF DEFICIENCIES WERE CITED. THE FACILITY WAS REINSPECTED
10 YESTERDAY, AND IT WAS FOUND IN FULL COMPLIANCE WITH STATE
11 MINIMUM STANDARDS.

12 MR. AULT OF THE BOARD'S LOCAL PLANNING
13 DIVISION WILL NOW ADDRESS ENVIRONMENTAL REVIEW.

14 MR. AULT: GOOD AFTERNOON, BOARD MEMBERS.

15 UNDER THE REQUIREMENTS OF THE CALIFORNIA
16 ENVIRONMENTAL QUALITY ACT, THE CITY OF VENTURA PREPARED
17 AN INITIAL STUDY FOR THIS PROJECT THIS YEAR. IN THE
18 INITIAL STUDY THE CITY DETERMINED THAT THERE WERE SOME
19 POTENTIAL ENVIRONMENTAL IMPACTS FROM THE PROJECT. AS A
20 RESULT, THEN, THE CITY PREPARED AND CIRCULATED LOCALLY
21 AND THROUGH THE STATE CLEARINGHOUSE A MITIGATED NEGATIVE
22 DECLARATION FOR THIS PROJECT.

23 THE MITIGATED NEGATIVE DECLARATION PROPOSES
24 A SERIES OF MITIGATION MEASURES TO REDUCE THESE
25 UNIDENTIFIED POTENTIAL IMPACTS TO A LEVEL OF LESS THAN

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1 SIGNIFICANT. SOME OF THE IMPACTS AND MITIGATION MEASURES
2 THAT ARE NOTED IN THE ENVIRONMENTAL DOCUMENTS INCLUDE THE
3 POTENTIAL FOR THE GENERATION OF ODORS AND VECTORS, AND
4 THERE'S A PART OF MITIGATION FOR THIS THAT WAS NOTED THAT
5 LOADS -- INCOMING LOADS WILL CONTAIN LITTLE ORGANIC
6 MATTER TO BEGIN WITH, AND ANY NONSALVAGEABLE SOLID WASTE,
7 THE TRICKLE MATERIAL THAT MARTHA REFERRED TO, SHALL BE
8 TRANSFERRED TO ROLL-OFF CONTAINERS AND STORED NO LONGER
9 THAN 48 HOURS ON SITE.

10 FOR DUST CONTROL, WHICH IS ALWAYS A
11 POTENTIAL PROBLEM IN WASTE PROCESSING, AMONG OTHER
12 MEASURES, A LIGHT WATER SPRAY IS TO BE APPLIED TO
13 MATERIALS DURING THE UNLOADING PROCESS.

14 NOISE IN SUCH A WASTE PROCESSING OPERATION
15 IS ALWAYS A POTENTIAL CONCERN, AND WASTE LOADING WILL BE
16 CONFINED TO THE INSIDE OF THE BUILDING, AND NOISE LEVELS
17 FOR ANY SORT OF EXTERNAL RECEPTORS, THAT WOULD BE, FOR
18 INSTANCE, NEIGHBORING BUILDINGS, FIRMS, AND THE LIKE,
19 WOULD NOT EXCEED 70 DECIBELS. AND THE FACILITY WILL BE
20 MEETING CAL-OSHA STANDANDS AND ALSO THE CITY NOISE
21 ORDINANCE.

22 LITTER IS ALSO A POTENTIAL PROBLEM IN SUCH
23 AN OPERATION. AND THE LITTER WILL BE CONTAINED BY BOTH
24 AN 8-FOOT CYCLONE FENCE AND A CONCRETE WALL AROUND THE
25 PORTION OF THE FACILITY WHICH IS QUITE HIGH. INCOMING

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1 LOADS ARE GOING TO BE REQUIRED TO BE COVERED, AND THE
2 WASTE TIPPING AND HANDLING IS TO BE CONFINED TO THE
3 INSIDE OF THE BUILDING. THERE WILL BE A DAILY CLEANUP OF
4 THE YARD AND THE PREMISES BY A LITTER CREW AND SWEEPERS
5 AS NEEDED.

6 TRAFFIC, THE CITY OF VENTURA IS A BUSY
7 CITY. INsofar AS TRAFFIC MITIGATION, NO LOADS WILL BE
8 ALLOWED TO ENTER OR LEAVE THE FACILITY BETWEEN THE HOURS
9 OF 1600 AND 1900, THE EVENING RUSH HOUR, THAT WOULD BE 4
10 P.M. AND 7 P.M. IN THE EVENING.

11 ADDITIONALLY, THE -- THERE WILL BE A COUPLE
12 OF DIFFERENT TRAFFIC MANAGEMENT PLANS. ONE IS THE TRIM,
13 T-R-I-M, WHICH IS TRAFFIC IMPROVEMENT PROGRAM, WHICH WILL
14 RESTRICT THE RUSH HOUR WORK COMMUTERS WHO WORK AT THE
15 FACILITY AND ENCOURAGE THE USE OF BICYCLES. IT'S A
16 RATHER INTERESTING STRATEGY. THE CITY HAS A GOOD ONE, I
17 THINK.

18 ALSO, A TRANSPORT MANAGEMENT ASSOCIATION
19 ARRANGEMENT WILL BE MADE WHICH, AS I UNDERSTAND, WILL BE
20 BASICALLY A COMPANY PLAN TO REDUCE EMPLOYEE COMMUTER
21 TRAFFIC.

22 HAZARDOUS WASTE MATERIALS COULD POTENTIALLY
23 ENTER THE LOADS OF WASTE COMING TO THE FACILITY, AND
24 THERE'S SOME EXTENSIVE MITIGATION MEASURES FOR THIS.
25 SOME EXTENSIVE USE OF SAFETY EQUIPMENT, WHICH IS

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1 SUMMARIZED HERE, AN EMPLOYEE SAFETY TRAINING PROGRAM
2 WHICH WILL BE BILINGUAL IN NATURE, I PRESUME SPANISH AND
3 ENGLISH, WILL -- WOULD BE ESTABLISHED; AND, OF COURSE,
4 THERE WILL BE SPOTTERS AND LOAD INSPECTORS TO IDENTIFY
5 HAZARDOUS OR SUSPICIOUS MATERIALS AND A PROCEDURE FOR
6 HANDLING ANY HAZARDOUS MATERIALS THAT MAY ACCIDENTALLY
7 ENTER THE FACILITY.

8 AFTER ALL THESE MITIGATION MEASURES ARE
9 IMPLEMENTED, THE CITY CONCLUDED THAT THE POTENTIAL
10 ENVIRONMENTAL IMPACTS OF THIS PROJECT WOULD BE REDUCED TO
11 A LEVEL OF INSIGNIFICANCE, AS I MENTIONED BEFORE, AND THE
12 PROJECT, THUS, WOULD NOT HAVE A SIGNIFICANT IMPACT ON THE
13 ENVIRONMENT.

14 AFTER PUBLIC REVIEW, THE MITIGATED NEGATIVE
15 DECLARATION WAS CERTIFIED BY THE CITY EARLY THIS MONTH
16 AND A NOTICE OF DETERMINATION WAS FILED WITH THE COUNTY
17 CLERK AND WITH THE STATE CLEARINGHOUSE.

18 BOARD STAFF HAVE REVIEWED THE INITIAL STUDY
19 AND ALSO THE MITIGATED NEGATIVE DECLARATION AND FOUND
20 THEM ADEQUATE FOR THE BOARD'S CONSIDERATION OF THE
21 PROJECT.

22 LASTLY, UNDER A RELATIVELY RECENT STATE
23 LAW, OUR MITIGATION MONITORING PROGRAMS ARE NOW REQUIRED
24 FOR ALL PROJECTS. AND ONE HAS BEEN PREPARED FOR THIS
25 PROJECT BY THE CITY AND NOT THE COUNTY AS INDICATED IN

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1 THE AGENDA ITEM. THAT WAS MY ERROR. AND BOARD STAFF
2 HAVE REVIEWED THE MITIGATION MONITORING PROGRAM AND HAVE
3 ALSO FOUND THAT ACCEPTABLE FOR THE BOARD'S REVIEW.

4 THERE ARE REPRESENTATIVES FROM THE LEA,
5 FROM THE CITY, AND ALSO FROM THE OPERATOR AVAILABLE TO
6 ADDRESS THE BOARD IF THEY WISH IT AT THE END OF OUR
7 STAFF'S PRESENTATION. WITH THAT, I WOULD TURN THE
8 MICROPHONE BACK OVER TO MARTHA VASQUEZ.

9 MS. VASQUEZ: THE PUBLIC RESOURCES CODE REQUIRES
10 AN OPERATOR OF A SOLID WASTE FACILITY TO FILE AN
11 APPLICATION TO OPERATE A PROCESSING FACILITY. THE
12 APPLICATION MUST BE ACCOMPANIED WITH A REPORT OF STATION
13 INFORMATION AND ALL NECESSARY APPROVALS FROM OTHER
14 REGULATORY AGENCIES.

15 THE LEA HAS TRANSMITTED THE APPLICATION
16 PACKAGE AND PROPOSED PERMIT TO THE BOARD. STAFF HAS
17 REVIEWED THE PROPOSED PERMIT AND SUPPORTING DOCUMENTATION
18 AND FINDS IT TO BE ACCEPTABLE. STAFF RECOMMENDS THE
19 BOARD ADOPT SOLID WASTE FACILITY PERMIT DECISION 90-28,
20 CONCURRING IN THE ISSUANCE OF SOLID WASTE FACILITIES
21 PERMIT NO. 56-AA-0123.

22 THIS CONCLUDES MY PRESENTATION. AND THERE
23 ARE REPRESENTATIVES OF THE CITY AND ENVIRONMENTAL HEALTH
24 AND GOLD COAST PRESENT TO ANSWER ANY QUESTIONS YOU MAY
25 HAVE.

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1 CHAIRMAN MOSCONE: I HAVE NOT REALLY A QUESTION,
2 BUT I JUST WANTED TO POINT OUT POSSIBLY THE WAY THAT SOME
3 PEOPLE MIGHT READ THESE NUMBERS.

4 ON PAGE 1 YOU HAVE PERMITTED CAPACITY 440
5 TONS PER DAY. ON THE NEXT PAGE, PAGE 2, THE SECOND
6 PARAGRAPH, THE AVERAGE DAILY PROCESSING LEVEL OF THE
7 FACILITY IS EXPECTED TO BE 125 TONS PER DAY INITIALLY AND
8 UP TO 440 TONS BY 1993. IT DOESN'T SAY HOW GRADUAL THIS
9 INCREASE IS GOING TO BE. THIS, OF COURSE, IS JUST
10 PROCESSING, SO IT DOES MAKE A DIFFERENCE?

11 BUT ON PAGE 26, THE AVERAGE DAILY
12 PROCESSING LEVEL OF THE FACILITY IS EXPECTED TO BE 125
13 TONS PER DAY, 1990. THE ULTIMATE AVERAGE DAILY CAPACITY
14 OF THE FACILITY WILL BE 400 TONS PER DAY, 1993. THE FULL
15 DESIGN CAPACITY OF THE FACILITY WILL BE 440 TONS PER DAY.

16 WOULD ANYONE HAVE ANY PROBLEM RECOGNIZING
17 THE DIFFERENCES HERE OR QUESTIONING THE 440 AND THIS
18 GOING FROM 125 AT 1990 TO 400 IN 1993? WHAT -- IS THIS
19 TO BE GRADUAL OR IS IT SET OUT IN THE PERMIT?

20 MS. VASQUEZ: IT IS TO BE GRADUAL AND IT ISN'T
21 AT ANY SPECIFIC RATE. WE ANTICIPATE STARTING AT 125, AND
22 INCLUDING THE NUMBER 440 ALLOWS FOR GROWTH OVER TIME.

23 CHAIRMAN MOSCONE: MRS. BREMBERG.

24 BOARD MEMBER BREMBERG: I -- YES, MR. CHAIRMAN,
25 THANK YOU. ON PAGE 4 UNDER TRAFFIC, I LOOKED AT THE MAP

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1 ON THE THING THAT SHOWS BOTH BY A GOLF COURSE AND SO
2 FORTH AND SO ON, WHICH PROBABLY WOULDN'T BOTHER ANYBODY,
3 BUT I WOULD LIKE TO KNOW IF THE CITY OF VENTURA ALLOWS
4 CURBSIDE PICKUP ALL BUT THREE HOURS A DAY, IF THE TRUCKS
5 ARE GOING TO BE MOVING 20 HOURS A DAY AND USING LOCAL
6 STREETS. IT SAYS, "DESIGNED TO TRAVEL ON LOCAL STREETS,"
7 WHICH ARE NOT THE BIGGEST IN THE WORLD. A LOCAL STREET
8 IS A COMPARATIVELY NARROW STREET BY CALTRANS HIGHWAY
9 DEPARTMENT DEFINITION. THEN IT MOVES ON TO "AND STREETS
10 DESIGNED TO ACCOMMODATE TRUCKS."

11 ARE THESE TRUCKS GOING TO BE PICKING UP
12 RECYCLABLES IN THE MIDDLE OF THE NIGHT AND TRANSPORTING
13 THEM TO THIS FACILITY? I -- YOU KNOW, EVEN IN AN AREA
14 WHERE IT'S A -- LOOKS LIKE IT'S A GOLF COURSE -- I LOST
15 MY FINGER IN THE MAP -- BUENAVENTURA GOLF COURSE AND SO
16 FORTH. AND THESE STREETS THAT ARE LISTED AS CEMETERY,
17 THEY CERTAINLY AREN'T GOING TO OBJECT. BUT ON THE LEFT
18 SIDE OF THE MAP ARE OTHER STREETS, AND I JUST WONDERED
19 WHAT'S IN THERE AND WHERE THESE TRUCKS ARE GOING TO BE
20 COMING FROM ALL HOURS OF THE NIGHT AND DAY?

21 MR. AULT: MS. BREMBERG, I'M NOT FAMILIAR WITH
22 THE EXACT OPERATION OF THE CITY'S RECYCLING PROGRAM. WE
23 DO HAVE THE OPERATOR OR ONE OF THE REPRESENTATIVES OF THE
24 OPERATOR HERE WITH US. MR. DON SLACK, ONE OF THE
25 PRINCIPALS. AND IF YOU WISH, I THINK HE COULD QUITE

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1 ACCURATELY ANSWER YOUR QUESTION.

2 BOARD MEMBER BREMBERG: WELL, I'D APPRECIATE IT
3 BECAUSE THAT'S ONE OF THE BIGGEST COMPLAINTS WE HAVE IS
4 EARLY MORNING TRUCKS. AND WE DON'T ALLOW THEM. IF
5 VENTURA DOES, THAT'S THEIR PRIVILEGE.

6 MR. SLACK: OKAY. THERE'S TWO -- REALLY TWO
7 FACETS TO OUR COLLECTION SYSTEM. ONE IS COMMERCIAL AND
8 ONE IS CURBSIDE. THE CURBSIDE IS COLLECTED EACH DAY.
9 ACTUALLY, TWO TRUCKS RUN THE SAME ROUTE THAT THE SYSTEM
10 WHERE YOU USED TO HAVE YOUR REGULAR RUBBISH COLLECTION IN
11 RESIDENTIAL. WHEN YOUR REGULAR RUBBISH TRASH COMES
12 THROUGH AND PICKS UP THE TRASH, THE CURBSIDE TRUCKS COME
13 THROUGH RIGHT BEHIND THEM AND PICKS UP THE CURBSIDE. SO
14 THE HOURS ARE LIMITED THERE BY CITY CODE. I'M NOT
15 CERTAIN WHAT THE -- WE'RE NOT PART OF THE COLLECTION,
16 WE'RE THE --

17 BOARD MEMBER BREMBERG: SEVEN A.M.

18 MR. SLACK: IT'S LIKE 7 A.M., BUT IT'S SO NO
19 CURBSIDE WOULD HAPPEN IN RESIDENTIAL AT THAT POINT IN
20 TIME. HOWEVER, A LOT OF THE COMMERCIAL AREAS UNAFFECTED
21 BY RESIDENTIAL, THE EVENING HOURS FOR TRAFFIC MITIGATION
22 AND OTHER REASONS, THERE ARE A LOT OF EARLY MORNING
23 COLLECTION WILL BE DONE ON COMMERCIAL. AND OUR
24 PARTICULAR FACILITY HAS NO RESIDENTIAL AREAS AROUND IT.
25 IT'S ALL OFFICE. INDUSTRIAL. AND. OF COURSE, AS YOU

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1 NOTED. THE CEMETERY ON ONE SIDE.

2 BOARD MEMBER BREMBERG: WELL, YOU CAN'T TELL BY
3 LOOKING. THERE ARE JUST STREETS --

4 MR. SLACK: RIGHT.

5 BOARD MEMBER BREMBERG: -- LOCAL STREETS OVER
6 THERE. OKAY. I WAS JUST CURIOUS IF THEY HAD A DIFFERENT
7 SYSTEM FOR CURBSIDE BECAUSE I THINK YOU'RE ASKING FOR A
8 LOT OF TROUBLE IF YOU ARE GOING TO START GATHERING THE
9 NEIGHBORHOOD OR EVEN DRIVING TRUCKS THROUGH THE
10 NEIGHBORHOOD AT THAT TIME OF THE NIGHT.

11 MR. SLACK: NO.

12 BOARD MEMBER BREMBERG: THANK YOU.

13 BOARD MEMBER TCHOBANOGLOUS: I'D LIKE TO EXPAND
14 ON --

15 CHAIRMAN MOSCONE: DR. GEORGE.

16 BOARD MEMBER TCHOBANOGLOUS: -- CHAIRMAN
17 MOSCONE'S QUESTION, AND THAT IS THAT -- IS THE PERMITTED
18 CAPACITY NOT GOING TO GET US INTO TROUBLE. I'M NOT
19 QUESTIONING -- THE NUMBER DOESN'T BOTHER ME. WHAT DOES
20 BOTHER IS THE WORDING.

21 SHOULDNT WE ACTUALLY SAY 440 PERMITTED
22 MAXIMUM CAPACITY, IF IT IS A MAXIMUM, BECAUSE THE
23 QUESTION WE'RE GOING TO GET INTO TEN YEARS DOWN THE ROAD
24 IS THAT SAYS AVERAGE. AND ON ONE DAY YOU COULD COME IN
25 WITH 600 TONS OR 800 TONS AS LONG AS YOU MET AN AVERAGE

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1 OF -- YOU KNOW, AN INTERPRETATION COULD BE THAT THE
2 AVERAGE IS FOR A WEEK OR FOUR DAYS OR THREE DAYS.

3 IT SEEMS TO ME THAT WE'VE HAD THE SAME
4 ISSUE COME UP. AND MY OWN RECOMMENDATION WOULD BE THAT
5 WE WOULD FIX A MAXIMUM TONNAGE.

6 MS. VASQUEZ: IT IS INCLUDED IN THE PERMIT. THE
7 FINDINGS SECTION -- JUST AS BACKGROUND, ON PAGE 5 OF THE
8 PERMIT, NO. 3, SPECIFICATIONS, ITEM C READS, "THIS
9 FACILITY HAS A PERMITTED CAPACITY OF" -- SHOULD READ --
10 "OF 440 TONS PER OPERATING DAY AND SHALL NOT RECEIVE MORE
11 THAN THIS AMOUNT WITHOUT FIRST OBTAINING A REVISION OF
12 THE SOLID WASTE FACILITY PERMIT." THAT IS THE MAXIMUM
13 THEY CAN RECEIVE.

14 BOARD MEMBER TCHOBANOGLOUS: COULD WE PUT THE
15 WORD IN?

16 MS. VASQUEZ: OF?

17 BOARD MEMBER TCHOBANOGLOUS: MAXIMUM.

18 MS. VASQUEZ: OH, OKAY. LEA AND THE OPERATOR
19 AGREE THAT WE CAN DO THAT. EVERYONE IS NODDING THEIR
20 HEAD YES.

21 BOARD MEMBER TCHOBANOGLOUS: THE REASON THAT I
22 RAISE THIS ISSUE IS THAT IT'S GOING TO COME UP WITH EVERY
23 PERMIT FROM NOW ON, AND WE'VE HAD PROBLEMS WITH THIS
24 REPEATEDLY IN THE PERMITS THAT WE'VE DEALT WITH. AND I
25 THINK THAT IT BEHOOVES EVERYONE THAT'S GOING TO COME FOR

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1 A PERMIT TO MAKE SURE THAT THEY GET THEIR MAXIMUM NUMBER
2 IN THERE BECAUSE THAT'S REALLY WHAT'S GOING TO GOVERN THE
3 REVIEW PROCESS LATER.

4 MS. VASQUEZ: THANK YOU FOR POINTING THAT OUT.

5 CHAIRMAN MOSCONE: ARE THERE ANY OTHER
6 QUESTIONS? DID SOMEONE ELSE WANT TO MAKE SOME REMARKS ON
7 THIS SUBJECT? HEARING NONE, IS THERE A MOTION?

8 BOARD MEMBER TCHOBANOGLOUS: SO MOVED.

9 BOARD MEMBER VARNER: I SECOND.

10 CHAIRMAN MOSCONE: WE HAVE A MOTION AND A
11 SECOND. SECRETARY CALL THE ROLL, PLEASE.

12 BOARD MEMBER BREMBERG: READ THE NUMBER INTO THE
13 RECORD.

14 BOARD MEMBER TCHOBANOGLOUS: I MOVE ADOPTION OF
15 THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD SOLID
16 WASTE FACILITIES PERMIT DECISION NO. 90-28, JULY 26,
17 1990.

18 BOARD MEMBER BREMBERG: RIGHT.

19 CHAIRMAN MOSCONE: SECRETARY, WOULD YOU CALL THE
20 ROLL?

21 SECRETARY DUNN: BOARD MEMBERS BREMBERG?

22 BOARD MEMBER BREMBERG: AYE.

23 SECRETARY DUNN: BROWN?

24 BOARD MEMBER BROWN: YES.

25 SECRETARY DUNN: GEARHEART?

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1 BOARD MEMBER GEARHEART: AYE.
2 SECRETARY DUNN: LOCKINGTON?
3 BOARD MEMBER LOCKINGTON: YES.
4 SECRETARY DUNN: TCHOBANOGLOUS?
5 BOARD MEMBER TCHOBANOGLOUS: YES.
6 SECRETARY DUNN: VARNER?
7 BOARD MEMBER VARNER: AYE.
8 SECRETARY DUNN: CHAIRMAN MOSCONE?
9 CHAIRMAN MOSCONE: YES.

10 ITEM 2, CONSIDERATION OF CONCURRENCE IN
11 REVISED SOLID WASTE FACILITIES PERMIT FOR IDYLLWILD
12 TRANSFER STATION, RIVERSIDE COUNTY.

13 MR. IWAHIRO: YES, MR. CHAIRMAN, THIS IS A
14 REVISION -- CONCURRENCE WITH A REVISION TO A PERMIT
15 CONSIDERED BY THE BOARD AWHILE BACK. AND THIS IS
16 PRIMARILY TO ALLOW STORAGE OF SOME PINE NEEDLES --
17 TEMPORARY STORAGE FOR SOME PINE NEEDLES AT THIS
18 PARTICULAR TRANSFER STATION IN RIVERSIDE COUNTY.

19 JESS ADAMS OF OUR PERMIT DIVISION WILL BE
20 RUNNING DOWN ON THE -- GIVING US A RUNDOWN ON THE
21 FACILITY, AND THEN STEVE AULT WILL, OF COURSE, GIVE US A
22 RUNDOWN ON THE PROVISIONS WHICH MEET CEQA.

23 MR. ADAMS: GOOD AFTERNOON, MR. CHAIRMAN, BOARD
24 MEMBERS. MY NAME IS JESS ADAMS OF THE PERMITS DIVISION.

25 THE KEY ISSUES IN THIS ITEM ARE THAT IT'S A



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1 REVISED PERMIT TO ALLOW FOR THE CONSOLIDATION AND
2 SHORT-TERM STORAGE OF BRUSH AND PINE NEEDLES AT THE
3 TRANSFER STATION; THAT THE REMOVAL OF THE BRUSH AND PINE
4 NEEDLES WHICH ARE HELD FOR SHORT-TERM STORAGE WOULD BE
5 CONDUCTED IN ACCORDANCE WITH THE OPERATION SCHEDULE
6 REQUIRED BY THE PERMIT; THAT REQUIREMENTS OF THE
7 CALIFORNIA ENVIRONMENTAL QUALITY ACT HAVE BEEN MET. AND
8 STAFF RECOMMENDS CONCURRENCE IN THE ISSUANCE OF THE
9 PERMIT.

10 SHORT BACKGROUND. THE IDYLLWILD TRANSFER
11 STATION REPLACED THE IDYLLWILD LANDFILL WHICH BECAME
12 INACTIVE IN 1987. THE FACILITY IS A RURAL LARGE-VOLUME
13 TRANSFER STATION AND NONCOMMERCIAL WOODWASTE TRANSFER
14 SITE. IT'S LOCATED ON ABOUT FOUR ACRES OF THE
15 IDYLLWILD -- THE OLD IDYLLWILD LANDFILL.

16 THE PROPOSED PERMIT BEFORE YOU TODAY ALLOWS
17 FOR THE RECEIPT OF UP TO 100 TONS PER DAY OF BRUSH AND
18 PINE NEEDLE DURING THE MONTHS OF APRIL THROUGH OCTOBER
19 AND ALLOWS FOR THE STORAGE OF UP TO 200 TOTAL TONS OF
20 BRUSH AND PINE NEEDLES AT THE FACILITY.

21 UNDER BOARD ACTION, SINCE THIS PROPOSED
22 PERMIT WAS RECEIVED ON JULY 9, 1990, THE LAST DAY THE
23 BOARD COULD ACT IS AUGUST 18, 1990.

24 STEVE AULT OF THE BOARD'S PLANNING DIVISION
25 WILL NOW PRESENT THE CEQA PORTION OF THIS ITEM.

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1 MR. AULT: THE -- IN COMPLIANCE WITH THE
2 CALIFORNIA ENVIRONMENTAL QUALITY ACT, THE COUNTY OF
3 RIVERSIDE PREPARED A SUPPLEMENTAL EIR, WHICH INCORPORATES
4 THIS PROJECT, BACK IN 1986 AND THEN AN INITIAL STUDY AND
5 A MITIGATED NEGATIVE DECLARATION FOR THIS PROJECT WHICH
6 WAS PREPARED IN 1990.

7 IN THE MITIGATED NEGATIVE DECLARATION THE
8 COUNTY CONCLUDED THAT, THOUGH THERE WERE SOME POTENTIAL
9 ENVIRONMENTAL IMPACTS WITH THE ADOPTION OF THE MITIGATION
10 MEASURES WHICH ARE OUTLINED IN YOUR BOARD PACKET, THE
11 PROJECT WOULD NOT HAVE A SIGNIFICANT IMPACT UPON THE
12 ENVIRONMENT. SOME OF THE MITIGATION MEASURES THAT ARE
13 GIVEN TO REDUCE ANY POSSIBLE ADVERSE ENVIRONMENTAL
14 IMPACTS TO A LEVEL OF SIGNIFICANCE ARE, FOR INSTANCE, IN
15 THE CASE OF TOPOGRAPHY, TREE PLANTING AND LANDSCAPING
16 OPERATIONS TO SCREEN THE FACILITY, INCLUDING, OF COURSE,
17 THE PINE NEEDLE PILES FROM VIEW.

18 THE SITE WHICH IS A CLOSED LANDFILL IS
19 GOING TO -- HAS BEEN DESIGNED TO PROVIDE FOR SUBSIDANCE
20 AND LANDFILL GAS CONTROL.

21 WITH REGARD TO AIR QUALITY, THE OPERATING
22 AREA IS PAVED TO PREVENT PROBLEMS WITH WIND EROSION.

23 WITH REGARD TO DRAINAGE AND HYDROLOGY, THE
24 FACILITY HAS BEEN DESIGNED SO THERE'S A DRAINING --
25 DRAINAGE PATTERNS MINIMIZE ANY ADVERSE IMPACTS FROM THIS.

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1 AND REGRADING IS DONE ANNUALLY OR ON AN AS-NEEDED BASIS
2 IN CASE THERE ARE ANY POCKETS OF SUBSIDANCE COLLECTING
3 RAINWATER.

4 FIRE SERVICES ARE AVAILABLE VERY CLOSE TO
5 THIS FACILITY, AND THERE IS ALSO AN ON-SITE FIRE
6 SUPPRESSION SYSTEM IN THE CASE OF ANY PROBLEMS WITH FIRES
7 AND MATERIALS THAT HAVE BEEN BROUGHT INTO THE FACILITY.
8 INCOMING WASTE LOADS ARE GOING TO BE INSPECTED FOR
9 MATERIALS WHICH MAY CAUSE FIRES AND, OF COURSE, ALSO
10 HAZARDOUS MATERIALS AND HAZARDOUS WASTE.

11 THE INITIAL STUDY IDENTIFIED NO POTENTIAL
12 PROBLEMS WITH TRAFFIC AND CIRCULATION. THE COUNTY WILL
13 CONTINUE TO MONITOR THE WASTE DISPOSAL TRAFFIC AND
14 IDENTIFY ANY POTENTIAL PROBLEMS.

15 HAZARDOUS MATERIALS THAT MIGHT COME IN THE
16 INCOMING WASTE LOADS WILL BE, OF COURSE, SUBJECT TO
17 INSPECTION, AS I MENTIONED BEFORE. AND THE COUNTY HAS A,
18 I THINK, A WELL-TESTED PROCEDURE AND PROTOCOL FOR
19 HANDLING OF ANY IMPROPERLY DISPOSED WASTE, WHICH WOULD
20 BE, OF COURSE, BE IMPLEMENTED AT THE FACILITY, AS WELL AS
21 THE COUNTY'S EMERGENCY RESPONSE PROGRAM.

22 ODORS ARE A POTENTIAL PROBLEM IN ANY
23 TRANSFER STATION, OF COURSE, AND IN THIS CASE BINS ARE TO
24 BE COVERED AND TRANSFER TRIPS ARE GOING TO BE SCHEDULED
25 SO THAT WASTES ARE NOT STORED ON SITE FOR MORE THAN 24

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1 HOURS WITH THE EXCEPTION OF THE BRUSH AND PINE NEEDLES,
2 AS INDICATED.

3 BOARD STAFF HAS CAREFULLY REVIEWED THE --
4 BOTH THE SUPPLEMENTAL EIR AND THE 1990 MITIGATED NEGATIVE
5 DECLARATION AND FOUND THEY ARE ADEQUATE FOR THE BOARD'S
6 CONSIDERATION OF THE PROJECT.

7 ADDITIONALLY, A MITIGATION MEASURE
8 MONITORING PROGRAM WAS PREPARED BY THE COUNTY, AND BOARD
9 STAFF HAS REVIEWED THAT PROGRAM AND ALSO FOUND THAT
10 ACCEPTABLE FOR THE BOARD'S REVIEW.

11 WITH THAT, I'LL TURN THE PRESENTATION BACK
12 OVER TO JESS ADAMS.

13 MR. ADAMS: THANK YOU, STEVE.

14 UNDER REQUIREMENTS FOR CONCURRENCE WITH THE
15 SOLID WASTE FACILITIES PERMIT, THE APPROPRIATE
16 APPLICATION AND REPORT OF FACILITY INFORMATION HAVE BEEN
17 SUBMITTED, AND THE LEA HAS COMPLIED WITH THE REQUIREMENT
18 OF SUBMITTING A SOLID WASTE FACILITIES PERMIT TO THE
19 BOARD AND HAS MADE THE FOLLOWING THREE FINDINGS: THAT
20 THE FACILITY IS CONSISTENT WITH BOARD'S STANDARDS, THAT
21 IT'S CONSISTENT WITH THE GENERAL PLAN, AND THAT IT'S
22 CONSISTENT WITH THE COSWMP; ALTHOUGH THIS LAST FINDING IS
23 STILL REQUIRED, IT IS NO LONGER APPLICABLE SINCE COSWMP'S
24 NO LONGER EXIST.

25 STAFF HAVE REVIEWED THE PROPOSED SOLID

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1 WASTE FACILITIES PERMIT AND SUPPORTING DOCUMENTATION AND
2 FIND THE FORM AND CONTENT OF THE PERMIT ACCEPTABLE. OF
3 THE OPTIONS PRESENTED FOR BOARD'S CONSIDERATION, STAFF
4 RECOMMENDS OPTION NO. 3, THAT THE BOARD ADOPT SOLID WASTE
5 FACILITIES PERMIT DECISION NO. 90-32, CONCURRING IN THE
6 ISSUANCE OF SOLID WASTE FACILITIES PERMIT NO. 33-AA-0221.

7 MR. MIKE SCHIER OF THE COUNTY'S WASTE
8 MANAGEMENT DEPARTMENT AND MR. BILL PRINZ OF THE
9 ENFORCEMENT AGENCY ARE HERE IF YOU HAVE ANY QUESTIONS.

10 CHAIRMAN MOSCONE: MRS. BREMBERG.

11 BOARD MEMBER BREMBERG: STEVE, WHY -- MAYBE THE
12 PEOPLE FROM THE COUNTY CAN ANSWER THE QUESTION. BUT WHY
13 WOULD ANYBODY WANT TO STORE 200 TONS OF PINE NEEDLES? IS
14 THERE A BIG MARKET FOR USED PINE NEEDLES?

15 MR. AULT: WELL, NOT TO MY KNOWLEDGE, ALTHOUGH
16 PERHAPS SOMEDAY WE WILL HAVE SUCH A MARKET.

17 MY UNDERSTANDING OF THE SITUATION, AND ALSO
18 HAVING VISITED THE SITE A COUPLE OF YEARS AGO, IDYLLWILD
19 IS, OF COURSE, ON A MOUNTAIN TOP, AND IT'S A RATHER --
20 SOMEWHAT OF A RURAL COMMUNITY IN SOME SENSE EVEN THOUGH
21 THE HOUSING DENSITY IS FAIRLY DENSE. BUT WITH THE
22 EXTENSIVE AMOUNT OF BRUSH AND PINE NEEDLES THAT FALL TO
23 THE GROUND AND WOULD BE -- THE AREA BEING IN A HIGH FIRE
24 HAZARD AREA, THE LOCAL FIRE DISTRICT REQUIRES AN ANNUAL
25 CLEARANCE OF BRUSH FROM AROUND ALL HOMES IN THE AREA.

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1 SO THERE ARE PERIODS OF TIME IN THE EARLY
2 SPRING, WHICH -- IN WHICH THERE ARE LARGE VOLUMES OF
3 BRUSH AND PINE NEEDLES THAT ARE BROUGHT TO THE TRANSFER
4 STATION. AND BECAUSE OF THE -- THE SIZE OF THE LOADS,
5 THE BRUSH AND PINE NEEDLES CAN BE MOVED DOWNHILL TO THE
6 LANDFILL ONLY AT A RELATIVELY SLOW RATE. AND WITH THE
7 SEASONAL INCREASE IN THE AMOUNT, THE COUNTY FEELS IT'S
8 NECESSARY TO HAVE THIS LARGE VOLUME TEMPORARY STORAGE.

9 BOARD MEMBER BREMBERG: WELL, I WAS JUST
10 WONDERING WHY DON'T THEY GET A TUB GRINDER AND START THE
11 PROCESS FOR COMPOSTING TO REDUCE VOLUME IN THE LANDFILL?
12 YOU KNOW, IF THEY'RE COLLECTING IT BY THE HUNDREDS OF
13 TONS -- ALTHOUGH I'M DELIGHTED I DON'T HAVE TO WEIGH A
14 100 TONS OF PINE NEEDLES -- TO GRIND IT AND REDUCE, A,
15 THE SIZE OF THE LOAD AND/OR ELSE, OF COURSE, MAYBE
16 THEY'RE GENERATING SO MUCH NATURAL COMPOST AND MULCH THEY
17 DON'T NEED IT, BUT THEY SURE COULD REDUCE THE VOLUME, IF
18 NOTHING ELSE. IF THEY GROUND IT UP.

19 MR. AULT: SOME MONTHS AGO --

20 BOARD MEMBER BREMBERG: BE LESS VOLATILE, TOO, I
21 THINK.

22 MR. AULT: THAT'S A GOOD POINT.

23 SOME MONTHS WHEN I TALKED WITH THE COUNTY
24 ABOUT THIS, AS I RECALL, ONE OF THE REASONS WHY A TUB
25 GRINDER WAS NOT BEING SERIOUSLY CONSIDERED IS THAT THE

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1 TRANSFER STATION IS RELATIVELY CLOSE TO SOME RESIDENTIAL
2 AREAS. AND, ALSO, IT'S A FAIRLY -- FAIRLY SMALL TRANSFER
3 STATION, SO THERE'S A PROBLEM -- A POTENTIAL FOR PERHAPS
4 UNWANTED NOISE, AND THEN ALSO A POTENTIAL -- PERHAPS SOME
5 DIFFICULTY IN ESTABLISHING A LARGE ENOUGH WORKING AREA TO
6 ADEQUATELY USE SUCH EQUIPMENT.

7 THE COUNTY MAY WISH TO COMMENT FURTHER ON
8 THAT.

9 MR. SCHIER: MR. CHAIRMAN, MEMBERS OF THE BOARD,
10 MICHAEL SCHIER, WASTE MANAGEMENT DEPARTMENT, RIVERSIDE
11 COUNTY.

12 JUST TO ELABORATE ON THAT JUST A LITTLE
13 BIT, WE ARE ACTIVELY SEEKING CONTRACTORS WHO ARE
14 INTERESTED IN USING THAT MATERIAL FOR WHATEVER PURPOSE.
15 WE DO HAVE SOME LEADS THAT WE'RE FOLLOWING UP IN THAT
16 REGARD.

17 BOARD MEMBER BREMBERG: BUT YOU AREN'T
18 INTERESTED IN TUB GRINDING BECAUSE IN 939 ONE OF THE REAL
19 HEAVY ISSUES IS COMPOSTING. AND I JUST THOUGHT, AS
20 YOU'RE GOING INTO COMPLIANCE WITH THE NEW LAW AND SO
21 FORTH, THAT YOU HAD A BUILT-IN MARKET FOR COMPOSTING.
22 MAYBE YOU WOULDN'T HAVE TO GRIND IT FIRST. I DON'T KNOW.

23 MR. SCHIER: AGAIN, WE'RE MONITORING THE MARKETS
24 AS CLOSE AS WE CAN. AND WHEN THOSE OPPORTUNITIES BECOME
25 AVAILABLE, WE WILL AVAIL OURSELVES OF THAT.

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1 BOARD MEMBER BREMBERG: THANK YOU.

2 CHAIRMAN MOSCONE: DR. GEORGE.

3 BOARD MEMBER TCHOBANOGLOUS: DO YOU HAVE ANY
4 OBJECTIONS TO ADDING THE WORD "MAXIMUM" TO YOUR PERMIT
5 ALSO?

6 MR. SCHIER: NO OBJECTION.

7 BOARD MEMBER TCHOBANOGLOUS: THE REASON -- IT
8 HAS NOTHING TO DO WITH YOU. IT HAS TO DO WITH JUST THE
9 PERMIT PROCESS.

10 MR. SCHIER: I UNDERSTAND.

11 BOARD MEMBER TCHOBANOGLOUS: THANK YOU.

12 CHAIRMAN MOSCONE: ARE THERE ANY OTHER QUESTIONS
13 OF BOARD? DO WE HAVE A MOTION?

14 BOARD MEMBER BREMBERG: MR. CHAIRMAN, I WOULD
15 MOVE THE ADOPTION OF SOLID WASTE FACILITY PERMIT DECISION
16 NO. 90-32.

17 BOARD MEMBER VARNER: SECOND.

18 CHAIRMAN MOSCONE: WE HAVE A MOTION AND A
19 SECOND.

20 MADAM SECRETARY, WOULD YOU CALL THE ROLL,
21 PLEASE?

22 SECRETARY DUNN: BOARD MEMBERS BREMBERG?

23 BOARD MEMBER BREMBERG: AYE.

24 SECRETARY DUNN: BROWN?

25 BOARD MEMBER BROWN: YES.



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1 SECRETARY DUNN: GEARHEART?
2 BOARD MEMBER GEARHEART: AYE.
3 SECRETARY DUNN: LOCKINGTON?
4 BOARD MEMBER LOCKINGTON: YES.
5 SECRETARY DUNN: TCHOBANOGLIOUS?
6 BOARD MEMBER TCHOBANOGLIOUS: YES.
7 SECRETARY DUNN: VARNER?
8 BOARD MEMBER VARNER: AYE.
9 SECRETARY DUNN: CHAIRMAN MOSCONE?
10 CHAIRMAN MOSCONE: YES.

11 ITEM NO. 3, STATUS REPORT OF
12 CLOSURE/POSTCLOSURE REQUIREMENTS AND CONSIDERATION OF
13 APPROVAL OF CLOSURE/POSTCLOSURE CERTIFICATIONS.

14 MR. IWAHRO: MR. CHAIRMAN, AS YOU KNOW, THERE'S
15 A LAW THAT WE ARE ENFORCING REQUIRING THAT LANDFILL
16 OWNERS AND OPERATORS SUBMIT CERTIFICATION THAT THEY HAVE
17 A CLOSURE/POSTCLOSURE PLAN AND A FINANCIAL MECHANISM TO
18 IMPLEMENT THOSE PLANS. AND WE'VE BEEN REPORTING TO YOU
19 ON A MONTHLY BASIS ON THE STATUS OF ALL THOSE
20 CERTIFICATIONS. THEY WERE DOING THAT PARTICULAR STATUS
21 REPORT ALONG WITH THE FACT THAT THERE'S A NUMBER OF PLANS
22 AND CERTIFICATIONS THAT WE'RE ASKING YOU TO APPROVE.

23 SO BILL ORR WILL GIVE US A CLOSER RUNDOWN
24 OF THE STATUS AND THE REQUESTS FOR CERTIFICATION
25 APPROVAL.



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1 MR. ORR: THANK YOU. GOOD AFTERNOON, MR.
2 CHAIRMAN AND BOARD MEMBERS.

3 THE ITEM TODAY IS GOING TO HAVE SEVERAL
4 DIFFERENT PARTS, SOME OF WHICH ARE GOING TO DESCRIBE THE
5 STATUS OF THE MATERIALS RECEIVED. BUT IN ADDITION TO
6 THAT, THERE WILL BE PORTIONS WHERE WE'LL DESCRIBE TO YOU
7 THE EXERCISE OF DELEGATION OF AUTHORITY FOR THE CHIEF
8 EXECUTIVE OFFICER TO APPROVE CERTIFICATIONS THAT MEET
9 CERTAIN TESTS.

10 IN ADDITION, WE'LL PRESENT SOME SPECIFIC
11 CERTIFICATIONS FOR CONSIDERATION BY THE BOARD, AND
12 MICHELLE MARCONI WILL TALK SPECIFICALLY ABOUT THOSE
13 FACILITIES. AND FOR THE FIRST TIME, WE'LL BE PROVIDING A
14 STATUS REPORT ON THE ACTUAL CLOSURE AND POSTCLOSURE
15 MAINTENANCE PLANS, MANY OF WHICH WERE DUE ON JULY 1ST.

16 AND SO WE'LL BE TALKING A LITTLE BIT ABOUT
17 WHAT WE'VE RECEIVED TO DATE AND ASKING FOR SOME BOARD
18 DIRECTION IN TERMS OF SOME OF THE REQUESTS THAT WE HAVE
19 RECEIVED FROM THE OPERATORS THAT WERE DUE TO SUBMIT THEIR
20 PLANS ON JULY 1ST.

21 AND SO WITH THAT, I'LL TURN THE MICROPHONE
22 OVER TO MICHELLE MARCONI, WHO WILL ACTUALLY GO THROUGH
23 THE SPECIFICS OF THE DIFFERENT ACTIVITIES THIS MONTH.

24 MS. MARCONI: GOOD AFTERNOON, MR. CHAIRMAN,
25 MEMBERS OF THE BOARD. I'M GOING TO GO OVER THE

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1 BACKGROUND ONE MORE TIME.

2 ASSEMBLY BILL 2448 ENACTED IN '87 REQUIRED
3 THAT OPERATORS OF SOLID WASTE LANDFILLS OPERATING ON OR
4 AFTER JANUARY 1, 1988, PREPARE AND SUBMIT CLOSURE AND
5 POSTCLOSURE MAINTENANCE PLANS, AND THAT WAS SUPPOSED TO
6 INCLUDE A FINANCIAL ARRANGEMENT. THE PROGRAM WAS
7 STRUCTURED SO AS TO HAVE TWO PHASES.

8 THE FIRST PHASE WAS A CERTIFICATION. THE
9 CERTIFICATION WAS REQUIRED THAT THE OPERATOR CERTIFY THAT
10 THEY HAD PREPARED AN INITIAL COST ESTIMATE; THAT THEY
11 ESTABLISHED A FINANCIAL MECHANISM; AND THAT THE FUNDING
12 OF THE FINANCIAL MECHANISM WOULD PROVIDE ADEQUATE
13 RESOURCES FOR CLOSURE AND POSTCLOSURE MAINTENANCE.

14 THE BOARD ADOPTED GUIDELINES TO ASSIST THE
15 OPERATORS. AB 939 PASSED IN 1989 REQUIRED THAT THE
16 CERTIFICATION BE SUBMITTED TO THE BOARD AND THE LOCAL
17 ENFORCEMENT AGENCY BY JANUARY 31, 1990.

18 THE SECOND PHASE WAS THE PRELIMINARY AND
19 FINAL CLOSURE PLANS. THE PURPOSE OF THE PRELIMINARY PLAN
20 WAS TO GIVE A BASIS FOR THE COST ESTIMATE. FOR NEW
21 FACILITIES, THE PLANS HAD TO BE SUBMITTED UPON
22 APPLICATION FOR THE PERMIT. FOR EXISTING FACILITIES, THE
23 PRELIMINARY PLAN HAS TO BE SUBMITTED WITH THE FIVE-YEAR
24 PERMIT REVIEW.

25 FACILITIES WITH DELINQUENT PERMIT REVIEW

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1 APPLICATIONS HAD TO SUBMIT THEIR PRELIMINARY PLANS BY
2 JULY 1, 1990. THE FINAL CLOSURE PLAN WAS -- IS SUPPOSED
3 TO BE A PLAN DETAILED ENOUGH THAT WE COULD HAND IT TO A
4 CONTRACTOR FOR A THIRD PARTY TO CLOSE A LANDFILL. THESE
5 WERE SUPPOSED TO BE SUBMITTED BY LANDFILLS PLANNING TO
6 CLOSE WITHIN TWO YEARS OR PLANNING TO IMPLEMENT ANY
7 CLOSURE ACTIVITIES.

8 ANY OPERATOR INTENDING TO CLOSE A SOLID
9 WASTE LANDFILL ON OR BEFORE SEPTEMBER 28, 1992, MUST
10 SUBMIT A FINAL CLOSURE PLAN BEFORE JULY 1, 1990.

11 GOING BACK TO PHASE I, THE CERTIFICATION
12 STATUS, WE'VE IDENTIFIED 425 DISPOSAL FACILITIES.
13 EIGHTY-NINE FACILITIES HAVE SUBMITTED ALTERNATIVE
14 CERTIFICATIONS; THEREFORE, THE NUMBER OF FACILITIES
15 SUBJECT TO THE CERTIFICATION REQUIREMENT IS 336.

16 AT THE APRIL 1989 MEETING THE BOARD
17 DIRECTED STAFF TO IDENTIFY FACILITIES THAT HAD FAILED TO
18 SUBMIT ANY DOCUMENTS TO COMPLY WITH THE CERTIFICATION
19 REQUIREMENT AND REFER THESE OPERATORS OR OWNERS TO THE
20 ATTORNEY GENERAL.

21 IN 1989, OCTOBER, THE STAFF COUNSEL
22 ATTEMPTED TO TELEPHONE MOST OF THESE FACILITIES THAT HAD
23 NOT RESPONDED. SINCE THE JUNE 1990 MEETING, THE
24 CERTIFICATION FOR PACHECO PASS SANITARY LANDFILL HAS BEEN
25 DEEMED COMPLETE AND BEEN REVIEWED, BUT FOUND DEFICIENT.

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1 CERTIFICATIONS FOR WILLITS FILL SITE NO. 4, CITY OF
2 COLFAX LANDFILL, AND MIRAMAR SANITARY LANDFILL HAVE BEEN
3 DEEMED INCOMPLETE.

4 AT THE APRIL 1990 MEETING, THE BOARD
5 DELEGATED AUTHORITY TO THE CHIEF EXECUTIVE OFFICER TO
6 APPROVE CERTIFICATIONS WITH STANDARD WORDING.
7 CERTIFICATIONS THAT HAVE BEEN APPROVED DURING JUNE HAVE
8 BEEN ALTERNATIVE CERTIFICATIONS FOR NU-WAY INDUSTRIES AND
9 AIDLIN NO. 4 DRILLING WASTE SUMP.

10 THE CERTIFICATION LOG IS INCLUDED AS
11 ATTACHMENT 1 AND SUMMARIZES THIS INFORMATION.

12 CERTIFICATIONS WITH NONSTANDARD WORDING
13 WILL STILL HAVE TO BE BROUGHT TO THE BOARD FOR APPROVAL,
14 AND WE HAVE FIVE THIS MONTH. THEY HAVE BEEN SUBMITTED BY
15 THE COUNTIES OF COLUSA, EL DORADO, AND SHASTA, AND THE
16 CITY OF REDDING, FOR EVANS ROAD LANDFILL, STONYFORD
17 LANDFILL, UNION MINE LANDFILL, CITY OF REDDING SANITARY
18 LANDFILL, AND WEST CENTRAL LANDFILL.

19 ALL OF THESE LANDFILLS HAVE USED ENTERPRISE
20 FUNDS AS THEIR FINANCIAL MECHANISM. EL DORADO COUNTY HAS
21 SUBMITTED DOCUMENTATION FOR A PLEDGE OF REVENUE AGREEMENT
22 FOR POSTCLOSURE AT UNION MINE LANDFILL.

23 THE FINANCE UNIT HAS REVIEWED THE FINANCIAL
24 MECHANISMS, HAS FOUND THAT THEY MEET THE REGULATIONS, AND
25 RECOMMENDS THE FINANCIAL MECHANISMS FOR APPROVAL.

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1 STANDARDS AND REGS HAS REVIEWED THE REASONABLENESS OF THE
2 COST ESTIMATE AND THE OPERATOR CERTIFICATIONS AND
3 RECOMMENDS THOSE FOR APPROVAL.

4 GOING BACK TO PHASE II, THE CLOSURE PLANS,
5 WE'VE SENT OUT A REMINDER LETTER TO FACILITIES THAT HAD
6 EITHER PRELIMINARY OR FINAL PLANS DUE ON JULY 1, 1990.
7 WE'VE GOT SIX CLOSURE PLANS -- I'M SORRY -- TEN CLOSURE
8 PLANS AND TEN REQUESTS FOR EXTENSION. THE LIST OF
9 FACILITIES THAT HAVE RECEIVED REMINDER LETTERS AND THE
10 REASON THE REMINDER LETTERS WERE SENT TO THEM IS INCLUDED
11 AS ATTACHMENT 2 OF YOUR BOARD PACKAGE.

12 ONCE WE RECEIVE A CLOSURE PLAN, THE BOARD,
13 THE REGIONAL WATER BOARD, AND THE LEA REVIEW IT FOR
14 COMPLETENESS. THAT HAS TO BE DONE WITHIN 30 DAYS.
15 THAT'S THE STATUTORY REQUIREMENT.

16 ONCE THE PLANS ARE DEEMED COMPLETE, THE
17 THREE AGENCIES REVIEW IT FOR APPROVAL. AND THERE'S A
18 TIMELINE ON PAGE 67 OF YOUR BOARD PACKAGE SHOWING THE
19 APPROVAL PROCESS AND THE DATES THAT THINGS ARE DUE.

20 AS YOU CAN SEE, IT TAKES 180 DAYS TO
21 APPROVE A PLAN, AND THAT'S ASSUMING IT'S SUBMITTED AND
22 IT'S PERFECT. AND WE HAVEN'T SEEN ONE YET.

23 THE STATUTE ALSO REQUIRES THAT A LANDFILL
24 HAVE AN APPROVED CLOSURE AND POSTCLOSURE MAINTENANCE PLAN
25 WITHIN ONE YEAR OF THE DATE THAT THE PLAN IS DUE OR THEY



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1 MUST CEASE OPERATION. ALSO, WE HAVE SEVERAL FACILITIES
2 THAT ARE IMPLEMENTING CLOSURE ACTIVITIES, AND THEY ALSO
3 HAVE TO HAVE A FINAL PLAN APPROVED.

4 WE'VE RECEIVED TEN REQUESTS FOR EXTENSIONS.
5 THERE ARE ALSO SEVERAL FACILITIES THAT JUST HAVEN'T
6 SUBMITTED A PLAN AND HAVEN'T REQUESTED AN EXTENSION. THE
7 REASONS CITED HAVE BEEN DELAYS CAUSED BY CONSULTANTS,
8 ADDITIONAL TIME REQUIRED TO ESTABLISH ACCEPTABLE
9 FINANCIAL MECHANISMS, AND DELAYS IN SATISFYING CEQA.

10 BOARD STAFF HAS PETITIONED THE RESOURCES
11 AGENCY TO GET A CERTIFIED CEQA EQUIVALENT PROGRAM; AND
12 ONCE THAT HAPPENS, HOPEFULLY, THE DELAYS IN SATISFYING
13 CEQA WILL BE REMOVED. HOWEVER, I THINK IT'S GOING TO
14 TAKE AT LEAST A YEAR TO CERTIFY US AS A CEQA EQUIVALENT
15 PROGRAM.

16 SO AT THIS TIME WE WANT TO REQUEST WHAT TO
17 DO ABOUT THESE EXTENSIONS. WE ESTIMATE IT WOULD TAKE AT
18 LEAST A YEAR TO GET AN APPROVED PLAN OR TO APPROVE A
19 PLAN. SO WE ALSO ARE PRESENTING THE FIVE CERTIFICATIONS
20 FOR BOARD APPROVAL.

21 MR. ORR: JUST TO FOLLOW UP ON THE REQUEST FOR
22 DIRECTION IS THAT WE'VE RECEIVED A NUMBER OF EXTENSION
23 REQUESTS RANGING ANYWHERE FROM A COUPLE OF WEEKS TO SIX
24 MONTHS TO A YEAR FOR WHEN THEY WANT TO SUBMIT THEIR
25 CLOSURE PLAN. AND THE MAIN POINT OF US TALKING ABOUT

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1 THIS TODAY IS THE FACT THAT THE STATUTE THAT WE'RE
2 IMPLEMENTING SAYS THAT IF A FACILITY DOESN'T HAVE THEIR
3 PLAN APPROVED. REGARDLESS OF HOW MANY TIMES IT TAKES FOR
4 THEM TO GET IT APPROVED, WITHIN A YEAR THEY HAVE TO CEASE
5 OPERATING.

6 AND SO BASICALLY THE QUESTION IS DO WE WANT
7 TO APPROVE ANY OF THESE EXTENSION REQUESTS GIVEN THE FACT
8 THAT IF THEY DON'T HAVE THEIR PLANS APPROVED WITHIN A
9 YEAR, THEY WOULD, BY STATUTE, BE REQUIRED TO CEASE
10 OPERATION. SO THAT'S THE AREA OF DIRECTION THAT'S SORT
11 OF -- YOU KNOW, WE PROBABLY WON'T GET THE CLOSURE PLANS
12 IF THEY DON'T HAVE THEM RIGHT NOW.

13 BUT I THINK THAT WE JUST WANT TO MENTION
14 THAT WE HAVE RECEIVED A NUMBER OF THESE REQUESTS; AND IF
15 WE ARE SO INCLINED TO GRANT THEM, THE TIME CLOCK THAT
16 THEY HAVE TO BE APPROVED IN STILL CONTINUES TO TICK. AND
17 JUST BECAUSE THEY GET AN EXTENSION ON THE FRONT END
18 DOESN'T MEAN THAT THEY HAVE A FULL YEAR WHEN THEY FINALLY
19 SUBMIT IT. THEY HAVE A YEAR FROM JULY 1ST. SO IF THESE
20 FACILITIES DON'T HAVE THEIR PLANS APPROVED BY NEXT JULY
21 1ST, THEN THE STATUTE SAYS THEY WOULD HAVE TO CEASE
22 OPERATING. SO THAT'S THE AREA THAT WE WERE SEEKING SOME
23 DIRECTION FROM THE BOARD.

24 IT WILL TAKE, ACCORDING TO THE TIME LINES,
25 NORMALLY 180 DAYS TO GET A PLAN APPROVED BY ALL THREE OF

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1 THE AGENCIES. IF A PLAN IS NOT COMPLETE, IT WOULD BE
2 KICKED OUT WITHIN 30 DAYS, AND SO THEY WOULD HAVE TO GO
3 BACK AND REDO THE PLAN AGAIN. AND SO THERE ARE ONLY SO
4 MANY INCREMENTS OF SUBMITTING A PLAN AND HAVING IT
5 REVIEWED THAT WILL FIT INTO THAT ONE YEAR.

6 AND IF SOMEBODY SUBMITS THEIR PLAN LATER,
7 THAT JUST CUTS DOWN ON THE TIME THAT WILL BE AVAILABLE
8 FOR THE REVIEW AND APPROVAL OF THE PLAN BEFORE RUNNING
9 INTO THAT STATUTORY LIMITATION.

10 SO THAT'S OPEN FOR DISCUSSION. BUT WE JUST
11 WANTED TO REALLY EMPHASIZE THAT FOR YOUR ATTENTION TODAY.

12 CHAIRMAN MOSCONE: MR. BROWN.

13 BOARD MEMBER BROWN: BILL, DID YOU SAY THAT
14 YOU'RE OPERATING NOW WITH GIVING EXTENSIONS, BUT LEAVING
15 THE DUE DATE IN PLACE?

16 MR. ORR: WE ARE NOT -- WE HAVE NOT GRANTED ANY
17 EXTENSIONS AT THIS POINT. WE WERE SEEKING YOUR DIRECTION
18 AS TO WHETHER THERE WOULD BE, YOU KNOW, LIKE YOU SAY, A
19 REASONABLE CUTOFF FOR WHICH TIME, YOU KNOW, GIVEN A WEEK
20 OR A MONTH, THAT MIGHT BE REASONABLE TO GRANT THE
21 EXTENSIONS. REMINDING THEM THAT, REGARDLESS OF WHETHER AN
22 EXTENSION IS GRANTED, THE STATUTE STILL REQUIRES THEM TO
23 CEASE OPERATING IF THE PLANS AREN'T APPROVED BY NEXT JULY
24 1ST.

25 OR WHETHER WE WOULD SIMPLY DENY ALL



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1 EXTENSION REQUESTS OUTRIGHT. GIVEN THE FACT THAT THEY
2 ONLY HAVE A YEAR. AND IF WE DENY THEM, THEY DON'T HAVE A
3 PLAN TO GIVE US, BUT WE'LL BE ON THE RECORD AS HAVING NOT
4 HAVING GRANTED AN EXTENSION.

5 BOARD MEMBER BROWN: IS IT REASONABLE TO ASSUME
6 THAT A GIVEN EXTENSION -- IF GRANTED AN EXTENSION, A
7 JURISDICTION COULD STILL CATCH UP AND MAKE THE DEADLINE,
8 OR IS IT REALLY WISHFUL THINKING?

9 MR. ORR: I THINK THAT THERE IS A CHANCE TO
10 CATCH UP FROM THE STANDPOINT IF THEY PUT THEIR TIME AND
11 ATTENTION TO DEVELOPING A BETTER PLAN THAN THEY WOULD
12 SEND US TODAY, THEN THERE WOULD BE A GOOD CHANCE THAT IT
13 COULD BE APPROVED WITH THE REMAINING TIME, SAY, IF THERE
14 WERE NINE MONTHS, THERE MIGHT STILL BE A CHANCE TO GET A
15 PLAN REVIEWED AND MAYBE A SECOND TIME.

16 BUT IF SOMEBODY JUST SENDS US WHATEVER THEY
17 HAVE RIGHT NOW, IT'S NOT GOING TO GO ANY FURTHER TOWARD
18 HAVING A PLAN THAT IS APPROVABLE. SO IF PEOPLE USE THE
19 TIME THAT THEY GET IN THEIR EXTENSION TO DEVELOP A BETTER
20 PLAN THAN THEY WOULD HAVE OTHERWISE SENT US, THEN I THINK
21 THEY WOULD BE FURTHER AHEAD. AND -- BUT IF AT THAT TIME
22 THEY STILL HAVEN'T DONE IT, THEN THEY'RE -- THEN THERE'S
23 NOTHING TO BE GAINED.

24 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

25 CHAIRMAN MOSCONE: MRS. BREMBERG.



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1 BOARD MEMBER BREMBERG: BILL, WORST CASE:
2 PEOPLE IGNORE THE LETTERS. THEIR PLAN IS NONEXISTENT OR
3 VERY DEFICIENT. THE STATUTORY TIMELINE COMES INTO PLACE,
4 AND WE SAY CEASE OPERATIONS. THEY HAVE NO PLAN FOR
5 CLOSURE. THEY HAVE NO MONEY TO CLOSE IT. DO THEY JUST
6 CLOSE THE GATE AND DRIVE THE TRUCKS AWAY AND JUST LEAVE
7 IT SITTING THERE STARING UP AT GOD AND EVERYBODY? OR WHO
8 GOES IN AND FOLLOWS THE OTHER HALF OF THE RULE, WHICH IS
9 SAFE AND ENVIRONMENTALLY SOUND CLOSURE AND POSTCLOSURE
10 MAINTENANCE?

11 MR. ORR: I THINK THAT THERE ARE SEVERAL
12 SCENARIOS THAT COULD BE FOLLOWED, BUT THE POSSIBILITIES
13 WOULD INCLUDE THAT, FOR EXAMPLE, THE CORRECTIVE ACTION
14 MONIES THAT ARE AVAILABLE UNDER THE SOLID WASTE CLEANUP
15 AND MAINTENANCE ACCOUNT CAN BE USED TO DEVELOP CLOSURE
16 PLANS AND IMPLEMENT CLOSURES. HOWEVER, \$8 MILLION A YEAR
17 IS NOT GOING TO CLOSE VERY MANY LANDFILLS.

18 SO IN TERMS OF A MECHANISM, THAT IS
19 SOMETHING THAT COULD BE, YOU KNOW, COULD BE PURSUED AS AN
20 OPTION AT THAT TIME TO -- IF THERE WAS NO REASON TO
21 BELIEVE THAT THE FACILITY COULD NOT REOPEN AT SOME POINT.
22 BASICALLY, I THINK THE INTENTION BY THE BILL WAS TO
23 CREATE SOME KIND OF INCENTIVE TO GET THE PLANS APPROVED.
24 IT WAS NOT REALLY INTENDED TO CLOSE THE LANDFILL FOR ALL
25 TIME UNTIL THEY GET A CLOSURE PLAN; BUT, BASICALLY, SAY

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1 THAT YOU'VE GOT TO GET YOUR PLAN APPROVED, AND YOU HAVE
2 TO CEASE OPERATION. YOU DON'T NECESSARILY HAVE TO CLOSE,
3 BUT YOU HAVE TO CEASE OPERATION UNTIL YOU GET YOUR PLAN
4 APPROVED. AND I WOULD PRESUME THAT THAT WAS INTENDED AS
5 AN INCENTIVE TO GET THE PLAN APPROVED.

6 BOARD MEMBER BREMBERG: THEY MAY HAVE HAD ALL
7 GOOD INTENTIONS, BUT IT DOESN'T SAY THAT. AND WHAT'S TO
8 STOP SOMEONE WHO IS ABSOLUTELY ON THE RAGGEDY EDGE OF
9 BANKRUPTCY FROM JUST SAYING, "WELL, IF I WAIT LONG ENOUGH
10 THEY'RE GOING TO TELL ME TO STOP, AND THEN I'LL GET SOME
11 MONEY, AND THEN THEY'LL HELP ME, AND I CAN FUNCTION
12 AGAIN"?

13 MR. ORR: WELL, I THINK THAT BASICALLY, ALONG
14 WITH THE CORRECTIVE ACTION MONEY FOR CLOSURE, IS A COST
15 RECOVERY FUNCTION, BUT THAT'S NOT GOING TO HELP IN THE
16 CASE OF BANKRUPTCY. I THINK THAT REALLY INDICATES WHY
17 WE'VE BEEN WORKING SO HARD TO GET THESE FINANCIAL
18 MECHANISMS IN PLACE BEFORE WE RUN UP AGAINST THAT DATE.
19 BECAUSE AT THAT POINT, IF THERE WAS A LETTER OF CREDIT OR
20 SURETY BOND OR SOMETHING LIKE THAT, THEN THERE WOULD BE
21 ANOTHER SOURCE OF REVENUE TO BE USED TO ACTUALLY
22 IMPLEMENT CLOSURE.

23 AND SO THERE'S A COUPLE OF SOURCES OF MONEY
24 WHERE THE -- WHERE THIS BOARD COULD PURSUE CLOSURE IF
25 THAT WAS A NECESSARY REMEDY. BUT IT CLEARLY WOULD NOT BE

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1 ENOUGH TO IMPLEMENT CLOSURES AT ALL OF THE SITES THAT
2 THAT MAY OCCUR AT.

3 CHAIRMAN MOSCONE: BILL, I HAD A QUESTION. ON
4 PAGE 63, THE MIDDLE OF THE PAGE, COMMENCING WITH AB 939,
5 SHER, EASTIN, KILLEA, "LEGISLATION PASSED LAST SESSION
6 REQUIRED THAT CERTIFICATION BE SUBMITTED TO THE BOARD AND
7 THE LEA BY JANUARY 31, 1990. ALTHOUGH AB 1427 ALSO LAST
8 PASSED SESSION PREEMPTS THE CERTIFICATION PROVISIONS OF
9 AB 939, OWNERS OR OPERATORS ARE STILL REQUIRED TO COME
10 INTO COMPLIANCE WITH THE EMERGENCY REGULATIONS. MOST OF
11 THE CERTIFICATIONS MADE BY OPERATORS PRIOR TO THE
12 EFFECTIVE DATE OF THE BOARD'S CLOSURE AND POSTCLOSURE
13 REGULATIONS WILL HAVE TO BE REDONE TO REFLECT THE
14 ACCEPTABLE FINANCIAL MECHANISM ALLOWED UNDER THE
15 REGULATIONS. VERY FEW OF THE FINANCIAL MECHANISMS
16 RECEIVED WITH CERTIFICATION SUBMITTALS COMPLIED WITH THE
17 CERTIFICATION GUIDELINES, LET ALONE THE REGULATIONS.
18 INITIAL COST ESTIMATES WILL NEED TO BE ADJUSTED FOR
19 INFLATION."

20 .WHAT EFFECTS WILL THERE BE? IS THERE ANY
21 CHANGE OR ANYTHING OR --

22 MR. ORR: WELL, WE'VE BEEN INSTITUTING THAT
23 CHANGE THAT -- IN THE LETTERS THAT WE HAVE BEEN PREPARING
24 AND IN THE CONTACTS THAT WE'VE BEEN MAKING WITH
25 OPERATORS. AS NEW PERMITS HAVE COME IN AND AS REVISIONS

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1 FOR PERMITS HAVE COME IN, WE'VE BEEN TAKING ALL OF THOSE
2 THINGS INTO ACCOUNT AS WE REVIEWED THE VARIOUS PIECES OF
3 INFORMATION.

4 SO AS A FINANCIAL MECHANISM MAY HAVE BEEN
5 APPROVED IN CONJUNCTION WITH A PERMIT ACTION OR AS WE
6 HAVE BROUGHT THEM TO YOU TODAY, FIVE OF THEM, THOSE --
7 ALL OF THESE REQUIREMENTS THAT YOU SEE BEFORE YOU WOULD
8 HAVE BEEN TAKEN INTO ACCOUNT IN THE REVIEW OF THOSE
9 FINANCIAL MECHANISMS.

10 NOW, THE ONES THAT YOU DON'T HEAR ABOUT,
11 BUT ARE REFLECTED ON THE CERTIFICATION LOG, SHOWS THE
12 STATUS ON US WRITING LETTERS TO PEOPLE THAT NEED TO
13 CHANGE THEIR MECHANISM OR NEED TO HAVE AN ACCEPTABLE
14 MECHANISM. AND WE'RE SYSTEMATICALLY GOING THROUGH AND,
15 AGAIN, USING THE REQUIREMENTS THAT ARE LISTED THERE,
16 WE'RE GOING THROUGH AND TELLING EVERYONE WHAT THEY NEED
17 TO DO TO UPDATE THEIR FINANCIAL MECHANISM.

18 SO WE ARE IN THE PROCESS OF IMPLEMENTING
19 THE LAW AS IT CURRENTLY READS AND OUR REGULATIONS AS THEY
20 WERE ADOPTED AND ARE NOW IN EFFECT BY THE BOARD, SO
21 THAT'S PART OF THE PROCESS THAT WE HAVE BEEN UNDERGOING.

22 CHAIRMAN MOSCONE: DOES IT REQUIRE GOING OVER A
23 GOOD DEAL OF WHAT HAS ALREADY BEEN DONE BY THESE PEOPLE?

24 MR. ORR: WELL, I THINK THAT WHAT IT REFLECTS IS
25 THAT MOST OF THE PEOPLE THAT SENT IN A FINANCIAL -- MOST



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1 OF THE PEOPLE THAT SENT IN A FINANCIAL MECHANISM WHEN WE
2 FIRST HAD THE GUIDELINES IN EFFECT SORT OF SENT US
3 SOMETHING THAT THEY HAD ON THE SHELF. IN MANY, MANY
4 TIMES IT MADE, LIKE THE INDICATION IS HERE IN THE AGENDA
5 ITEM, THERE WAS VERY LITTLE, IF ANY, ATTEMPT TO ACTUALLY
6 COMPLY WITH THE GUIDANCE THE BOARD HAD PROVIDED AT THAT
7 TIME. AND SO NOW THAT WE HAVE REGULATIONS, THERE'S EVEN
8 LESS OF A CHANCE THAT THEY WOULD HAVE DONE SOMETHING THAT
9 COMPLIES WITH THE REGULATIONS.

10 SO WHAT THAT MEANS IS THAT IF THEY SENT IN
11 A GENERAL SOLID WASTE ENTERPRISE FUND BECAUSE THEY
12 HAPPENED TO HAVE ONE AT THAT TIME, THAT WOULDN'T COMPLY
13 AND IT NEVER WOULD HAVE. IF THEY SENT IN A LETTER OF
14 CREDIT THAT HAD THE DEPARTMENT OF HEALTH SERVICES AS THE
15 BENEFICIARY, THAT WOULD NOT HAVE COMPLIED AND IT STILL
16 DOESN'T.

17 BUT NOW THAT WE HAVE REGULATIONS INTO
18 EFFECT WITH SPECIFIC FINANCIAL MECHANISMS, THEY ARE
19 ENFORCEABLE AS MECHANISMS. WHEREAS, WHEN WE FIRST HAD
20 THE REQUIREMENTS, AND WE HAD A NUMBER OF THESE
21 DISCUSSIONS IN THOSE EARLY MONTHS, THAT WE COULD PROVIDE
22 GUIDANCE AND WE COULD SAY, YES, YOU HAVE A GOOD
23 CERTIFICATION; BUT WE REALLY COULDN'T SAY, NO, YOU DON'T
24 HAVE A GOOD CERTIFICATION AND PROCEED AT THAT TIME WITH
25 SOME ENFORCEMENT ACTIVITIES. AND NOW WE'RE GOING THROUGH

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1 AND SYSTEMATICALLY DOING THAT.

2 AND SO WHAT WE'RE CATCHING A LOT OF NOW IS
3 THAT WE HAVE THESE REQUIREMENTS. THEY'RE HAVING FOR THE
4 FIRST TIME REALLY TO PUT SOME WORK INTO DOING SOMETHING
5 SPECIFICALLY IN RESPONSE TO THESE REQUIREMENTS.

6 MS. MORRISON: BILL, IF I CAN ADD. IN MANY
7 INSTANCES PEOPLE SET UP SPECIAL FUNDS FOR CLOSURE INSTEAD
8 OF A TRUST FUND OR JUST STARTED PUTTING MONIES INTO A
9 FUND AT THE EARLIER DATE, AND SO NOW THEY'RE ROLLING THAT
10 INTO A TRUST FUND THAT SATISFIES THE REQUIREMENTS OF THE
11 REGULATIONS. SO THERE IS SOME CONSISTENCY IN WHAT PEOPLE
12 WERE ASKED TO DO PREVIOUSLY AND WHAT THEY'RE SUPPOSED TO
13 BE DOING NOW.

14 CHAIRMAN MOSCONE: I HAVE ANOTHER QUESTION ON
15 THE VERY BOTTOM OF PAGE 66 OF OUR AGENDA.

16 "STAFF IS PURSUING A CERTIFIED CEQA
17 EQUIVALENT PROGRAM AND IS PREPARING AN APPLICATION
18 PACKAGE FOR SUBMITTAL TO THE RESOURCES AGENCY. ONCE
19 APPROVED AS CEQA EQUIVALENT, INDEPENDENT ENVIRONMENTAL
20 REVIEW WILL NO LONGER BE REQUIRED FOR FINAL PLANS."

21 COULD YOU BRIEFLY GIVE A SHORT EXPLANATION
22 OF WHAT THIS --

23 MR. ORR: YES. BRIEFLY, THE WAY THE REGULATIONS
24 THAT THE BOARD ADOPTED AND HAVE BEEN APPROVED BY OAL FOR
25 OUR REGULATIONS WERE STRUCTURED WAS TO ADDRESS A SPECIFIC

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1 SET OF CRITERIA THAT IS INCLUDED IN THE PUBLIC RESOURCES
2 CODE FOR CONSIDERATION BY THE RESOURCES AGENCY THAT A
3 DOCUMENT THAT BASICALLY COMPLIES WITH THE SPIRIT OF WHAT
4 A CEQA DOCUMENT IS SUPPOSED TO DO HAS BEEN PREPARED.

5 AND OUR REGULATIONS HAVE BEEN -- WERE
6 STRUCTURED IN THAT FASHION. SO THE PROCESS THAT WE ARE
7 NOW PREPARING THIS APPLICATION FOR IS TO ACTUALLY GO
8 THROUGH THE HOOP OF SENDING OUR REGULATIONS STRUCTURED --
9 INTENDED TO BE A CEQA EQUIVALENT PROCESS TO THE RESOURCES
10 AGENCY TO MAKE THAT DETERMINATION.

11 THEY'LL HAVE TO GO THROUGH THEIR OWN
12 RULEMAKING PROCESS THAT SAYS HERE WE HAVE THIS PROGRAM
13 THAT WE WOULD LIKE TO ADD TO THE LIST OF CERTIFIED
14 PROGRAMS. AND WHEN THEY GO THROUGH THAT PROCESS, THEN
15 THEY, IN THEIR OWN REGULATIONS, WOULD ADD THIS PROGRAM TO
16 THEIR LIST OF CEQA EQUIVALENT PROGRAMS. AND SO IT WOULD
17 REQUIRE INDEPENDENT RULEMAKING USING OUR REGULATIONS THAT
18 ARE NOW IN EFFECT BY THE RESOURCES AGENCY TO CERTIFY THIS
19 AS EQUIVALENT.

20 AND WHAT THAT WOULD MEAN IS THERE WOULD NOT
21 BE A SEPARATE CEQA LOOP IN THE BOARD AND THE LEA
22 REVIEWING AND APPROVING THE CLOSURE PLANS. THOSE
23 ENVIRONMENTAL IMPACTS THAT WOULD USUALLY BE CONSIDERED IN
24 A SEPARATE CEQA PROCESS WOULD BE CONSIDERED INTERNALLY
25 WITHIN THE APPROVAL OF THE PLANS BY THE BOARD.

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1 CHAIRMAN MOSCONE: THANK YOU. ARE THERE ANY
2 OTHER QUESTIONS OR DISCUSSION ON THE ITEM?

3 BOARD MEMBER GEARHEART: YES, I HAVE A QUESTION.

4 BILL, WHAT'S REALLY LOST BY -- THERE'S NO
5 PENALTY FOR NOT MEETING THESE DEADLINES, RIGHT?

6 MR. ORR: RIGHT.

7 BOARD MEMBER GEARHEART: SO WHAT'S LOST IF
8 YOU'RE NOT GIVING EXEMPTIONS? THERE'S NO -- IT SEEMS
9 LIKE IF THIS IS THE USUAL TO HAVE A YEAR TO DO THIS, AND
10 THAT'S WHAT IT SAYS, THAT'S WHAT THE RULE SAYS, THERE'S
11 NO DISINCENTIVE FOR THEM AS I UNDERSTAND IT, RIGHT?

12 MR. ORR: YEAH. I WOULD SAY ABOUT THE ONLY
13 THING THAT'S TO BE LOST IS THAT SOME PEOPLE MAY
14 MISCONSTRUE AN EXTENSION OF TIME TO SUBMIT THE PLANS TO
15 BE AN EXTENSION OF THAT ONE YEAR, AND SO WE WOULD NEED TO
16 MAKE THAT ABUNDANTLY CLEAR.

17 BOARD MEMBER GEARHEART: THAT SEEMS TO BE THE
18 MISUNDERSTANDING, RIGHT?

19 MR. ORR: YEAH. SO THAT WOULD BE THE ONE
20 PROBLEM.

21 AND THE OTHER WOULD BE THAT SIMPLY WE WOULD
22 BE IMPOSING ON OUR OWN STAFF AND ON THE BOARD. IF WE CUT
23 OURSELVES SHORT ON THE TIME TO REALLY DO A REVIEW OF
24 THOSE PLANS, WE WOULD SORT OF BE, YOU KNOW, PUTTING
25 OURSELVES IN A BIND OF HAVING LESS TIME TO REVIEW IT

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1 OURSELVES AND HAVING THE PRESSURE OF MAYBE THESE
2 LANDFILLS HAVING TO CEASE OPERATING AND THE LOSS OF
3 CAPACITY AND SO FORTH THAT MIGHT BE RELATED TO THAT TO
4 DEAL WITH. SO I THINK THAT IT'S -- THAT WOULD BE THE
5 OTHER ASPECT TO CONSIDER.

6 BOARD MEMBER GEARHEART: THAT COULD HAPPEN
7 EITHER WAY, THOUGH?

8 MR. ORR: YES, IT COULD.

9 BOARD MEMBER GEARHEART: YEAH. IN ANSWER TO
10 YOUR QUESTION, IT SEEMS TO ME -- I DON'T -- WE SHOULDN'T
11 BE ALLOWING EXEMPTIONS. THAT WAS THE QUESTION YOU ASKED?

12 MR. ORR: YEAH.

13 CHAIRMAN MOSCONE: DR. GEORGE.

14 BOARD MEMBER TCHOBANOGLOUS: BILL, MY QUESTION
15 REALLY IS ALONG BOB'S LINES; AND THAT IS, IN YOUR
16 READING -- YOU'VE TALKED TO THE APPLICANTS AND SO FORTH.
17 DO THEY JUST BELIEVE THE LAW IS GOING TO CHANGE, OR ARE
18 SOME OF THEM JUST SIMPLY NOT AWARE OF THE FINE POINTS?
19 WHAT'S YOUR ASSESSMENT?

20 MR. ORR: WELL, I THINK THAT IT TENDS TO BE A
21 REACTIVE TYPE OF SITUATION, THAT YOU MAY HAVE BEEN
22 SPEAKING TO THEM IN, SAY, IN THE REGULATORY DEVELOPMENT
23 FRAME. AND THEY'RE SORT OF LOOKING AT IT LIKE THIS
24 EVENTUAL THING THAT WILL HAPPEN, AND IT DOESN'T REALLY
25 STRIKE HOME UNTIL THEY GET A LETTER SAYING YOUR PLAN IS

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1 DUE ON X DATE. AND THEN THAT'S THE TIME THEY START TO DO
2 SOMETHING ABOUT IT.

3 I THINK THAT A LOT OF PEOPLE HAVE NOT
4 HIRED -- EVEN THOUGH WE'VE BEEN SENDING COPIES OF THE
5 REGULATIONS TO THEM AND TELLING THEM THAT THESE, YOU
6 KNOW, SPREADING THE WORD THAT THESE CLOSURE PLANS WERE
7 GOING TO BE DUE, IT WASN'T UNTIL THEY GOT A REMINDER
8 LETTER SAYING THAT YOUR PLAN'S DUE THAT THEY WENT OUT
9 LOOKING FOR A CONSULTANT, FOR EXAMPLE.

10 AND SO A LOT OF THE REQUESTS FOR EXTENSIONS
11 WERE BASED ON HOW LONG, NOW THAT THEY'VE HIRED A
12 CONSULTANT, IT WILL TAKE FOR THAT CONSULTANT TO PRODUCE A
13 PLAN TO BE SUBMITTED. AND A NUMBER OF THE OTHER ONES,
14 LIKE MICHELLE INDICATED, THERE WAS A VARIETY OF OTHER
15 REASONS THAT WERE CITED. MOST OF THOSE, I DON'T THINK,
16 WERE AS VALID AS SIMPLY THAT THEY HADN'T PLANNED AHEAD.

17 BOARD MEMBER TCHOBANOGLOUS: STILL, BASED ON
18 WHAT I'VE HEARD IN YOUR DISCUSSION, I SHARE BOB'S VIEW,
19 THAT WE JUST SIMPLY NEED TO DO WHAT IS CALLED FOR IN THE
20 LEGISLATION. AND, YOU KNOW, I DON'T SEE THAT WE HAVE ANY
21 OTHER OUT TRYING TO MICRO MANAGE THIS THING AGAIN.

22 CHAIRMAN MOSCONE: QUESTIONS OR COMMENTS?

23 MR. ORR: SO IN TERMS OF THE -- THERE'S TWO
24 THINGS THAT WE'RE LOOKING FOR. THE ONE IS DIRECTION
25 ABOUT THE EXTENSION REQUESTS AND THE OTHER ONE WOULD BE

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1 WHAT MICHELLE HAS DESCRIBED EARLIER, THAT WOULD BE TO
2 RECOMMEND APPROVING THE CERTIFICATIONS, THE FIVE
3 CERTIFICATIONS THAT ARE INCLUDED IN THE PACKAGE THIS
4 MONTH.

5 AND ON PAGE 68 WOULD BE THE OPTIONS
6 REGARDING THE APPROVAL OF THE CERTIFICATION, AND THERE
7 WAS A RESOLUTION PREPARED THAT WOULD DO THAT. SO THOSE
8 WOULD BE THE TWO DIRECTIONS OR ACTION AND DIRECTION THAT
9 WE WOULD BE LOOKING FOR.

10 BOARD MEMBER BROWN: MR. CHAIRMAN, WHY DON'T WE
11 TAKE THE FIRST ONE FIRST. SHE WANTS SOME DIRECTION ON
12 EXTENSION REQUESTS.

13 JUST TO GET IT STARTED, I WOULD SAY YOU
14 COULD GIVE REQUESTS, BUT YOU CAN'T CHANGE THE DUE DATE.
15 LET THE REQUESTING JURISDICTION FIGURE OUT IF THEY CAN
16 COMPLY AND CANNOT COMPLY. I DON'T KNOW WHAT THAT DOES TO
17 YOU IN YOUR DEPARTMENT. MAYBE YOU GET A GREAT BIG BUNCH
18 OF PAPER ON THE LAST DAY.

19 MR. ORR: NOT ALL OF THE REQUESTS ARE FOR THE
20 SAME DAY, SO THAT HELPS US OUT A LITTLE BIT.

21 BOARD MEMBER TCHOBANOGLOUS: I GUESS I WOULD
22 BE -- I PERSONALLY WOULD BE -- I WOULD NOT BE IN FAVOR OF
23 GRANTING EXTENSIONS. I WOULD BE IN FAVOR OF GOING ON
24 RECORD SAYING THAT YOU'RE DELINQUENT AND REITERATING THE
25 LAW AND THE SECTION OF THE LAW, AND THEN THAT'S UP TO

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1 THEM.

2 BOARD MEMBER BROWN: AND I WOULD GENERALLY AGREE
3 WITH THAT; HOWEVER, THIS IS ALL BRAND NEW. AND I THINK
4 IN THAT THE APPLICANT, IN THIS CASE, IS IN EFFECT WALKING
5 OVER NEW GROUND, MAYBE WE NEED TO FIND OUT WHERE THE
6 PROBLEMS ARE. AND GRANTING EXTENSIONS WOULD ALLOW FOR US
7 TO FIND OUT SOME THINGS ALSO IN THE PROCESS. AND MAYBE
8 THAT'S BEING TOO GENEROUS. I DON'T KNOW.

9 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

10 CHAIRMAN MOSCONE: MRS. BREMBERG.

11 BOARD MEMBER BREMBERG: WELL, I AGREE WITH MR.
12 BROWN EXCEPT THAT, AS I UNDERSTOOD WHAT BILL SAID, IT
13 DOESN'T MAKE ANY DIFFERENCE IF THEY GET AN EXTENSION.
14 THE FINAL DATE REMAINS THE SAME.

15 MR. ORR: THAT WAS MY -- MY --

16 BOARD MEMBER BREMBERG: AND IF THEY COULD GET
17 BUSY AND WHIP IT OUT AND IT'S ACCEPTABLE, THE EXTENSION
18 WON'T MAKE ANY DIFFERENCE. IF THEY DON'T MAKE IT, IT
19 STILL DOESN'T MAKE ANY DIFFERENCE.

20 BOARD MEMBER TCHOBANOGLIOUS: MR. CHAIRMAN, I
21 THINK IT DOES MAKE A DIFFERENCE IN THAT THEY CAN ALWAYS
22 SAY LATER, "WELL, LOOK. YOU GRANTED US AN EXTENSION AND
23 LEGALLY YOU KNEW BLAH, BLAH, BLAH, AND --

24 BOARD MEMBER BREMBERG: AND SO DID THEY KNOW
25 BLAH. BLAH. BLAH.

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1 BOARD MEMBER TCHOBANOGLOUS: I KNOW. BUT THE
2 EXTENSIONS -- THEY'VE GOT THE EXTENSION. WE'RE HUNG OUT
3 TO DRY. I THINK THEY JUST GOT US HUNG OUT TO DRY.

4 MR. ORR: SO IT SEEMS LIKE WE HAVE SORT OF MIXED
5 DIRECTION.

6 BOARD MEMBER TCHOBANOGLOUS: TAKE A BALLOT.

7 CHAIRMAN MOSCONE: YOU'VE GOT ME CONFUSED NOW.
8 I -- WE WERE TALKING ABOUT THE APPROVAL OF THESE FIVE
9 LANDFILLS.

10 MR. ORR: THAT'S THE ACTUAL ACTION THAT WE --
11 THAT IS FOR CONSIDERATION WITH THIS ITEM. THIS IS JUST A
12 GENERAL DIRECTION TO STAFF REGARDING --

13 CHAIRMAN MOSCONE: WELL, WE'RE TALKING ABOUT TWO
14 DIFFERENT THINGS.

15 MR. ORR: YES, WE ARE.

16 CHAIRMAN MOSCONE: AND WE'VE NOT HAD --

17 BOARD MEMBER BROWN: I TOOK UP THE TIME
18 EXTENSIONS FIRST, MR. CHAIRMAN. AND ON THAT ISSUE, THEY
19 ONLY ASKED FOR SOME BOARD DIRECTION, NOT ANY PARTICULAR
20 POLICY BY RESOLUTION.

21 CHAIRMAN MOSCONE: NOW, WE HAVE A RESOLUTION FOR
22 THESE FIVE FACILITIES AND --

23 BOARD MEMBER BROWN: THAT WOULD BE THE SECOND
24 TOPIC.

25 CHAIRMAN MOSCONE: RIGHT. ALL RIGHT. THERE

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1 WAS -- WE DO NOT HAVE A RESOLUTION FOR THE -- YOU JUST
2 WANT DIRECTION?

3 MR. ORR: YEAH.

4 CHAIRMAN MOSCONE: VERY GOOD.

5 BOARD MEMBER LOCKINGTON: OUR ANSWER IS YES.

6 CHAIRMAN MOSCONE: I TAKE THAT, MR. BROWN, AS
7 THE FORM OF A MOTION.

8 BOARD MEMBER BROWN: I'LL TRY IT ON. I'LL MOVE
9 THE EXTENSION REQUESTS WITH RESPECT TO GRANTING
10 EXTENSIONS; HOWEVER, NOT EXTENDING THE DEADLINE PERIOD.

11 BOARD MEMBER BREMBERG: SECOND.

12 CHAIRMAN MOSCONE: ANY QUESTIONS? ANY
13 DISCUSSION?

14 MADAM SECRETARY, WOULD YOU CALL THE ROLL,
15 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?

21 BOARD MEMBER GEARHEART: NO.

22 SECRETARY DUNN: LOCKINGTON?

23 BOARD MEMBER LOCKINGTON: NO.

24 SECRETARY DUNN: TCHOBANOGLOUS?

25 BOARD MEMBER TCHOBANOGLOUS: NO.

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1 SECRETARY DUNN: VARNER?

2 BOARD MEMBER VARNER: I ABSTAIN. I WAS NOT HERE
3 TO HEAR THE DEBATE, SO I WON'T VOTE.

4 SECRETARY DUNN: CHAIRMAN MOSCONE?

5 CHAIRMAN MOSCONE: NO.

6 BOARD MEMBER BREMBERG: WELL, WE LOST. WE
7 REPRESENTING GOVERNMENT --

8 MR. ORR: NOW, THE ACTION ON THE FIVE
9 CERTIFICATIONS.

10 BOARD MEMBER LOCKINGTON: WE NEED AN ABSOLUTE
11 MOTION.

12 CHAIRMAN MOSCONE: RESOLUTION 90-30, WHAT IS
13 YOUR PLEASURE?

14 BOARD MEMBER GEARHEART: MR. CHAIRMAN, COULD I
15 MAKE A REVERSE MOTION AND TRY THAT ON?

16 CHAIRMAN MOSCONE: VERY GOOD.

17 BOARD MEMBER GEARHEART: I MOVE THAT WE DON'T
18 ALLOW EXTENSIONS.

19 BOARD MEMBER BREMBERG: YOU DON'T NEED TO WORRY
20 ABOUT THAT.

21 BOARD MEMBER GEARHEART: I MEAN, THE TIME LIMIT
22 STAYS THE SAME. THAT'S NOT NECESSARY. SO WE ALLOW NO
23 EXTENSIONS FOR THESE PLANS.

24 CHAIRMAN MOSCONE: IS THERE A SECOND?

25 BOARD MEMBER TCHOBANOGLOUS: SECOND.

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1 CHAIRMAN MOSCONE: ANY FURTHER DISCUSSION?

2 MADAM SECRETARY, WOULD YOU CALL THE ROLL,
3 PLEASE?

4 SECRETARY DUNN: BOARD MEMBERS BREMBERG?

5 BOARD MEMBER BREMBERG: NO.

6 SECRETARY DUNN: BROWN?

7 BOARD MEMBER BROWN: NO.

8 SECRETARY DUNN: GEARHEART?

9 BOARD MEMBER GEARHEART: YES.

10 SECRETARY DUNN: LOCKINGTON?

11 BOARD MEMBER LOCKINGTON: YES.

12 SECRETARY DUNN: TCHOBANOGLIOUS?

13 BOARD MEMBER TCHOBANOGLIOUS: YES.

14 SECRETARY DUNN: VARNER?

15 BOARD MEMBER VARNER: ABSTAIN.

16 SECRETARY DUNN: CHAIRMAN MOSCONE?

17 CHAIRMAN MOSCONE: NO.

18 I'LL WITHDRAW MY NO AND VOTE YES.

19 WHAT'S THE -- YOUR ACTION ON RESOLUTION

20 90-30? COULD WE HAVE A MOTION?

21 BOARD MEMBER GEARHEART: YES, MR. CHAIRMAN, I
22 MOVE TO APPROVE CLOSURE/POSTCLOSURE CERTIFICATIONS THAT
23 ARE INCLUDED IN ITEM 3. I DON'T KNOW THE NAME. DO YOU
24 WANT THE RESOLUTION?

25 CHAIRMAN MOSCONE: RESOLUTION 90-30.

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DID I HEAR A SECOND?

BOARD MEMBER TCHOBANOGLOUS: SECOND.

BOARD MEMBER BROWN: MR. CHAIRMAN, JUST ONE QUESTION.

BILL, DOES 90-30 SAY WHAT --

MR. ORR: WHAT LANDFILLS IT IS?

BOARD MEMBER BROWN: YEAH.

MR. ORR: DOWN AT THE BOTTOM OF THE RESOLUTION ON 70, IT HAS A LIST OF THE FIVE LANDFILLS. AND THEN FOLLOWING THE CERTIFICATION LOG ARE THE ACTUAL CERTIFICATIONS AND THE FINANCIAL MECHANISMS FOR EACH OF THOSE FACILITIES. SO YOU WILL BE APPROVING WHAT FOLLOWS IN THE RESOLUTION.

CHAIRMAN MOSCONE: ANY FURTHER DISCUSSION? QUESTIONS? IF NOT, MADAM SECRETARY, WOULD YOU CALL THE ROLL?

SECRETARY DUNN: BOARD MEMBERS BREMBERG?

BOARD MEMBER BREMBERG: AYE.

SECRETARY DUNN: BROWN?

BOARD MEMBER BROWN: YES.

SECRETARY DUNN: GEARHEART?

BOARD MEMBER GEARHEART: AYE.

SECRETARY DUNN: LOCKINGTON?

BOARD MEMBER LOCKINGTON: YES.

SECRETARY DUNN: TCHOBANOGLOUS?

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1 BOARD MEMBER TCHOBANOGLIOUS: YES.

2 SECRETARY DUNN: VARNER?

3 BOARD MEMBER VARNER: AYE.

4 SECRETARY DUNN: CHAIRMAN MOSCONE?

5 CHAIRMAN MOSCONE: YES.

6 BEFORE WE GO ON TO THE NEXT ITEM, I'D LIKE
7 TO INTRODUCE TO YOU ANOTHER APPOINTMENT TO THE -- THAT
8 THE GOVERNOR'S MADE TO THE CALIFORNIA INTEGRATED WASTE
9 MANAGEMENT BOARD IN THE PERSON OF MR. SAM EGIGIAN, WHO'S
10 SITTING NEXT TO MR. GALLAGHER.

11 MR. EGIGIAN.

12 (APPLAUSE.)

13 CHAIRMAN MOSCONE: MR. EGIGIAN IS NOT NEW TO THE
14 GAME. HE'S -- I REMEMBER SERVING ON A COMMITTEE ON WASTE
15 AND WHATEVER BACK BEFORE THE BOARD WAS APPOINTED, AND MR.
16 EGIGIAN HAS BEEN IN THE BUSINESS IN VARIOUS ASPECTS OF
17 IT, NOT ONLY IN THE MOVEMENT OF WASTE MATERIALS, BUT ALSO
18 IN EQUIPMENT THAT IS VERY NECESSARY AND IMPORTANT TO THE
19 INDUSTRY.

20 SAM, IT'S GOOD TO HAVE YOU HERE, AND I HOPE
21 THAT YOU WILL BE SITTING HERE PERMANENTLY WHEN THE BOARD
22 IS FINALLY APPOINTED.

23 MR. EGIGIAN: THANK YOU.

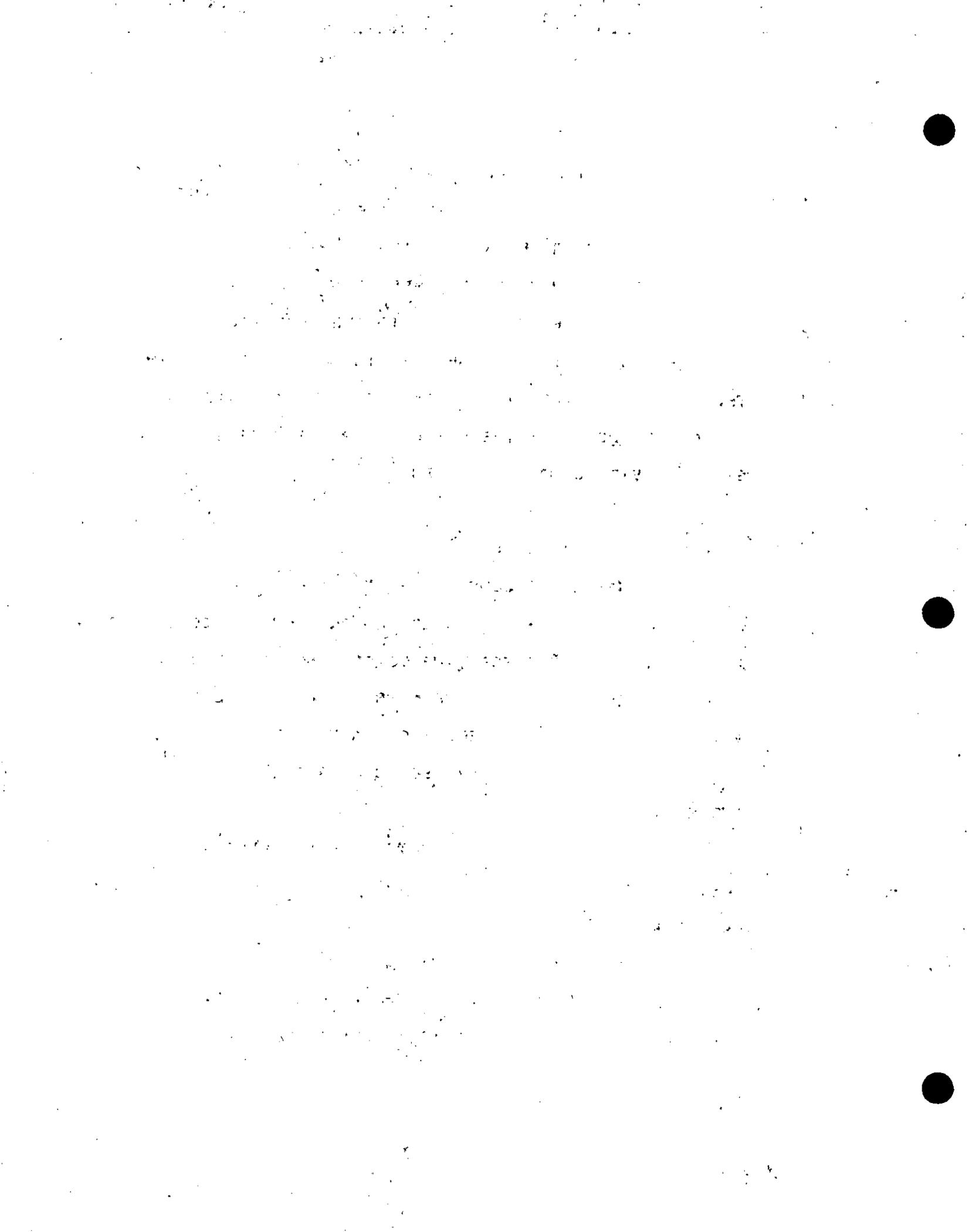
24 CHAIRMAN MOSCONE: ITEM NO. 4, CONSIDERATION OF
25 REFERRAL OF SOLID WASTE LANDFILL OPERATORS TO ATTORNEY

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1 GENERAL FOR DELINQUENT CLOSURE/POSTCLOSURE
2 CERTIFICATIONS.

3 MR. ORR: THANK YOU, MR. CHAIRMAN.

4 WHAT WE DID IN AGENDA ITEM 4 IS WE
5 SEPARATED OUT A COMPONENT OF WHAT WE NORMALLY PRESENTED
6 IN THE LAST ITEM. AND GIVEN ALL THE THINGS THAT WERE IN
7 THAT ITEM, I'M GLAD THAT WE DID THAT.

8 WHAT THIS PARTICULAR ITEM FOCUSES ON ARE
9 THE LANDFILL OPERATORS THAT WE HAVE NOTIFIED ON SEVERAL
10 OCCASIONS THAT THEY HAVE YET TO FILE AN ACCEPTABLE
11 CLOSURE/POSTCLOSURE CERTIFICATION. AND MOST RECENT
12 NOTIFICATION THAT WE SENT THEM INDICATED THAT IF THEY
13 DIDN'T DO SO BY A CERTAIN DEADLINE, THAT WE MAY REFER
14 THEM TO THE ATTORNEY GENERAL.

15 AND SO WHAT WE'RE HERE TODAY TO DO IS ASK
16 WHETHER TO PROCEED TO DO THAT WITH THOSE PARTICULAR
17 FACILITIES. AND TO GO THROUGH THE ITEM AND HIGHLIGHT THE
18 INDIVIDUAL FACILITIES WILL BE MICHELLE MARCONI.

19 MS. MARCONI: GOING OVER THE NOTIFICATIONS AND
20 HOW MANY TIMES THESE PEOPLE WERE TOLD ABOUT THE
21 CERTIFICATIONS REQUIREMENTS, THE BOARD RELEASED
22 GUIDELINES IN AUGUST '88, AND IN THE INTRODUCTION THERE
23 WAS AN EXPLANATION OF THE LAW AND THE REQUIREMENTS OF
24 CERTIFICATION.

25 THERE WERE WORKSHOPS HELD IN TWO LOCATIONS

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1 IN SEPTEMBER OF 1988, THAT ALL SOLID WASTE FACILITY
2 OPERATORS WERE INVITED TO ATTEND.

3 ON DECEMBER 28, 1988, BOARD STAFF SENT OUT
4 A LETTER REMINDING THEM THEIR CERTIFICATIONS WERE DUE.

5 IN APRIL '89 STAFF WAS DIRECTED TO IDENTIFY
6 OPERATORS WHO HAD NOT SUBMITTED ANYTHING AND TO REFER
7 THEM TO THE ATTORNEY GENERAL. THESE FACILITIES THEN
8 RECEIVED A LETTER FROM THE ATTORNEY GENERAL TELLING THEM
9 TO SUBMIT THEIR CERTIFICATION.

10 IN OCTOBER '89 STAFF COUNSEL ATTEMPTED TO
11 CONTACT MANY OF THESE FACILITIES BY TELEPHONE.

12 AT THE MAY 1990 MEETING, BOARD DIRECTED
13 STAFF TO IDENTIFY FACILITIES THAT HAD FAILED TO SUBMIT
14 COMPLETE CLOSURE/POSTCLOSURE CERTIFICATION REQUIREMENTS
15 AND TO REFER THESE OPERATORS AND OWNERS TO THE ATTORNEY
16 GENERAL.

17 WE HAVE FOUR FACILITIES IN THE AGENDA ITEM,
18 AND WE LIST THE NAME OF THE FACILITY, THE SWIS NUMBER,
19 AND THE DEADLINES THAT WE GAVE TO THEM.

20 OF THESE FOUR, AMERICAN CANYON SANITARY
21 LANDFILL JUST YESTERDAY FAX'D THEIR FINANCIAL
22 DOCUMENTATION AND NOW HAVE A COMPLETE CERTIFICATION;
23 THEREFORE, I'M RECOMMENDING THAT WE REMOVE THEM FROM THE
24 REFERRAL LIST.

25 BERRYESSA ESTATES HAS PROMISED A RESPONSE

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1 BY THE END OF JUNE, AND WE HAVEN'T RECEIVED ANYTHING.

2 ADVANCE COURSE HAS CONTRACTED WITH A
3 CONSULTANT TO LOOK AT CLEAN CLOSING THE SITE AND ARE
4 REQUIRED -- OR SAID THEY WOULD GIVE US AN ESTIMATE IN
5 JULY, THE BEGINNING OF JULY, AND WE'VE RECEIVED NOTHING.

6 AND CRESCENT CITY LANDFILL WAS SUPPOSED TO
7 COMPLY BY MAY 31ST, AND HAS BEEN IN TOUCH WITH BOARD
8 STAFF.

9 AND WE HAVE A SPEAKER, THE DIRECTOR OF
10 PUBLIC WORKS FROM DEL NORTE COUNTY, MR. ANDY LAMORE, AND
11 HE WOULD LIKE TO ADDRESS THE BOARD.

12 MR. LAMORE: OKAY. MY NAME IS ANDREW LAMORE. I
13 THINK -- PUBLIC WORKS DIRECTOR IN DEL NORTE COUNTY. WE
14 SEEM TO BE KIND OF IN A DILEMMA BETWEEN DEALING WITH THE
15 WATER QUALITY CONTROL BOARD AND THE WASTE MANAGEMENT
16 BOARD.

17 ACTUALLY, LISTENING TO THE PREVIOUS ITEM,
18 YOU WERE TALKING ABOUT CLOSURE AND POSTCLOSURE PLANS.
19 OURS IS ACTUALLY COMPLETE AND IS IN FRONT OF THE WATER
20 QUALITY CONTROL BOARD AND HAS BEEN THERE SINCE LATE
21 MARCH. WE HAVEN'T SUBMITTED IT HERE BECAUSE WE WERE
22 HOPING TO GET THEIR COMMENTS FIRST. SO AS I TOLD STAFF
23 THIS MORNING, I CAN SEND THAT IN NEXT WEEK FOR THE
24 REVIEW.

25 THE OTHER -- AND I'LL NOW GIVE YOU THE

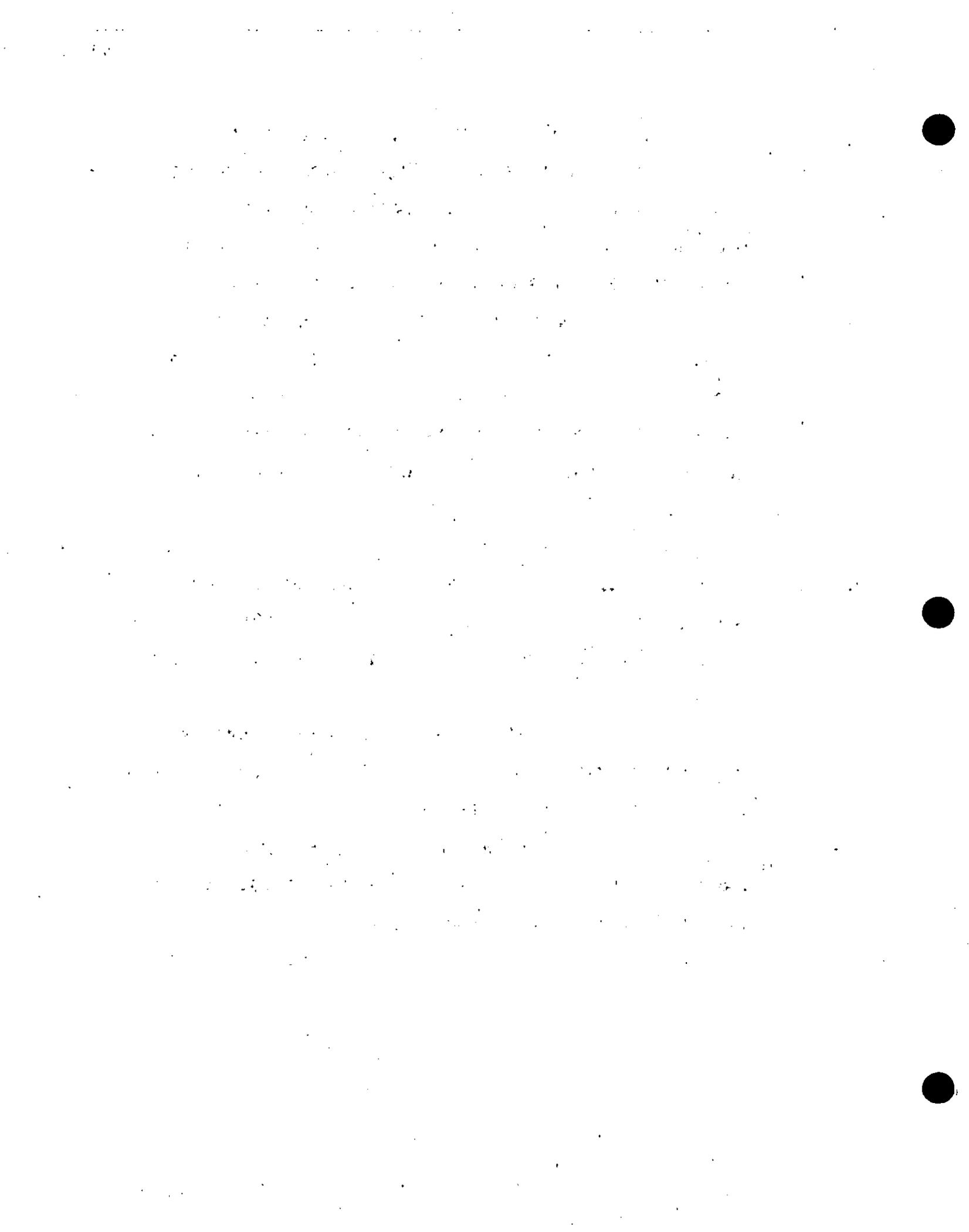


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1 OTHER ASPECT, THE FINANCIAL, I'LL DEAL WITH IN A MOMENT.

2 I'D LIKE TO GIVE YOU A VERY QUICK THUMBNAIL
3 SKETCH OF WHERE WE ARE. BEGINNING IN '87, BECAUSE OF THE
4 WATER QUALITY CONTROL BOARD, WE WERE PUT ON CEASE AND
5 DESIST ORDERS AND TOLD TO CLOSE THAT LANDFILL. THE
6 REASON FOR THAT IS THAT IT'S A POTENTIAL DANGER TO THE
7 GROUNDWATER. AS -- OTHER THAN THAT, IT'S A PERFECTLY
8 GOOD SITE, BUT THAT'S THE FUNDAMENTAL PROBLEM. AND WE'VE
9 BEEN WORKING ON THAT. WE'VE GOTTEN 13 SEPARATE REPORTS
10 PUT OUT, INCLUDING WATER QUALITY ASSESSMENTS, INTERIM
11 OPERATIONS PLANS, OH, GOD, I CAN'T EVEN BEGIN TO LIST
12 THEM ALL.

13 BUT WE HAVE THE OPERATIONAL DOCUMENTS RIGHT
14 NOW ARE THE INTERIM OPERATIONS PLAN WHICH IS COORDINATED
15 WITH OUR CLOSURE PLAN. AND, IN FACT, I WOULD SAY THAT WE
16 ARE IN THE PROCESS OF CLOSING RIGHT NOW, IF YOU WANTED TO
17 BE QUITE TECHNICAL ABOUT IT, BECAUSE WE ARE FINISHING THE
18 FILL THE FINAL GRADE BEGINNING AT ONE END AND GOING IN
19 THE OTHER DIRECTION.

20 WE ARE IN THE PROCESS OF COMPLETING A
21 CONTRACT FOR MATERIAL RECOVERY FACILITY. WE'VE BEEN
22 BATTLING IT OUT, AND I THINK IT WILL BE SIGNED NEXT
23 MONDAY.

24 WITH THAT THING ON LINE, AS OF NEXT
25 OCTOBER, WE WILL THEN BE IN A POSITION TO FINALLY DO AWAY

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1 WITH OUR LANDFILL. OUR CURRENT PLANNING IS NOT TO HAVE,
2 AT LEAST NOT IN THE IMMEDIATE FUTURE, A NEW LANDFILL
3 WITHIN DEL NORTE COUNTY BECAUSE WE THINK WE CAN EXPORT
4 WHAT REMAINING REFUSE WE'LL HAVE OUT OF THAT MATERIAL
5 RECOVERY FACILITY TO A LANDFILL IN OREGON.

6 THE FACILITY ITSELF, THE CRITERIA CALLS FOR
7 A FACILITY WITH THE CAPABILITY OF 25 PERCENT RECYCLABLES
8 OUT, 55 PERCENT IN EITHER COMPOST OR REFUSE-DERIVED FUEL,
9 WITH THE REMAINDER 20 PERCENT BOUND FOR THE CLASS
10 III-TYPE LANDFILL.

11 IT'S THE SAME TYPE OF FACILITY -- I THINK
12 SOME OF YOU KNOW -- THAT'S IN YUBA AREA BY NORCAL SOLID
13 WASTE SYSTEMS. NOW, THE ONLY DIFFERENCE, OURS IS MUCH
14 SMALLER AND IT WILL HAVE A COMPOSTING AREA WHERE WE USE
15 COMPRESSED AIR AND ALL THAT GOOD STUFF TO TURN IT IN.
16 THAT WILL BE AN ENTIRELY ENCLOSED FACILITY.

17 SO THE MAIN ISSUE ISSUE IS HOW DO WE PAY
18 FOR ALL OF THIS? AND HOW CAN YOU BE SURE WE'RE GOING TO?
19 WELL, IN OUR ORIGINAL PLANNING, WE HAD PROPOSED TO DEBT
20 FINANCE EVERYTHING. SINCE THAT TIME---- BUT WE'RE GOING
21 TO FORM A BENEFIT ASSESSMENT DISTRICT AND COLLECT THE
22 MONIES, FLOAT COP'S OR BONDS, AND PAY FOR THESE THINGS
23 THAT WE HAD TO DO.

24 RECENTLY, A COUPLE OF THINGS HAVE HAPPENED.
25 FIRST OF ALL, THE MATERIAL RECOVERY FACILITY WILL BE PAID

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1 FOR OUT OF RATES, THE USERS CHARGED THROUGH THE
2 COLLECTION SYSTEM. FOR OUR PASS-IN, SO TO SPEAK, WHICH
3 IS THE OLD LANDFILL, AND THE ENGINEERING AND PLANNING, WE
4 NOW HAVE A SALES TAX MEASURE. IT'S ON THE BALLOT FOR
5 NOVEMBER. THEY SAY, I'M NOT A POLITICAL EXPERT, IT HAS A
6 GOOD CHANCE OF PASSING. IF IT DOESN'T, OUR FALLBACK
7 POSITION IS STILL THE BENEFIT ASSESSMENT DISTRICT.

8 IF WE GET THE SALES TAX MEASURE, WE SHOULD
9 BE EARNING ABOUT \$700,000 A YEAR, WHICH WILL ALLOW US, IN
10 GENERAL, TO PAY FOR THIS CLOSURE, WHICH HAS A PRICE TAG
11 OF ABOUT, I THINK, \$2.6 MILLION, PLUS \$24,000 A YEAR
12 MAINTENANCE, MORE OR LESS ON A CASH BASIS.

13 I TALKED WITH A MEMBER OF YOUR FINANCIAL
14 GROUP THIS MORNING, AND I WAS UNAWARE -- BUT THAT'S NOT
15 MY BUSINESS TO BE AWARE OF THESE THINGS -- THAT WE DON'T
16 EVEN HAVE AN ENTERPRISE FUND. AND OUR THOUGHT IS THAT WE
17 CAN TURN OVER MONIES THAT WE DO HAVE COMING IN RIGHT NOW
18 FROM OUR CURRENT OPERATIONS INTO AN ENTERPRISE FUND AND
19 POSSIBLY WORK OUT SOMETHING WITH YOUR FINANCIAL PEOPLE IN
20 THE NEXT MONTH OR SO. BUT TO DO THAT, WE WOULD BE ASKING
21 THAT WE GET SOME KIND OF A CONTINUANCE TO ALLOW US THE
22 TIME TO DO THAT.

23 ONE THING YOU WOULD HAVE FOR SURE, YOU'D
24 HAVE YOUR CLOSURE PLAN IN WITH YOUR STAFF AS OF NEXT
25 WEEK, AND THEN WE WOULD TRY TO WORK OUT THE FINANCIAL

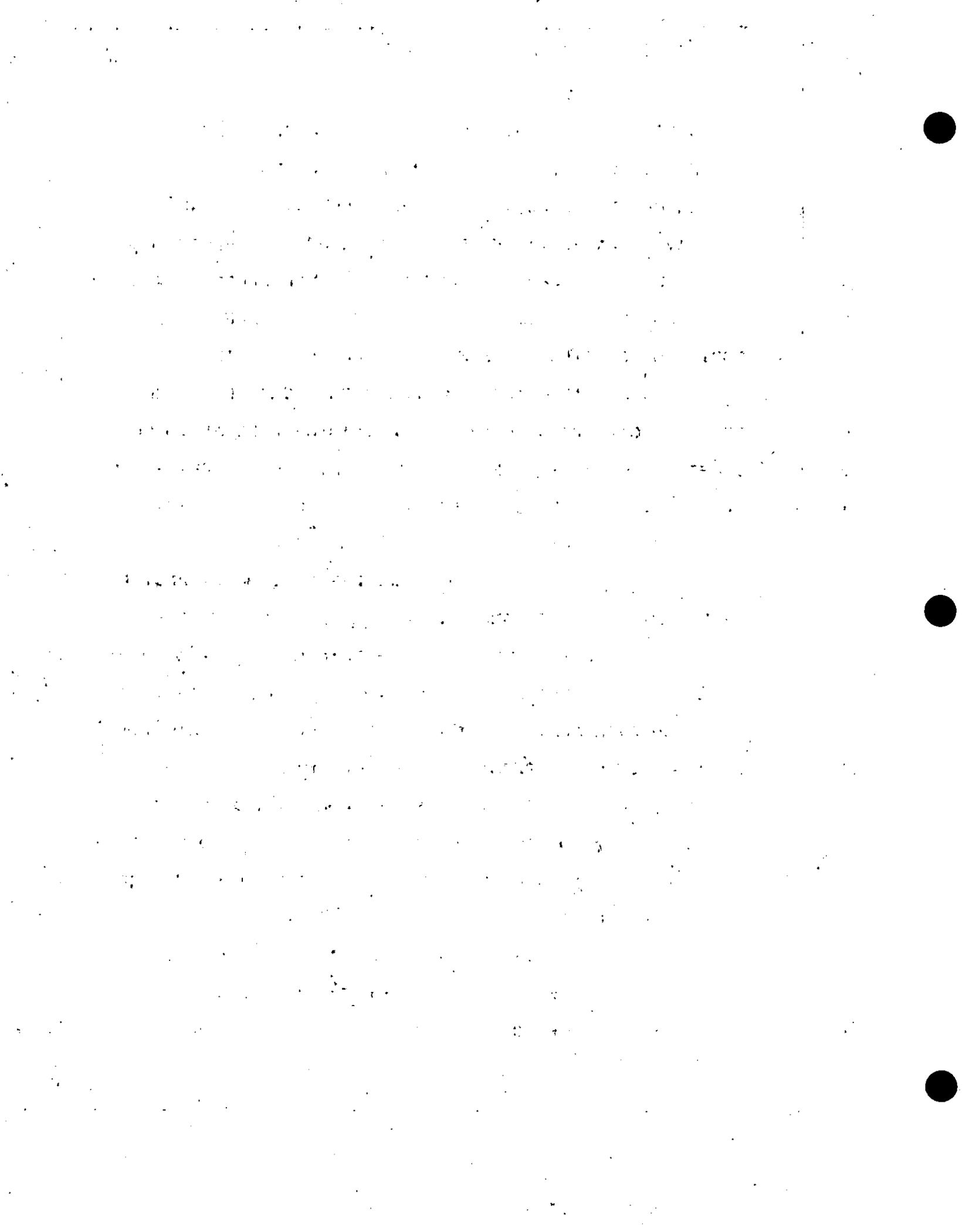
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1 DISTRICT.

2 THANK YOU FOR YOUR ATTENTION. THERE'S
3 NOTHING ELSE I CAN SAY.

4 CHAIRMAN MOSCONE: ANY COMMENTS, BILL?

5 MR. ORR: THE ONLY THING I WOULD SAY IS THAT WE
6 HAVE BEEN HAVING DISCUSSIONS REGARDING THIS FACILITY FOR
7 A COUPLE OF MONTHS, AND WE DID DELAY BRINGING THIS
8 PARTICULAR ITEM TO YOUR ATTENTION BECAUSE THE LAST
9 MEETING WAS DOWN IN SAN DIEGO, AND WE WANTED TO GIVE MR.
10 LAMORE AN OPPORTUNITY TO ADDRESS YOU.

11 IT'S UNSURE AS TO WHETHER ANY OF THE
12 PARTICULAR THINGS THAT WERE DESCRIBED WOULD ACTUALLY
13 COMPLY WITH THE REGULATIONS EVEN IF THEY WERE
14 ACCOMPLISHED. AND IT'S BEEN 18 MONTHS, REALLY, SINCE THE
15 CERTIFICATIONS WERE REQUIRED, AND WE FEEL GOOD THAT MAYBE
16 WE'RE MAKING SOME MOVEMENT TOWARD GETTING SOMETHING. BUT
17 THE STAFF RECOMMENDATION WOULD STAND AS IS, TO GO AHEAD
18 AND REFER THEM TO THE ATTORNEY GENERAL. AND WHAT WOULD
19 RESULT FROM THAT WOULD BE THAT THEY WOULD GET A WARNING
20 LETTER FROM THE ATTORNEY GENERAL GIVING THEM 30 DAYS TO
21 COMPLY BEFORE IT WOULD BE BACK TO YOU FOR ADDITIONAL
22 CONSIDERATION.

23 SO AT THIS POINT, OUR RECOMMENDATION WOULD
24 STAND TO REFER THEM TO THE ATTORNEY GENERAL FOR THE
25 WARNING LETTER.

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1 MR. IWAHRO: MR. CHAIRMAN, I JUST MIGHT ADD
 2 THAT ANYTIME WE DO RECEIVE THE MATERIAL AND IT'S DEEMED
 3 ADEQUATE, THEN WE WOULD, OF COURSE, NOTIFY THE ATTORNEY
 4 GENERAL'S OFFICE OF THIS FACT AND, YOU KNOW, QUIT
 5 PURSUING ANYTHING. I JUST WANTED TO MAKE SURE THAT
 6 THAT'S CLEAR.

7 CHAIRMAN MOSCONE: MR. LAMORE.

8 MR. LAMORE: I WOULD LIKE TO MAKE ONE OTHER
 9 REMARK. THE FINANCIAL PROBLEM -- I MEAN, ACTUALLY, WHEN
 10 YOU LOOK AT THE REQUIREMENTS OF THE REGULATIONS
 11 THEMSELVES, WHICH ARE IN THE -- IT'S QUITE DIFFICULT. IF
 12 WE WERE GOING TO BE CLOSING THAT FILL IN 15 OR 20 YEARS
 13 DOWN THE ROAD, IT WOULD BE RATHER EASY TO SET UP SOME
 14 FUNDING. BUT HERE WE ARE ALREADY TRYING TO CLOSE IT, AND
 15 WE'RE SUPPOSED TO BE COMING UP WITH A RATHER LARGE SUM OF
 16 MONEY.

17 IT'S VERY EASY TO WRITE US A LETTER AND
 18 SAY, WELL, YOU CAN FLOAT A BOND ISSUE AND PUT THE MONEY
 19 INTO A RESERVE ACCOUNT, BUT THE REALITIES -- THE
 20 POLITICAL REALITIES IN A COUNTY OUR SIZE ARE SOMETHING
 21 ELSE. AND THE LAW HAS, PERHAPS, I THINK, KIND OF LEFT A
 22 LITTLE HOLE IN THERE.

23 CHAIRMAN MOSCONE: ANY COMMENTS? QUESTIONS?

24 BOARD MEMBER VARNER: YEAH, MR. CHAIRMAN.

25 CHAIRMAN MOSCONE: MR. VARNER.

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1 BOARD MEMBER VARNER: THIS IS ONE OF THOSE
2 THINGS THAT SHOWS THE INADEQUACY OF COMPLETE KNOWLEDGE
3 WHEN LEGISLATION IS WRITTEN. THE ONLY THING I CAN SAY TO
4 THIS GENTLEMAN IS THAT I DON'T THINK WE HAVE ANY LEEWAY
5 IN WHAT WE CAN DO HERE. WE UNDERSTAND WHAT YOUR DILEMMA
6 IS; BUT ON THE OTHER HAND, REGULATIONS IN THE LAW AS IT
7 IS WRITTEN DOESN'T TAKE THAT INTO CONSIDERATION. SO THIS
8 IS A PROCEDURE THAT, AS FAR AS I CAN SEE, WE'RE GOING TO
9 HAVE TO GO THROUGH.

10 I DON'T KNOW OF ANY -- TELL ME IF I'M
11 WRONG, MR. CONHEIM OR BILL -- BUT WE HAVE TO ADHERE TO
12 THE RULES AS THEY ARE WRITTEN. NATURALLY, THIS HAS BEEN
13 ON THE BOOKS FOR SOME TIME AND APPARENTLY YOUR PEOPLE IN
14 YOUR COUNTY WERE NOT QUITE AWARE THAT THIS WAS THE
15 SITUATION EVIDENTLY.

16 MR. LAMORE: WELL, WE'VE BEEN BATTLING ON HOW TO
17 FINANCE OUR -- AND I MEAN JUST THAT -- FOR OVER A YEAR.

18 BOARD MEMBER VARNER: I UNDERSTAND. BUT THEN
19 FINANCE IT ACCORDING TO WHAT THE LEGISLATURE HAS PROVIDED
20 AS ACCEPTABLE FINANCIAL MECHANISMS.

21 MR. LAMORE: NO, WE HAVE NOT.

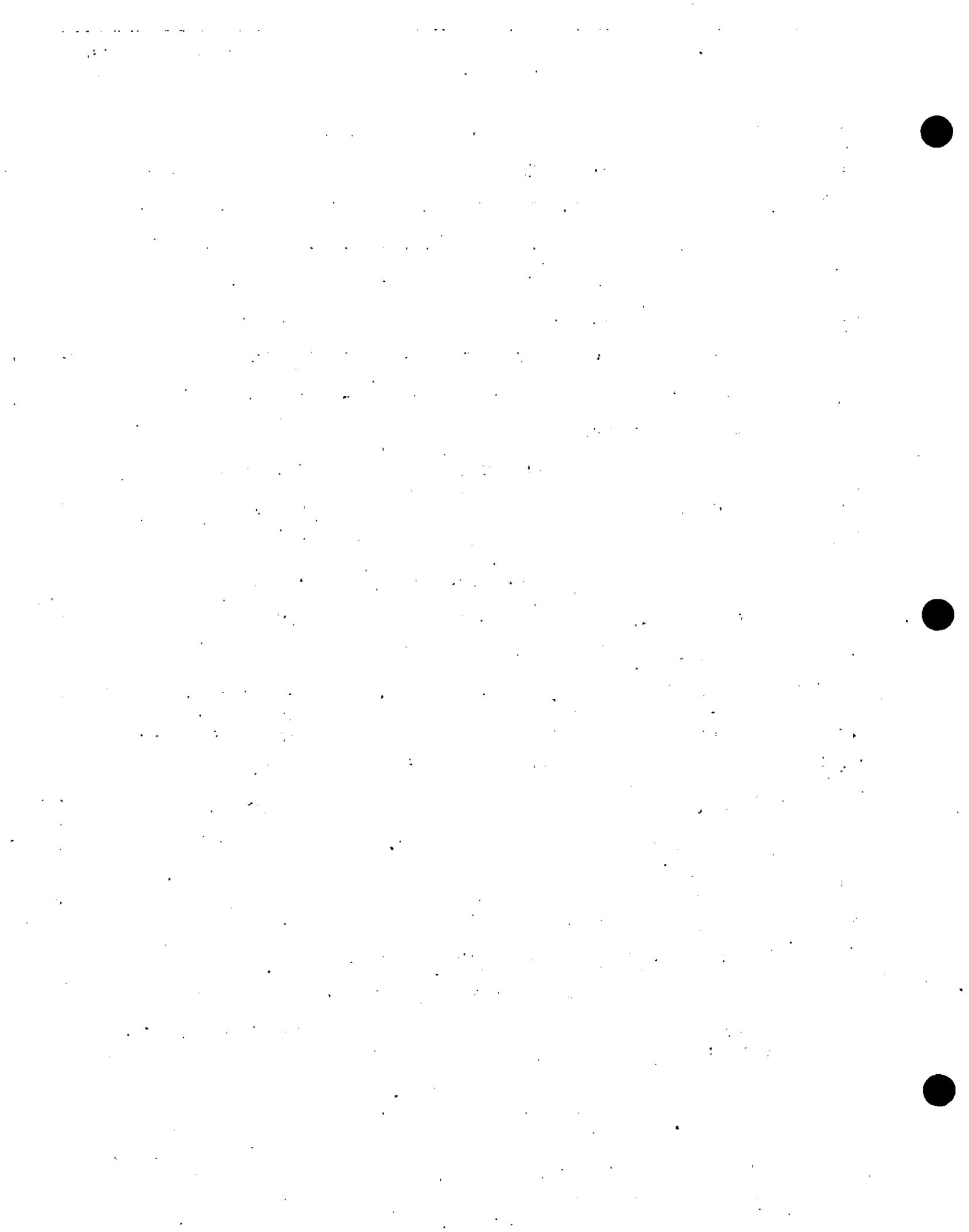
22 BOARD MEMBER VARNER: ALL RIGHT. IT'S AN
23 UNFORTUNATE THING, BUT THAT'S ONE -- AND I'VE BEEN -- THE
24 POWERS THAT BE WOULD HAVE TO TAKE YOUR CASE INTO
25 CONSIDERATION, BUT I DON'T THINK THAT WE HAVE ANY LEEWAY

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1 TO CHANGE THE RULES THAT WE HAVE TO OPERATE UNDER.

2 MR. ORR: I THINK THAT THE BOARD IS IN A BIND
3 FROM THE STANDPOINT THAT THE LEGISLATION HAS SEVERAL
4 PROVISIONS THAT MAKE THIS KIND OF LANDFILL VERY DIFFICULT
5 TO DEAL WITH. SPECIFICALLY, YOU ARE REQUIRED TO PROVIDE
6 THIS KIND OF FINANCIAL MECHANISM.

7 SECONDLY, YOU ARE REQUIRED TO SUBMIT A
8 CLOSURE AND POSTCLOSURE MAINTENANCE PLAN, WHICH MR.
9 LAMORE ADDRESSED.

10 AND THIRDLY, YOU CAN'T APPROVE A CLOSURE
11 PLAN THAT DOESN'T HAVE AN ACCEPTABLE MECHANISM.

12 SO YOU ARE SORT OF BOXED INTO THE BOARD
13 CAN'T REALLY APPROVE A PLAN THAT DOESN'T HAVE AN
14 ACCEPTABLE MECHANISM, AND WE CAN'T GET AN ACCEPTABLE
15 MECHANISM RIGHT NOW. SO I THINK THAT THERE ISN'T VERY
16 MUCH ROOM TO MANEUVER FOR A LANDFILL THAT HAS IMPENDING
17 CLOSURE COMING UP AND -- BOTH IN TERMS OF TIME TO COME UP
18 WITH THE MONEY, BUT ALSO IN TERMS OF THE FACT THAT IT'S
19 SUPPOSED TO BE CLOSING, AND WE CAN'T APPROVE A CLOSURE
20 PLAN UNTIL THERE'S A MECHANISM. - SO IT IS BETWEEN A ROCK
21 AND A HARD SPOT.

22 BOARD MEMBER VARNER: WELL, BILL, AS YOU KNOW, I
23 WORKED WITH YOU ON MAKING -- ON GETTING THE RULES THAT
24 WE'RE OPERATING UNDER. AND I POINTED THAT OUT A NUMBER
25 OF TIMES IN THE PROCESS, THAT ANYBODY THAT HAD A LANDFILL

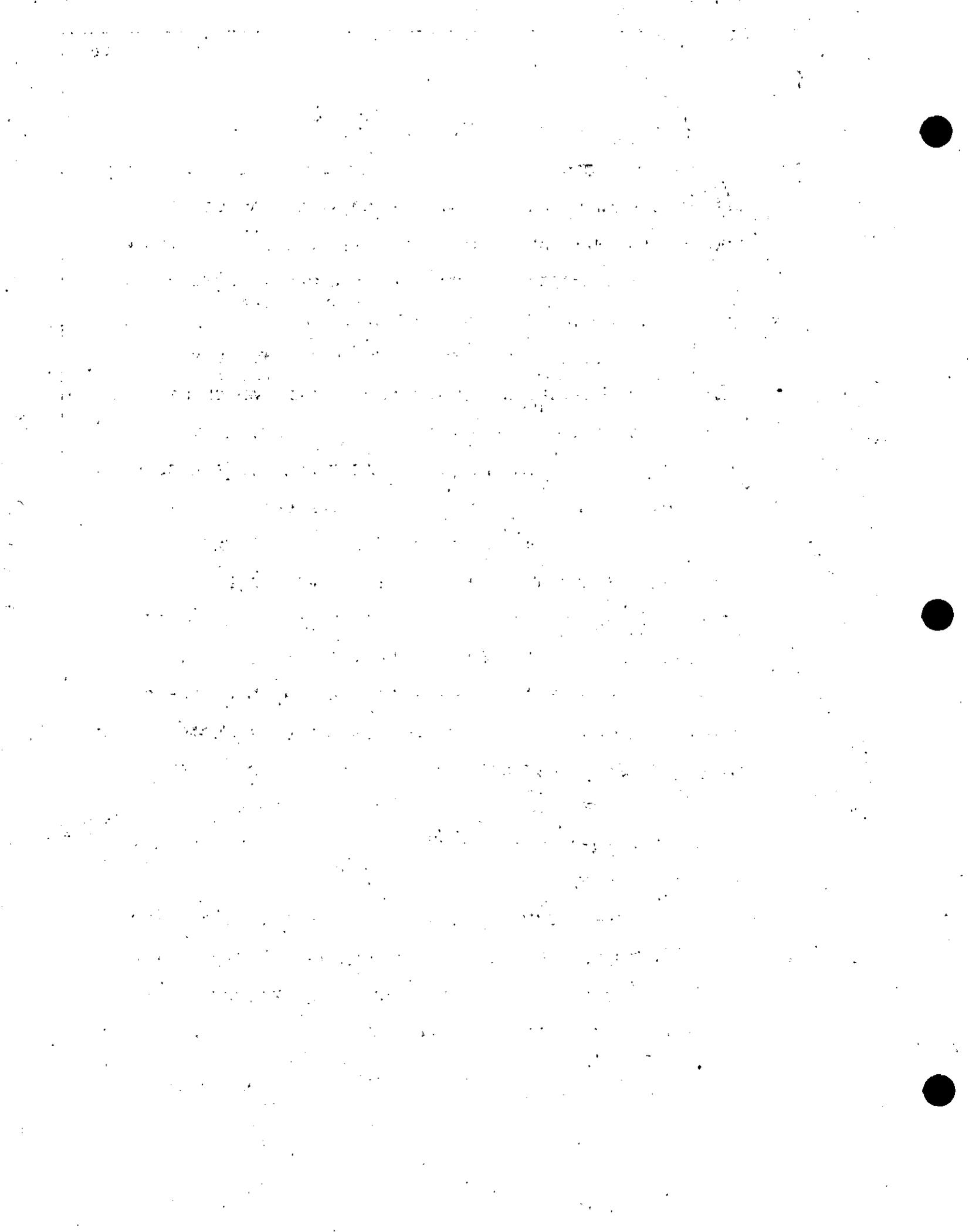
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1 THAT'S GOING TO CLOSE WITHIN A SHORT PERIOD OF TIME,
2 THERE WAS JUST ABSOLUTELY WAS NO PROVISION MADE TO GIVE
3 THEM ANY KIND OF BREAK. IN OTHER WORDS, YOU'VE GOT TO
4 COME UP WITH THE BUCKS WHENEVER THE TIME COMES. AND
5 THAT'S ONE THAT WAS POINTED OUT, AND THERE WAS NOT ANY
6 RELIEF GIVEN. AND SO THAT IS EXACTLY WHERE IT STANDS.

7 MR. ORR: ABOUT THE MOST THAT I CAN SAY IN TERMS
8 OF -- I KNOW THE STAFF IN THE COMING TIME WOULD BE
9 WILLING TO WORK WITH THE COUNTY TO EXPLORE, AS THEY HAVE
10 DISCUSSED EARLIER IN THE DAY, THE FINANCIAL MECHANISMS
11 THAT ARE AVAILABLE AND DISCUSS WITH THEM WHAT MAY BE
12 ADVANTAGEOUS OR MINIMIZE THE IMPACT.

13 THERE WERE A COUPLE OF PROVISIONS PUT INTO
14 THE REGULATIONS THAT PROVIDE SOME FLEXIBILITY. FOR
15 EXAMPLE, FOR THE LANDFILLS WITH IMPENDING CLOSURE, THE
16 TIME SCHEDULE FOR WHEN ALL THE MONEY HAS TO BE THERE IS
17 ONE THAT NEEDS TO BE PROVIDED WITH THE CLOSURE PLAN
18 RATHER THAN IN ACCORDANCE WITH A RIGID SCHEDULE OF
19 PAYMENTS. SO THAT'S ONE AREA THAT THE COUNTY CAN GIVE
20 SOME CONSIDERATION TO AS TO HOW THEY'RE GOING TO FUND THE
21 CLOSURE IN A TIMELY MANNER.

22 AND THEN SOME OF THE OTHER FINANCIAL
23 MECHANISMS THAT THEY HAVE BEEN CONSIDERING RECENTLY MAY
24 IMPOSE A GREATER OR A LESSER BURDEN ON BOTH THEIR CAPITAL
25 MONIES AS WELL AS SIMPLY THEIR ABILITY TO RAISE THE

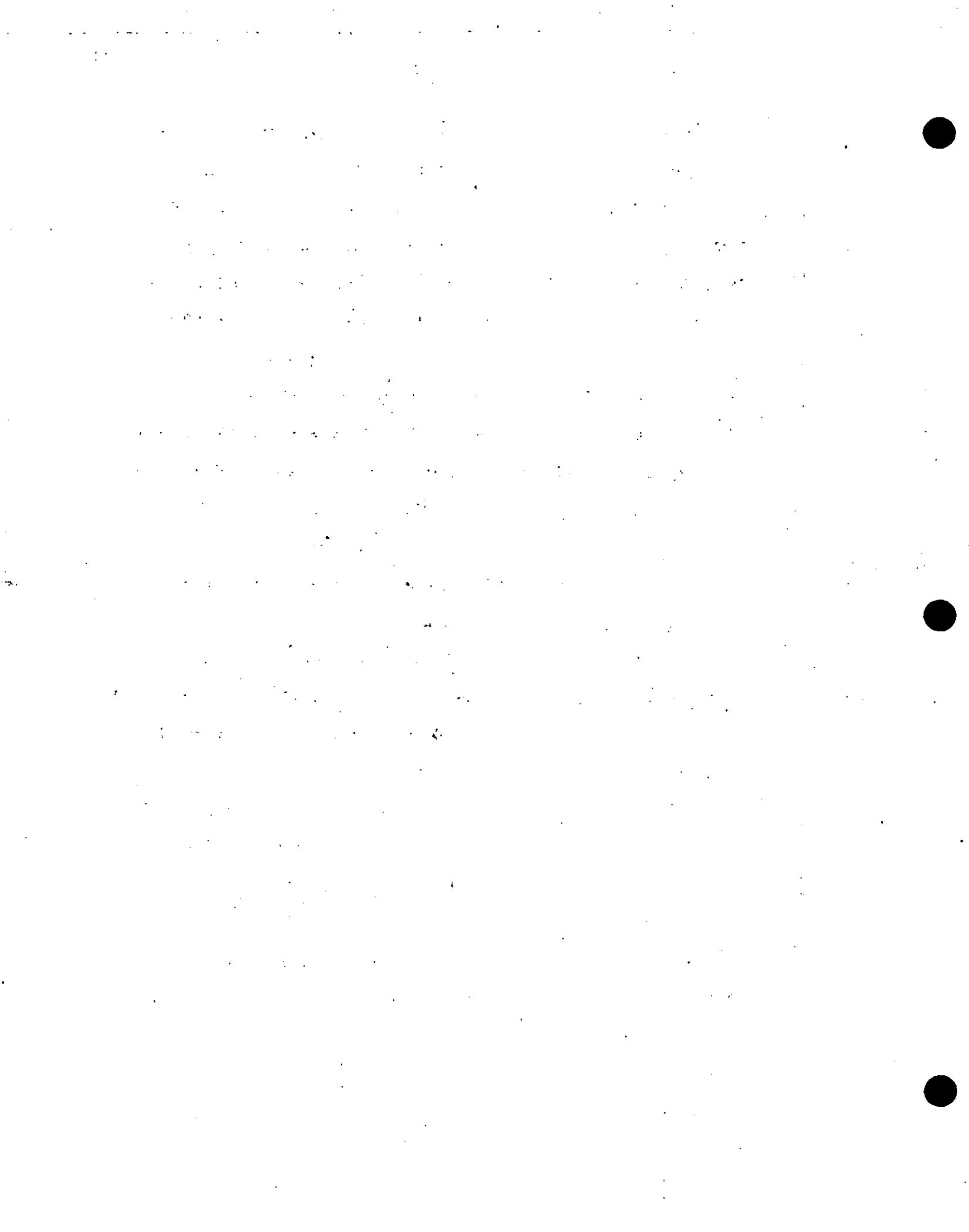
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1 MONIES IN A SHORT TIME FASHION AND DEDICATE IT JUST TO
2 CLOSURE.

3 SO, YOU KNOW, THE STAFF OR THE FINANCE UNIT
4 AND THE STANDARDS AND REGULATIONS DIVISION IS OPEN AND
5 DOES SO ON A REGULAR BASIS IS AS HELPFUL AS POSSIBLE IN
6 TERMS OF GETTING THROUGH THESE KINDS OF SITUATIONS, AND
7 WE'LL TRY TO BRING TO THEIR ATTENTION WHAT OPPORTUNITIES
8 EXIST WITHIN THE STATUTE AND THE REGULATIONS.

9 BOARD MEMBER VARNER: ONE OTHER THING THAT I
10 MIGHT SAY FOR THIS GENTLEMAN'S BENEFIT OR ANYONE ELSE
11 THAT'S INTERESTED. THIS IS AN ISSUE THAT, AS I SAY, I
12 BROUGHT IT UP A NUMBER OF TIMES, AND THERE IS SOME
13 INDICATION OF LEGISLATORS THAT ARE BECOMING AWARE OF
14 THIS, AND THERE IS AT LEAST ONE BILL THAT'S AN
15 EXPLORATORY PIECE OF LEGISLATION TO GIVE SPECIAL
16 CONSIDERATION OR SPECIAL RELIEF TO SMALL COUNTIES OR
17 RURAL AREAS THAT JUST LITERALLY CANNOT LIVE UP TO THE
18 LETTER OF THE LAW AS IT'S WRITTEN.

19 I WOULD URGE YOU TO INVESTIGATE THIS AND
20 SEE IF THERE ISN'T SOME PEOPLE YOU CAN CONTACT IN THE
21 LEGISLATURE THAT CAN PROVIDE SOME RELIEF FOR COUNTIES
22 LIKE YOURSELVES.

23 I CERTAINLY SYMPATHIZE WITH YOU AND HAVE
24 POINTED OUT REPEATEDLY, SINCE I'VE BEEN ON THIS BOARD,
25 THAT YOU'VE GOT 58 DIFFERENT COUNTIES, AND THEY'RE ALL

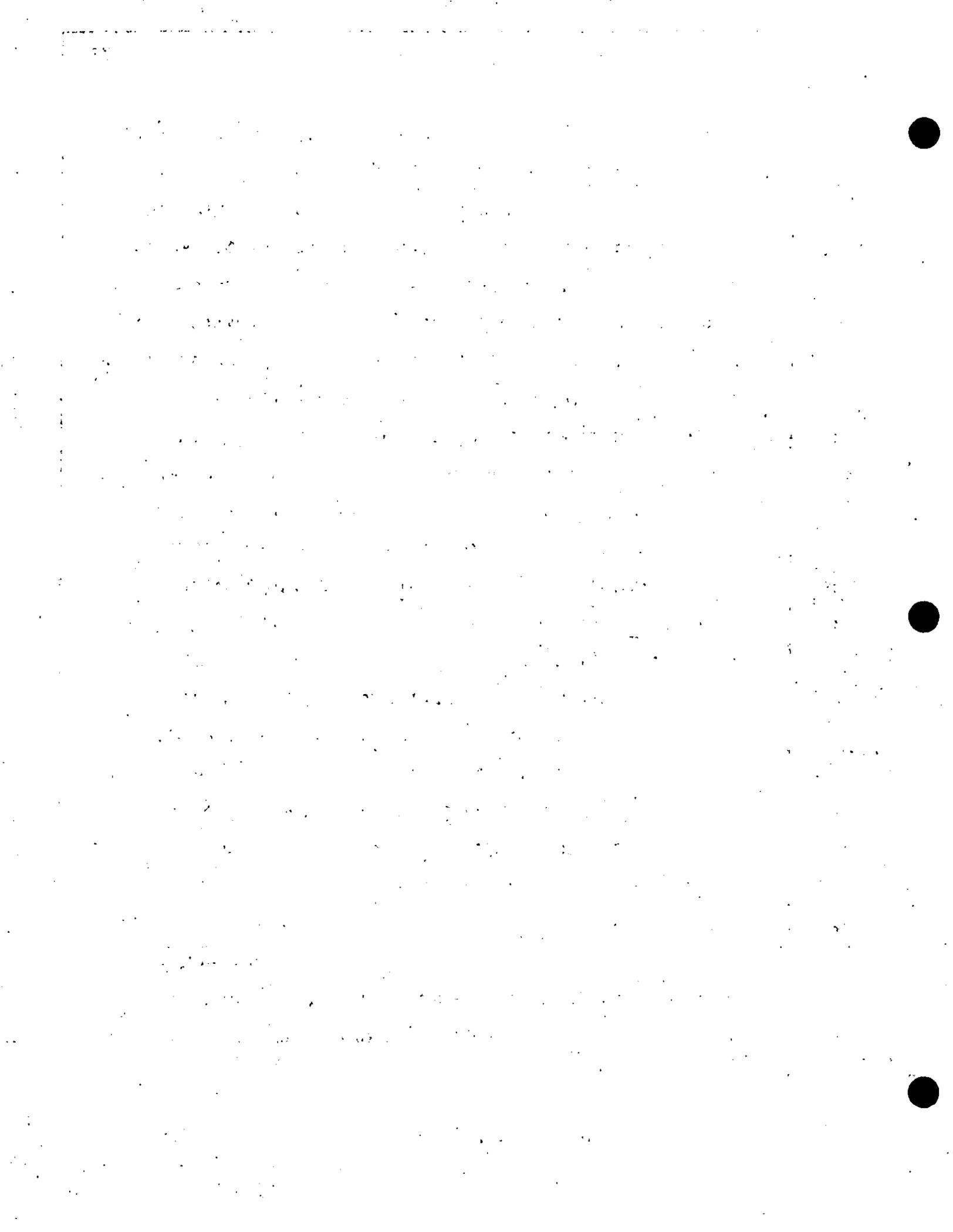
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1 DIFFERENT. AND EVEN LOTS OF COUNTIES HAVE MUCH DIFFERENT
2 AREAS WITHIN EACH COUNTY THAT IF YOU MAKE ONE LAW THAT'S
3 RIGID TO TRY TO FIT ALL SITUATIONS, YOU ARE GOING TO
4 DEVASTATE A LOT OF PEOPLE. AND I THINK THAT'S WHAT'S
5 GOING TO HAPPEN. AND IT'S GOING TO PROBABLY HAVE TO BE
6 DEMONSTRATED BEFORE THERE IS SOME PROPER RELIEF GIVEN.

7 BUT IN THE MEANTIME, I DO NOT THINK THAT WE
8 HAVE ANY LEEWAY TO MAKE ANY CHANGES FROM THIS BODY TO DO
9 ANYTHING DIFFERENT THAN WHAT THE LAW CALLS FOR.

10 CHAIRMAN MOSCONE: ANY OTHER COMMENTS? WHAT IS
11 YOUR PLEASURE?

12 MS. MARCONI: MR. CHAIRMAN, I'D JUST LIKE TO
13 CLARIFY THAT THERE'S THREE FACILITIES STAFF IS
14 RECOMMENDING FOR REFERRAL BECAUSE WE HAVE REMOVED
15 AMERICAN CANYON.

16 SO THE THREE FACILITIES WOULD BE CRESCENT
17 CITY LANDFILL, BERRYESSA ESTATES, AND ADVANCED COURSE.

18 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

19 CHAIRMAN MOSCONE: MRS. BREMBERG.

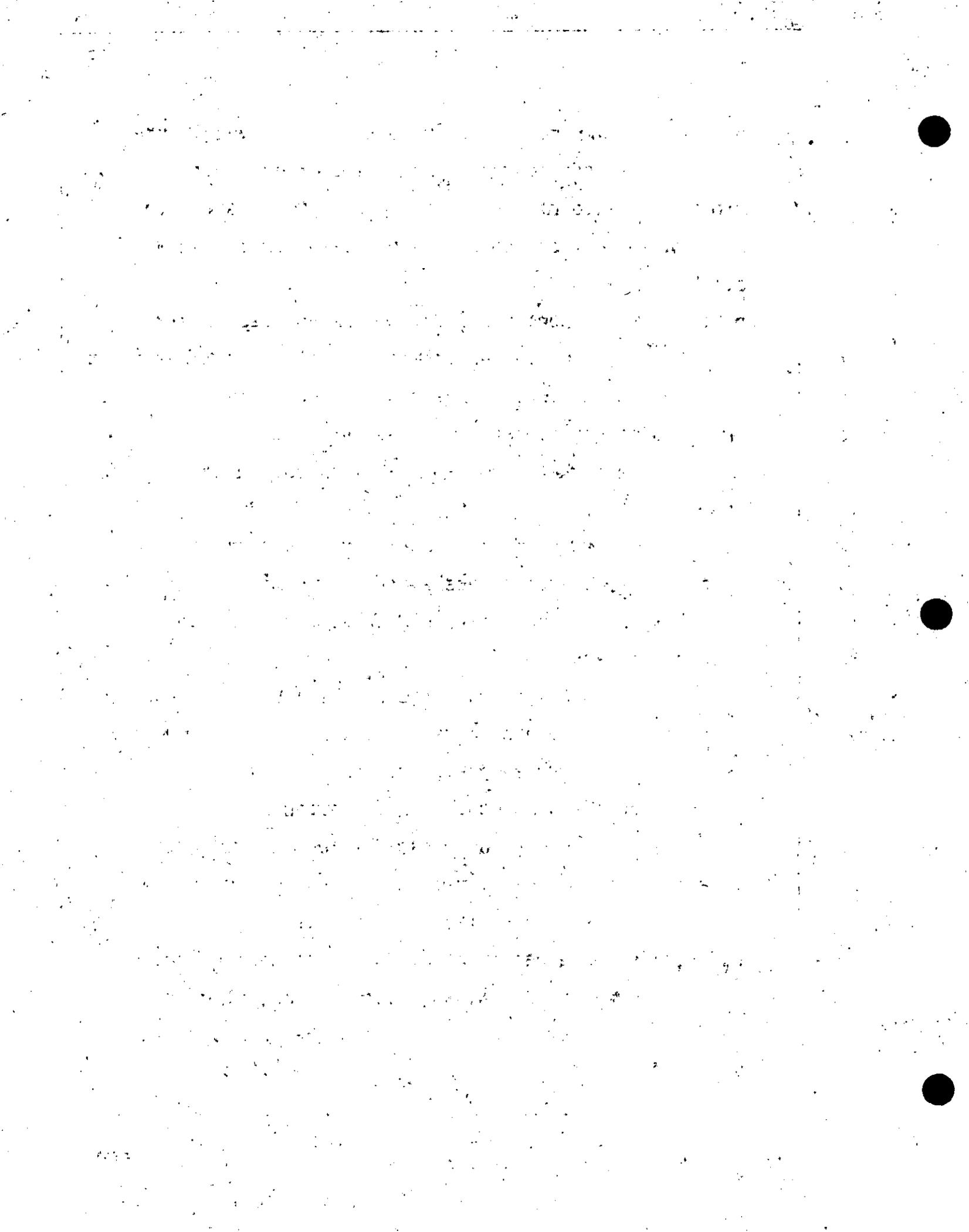
20 BOARD MEMBER BREMBERG: I WOULD MOVE OPTION 2 TO
21 DIRECT STAFF TO REFER THREE FACILITIES TO THE ATTORNEY
22 GENERAL. THESE FACILITIES HAVE INCOMPLETE OR DEFICIENT
23 SUBMITTALS, HAVE RECEIVED LETTERS THAT IDENTIFY THE
24 MISSING COMPONENTS OF A CERTIFICATION, AND REQUEST THAT
25 THE ITEMS BE SUBMITTED AND SET DEADLINES FOR COMPLIANCE.

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1 BOARD MEMBER BROWN: SECOND.

2 CHAIRMAN MOSCONE: WE HAVE A MOTION AND A
3 SECOND. ANY QUESTIONS?

4 MADAM SECRETARY, WOULD YOU CALL THE ROLL,
5 PLEASE?

6 SECRETARY DUNN: BOARD MEMBERS BREMBERG?

7 BOARD MEMBER BREMBERG: AYE.

8 SECRETARY DUNN: BROWN?

9 BOARD MEMBER BROWN: YES.

10 SECRETARY DUNN: GEARHEART?

11 BOARD MEMBER GEARHEART: YES.

12 SECRETARY DUNN: LOCKINGTON?

13 BOARD MEMBER LOCKINGTON: YES.

14 SECRETARY DUNN: TCHOBANOGLOUS?

15 BOARD MEMBER TCHOBANOGLOUS: YES.

16 SECRETARY DUNN: VARNER?

17 BOARD MEMBER VARNER: AYE.

18 SECRETARY DUNN: CHAIRMAN MOSCONE?

19 CHAIRMAN MOSCONE: YES.

20 WE WILL TAKE A TEN-MINUTE BREAK TILL TEN
21 MINUTES OF THREE.

22 (A BREAK WAS TAKEN.)

23 CHAIRMAN MOSCONE: WE WILL PROCEED TO ITEM NO. 5
24 AND THEN DO ITEM NO. 6 TODAY, AND THEN WE WILL RECESS
25 UNTIL TOMORROW MORNING AT 9 O'CLOCK.



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1 ITEM NO. 5, CONSIDERATION OF APPROVAL OF
2 FINAL CLOSURE AND POSTCLOSURE MAINTENANCE PLANS FOR
3 PARTIAL CLOSURE, CITY OF PALO ALTO SOLID WASTE LANDFILL,
4 SANTA CLARA COUNTY.

5 MR. IWAHIRO: YES, MR. CHAIRMAN, THIS AFTERNOON
6 WE HAVE BEEN TALKING ABOUT CERTIFICATIONS OF THE FACT
7 THAT PEOPLE HAVE CLOSURE PLANS, AND NOW WE HAVE A REAL
8 LIVE CLOSURE PLAN BEFORE US FOR THE CITY OF PALO ALTO
9 LANDFILL.

10 THIS IS OUR -- PROBABLY OUR VERY FIRST ONE
11 WHICH THE BOARD IS BEING ASKED TO CONSIDER, AND SO THERE
12 MAY BE SOME ROUGH EDGES OR -- HOPEFULLY NOT, BUT SOME
13 PARTS OF PROCEDURES THAT WE MAY WANT TO CHANGE; BUT,
14 NEVERTHELESS, WE HAVE DEVELOPED THIS PARTICULAR PROCEDURE
15 AND PRESENT IT TO YOU FOR CONSIDERATION. AND WE WILL BE
16 MAKING A RECOMMENDATION REGARDING THIS CLOSURE PLAN.

17 BILL ORR, AGAIN, WILL BE TAKING THE LEAD ON
18 THIS.

19 MR. ORR: THANK YOU, MR. CHAIRMAN, BOARD
20 MEMBERS.

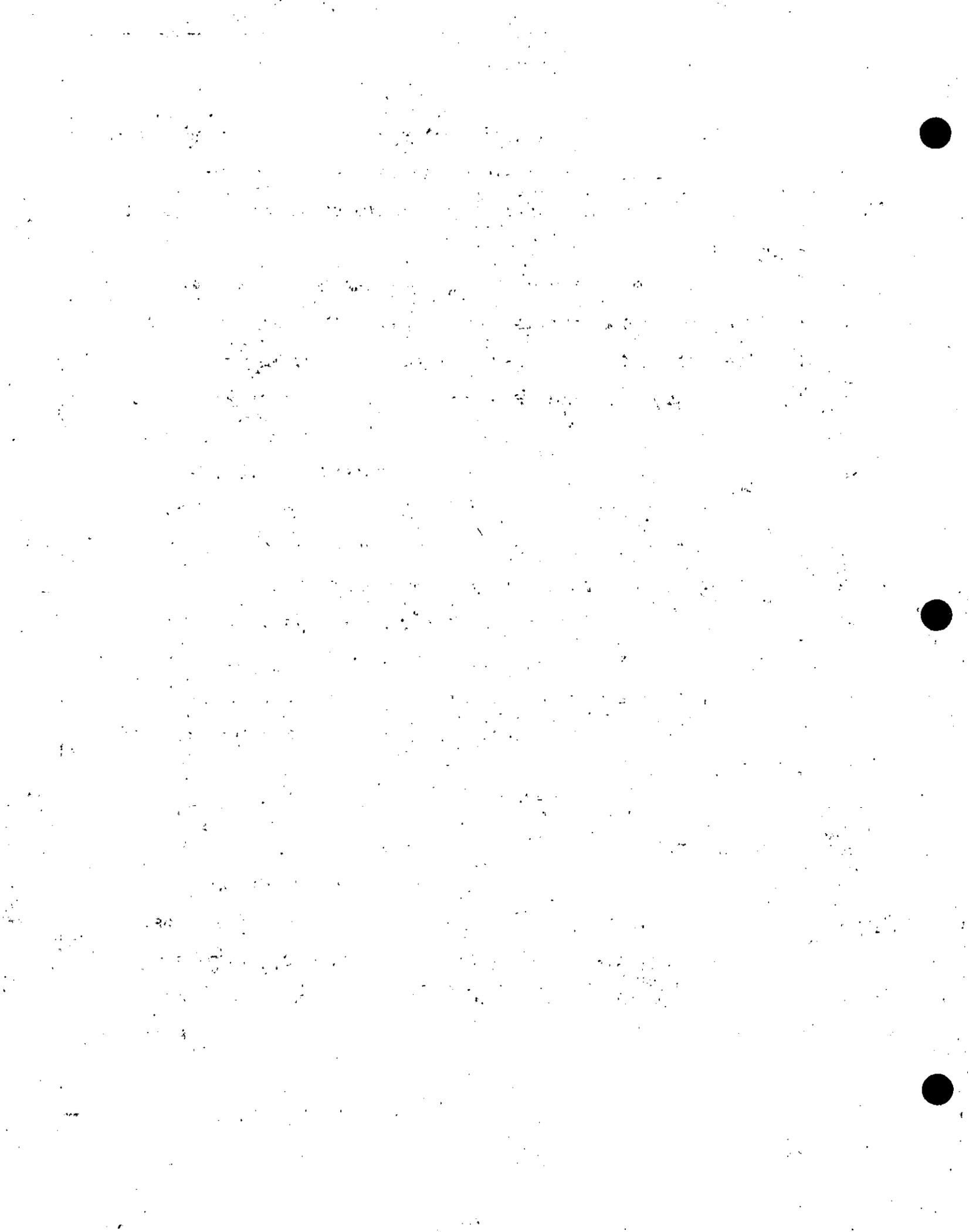
21 TODAY SORT OF PIGGYBACKING ON WHAT WE
22 TALKED ABOUT IN THE LAST AGENDA ITEM ABOUT HOW SOMETIMES
23 WHEN YOU HAVE A NEW PROGRAM THAT CATCHES, IN THIS CASE,
24 LANDFILL OPERATORS BY SURPRISE, IN THIS PARTICULAR
25 INSTANCE, THE CITY OF PALO ALTO FOR SOME TIME HAS PLANNED

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1 ON BUILDING A PARK ON THE LANDFILL WHEN IT CLOSES. AND
2 THEIR PLANS TO CONSTRUCT THIS PARK AND CONTRACTS TO BEGIN
3 BUILDING THIS PARK WERE COMMENCING ABOUT THE TIME THAT
4 OUR REGULATIONS WENT INTO EFFECT.

5 AND SO THROUGH THE CEQA PROCESS, WE
6 IDENTIFIED THAT THEY WERE PLANNING ON BUILDING THIS PARK
7 ON THE -- ON AN INACTIVE PORTION OF THE ACTIVE PALO ALTO
8 LANDFILL. AND SO WE GOT INTO THE GAME ABOUT LAST
9 OCTOBER, NOVEMBER BECAUSE BASICALLY THE STATUTES AND THE
10 REGULATIONS REQUIRE THAT BEFORE YOU CAN CONDUCT ANY
11 CLOSURE ACTIVITIES, WHICH WOULD INCLUDE PLACING FINAL
12 COVER, AND BEFORE YOU COULD BASICALLY BUILD A POSTCLOSURE
13 LAND USE ON TOP OF IT, THAT THAT WOULD HAVE TO BE
14 APPROVED.

15 NOW, RECOGNIZING THAT THEY HAD ALREADY
16 AWARDED CONTRACTS, HADN'T BEGUN CONSTRUCTION AND SO
17 FORTH, WE COMMITTED TO THE CITY THAT WE WOULD ATTEMPT TO
18 EXPEDITE THIS REVIEW AND THIS PROCESS AS MUCH AS WE
19 COULD. AND TO THAT END, WE USED A LOT OF EXISTING
20 DOCUMENTATION THAT WOULD ADDRESS VARIOUS ASPECTS OF THE
21 CLOSURE ITSELF.

22 AND NOW WE ARE HERE WITH QUITE A BIT OF
23 DOCUMENTATION. IT REALLY DOES NOT CONSTITUTE WHAT WE
24 WILL BE SEEING IN THE FUTURE AS AN INTEGRATED CLOSURE
25 PLAN THAT ADDRESSES IN A STAND-ALONE FASHION ALL OF THE

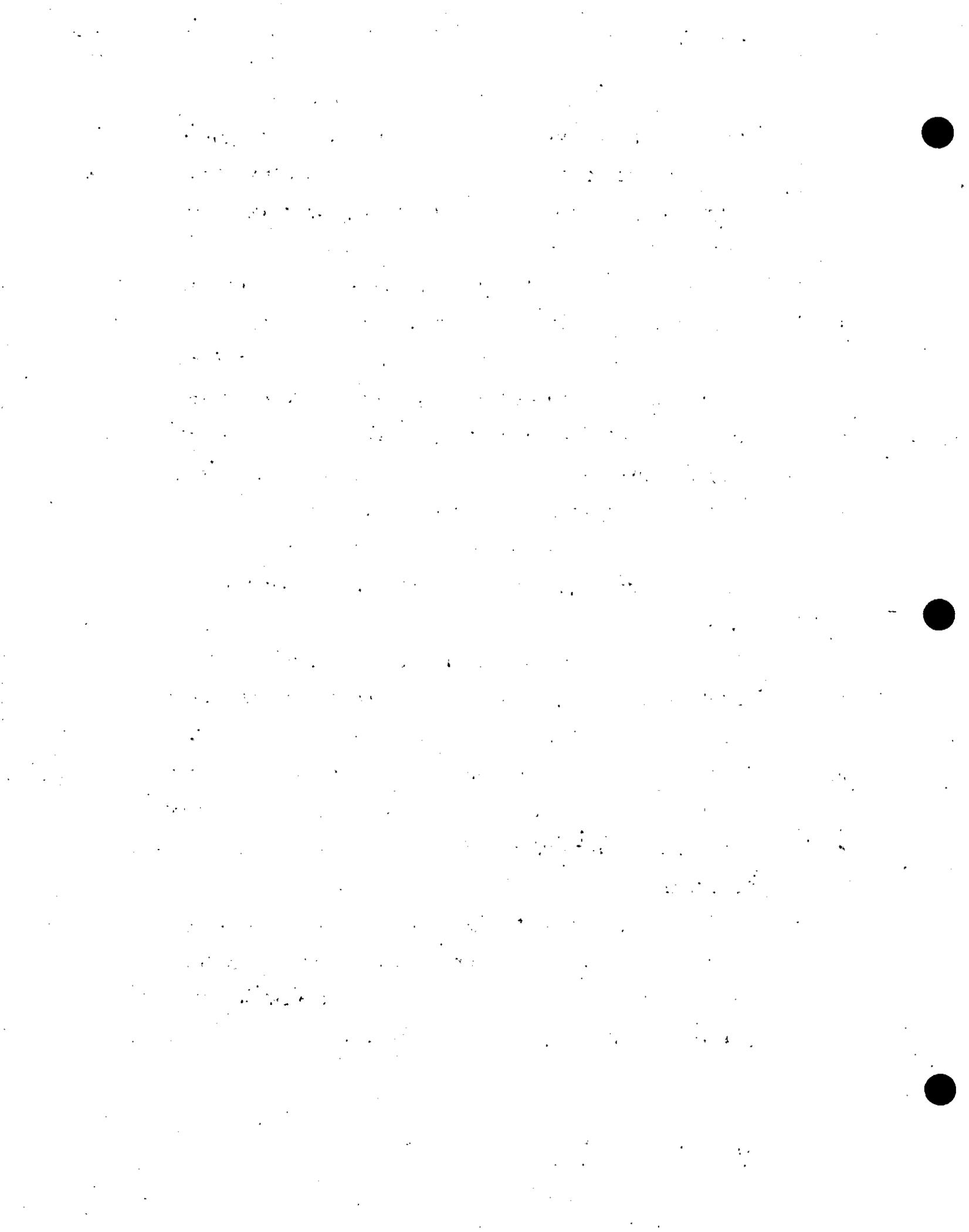
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1 CLOSURE/POSTCLOSURE REQUIREMENTS, BUT WE HAVE BEEN ABLE
2 TO IDENTIFY BASICALLY WHAT THE CLOSURE ACTIVITIES ARE AND
3 THE POSTCLOSURE ACTIVITIES THAT THE CITY OF PALO ALTO
4 WANTS TO UNDERTAKE AT THIS TIME.

5 AND I'LL TURN THE MICROPHONE OVER TO NATE
6 GAUFF OF THE STANDARDS AND REGULATIONS DIVISION, WHO WILL
7 ACTUALLY GO THROUGH A LITTLE BIT ABOUT THE BACKGROUND OF
8 THIS FACILITY AND THE PROPOSAL FOR THESE CLOSURE
9 ACTIVITIES FOR PARTIAL CLOSURE OF THE CITY OF PALO ALTO
10 LANDFILL.

11 MR. GAUFF: GOOD AFTERNOON, MR. CHAIRMAN AND
12 MEMBERS OF THE BOARD.

13 AS BILL HAS STATED, THIS IS A PARTIAL
14 CLOSURE OF AN OPERATING LANDFILL, AND IT'S CLOSING
15 APPROXIMATELY ONE-THIRD OF THE PALO ALTO LANDFILL. THE
16 PARTIAL CLOSURE ACTIVITIES PROPOSED INVOLVE PLACEMENT OF
17 FINAL COVER, DRAINAGE, ASSOCIATED DRAINAGE ITEMS, AND
18 VEGETATION. AND THEN, ALSO, IN RELATION TO THE PARK
19 DEVELOPMENT, VARIOUS ARTISTIC EMBELLISHMENTS, AS THEY
20 HAVE BEEN STATED, THAT WILL GO FOR THE GENERAL PUBLIC TO
21 UTILIZE ONCE THE LANDFILL IS CLOSED.

22 THIS ACTIVITY ALSO INVOLVED THE APPROVAL OF
23 THE PLANS BY THE LOCAL ENFORCEMENT AGENCY AND THE
24 REGIONAL WATER QUALITY CONTROL BOARD, AND, OF COURSE, OUR
25 BOARD FOR THE LANDFILL.

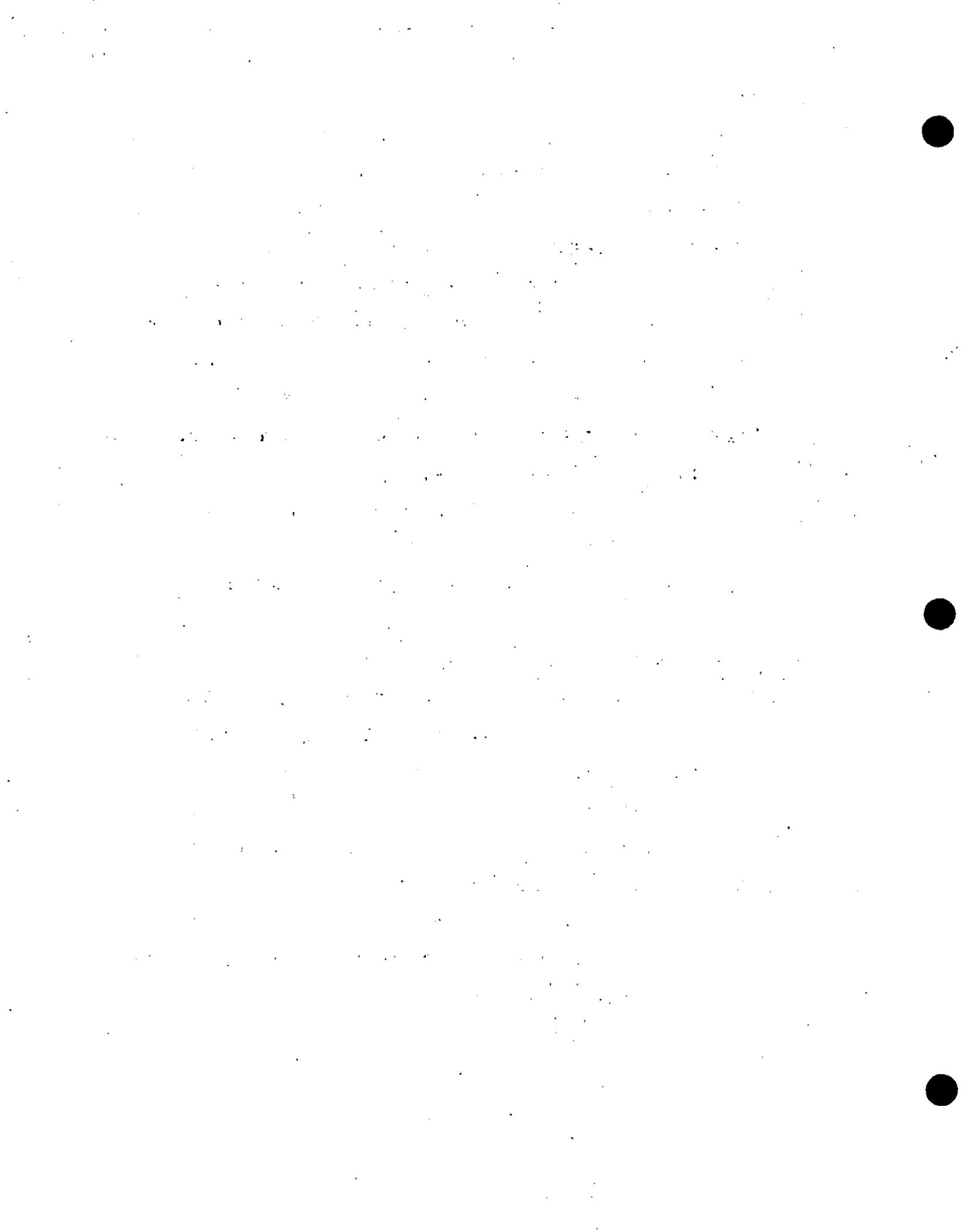
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1 THE LANDFILL, ONCE AGAIN, IS THE PALO ALTO
2 LANDFILL LOCATED IN THE SOUTHWESTERN PART OF SAN
3 FRANCISCO BAY REGION. IT IS RIGHT ON OR ACTUALLY NOT ON
4 THE BAY, BUT VERY -- IN CLOSE PROXIMITY TO THE SAN
5 FRANCISCO BAY. THE LANDFILL HAS BEEN IN OPERATION AS A
6 SANITARY LANDFILL FOR APPROXIMATELY 35 YEARS AND HAS BEEN
7 OPERATING FOR ABOUT THE LAST 15 YEARS IN PLACING
8 BASICALLY A SECOND LIFT OR A SECOND LAYER OF WASTE OVER
9 THE ORIGINAL LAYERS THAT WERE PLACED IN THE FIRST 20
10 YEARS OF OPERATION.

11 THE LANDFILL CURRENTLY IS IN THE PROCESS OF
12 UPDATING ITS PERMITTING REQUIREMENTS, AND PART OF THAT
13 WE'LL BE TALKING ABOUT LATER IS APPROVING THE
14 CERTIFICATION -- CLOSURE/POSTCLOSURE CERTIFICATION FOR
15 THE LANDFILL IN RELATION TO THE PERMITTING ITEMS.

16 THE LANDFILL OR THE PARK -- BYXBEE PARK,
17 PHASE I, IS PART OF A LARGER MASTER PLAN FOR WHAT'S
18 CALLED THE BAYLANDS AREA OF THE PALO ALTO REGION. AND
19 THIS PHASE I, LIKE I SAID, IS A FIRST PHASE OF A
20 THREE-PHASE PROJECT THAT WILL EVENTUALLY ENCOMPASS THE
21 ENTIRE LANDFILL AS A PARK.

22 THE PHASE I AREA LAST RECEIVED WASTE IN THE
23 WINTER OF '85, AND THE COVER OR FOUNDATION SOIL OF THE
24 FINAL COVER WAS PLACED BETWEEN 1982 AND 1985, ROUGHLY,
25 AND ALSO AN IMPERMEABLE LAYER OF MATERIAL WAS PLACED AT

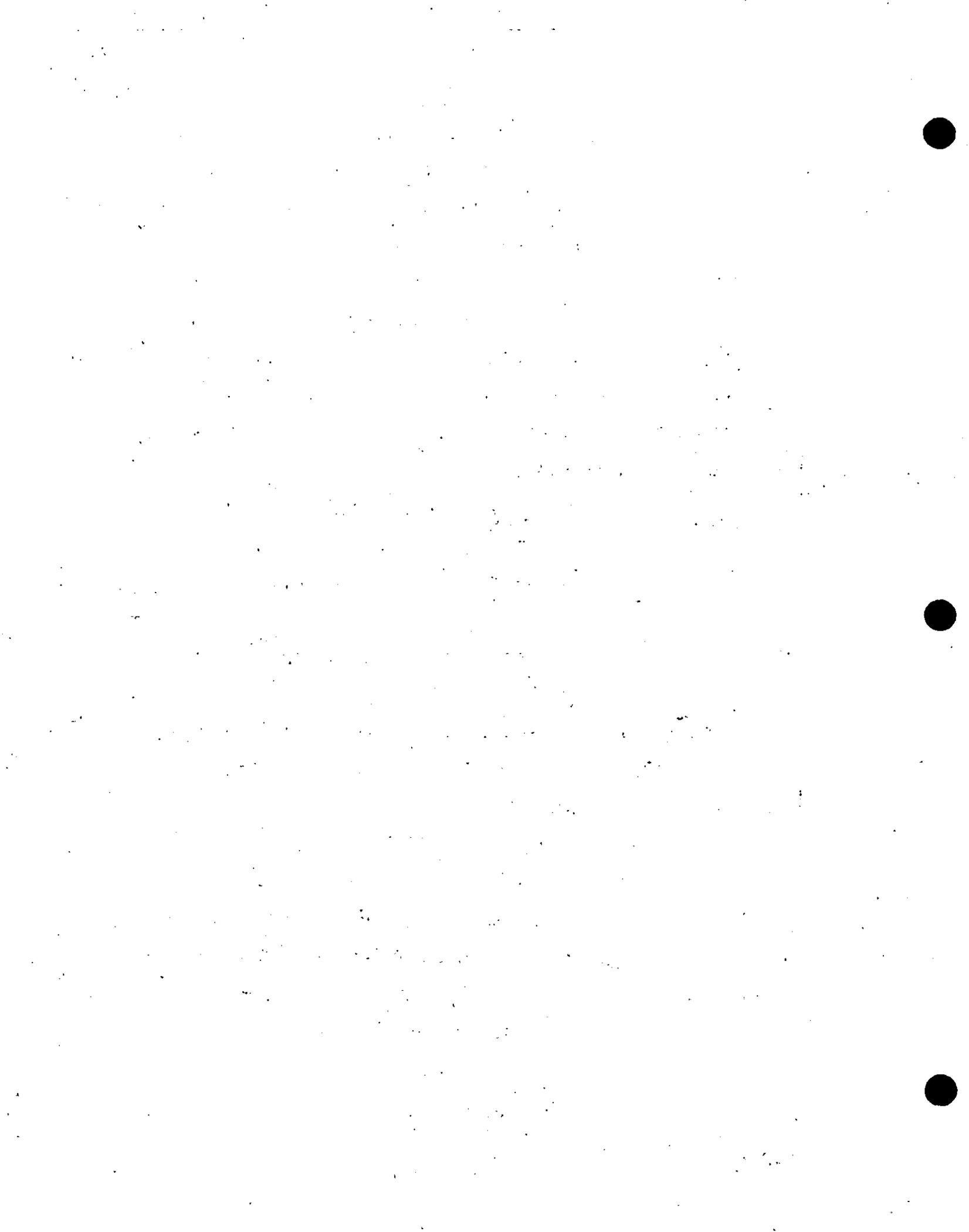
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1 THE LANDFILL IN THE SUMMER OF 1987. SO THE LANDFILL
2 RIGHT NOW WITH THE PHASE I AREA HAS TWO COMPONENTS OF
3 WHAT WE'RE CONSIDERING FINAL COVER, IN THAT THEY HAVE THE
4 FOUNDATION SOILS AND THE IMPERMEABLE LAYER, AND THEY ARE
5 YET TO RECEIVE THE TOP SOIL LAYER.

6 THE BOARD ACTION -- OR THE BOARD IS
7 RESPONSIBLE FOR ENSURING THAT THE CLOSURE AND POSTCLOSURE
8 MAINTENANCE PLANS COMPLY WITH THE CLOSURE AND POSTCLOSURE
9 REGULATIONS, AND ALSO THAT THE PLANS ARE SUBMITTED IN
10 ACCORDANCE TO THE REGULATIONS FOUND IN 14 CCR, CHAPTER 5,
11 ARTICLES 3.4 AND 3.5. AND, ALSO, THE BOARD SHALL ENSURE
12 THAT AN ENVIRONMENTAL DOCUMENT HAS BEEN PREPARED AND A
13 NOTICE OF DETERMINATION HAS BEEN FILED FOR THE PROJECT IN
14 THAT THE BOARD HAS DISCRETIONARY JURISDICTION OVER THE
15 PROJECT.

16 ALSO, THE REGIONAL WATER QUALITY CONTROL
17 BOARD AND THE LOCAL ENFORCEMENT AGENCY ARE REQUIRED TO
18 APPROVE OR DENY THE CLOSURE AND POSTCLOSURE PLANS. AND
19 THAT'S ACCORDING TO THE STATUTE, GOVERNMENT CODE SECTION
20 66796.22.

21 THE WATER BOARD -- OR THE REGIONAL WATER
22 BOARD AND THE LEA HAVE 120 DAYS TO SUBMIT A WRITTEN
23 RECORD OF APPROVAL OR DENIAL OF THE FINAL CLOSURE AND
24 POSTCLOSURE MAINTENANCE PLANS TO THE BOARD, AND THEN THE
25 BOARD HAS 60 DAYS IN WHICH TO TRANSMIT WRITTEN APPROVAL

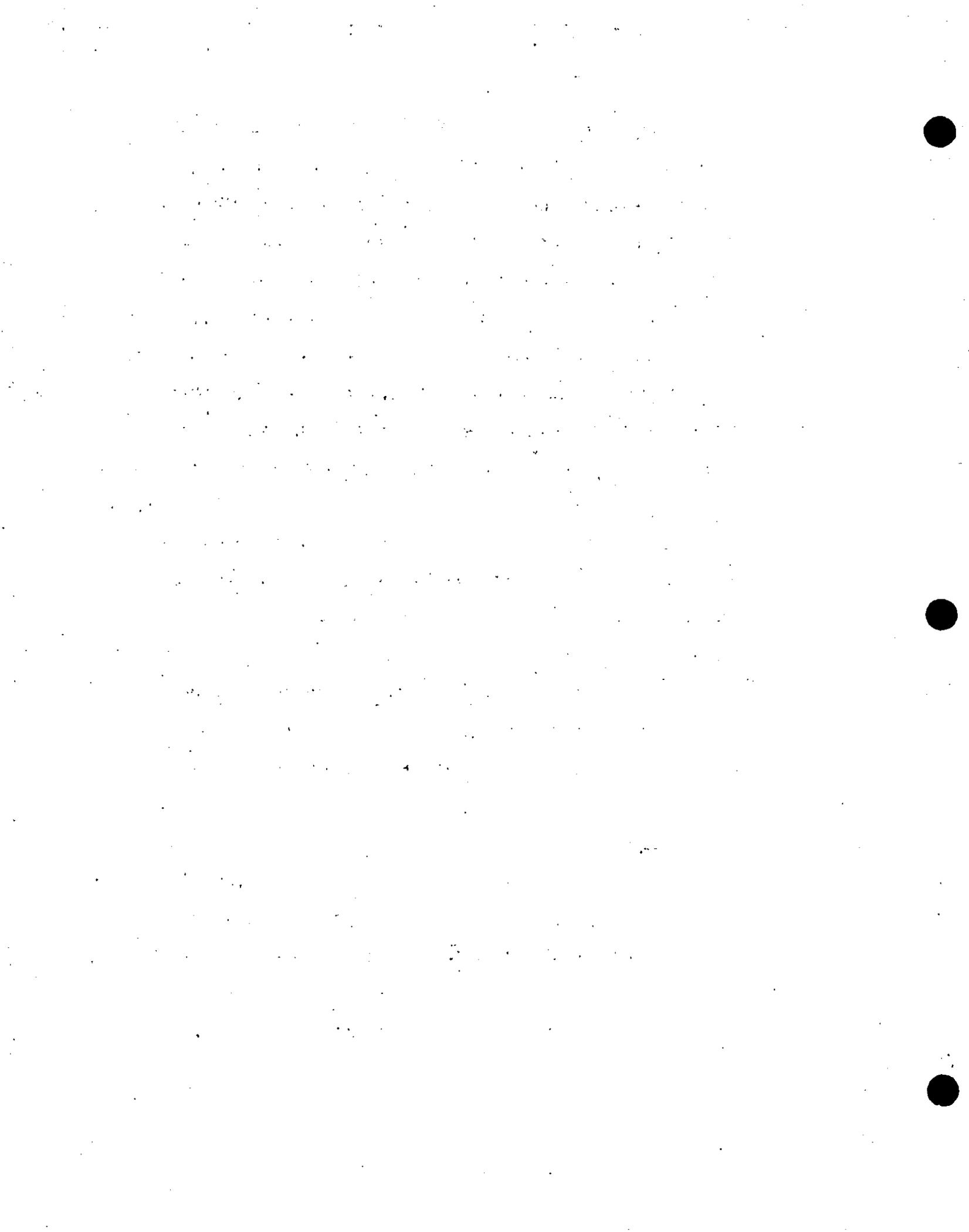
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1 OR DENIAL TO THE OPERATOR.

2 THE PROPOSED ACTIVITIES, AS BILL MENTIONED,
3 ARE FOR PARTIAL CLOSURE AND THAT BEFORE ANY PARTIAL
4 CLOSURE ACTIVITIES MAY OCCUR, THE OPERATOR MUST OBTAIN
5 APPROVAL FOR THOSE ACTIVITIES. THE MATERIALS, ONCE
6 AGAIN, AS BILL STATED, WERE NOT IN THE COMPREHENSIVE
7 CLOSURE PLAN FORM THAT WE WOULD PROBABLY LIKE THAT WOULD
8 SPECIFICALLY ADDRESS THE ACTIVITIES THAT WERE PROPOSED
9 FOR THE PHASE I AREA. BUT WE FEEL THAT THE MATERIALS
10 THAT WERE SUBMITTED ARE COMPREHENSIVE ENOUGH TO ANSWER
11 THE CONCERNS THAT WE HAVE AND THE REQUIREMENTS THAT ARE
12 IN THE REGULATIONS WITH SOME CONDITIONS THAT WE'LL TALK
13 ABOUT LATER.

14 THE OPERATOR HAS COMPLIED WITH THE
15 PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT,
16 THE CEQA ACT, IN THAT THEY HAVE SUBMITTED OR HAVE
17 DEVELOPED AN ENVIRONMENTAL DOCUMENT. IT HAS BEEN
18 CIRCULATED THROUGH THE STATE CLEARINGHOUSE. THE BOARD
19 DID COMMENT ON THAT DOCUMENT, AND THE CITY DID RESPOND TO
20 THOSE COMMENTS APPROXIMATELY TWO MONTHS LATER, BUT THEY
21 DID RESPOND TO THE COMMENTS. AND THE NOTICE OF
22 DETERMINATION WAS FILED WITH THE OFFICE OF PLANNING AND
23 RESEARCH AND THE COUNTY CLERK'S OFFICE IN SANTA CLARA
24 COUNTY.

25 THE CLOSURE ACTIVITIES, AS I STATED

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1 EARLIER. ARE INVOLVING THE PLACEMENT OF FINAL COVER OR
2 THE REMAINDER OF FINAL COVER THAT IS NOT IN PLACE, ALSO
3 PERFORMING GRADING ACTIVITIES THAT WILL BRING THE
4 LANDFILL OR THE PARK CONTOURS INTO THE SPECIFICATIONS,
5 AND ALSO INSTALLING THE DRAINAGE FACILITIES IN RELATION
6 TO THE PARK OR THE PHASE I AREA.

7 AND IN THE BOARD PACKET ON PAGE 157, IT
8 DISCUSSES BRIEFLY HOW EACH OF THE -- THERE IS THAT WE
9 LOOK FOR IN OUR REQUIREMENTS FOR OUR CLOSURE AND
10 POSTCLOSURE MAINTENANCE, HOW THEY HAVE BEEN ADDRESSED BY
11 THE CITY.

12 THE ITEMS THAT WERE NOT ADDRESSED -- THERE
13 WERE SOME ITEMS THAT WERE NOT ADDRESSED AS PER THE
14 REGULATIONS. WE FEEL THOSE ITEMS WERE NOT SIGNIFICANT OR
15 DIDN'T HAVE A SIGNIFICANT IMPACT ON THE PHASE I AREA, AND
16 THE CITY IS GOING TO ALSO ADDRESS THOSE IN A
17 CLOSURE/POSTCLOSURE PLAN THAT THEY ARE IN THE PROCESS
18 RIGHT NOW OF DEVELOPING FOR THE ENTIRE SITE. SO WE'RE
19 NOT LETTING ANY OF THE REQUIRED AREAS GO AS FAR AS WHAT
20 THEY NEED TO ADDRESS IN THEIR CLOSURE AND POSTCLOSURE
21 PLANS.

22 IN ADDITION, THE -- THIS IS IN RELATION TO
23 THE CLOSURE/POSTCLOSURE CERTIFICATION FOR THE SITE. IN
24 ADDITION, THE CITY HAS -- THE CITY OF PALO ALTO HAS
25 SUBMITTED A COST ESTIMATE FOR THE REMAINING WORK THAT IS

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1 TO BE DONE AT THE SITE AND HAS ESTABLISHED A FINANCIAL
2 MECHANISM THAT OUR BOARD FINANCE UNIT HAS DEEMED
3 ACCEPTABLE PER OUR REGULATIONS.

4 THE CLOSURE/POSTCLOSURE MAINTENANCE PLAN
5 FOR THE REMAINDER OF THE SITE, OTHER THAN THE PHASE I
6 AREA, IS DUE TO BE COMPLETED APPROXIMATELY AROUND THE END
7 OF AUGUST, AROUND AUGUST 31ST. AND THEN IF YOU LOOK IN
8 BOARD PACKET PAGE 159 AND 160, THE BOARD OPTIONS,
9 THERE'RE BASICALLY THREE OPTIONS.

10 ONE IS TO TAKE NO ACTION, IN THAT WE'RE NOT
11 REQUIRED TO TAKE ACTION AT THIS TIME BASED ON THE
12 STATUTORY REQUIREMENTS THAT WE STILL HAVE UNTIL SEPTEMBER
13 17TH TO REPLY TO THE CITY OF PALO ALTO AS THE OPERATOR.

14 TWO IS TO APPROVE THE FINAL CLOSURE AND
15 POSTCLOSURE MAINTENANCE PLANS FOR PARTIAL CLOSURE BASED
16 ON THE CONDITIONS, AND THESE CONDITIONS WERE NOT MET AT
17 THE TIME THIS PACKET WAS PUT TOGETHER. AND WE -- THESE
18 WERE STIPULATIONS FOR US BRINGING IT BEFORE THE BOARD.

19 ONE WAS TO SUBMIT A COPY OF THE NOTICE OF
20 DETERMINATION FOR THE PROJECT AND FILE IT WITH THE OFFICE
21 OF PLANNING AND RESEARCH. THAT HAS BEEN ACCOMPLISHED.

22 TWO WAS TO REVISE THE ENTERPRISE FUND
23 RESOLUTION, WHICH IS FOR OUR FINANCIAL ASSURANCE
24 MECHANISM, TO INCORPORATE ADDITIONAL PROVISIONS
25 RECOMMENDED BY BOARD STAFF. THAT ALSO HAS BEEN DONE AND,

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1 LIKE I SAID. THE UPDATED OR THE CORRECTED RESOLUTION HAS
2 BEEN APPROVED BY OUR BOARD FINANCE UNIT.

3 THREE WAS PROVIDE DOCUMENTATION THAT THE
4 PROPOSED RESTROOM DESIGN FOR THE PARK WILL PERFORM
5 EQUIVALENT TO THE PROVISIONS OF POSTCLOSURE LAND USE
6 SECTION. WE HAVE DISCUSSED THAT WITH THE CITY. WE DO
7 NOT ACTUALLY HAVE THE DOCUMENTATION IN HAND, BUT THEY
8 HAVE AGREED TO REVISE THEIR DESIGN PER THE REGULATIONS,
9 AND I THINK THEY'RE LOOKING TO SUBMIT THAT PROBABLY IN
10 THE NEXT WEEK TO TEN DAYS.

11 AND THEN FOUR WAS TO PROVIDE DOCUMENTATION
12 THAT THE CONSTRUCTION QUALITY ASSURANCE PROVISIONS
13 REGARDING PASS/FAIL CRITERIA AND TESTING FREQUENCY FOR
14 ALL COVER MATERIALS AND TESTS WILL BE MET PURSUANT TO THE
15 REGULATIONS ON CONSTRUCTION QUALITY ASSURANCE. THAT
16 PROVISION, RIGHT NOW, HAS NOT BEEN MET, AND WE HAVE
17 TALKED WITH THE CITY OF PALO ALTO IN RELATION TO GETTING
18 THAT CORRECTED. AND WE'RE LOOKING AT, ONCE AGAIN, A WEEK
19 TO TEN DAYS TO GET THE INFORMATION TO THE BOARD FOR
20 REVIEW.

21 ONCE AGAIN, THE PRELIMINARY CLOSURE AND
22 POSTCLOSURE MAINTENANCE PLAN FOR THE ENTIRE LANDFILL
23 SHALL BE SUBMITTED. WE STIPULATED OCTOBER 1ST, BUT WE'VE
24 BEEN TOLD BY THE CITY THAT IT WILL BE MORE AROUND, LIKE I
25 SAID. AUGUST 31ST.

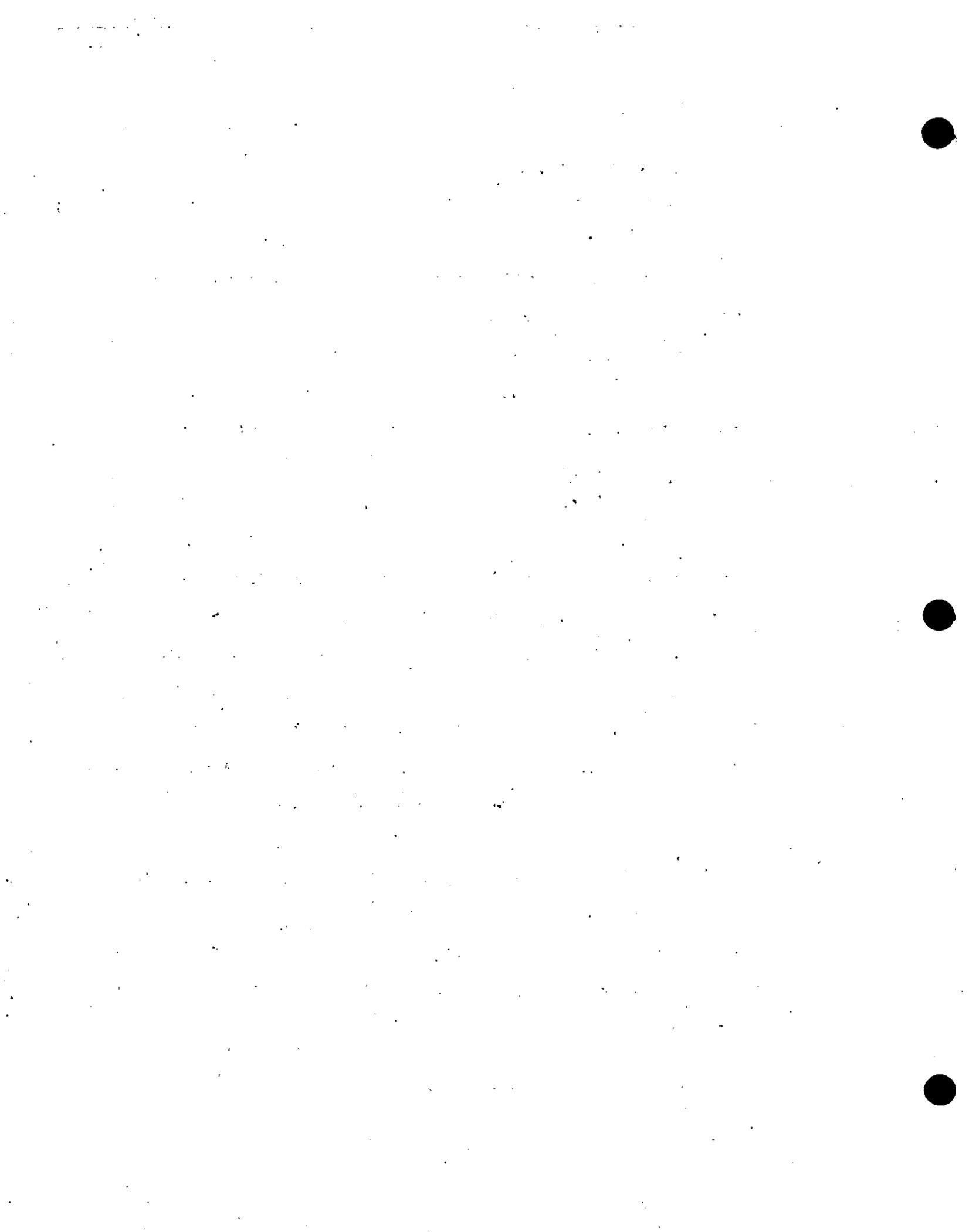
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1 THE REASON WE PUT THESE CONDITIONS IN IS,
2 AS BILL MENTIONED EARLIER, THAT WE WERE TRYING TO WORK
3 WITH THE CITY OF PALO ALTO TO BE ABLE TO IMPLEMENT THESE
4 ACTIVITIES IN THAT THEY WERE PREPARED TO GO FORTH WITH
5 THEM PRIOR TO US BECOMING AWARE THAT THEY WERE GOING TO
6 GO FORTH.

7 AND IN THE FACT THAT THAT HAVE HAD
8 CONTRACTS ESTABLISHED AND, LIKE I SAID, THE WORK HAS BEEN
9 READY TO GO, WE THOUGHT BY STIPULATING THESE CERTAIN
10 CONDITIONS, THEY WOULD BE ABLE TO START CONSTRUCTION
11 PROVIDED THEY MET THOSE. BUT THEY HAVEN'T MET THOSE, SO
12 WE DO HAVE AN ALTERNATIVE RECOMMENDATION THAT BILL WILL
13 GO INTO IN JUST A SECOND.

14 I JUST WANTED TO COVER THE THIRD OPTION IS
15 TO DENY THE FINAL CLOSURE AND POSTCLOSURE MAINTENANCE
16 PLANS FOR PARTIAL CLOSURE.

17 CHAIRMAN MOSCONE: MAY I ASK YOU A QUESTION
18 BEFORE, BILL. TOTAL CLOSURE IS 1991? DID YOU SAY AUGUST
19 OF 1991?

20 MR. ORR: WE DIDN'T SAY THE SPECIFIC DATE FOR
21 IT. THAT WAS -- ACTUALLY, THAT'S THE CLOSURE DATE THAT'S
22 OUT OF THE SWIS DATA BASE, AND THEY HAVE A PERMIT
23 APPLICATION IN THAT REVISES IT TO 2005.

24 WE REALLY, -- IN LOOKING AT THE DATA, WE
25 HAVE BEEN UNABLE TO PIN DOWN HOW THE 1991 DATE WAS



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1 ARRIVED AT, BUT THAT IS -- THAT'S THE MOST VALID DATE
2 THAT WE HAD.

3 APPARENTLY, THEY'RE GOING TO CONTINUE, LIKE
4 NATE MENTIONED, TO PLACE WASTE ON A SECOND LIFT, LIKE
5 THEY HAVE BEEN CONTINUING TO DO FOR THE LAST 15 YEARS.
6 AND SO THERE IS SOME UNCERTAINTY ABOUT THE ACTUAL CLOSURE
7 DATE, WHICH DOESN'T REALLY HAVE A DIRECT IMPACT ON THIS
8 PARTICULAR ACTIVITY, BUT IT HAS BEEN A SOURCE OF CONCERN
9 FOR US IN TRYING TO NAIL DOWN THE ACTUAL CLOSURE DATE.

10 CHAIRMAN MOSCONE: DR. GEORGE.

11 BOARD MEMBER TCHOBANOGLIOUS: THERE'S JUST SORT
12 OF A PICKY POINT, BUT THESE MAPS THAT ARE PUT IN HERE ON
13 WHICH TO JUDGE WHAT'S BEING DONE ARE DATED 1973.

14 THERE'S NOTHING MORE CURRENT AVAILABLE THAT
15 WOULD GIVE US A LITTLE BETTER FIX?

16 MR. ORR: WELL, WE HAVE MORE CURRENT PLANS IN
17 OUR OFFICE THAT -- THE ONLY MAPS THAT ARE IN HERE RIGHT
18 NOW ARE JUST LIKE A GENERAL LOCATION MAP, BUT WE HAVE
19 ENGINEERING DRAWINGS THAT HAVE BEEN PREPARED IN THE LAST
20 YEAR. IN FACT, I THINK AT SOME POINT THERE'S A LIST OF
21 WHAT COMPRISES THEIR SUBMITTAL, AND THAT WOULD INCLUDE
22 THE DIFFERENT ENGINEERING DRAWINGS. IT'S ONE OF THE
23 ATTACHMENTS THAT WE'VE REVIEWED, BUT THERE'S A FULL SET
24 OF ENGINEERING DRAWINGS THAT JUST WAS NOT REPRODUCED IN
25 THE AGENDA ITEM.

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1 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

2 CHAIRMAN MOSCONE: MRS. BREMBERG.

3 BOARD MEMBER BREMBERG: JUST A MATTER OF IDLE
4 CURIOSITY. WHY ARE THERE THREE SEWAGE TREATMENT PLANTS
5 ON THIS ONE QUADRANT OF MAP? AND IS THAT REMAINING
6 PORTION OF THE LANDFILL PERMITTED TO ACCEPT SEWAGE
7 SLUDGE?

8 MR. ORR: I CAN'T ANSWER THOSE QUESTIONS. WE DO
9 HAVE REPRESENTATIVES FROM THE CITY OF PALO ALTO HERE
10 TODAY THAT MAY BE ABLE TO ANSWER THAT MORE DIRECTLY, AND
11 THEY MAY HAVE HAVE SOME ADDITIONAL THINGS THAT THEY WOULD
12 WANT TO ADD TO THE DISCOURSE HERE.

13 BOARD MEMBER TCHOBANOGLIOUS: ONE OF THEM IS NO
14 LONGER THERE. THAT'S WHY I JUST RAISED THE ISSUE. IT
15 SEEMS A LITTLE DATED AND THAT PROBABLY, YOU KNOW, JUST
16 FOR THE RECORD, IT WOULD BE NICE TO HAVE A LITTLE MORE
17 CURRENT.

18 MR. UGARTE: GOOD AFTERNOON. I AM EDGAR UGARTE,
19 CIVIL ENGINEER IN PUBLIC WORKS, PALO ALTO. THE ANSWER TO
20 THE QUESTION REGARDING THE ACCEPTANCE OF SLUDGE AT THE
21 LANDFILL IS THAT WE NO LONGER ACCEPT SLUDGE IN THE
22 LANDFILL.

23 BOARD MEMBER BREMBERG: WHERE DOES THE SLUDGE
24 FROM THE REMAINING TWO PLANTS GO?

25 MR. UGARTE: IT'S BEING SHIPPED TO A RECYCLER

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1 FOR METALS. IF YOU WILL, A PLANT IN PHOENIX, I BELIEVE.

2 BOARD MEMBER BREMBERG: ARIZONA?

3 MR. UGARTE: YES.

4 BOARD MEMBER BREMBERG: WELL, THAT'S ONE WAY OF
5 GETTING RID OF IT. THAT'S A REAL EXPORT.

6 MR. ORR: I DON'T KNOW IF YOU HAD ANY OTHER
7 COMMENTS THAT YOU WANTED TO MAKE ON THE PROJECT, BUT THIS
8 MIGHT BE AN APPROPRIATE TIME.

9 MR. UGARTE: WELL, BASICALLY, GENERAL COMMENT IN
10 THAT WE THANK THE SUPPORT AND HELP WE HAVE RECEIVED FROM
11 THE STAFF TO WORK WITH US AND ALLOW US TO PROCEED WITH
12 THE CONSTRUCTION OF PHASE I OF THE BYXBEE PARK,
13 ESPECIALLY IN VIEW OF THE FACT THAT WE HAD CONSTRUCTION
14 CONTRACTS AND DESIGNS ALL FINALIZED AT THE TIME YOUR
15 REGULATIONS WERE PUBLISHED LAST YEAR. SO IT WAS
16 UNFORTUNATE FOR US, BUT WE UNDERSTAND THE NEEDS THAT YOU
17 HAVE.

18 AND WE'VE BEEN WORKING WITH YOUR STAFF. SO
19 WE WOULD CERTAINLY APPRECIATE ANY HELP WE CAN GET FROM
20 YOU TO CONTINUE WITH OUR PROJECT AND BE ABLE TO TAKE
21 ADVANTAGE OF THE BIDS RECEIVED ABOUT A YEAR AGO FOR THE
22 CONSTRUCTION OF PHASE I. HAVING TO THROW OUT THE BIDS AT
23 THIS POINT, I THINK, WOULD HAVE A TREMENDOUS FINANCIAL
24 IMPACT ON THE CITY BUDGET AND, OBVIOUSLY, ON THE FUNDS
25 FOR THE CLOSURE OF THE LANDFILL IN GENERAL. THAT'S ALL.

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1 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

2 CHAIRMAN MOSCONE: MRS. BREMBERG.

3 BOARD MEMBER BREMBERG: JUST A PERSONAL NOTE.

4 IS RICH YOUNG STILL YOUR DIRECTOR OF PUBLIC SERVICE?

5 MR. UGARTE: YES, MA'AM, HE IS.

6 BOARD MEMBER BREMBERG: WELL, PALO ALTO PIRATED
7 HIM FROM GLENDALE, AND YOU CAN JUST TELL HIM HI FROM
8 GINGER, AND HE'S WELCOME ANYTIME HE WANTS TO COME BACK TO
9 TOWN. WE'LL STILL SMILE AT HIM.

10 MR. UGARTE: I WILL PASS THE MESSAGE TO HIM.

11 BOARD MEMBER LOCKINGTON: BILL, YOU WANTED TO
12 KNOW WHEN THE LANDFILL WAS GOING TO CLOSE. MAYBE THIS IS
13 THE TIME TO GET THAT ANSWER.

14 MR. UGARTE: WELL, BASED ON THE NEW APPLICATION
15 THAT'S WITH YOU, I BELIEVE OUR FORECAST IS THE YEAR 2005
16 BASED ON THE PRESENT STEAM FLOW. SO THAT'S ALL I CAN
17 TELL YOU. IT'S NOT 1991, FOR SURE.

18 MR. ORR: IF THERE AREN'T ANY OTHER QUESTIONS,
19 MAYBE I'LL AMEND THE BOARD OPTION NO. 2 IN TERMS OF THE
20 CONDITIONS THAT WE WOULD PLACE UPON THIS PROJECT THAT
21 WOULD LEAD TO THE ABILITY TO CONDUCT OR AT LEAST COMMENCE
22 THE CLOSURE ACTIVITIES.

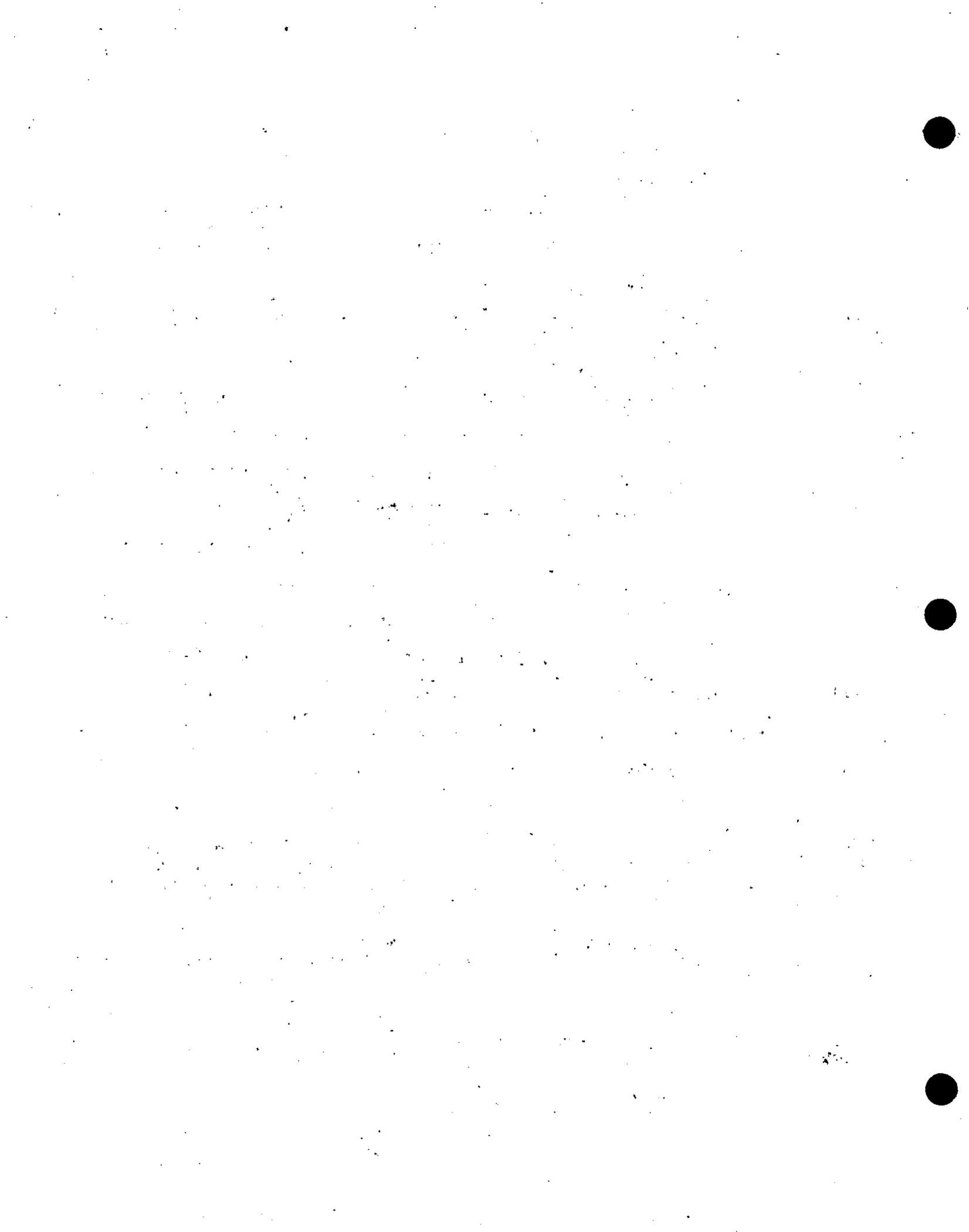
23 THE FIRST THING IS THAT, IN TERMS OF THE
24 OUTSTANDING ITEMS, THE QUALITY -- THE CONSTRUCTION
25 QUALITY ASSURANCE. THERE ARE TWO COMPONENTS TO THE

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1 CONSTRUCTION QUALITY ASSURANCE PLAN THAT ARE OF NOTE.

2 THE FIRST ONE IS THAT THE REGULATIONS
3 REQUIRE THE CONSTRUCTION OF WHAT'S CALLED A TEST PAD FOR
4 FINAL COVER. AND BASICALLY WHAT THAT ALLOWS IS YOU BUILD
5 AN AREA OF THE LANDFILL WITH THE FINAL COVER THAT YOU'RE
6 PLANNING ON USING, AND THEN YOU INSTALL A TEST TO MEASURE
7 THE PERMEABILITY IN THAT TEST AREA USING THE EQUIPMENT
8 AND THE MATERIALS THAT YOU PLAN ON USING FOR THE REST OF
9 THE FACILITY. AND THEN YOU ALSO RUN SOME LABORATORY
10 TESTS AND SO FORTH ON THAT TEST PAD AREA. AND BASED ON
11 THAT, THAT ALLOWS YOU TO DESIGN THE SPECIFICATIONS TO BE
12 USED FOR THE CONSTRUCTION OF THE FINAL COVER IN THE REST
13 OF THE LANDFILL.

14 WE STILL HAVE AN INADEQUATE DESCRIPTION OF
15 HOW THE TEST PAD IS GOING TO BE CONSTRUCTED, BUT THAT
16 PARTICULAR ACTIVITY IS THE FIRST ONE THAT REALLY NEEDS TO
17 BE DONE BEFORE ANY LARGE-SCALE CONSTRUCTION COULD BEGIN
18 AT THE PROJECT.

19 AND SO WHAT WE WOULD LIKE TO AMEND THE
20 MOTION OR THE OPTION IS TO REQUIRE THAT THE CITY SUBMIT A
21 CONSTRUCTION QUALITY ASSURANCE PLAN FOR THE TEST PAD
22 FOR -- THAT COULD BE APPROVED BY STAFF PRIOR TO THE
23 CONSTRUCTION OF THE TEST PAD, AND THAT THEY WOULD DEVELOP
24 WHAT WE CALL THE CORRECTIVE PROCEDURES IN THE CASE THAT
25 THE VARIOUS TESTS FAILED TO MEET THE REQUIREMENTS. AND

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1 THAT THEY DO THAT BEFORE THEY BEGIN CONSTRUCTING ANYTHING
2 OUT AT THE LANDFILL.

3 WHEN THEY HAVE THE RESULTS FROM THE TEST
4 PAD, THEN THEY'LL NEED TO GO AHEAD AND USE THOSE RESULTS
5 TO AMEND THEIR CONSTRUCTION QUALITY ASSURANCE PLAN, AND
6 THAT WOULD ALSO HAVE TO BE REVIEWED BY STAFF PRIOR TO THE
7 COMMENCEMENT OF THE ACTUAL PLACEMENT OF FINAL COVER.

8 SO TO BOIL THAT DOWN, WE WOULD REQUIRE THAT
9 THEY SUBMIT THE CONSTRUCTION QUALITY ASSURANCE PLAN TO
10 BOARD STAFF FOR REVIEW PRIOR TO THE COMMENCEMENT OF ANY
11 OF THE CLOSURE ACTIVITIES AND THAT THEY WOULD SUBMIT THE
12 CONSTRUCTION CORRECTIVE PROCEDURES AT THAT TIME, AND THEN
13 TO BE DETERMINED WOULD BE THE PASS AND FAIL CRITERIA
14 BASED ON THE TEST PAD. AND THAT WOULD ALSO NEED TO BE
15 REVIEWED BY BOARD STAFF.

16 NOW, WHEN WE'VE APPROVED THE CONSTRUCTION
17 QUALITY ASSURANCE PLAN, THEY COULD COMMENCE OTHER CLOSURE
18 ACTIVITIES AT THE PARK THAT WOULD NOT IMPACT THE
19 PLACEMENT OF FINAL COVER. SO, FOR EXAMPLE, AT THE PARK
20 THEY HAVE -- THEY COULD CLEAR AND GRUB THE EXISTING
21 VEGETATION AT THE PARK. THEY COULD WORK ON OTHER CLOSURE
22 ACTIVITIES OR OTHER CONSTRUCTION ACTIVITIES, LIKE
23 BUILDING AN ACCESS ROAD AND BUILDING A PARKING LOT, AND
24 THEY HAVE SOME OBSERVATION DECKS AND OTHER ACTIVITIES
25 THAT THEY COULD PERFORM THAT WOULD NOT BE CONTINGENT ON

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1 THE ACCEPTABILITY OF THE FINAL COVER.

2 AND SO WHAT WE WOULD RECOMMEND IS THAT WHEN
3 THE STAFF IS HAPPY WITH THE CONSTRUCTION QUALITY
4 ASSURANCE PLAN, THAT THEY BE ABLE TO BEGIN THE OTHER
5 CLOSURE ACTIVITIES. AND THE CONDITION THAT THEY SUBMIT A
6 CLOSURE AND POSTCLOSURE MAINTENANCE PLAN ON OR BEFORE
7 OCTOBER 1ST WOULD STILL REMAIN IN EFFECT. AND SO IF THEY
8 SUBMITTED IT BY THE END OF AUGUST, THAT WOULD MEET THAT
9 REQUIREMENT, BUT THAT PARTICULAR REQUIREMENT WOULD STAND.

10 IF THERE ARE ANY QUESTIONS ABOUT THAT
11 MOTION OR YOU'D LIKE ME TO GIVE ANOTHER SHOT AT BOILING
12 IT DOWN, I'D BE GLAD TO.

13 CHAIRMAN MOSCONE: WELL, BILL, YOU HAVE -- IN
14 THE RESOLUTION YOU HAVE THE NOW, THEREFORE, BE IT
15 RESOLVED THAT THE BOARD APPROVES THE SPECIFIED CLOSURE
16 ACTIVITIES.

17 WOULD WE HAVE TO HAVE THESE SPECIFIED
18 BEFORE WE --

19 MR. ORR: I THINK THEY WOULD BE, AS I JUST
20 SPECIFIED HERE, THAT THEY COULD BEGIN -- ACTUALLY, I
21 THINK THE RESOLUTION WOULD NEED TO BE AMENDED TO REFLECT
22 THAT THE ACTIVITIES THAT THEY COULD CONDUCT WOULD BE
23 THOSE, AT THIS POINT, THAT WOULD NOT REQUIRE THE APPROVAL
24 OF THE FINAL COVER DESIGN. AND THAT -- BASICALLY, WHAT
25 WE'RE ASKING IS STAFF TO BE ABLE TO, WHEN WE RECEIVE THAT

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1 INFORMATION. BE ABLE TO REVIEW IT AND ALLOW THEM TO
2 PROCEED IF THE STAFF FEELS THAT IT'S ACCEPTABLE IN
3 ACCORDANCE WITH THE REGULATIONS AND NOT REQUIRE COMING
4 BACK TO THE BOARD AT THAT TIME FOR AN ADDITIONAL ACTION.

5 SO THAT'S BASICALLY WHAT WE WOULD BE ASKING
6 IS THAT THE BOARD APPROVE THESE ACTIVITIES, AND THAT THEY
7 WOULD DIRECT STAFF TO MAKE SURE THAT THE CONSTRUCTION
8 QUALITY ASSURANCE PLAN IS ACCEPTABLE IN ACCORDANCE WITH
9 THE REGULATIONS. AND IF IT'S NOT, WE WOULD BRING IT BACK
10 TO YOUR ATTENTION.

11 MR. IWAHIRO: MR. CHAIRMAN.

12 CHAIRMAN MOSCONE: MR. IWAHIRO.

13 MR. IWAHIRO: IF THE BOARD WOULD FEEL MORE
14 COMFORTABLE OR MAYBE WE WOULD ALSO, MAYBE WHAT WE SHOULD
15 DO IS TO BRING THIS BACK TOMORROW WITH THE EXACT WORDING
16 IN THE RESOLUTION.

17 CHAIRMAN MOSCONE: I WAS GOING TO SUGGEST THAT,
18 MR. IWAHIRO, INASMUCH AS I DON'T THINK WE WANT TO GET
19 THIS FOULED UP IN ANY WAY.

20 SO IF THERE'S NO OBJECTION FROM THE BOARD,
21 WE'LL PROCEED IN THAT MANNER. VERY WELL. I THINK WE
22 HAVE APPROVAL BY THE BOARD TO REWRITE THIS RESOLUTION AND
23 PRESENT IT TO THE BOARD TOMORROW FOR ACTION.

24 WE WILL PROCEED TO THE LAST ITEM OF THE
25 DAY. CONSIDERATION OF RELEASE OF INVITATION FOR BIDS FOR



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1 A DISPOSAL COST FEE STUDY.

2 MR. LARSON: YES, MR. CHAIRMAN, MEMBERS, MYSELF
3 AND MR. OLDALL WILL MAKE THE PRESENTATION ON THIS ITEM.

4 AS YOU ARE AWARE, ONE OF THE KEY AND EARLY
5 TASKS OF THE BOARD IN THE IMPLEMENTATION OF AB 939 IS TO
6 UNDERTAKE AND CONDUCT A STUDY IN CONJUNCTION WITH THE
7 STATE BOARD OF EQUALIZATION AND THE APPROPRIATE FISCAL
8 AND POLICY COMMITTEES OF THE LEGISLATURE TO DEVELOP THE
9 MOST EFFICIENT MEANS TO IMPLEMENT WHAT IS TERMED IN 939 A
10 COST -- DISPOSAL COST FEE SYSTEM FOR GOODS SOLD IN
11 CALIFORNIA. AND THIS IS TO THE EXCLUSION OF THE
12 MATERIALS THAT ARE COVERED UNDER THE TITLE 12.1 OF THE --
13 BASICALLY WHAT'S REFERRED TO THE BOTTLE BILL OR BEVERAGE
14 REDEMPTION LAW. SO IT'S ALL THE OTHER MATERIALS IN THE
15 WASTESTREAM.

16 WHAT WE HAVE DONE THUS FAR IS TO UNDERTAKE
17 A SERIES OF ACTIVITIES TO COMMENCE THIS STUDY. HOWEVER,
18 WE HAVE BEEN HINDERED TO THE EXTENT THAT UP TO NOW WE
19 HAVE NOT HAD SUFFICIENT REVENUES TO GO OUT TO CONTRACT.
20 AND PENDING THE APPROVAL OF THE GOVERNOR'S BUDGET, WE
21 WILL HAVE ALLOCATED -- SOME RESOURCES ALLOCATED FOR THE
22 CONDUCT OF THIS STUDY. SO WE ARE IN THE PROCESS AND
23 BRINGING TO YOU TODAY THE INVITATION FOR BID THAT WILL BE
24 RELEASED FOR CONSULTANT CONTRACT TO ASSIST IN THE
25 DEVELOPMENT OF THIS STUDY.

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1 WE SEE THE DISPOSAL COST FEE SYSTEM AS
2 HAVING SOME BENEFICIAL PURPOSES FOR THE BOARD AND
3 ACTUALLY FOR THE SUCCESS OF THE PROGRAMS IN AB 939. I
4 BELIEVE IT HAS THE OPPORTUNITY TO INCORPORATE THE FULL
5 COST OF SOLID WASTE MANAGEMENT INTO THE PRICE OF GOODS
6 AND MATERIALS WHOSE CONSUMPTION CONTRIBUTE TO THE SOLID
7 WASTESTREAM IN THE STATE. IT WILL PROVIDE AN ECONOMIC
8 INCENTIVE TO THE PURCHASE OF ENVIRONMENTALLY SAFE
9 PRODUCTS. IT WILL PROMOTE SOLID WASTE REDUCTION AND
10 REUSE AND RECYCLING AND, VERY IMPORTANTLY, WILL PROVIDE A
11 NEEDED FUNDING SOURCE TO IMPLEMENT THE PROGRAMS UNDER THE
12 NEW RECYCLING LAWS IN THE STATE.

13 AS YOU RECALL ALSO, DURING THE FINAL HOURS
14 OF THE LEGISLATIVE SESSION LAST YEAR, THE FUNDING SOURCE
15 FOR THE STATE PROGRAMS WAS BASED IN A LANDFILL DISPOSAL
16 SURCHARGE OF 50 CENTS, WHICH WAS INCREASED TO
17 APPROXIMATELY 75 CENTS AS OF JULY 1, 1990, AND ULTIMATELY
18 WILL GO TO AN AMOUNT NOT TO EXCEED \$1.

19 THIS INITIAL FUNDING OUT OF THE LANDFILL
20 DISPOSAL FEE WAS OPTED FOR DUE TO THE FACT THAT THE
21 COMPLEX NATURE OF A DISPOSAL COST FEE, OR WHAT HAS BEEN
22 REFERRED TO AS AN ADVANCE DISPOSAL FEE BY SOME, COULD NOT
23 BE WORKED OUT GIVEN THE TIME FRAMES OF THE LEGISLATIVE
24 PROCESS.

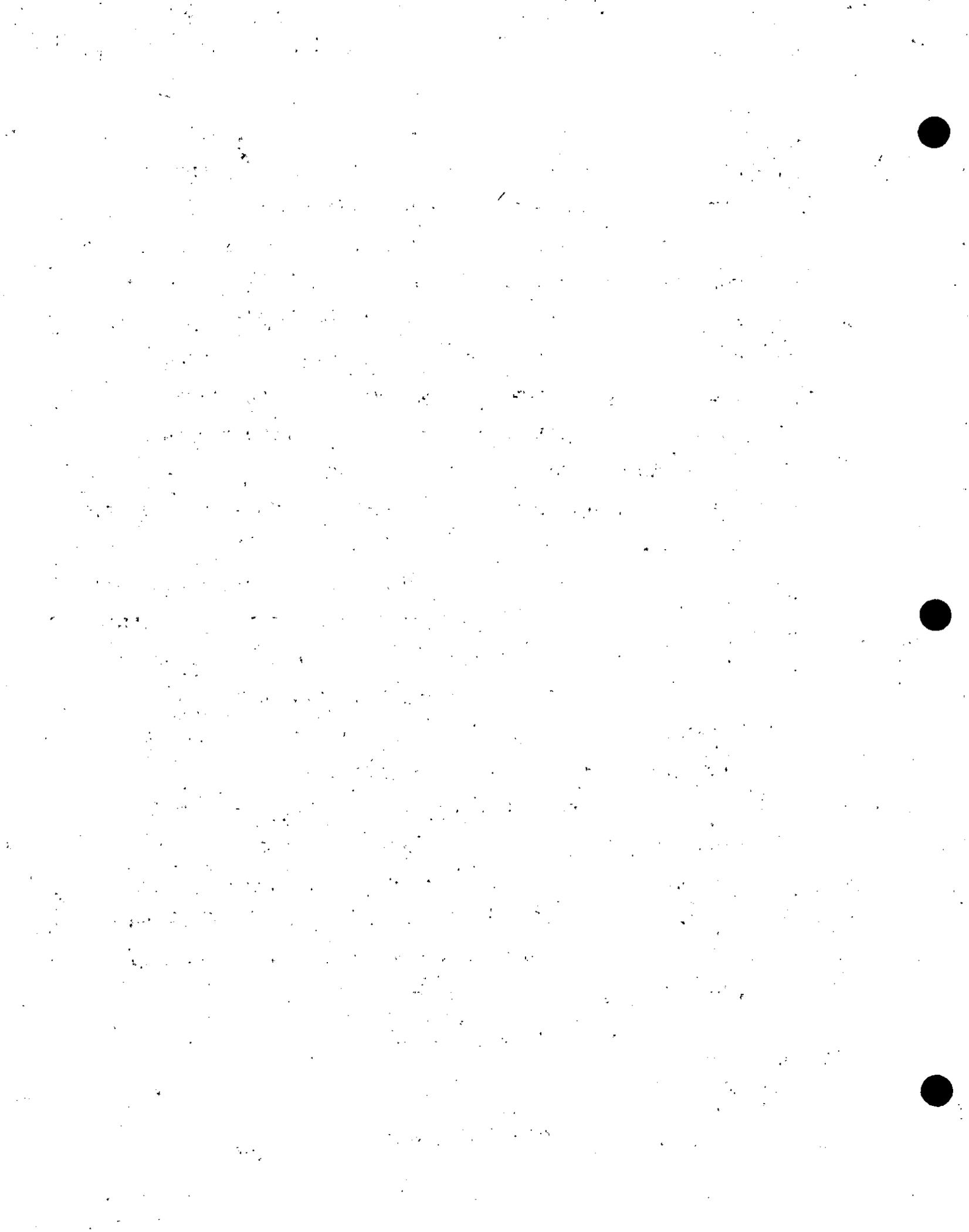
25 IT IS MY UNDERSTANDING, AS IT'S EXPLAINED,

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1 THAT THIS IS LOOKED AT AS A POTENTIAL ALTERNATIVE FUNDING
2 SOURCE TO THE LANDFILL TIPPING FEE, POTENTIALLY
3 ELIMINATING IT OR CERTAINLY REDUCING THE FEE TO BE OFFSET
4 BY AN AMOUNT ON -- OF A FEE TO BE ASSESSED ON PRODUCTS
5 MANUFACTURED IN THE STATE.

6 BOARD MEMBER VARNER: MR. CHAIRMAN.

7 CHAIRMAN MOSCONE: MR. VARNER.

8 BOARD MEMBER VARNER: GEORGE, ON THAT FIRST
9 ITEM, INCORPORATE THE FULL COST OF SOLID WASTE
10 MANAGEMENT. WHAT DOES THAT MEAN?

11 MR. LARSON: WELL, TO VIEW IT FROM THE LANDFILL
12 OPERATOR'S POINT OF VIEW IS THAT HISTORICALLY THE WHOLE
13 BURDEN FOR THE SUPPORT OF THE SOLID WASTE SYSTEM HAS BEEN
14 TRADITIONALLY PLACED UPON THE DISPOSAL ACTIVITY. THE
15 POINT BEING THAT THE MESSAGE OF WHERE THE ACTUAL PROBLEM
16 LIES, WHICH IS IN THE GENERATION OF THE WASTE, OFTEN DOES
17 NOT GET TRANSMITTED OR COMMUNICATED BACK TO THE CONSUMER.
18 AND THAT DISPOSAL COST FEE WILL BE ABLE TO REVIEW THE
19 ENTIRE CYCLE, IF YOU WILL, OF THE MANUFACTURING,
20 CONSUMPTION, AND DISPOSAL ACTIVITIES TO PLACE AT THE
21 APPROPRIATE LOCATION IN THAT SERIES OR CHAIN OF EVENTS
22 WHERE FEES SHOULD BE PLACED AND HAVE THEM REFLECT THE
23 ACTUAL COSTS OF THE PRODUCTS THAT ARE MANUFACTURED, NOT
24 JUST THE COSTS ASSOCIATED WITH THE BURIAL OF MATERIAL IN
25 THE WASTESTREAM.

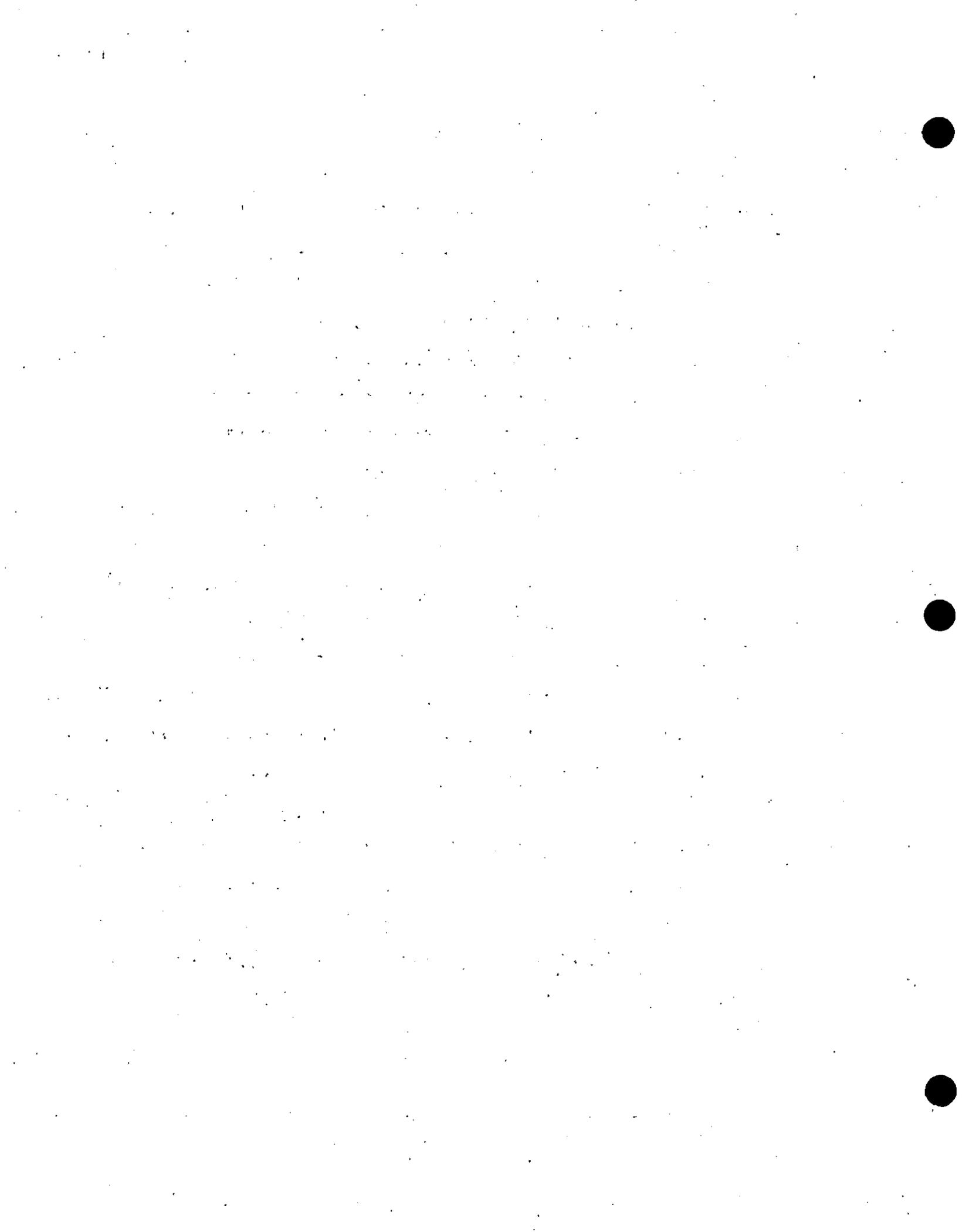
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1 BOARD MEMBER VARNER: OKAY. BUT WHAT I WANT TO
2 KNOW IS WHAT YOU MEAN BY THE SOLID WASTE -- WHO ARE YOU
3 REFERRING TO WHEN YOU SAY THE SOLID WASTE MANAGEMENT
4 SYSTEM?

5 MR. LARSON: IT'S ALL OF THOSE ACTIVITIES THAT
6 WE UNDERTAKE, BOTH IN THE PRIVATE AND PUBLIC SECTOR, TO
7 MANAGE OUR WASTE, THAT SYSTEM, BE IT THE COLLECTION,
8 PROCESSING, AND DISPOSAL OF WASTE.

9 BOARD MEMBER VARNER: YOU MEAN TO TELL ME THAT
10 THIS FEE WOULD PAY FOR ALL COLLECTION COSTS?

11 MR. LARSON: NO. IT'S NOT INTENDED TO PAY FOR
12 ALL OF THOSE COSTS.

13 BOARD MEMBER VARNER: THAT'S WHY I SAY IT SAYS
14 THE FULL COST, SO THAT HAS ME CONFUSED. SO I'M TRYING TO
15 FIGURE OUT JUST EXACTLY WHO IS GOING TO GET THESE FEES.

16 MR. OLDALL: MR. VARNER, MIGHT I INTERRUPT
17 GEORGE JUST FOR A SECOND HERE. I THINK WHAT WE'RE
18 TALKING ABOUT HERE, MR. VARNER, IS NOT ANYTHING THAT
19 WOULD IN ANY WAY DUPLICATE THE CURRENT FEES THAT ARE PAID
20 FOR DISPOSAL COSTS. PEOPLE ARE NOT GOING TO NOT PAY
21 THEIR GARBAGE COLLECTION FEES BECAUSE THERE IS NOW A
22 DISPOSAL FEE SYSTEM IMPOSED. THIS WOULD BE AN ADDITIONAL
23 FEE IMPOSED WHETHER IT BE AT THE --

24 BOARD MEMBER VARNER: I UNDERSTAND THE THING,
25 BUT IT IS CONFUSING. AND EVERY TIME I BRING IT UP WITH

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1 ANYONE TO DISCUSS IT, THEY DON'T UNDERSTAND IT ANY BETTER
2 THAN I DO. I'M TALKING ABOUT THE PUBLIC.

3 SO HERE, WHEN YOU SAY THE FULL DISPOSAL
4 COST, AND ALL THE ONES THAT ARE INVOLVED IN IT AND SO
5 FORTH, I WOULD LIKE TO KNOW JUST WHO YOU ARE TALKING
6 ABOUT. WHO IS IT THAT'S GOING TO GET THESE FEES, AND
7 WHAT'S IT GOING TO PAY FOR? VERY UNCLEAR THING.

8 MR. OLDALL: WELL, THE STUDY IS GOING TO LOOK AT
9 VARIOUS OPTIONS. WE DON'T KNOW AT THIS STAGE OF THE GAME
10 EITHER, MR. VARNER, WHO GOING TO PAY, WHERE IT'S GOING TO
11 BE PAID, AND EXACTLY THE FULL SPECTRUM OF COST.

12 IF THE INTENTION IN THE LEGISLATION IS TO
13 LOOK AT THE ENVIRONMENTAL AND PUBLIC HEALTH RISKS AS WELL
14 AND INCLUDE THOSE INTO THE COST, YOU'RE GOING TO SEE
15 WE'RE GOING TO HAVE TO HAVE A PRETTY EXTENSIVE LOOK BY A
16 PRETTY WELL-QUALIFIED CONSULTANT TO COME UP WITH ALL THE
17 OPTIONS THAT ARE AVAILABLE TO US. THERE ARE A NUMBER OF
18 OPTIONS.

19 WE DON'T INTEND AT THIS POINT IN TIME TO
20 SAY THAT WE KNOW THE ONE TRUE WAY. WHEN I THINK MR.
21 LARSON TESTIFIED BEFORE THE LEGISLATURE, THEY WERE MOST
22 INTERESTED THAT WE WERE GOING INTO THIS WITH A VERY OPEN
23 PROCESS TO LOOK AT ALL THE POSSIBLE WAYS OF EXAMINING ALL
24 OF THOSE COSTS, AND WHERE THEY MAY BE -- YOU KNOW, WHAT
25 THEY MAY ENTAIL AND WHAT THEY MAY COVER.

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1 AT THIS POINT IN TIME, IT'S EXTREMELY
2 DIFFICULT, AND AS YOU RIGHTLY SAY, SOMEWHAT CONFUSING TO
3 TRY AND EXACTLY SAY WHAT ALL OF THOSE COSTS ARE. IF WE
4 KNEW, WE WOULDN'T HAVE TO DO THIS STUDY, I GUESS, IS ONE
5 ANSWER.

6 BOARD MEMBER VARNER: MAYBE I OUGHT TO ASK WHAT
7 IS GOING TO BE PROPOSED? WHO IS GOING TO GET THESE FEES?
8 THAT SEEMS LIKE THAT OUGHT TO BE A FAIRLY SIMPLE QUESTION
9 TO ANSWER.

10 BOARD MEMBER LOCKINGTON: EXCUSE ME JUST A
11 SECOND. I'D LIKE TO INTERJECT HERE.

12 WHOSE LANGUAGE IS THIS HERE?

13 MR. LARSON: TO WHICH LANGUAGE DO YOU REFER?

14 BOARD MEMBER LOCKINGTON: THE DISPOSAL COST FEE
15 SYSTEM CAN SERVE TO, IS THAT STAFF'S?

16 MR. LARSON: THAT'S STAFF'S INTERPRETATION OF
17 THE LANGUAGE, WHICH, I BELIEVE, BRINGS SOME CLARITY TO
18 THE QUESTION THAT MR. VARNER ASKS. IF I COULD DIRECT
19 YOUR ATTENTION TO PAGE 221 IS THE ACTUAL LANGUAGE OUT OF
20 AB. 939. AND, SPECIFICALLY, PARAGRAPH B GIVES SOME
21 GUIDANCE BUT NOT ABSOLUTE DIRECTION, THAT "EVALUATING ANY
22 COST DISPOSAL FEE, THE BOARD SHALL GIVE THE HIGHEST
23 PRIORITY TO THOSE DISPOSAL GOODS WHICH COMPRISE THE
24 GREATEST POTENTIAL FOR ENVIRONMENTAL DEGRADATION AND
25 SHALL TAKE INTO CONSIDERATION DISPOSAL GOODS WHICH ARE

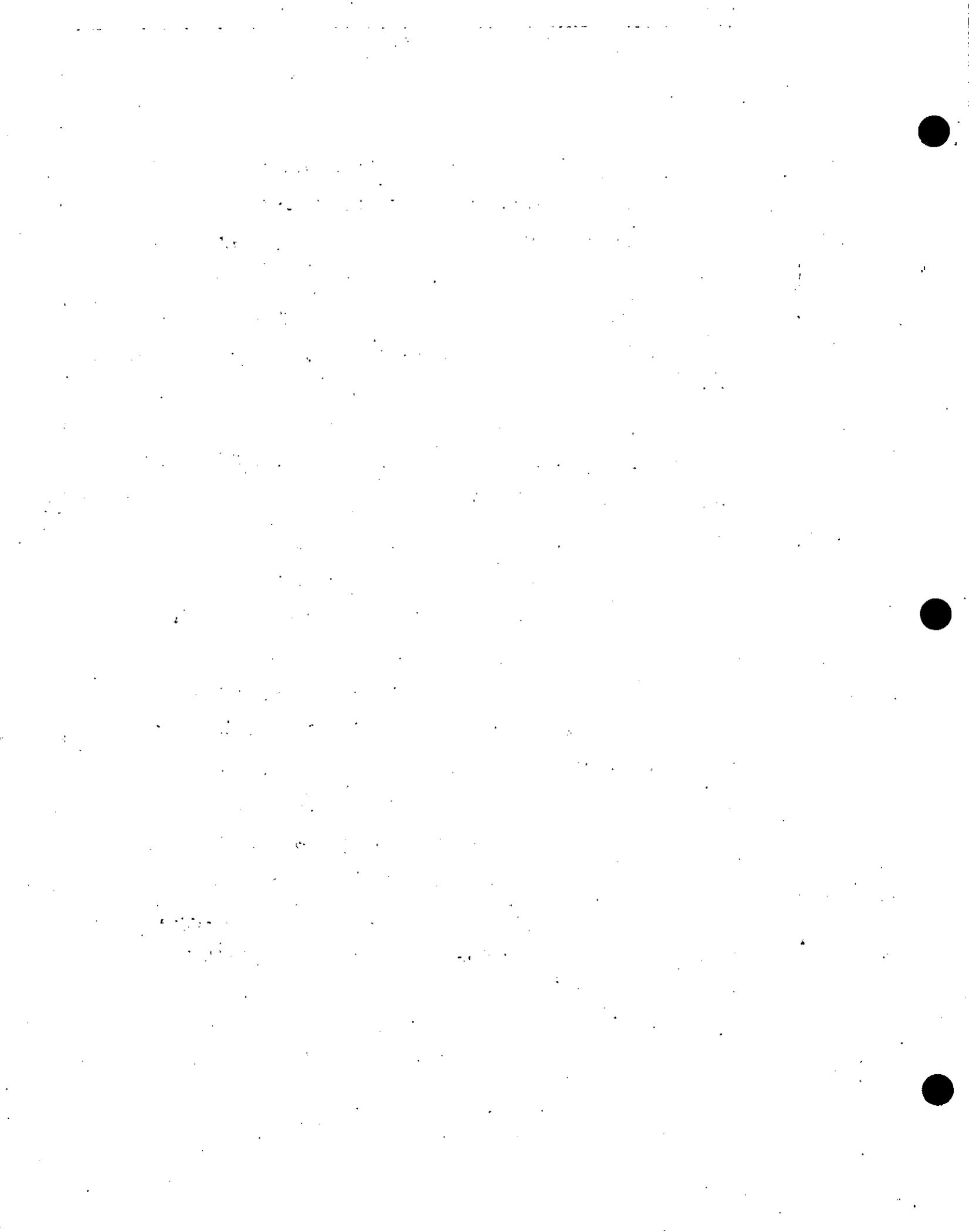
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1 ALREADY EFFECTIVELY RECYCLED, REDUCED OR REUSED."

2 BOARD MEMBER VARNER: WELL, THAT'S SAYING WHO
3 THE FEES ARE GOING TO BE PLACED ON.

4 MR. LARSON: THE FEES THAT ARE COLLECTED GO INTO
5 THE SOLID WASTE MANAGEMENT FUND THAT'S CREATED BY THE
6 LAW. THE PURPOSE OF THE FUND IS WHICH TO IMPLEMENT THE
7 LAW. SO THE FULL RANGE, WE COULD OR IF THE LEGISLATURE
8 COULD, IF THIS STUDY COMES OUT AND IS ACCEPTED AND
9 ENACTED, THERE COULD BE A FEE ON PRODUCTS IN THE STATE
10 THAT COULD UNDERWRITE SOME LOCAL GOVERNMENT ACTIVITIES,
11 SUCH AS RECYCLING PROGRAMS, TO CAPITALIZE THINGS LIKE
12 CURBSIDE AND MRF'S AND COMPOSTING, IF IT'S STRUCTURED
13 SUCH TO COVER MATERIALS THAT ARE COMPRISED IN THE
14 WASTESTREAM AND ARE DETERMINED TO BE THE REASON WHY, IF
15 YOU WILL, THAT WE HAVE ALL OF THIS WASTE.

16 IT COULD BE VIEWED AS PAPER, FOR EXAMPLE,
17 BEING A SPECIFIC PERCENTAGE OF THE WASTESTREAM BY
18 CHARACTERIZATION, THAT A CERTAIN -- THAT THAT PORTION OF
19 THE WASTESTREAM COMPRISED OF PAPER PRODUCTS, BECAUSE IT
20 CONTRIBUTES THAT PORTION TO THE WASTESTREAM, THAT FEE BE
21 ASSESSED ON THOSE PAPER PRODUCTS THAT END UP IN THE
22 WASTESTREAM SO THAT WE CAN DEAL WITH THOSE PRODUCTS AND
23 DIVERT THEM FROM LANDFILLS, FOR EXAMPLE, THROUGH
24 RECYCLING AND COMPOSTING AND OTHER DIVERSION ACTIVITIES
25 THAT ARE SPECIFIED IN AB 939.

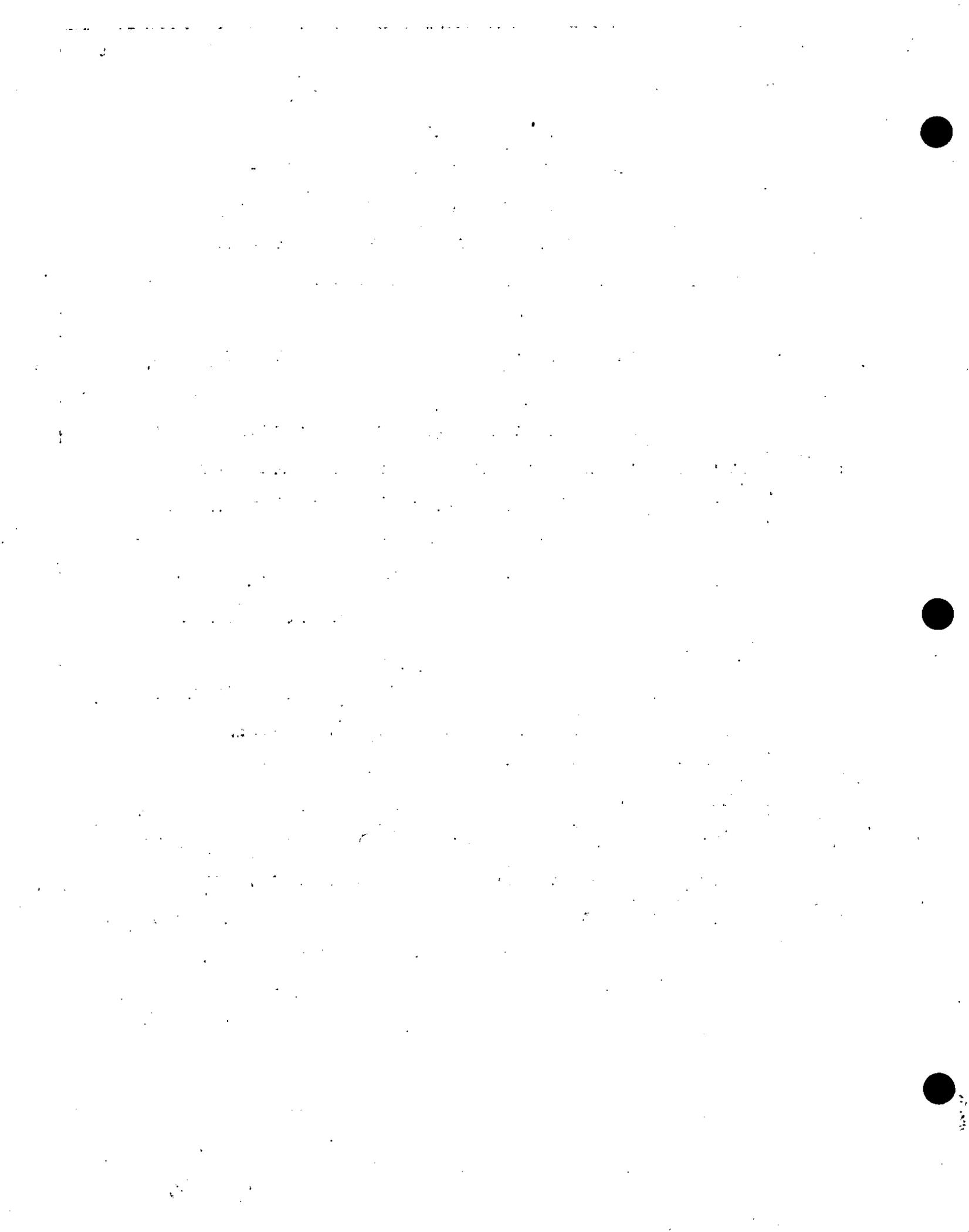
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1 IT'S ALL TIED TO 939 AS A FUNDING MECHANISM
2 FOR IMPLEMENTING THE LAW OR MAYBE I DON'T --

3 BOARD MEMBER VARNER: EXCUSE ME. NOW YOU'RE
4 GETTING TO THE THING. IT'S A FUNDING MECHANISM TO
5 IMPLEMENT THE LAW, BUT IT ISN'T ANYTHING TO PAY FOR
6 DISPOSAL OF THAT --

7 MR. LARSON: NO. IT IS NOT ANYTHING TO PAY FOR
8 DISPOSAL.

9 BOARD MEMBER VARNER: SEE, THAT'S REALLY THE
10 POINT THAT I'M TRYING TO BRING OUT BECAUSE IT'S
11 CONSTANTLY CONFUSED. ONLY YESTERDAY SOMEONE ASKED ME
12 ABOUT THIS AND SAID THIS IS A GREAT THING I THINK, YOU
13 KNOW, THAT EVERYONE IS GOING TO HAVE TO PAY UP FRONT WHEN
14 THEY BUY A PRODUCT AND IT PAYS FOR THE DISPOSAL OF THOSE
15 GOODS. I SAID, "I DON'T THINK THAT'S WHAT IT'S GOING TO
16 DO AT ALL."

17 I BROUGHT THIS ISSUE UP BEFORE, BUT IT GETS
18 NO MORE CLARIFIED LATER THAN IT DOES SOONER.

19 CHAIRMAN MOSCONE: THERE ARE NO SPECIFIC
20 PRODUCTS THAT YOU ARE -- ALL YOU ARE TALKING ABOUT IS
21 SOLD IN CALIFORNIA, WHICH ARE NOT SUBJECT TO DIVISION
22 12.1.

23 WHAT SPECIFICALLY ARE WE TALKING ABOUT?

24 MR. LARSON: EVERYTHING IN THE WASTESTREAM
25 EXCEPT FOR BEVERAGE CONTAINERS THAT ARE IDENTIFIED UNDER



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1 THE DEPARTMENT OF CONSERVATION DIVISION OF RECYCLING
 2 PROGRAM. AS TO WHETHER OR NOT ONE PRODUCT VERSUS ANOTHER
 3 WERE TO BE SUBJECT TO THE FEE IS WHAT IS THE SUBJECT OF
 4 THE STUDY, TO MAKE RECOMMENDATIONS IN THE REPORT TO THE
 5 LEGISLATURE ON HOW TO IMPLEMENT THIS.

6 LET ME EXPLAIN THREE GENERIC WAYS THAT I'VE
 7 HEARD THIS DESCRIBED. ONE COULD BE A UNIFORM FEE BASED
 8 ON GROSS STATE SALES OF PRODUCTS THAT ARE IDENTIFIED IN
 9 THE WASTESTREAM THAT'S UNIFORM ACROSS THE BOARD ON THAT
 10 SALES. IT'S A MILL TAX. NO OTHER WAY TO SAY IT. IT
 11 COULD BE BASED ON A PERCENTAGE BASIS OF VARIOUS
 12 COMPONENTS OF THE WASTESTREAM AS THEY COMPRISE THAT
 13 PORTION OF THE WASTESTREAM. SO THAT IF 40 PERCENT OF THE
 14 WASTESTREAM IS OF A CERTAIN PRODUCT, IT PAYS 40 PERCENT
 15 OF THE FEE TOTAL OR ON A BASE OF PERCEIVED OR
 16 DEMONSTRATED ENVIRONMENTAL POTENTIAL FOR DEGRADATION.

17 THE EXAMPLE HERE MIGHT BE BATTERIES PAY
 18 MORE THAN -- OF THE FEE THAN NEWSPRINT. WE TRIED TO GO
 19 INTO THIS JOINT HEARING OF THE TWO NATURAL RESOURCES
 20 COMMITTEE PROVIDING AS OPEN A FORUM AS WE COULD TO THE
 21 POTENTIALS THAT COULD BE INVESTIGATED WITHOUT HAVING MADE
 22 A DETERMINATION UP FRONT OF WHICH WAY IT WOULD GO.

23 BOARD MEMBER VARNER: GEORGE, CAN I SAY WHAT I
 24 THINK THIS MEANS? IT DOESN'T MATTER ON WHAT PRODUCTS IT
 25 IS BECAUSE EVENTUALLY THEY MAY PUT THEM ON ALL.

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1 BUT ISN'T THIS A TAX THAT'S GOING TO BE PUT
2 ON PRODUCTS TO PAY FOR STATE PROGRAMS TO REGULATE, OR
3 WHATEVER IT IS THAT THE STATE DOES, THE WASTE MANAGEMENT
4 BOARD -- IS OTHER INSTITUTIONS GOING TO GET THE MONEY
5 BESIDES THIS OR HAS THAT NOT BEEN DETERMINED?

6 MR. LARSON: IT HAS NOT BEEN DETERMINED.

7 BOARD MEMBER VARNER: IF IT'S GOING TO BE A TAX
8 THAT'S GIVEN TO THE STATE TO USE FOR PROGRAMS, BUT IT
9 DOESN'T HAVE ANYTHING TO DO WITH DISPOSAL.

10 MR. LARSON: WELL, THE SELECTION OF A WORD
11 "DISPOSAL COST FEE," WHICH WHAT WE HAD ALWAYS REFERRED TO
12 AS AN ADVANCE DISPOSAL FEE DURING THE NEGOTIATIONS ON THE
13 LAW, I DO NOT KNOW THE ORIGIN OF HOW IT CAME OUT TO BE
14 DISPOSAL COST FEE. IT'S NOT -- IT'S TARGETED -- ITS
15 PURPOSE IS TO TARGET TOWARDS THE FRONT END OF THE SYSTEM
16 NOT THE BACK END. SO THERE IS --

17 BOARD MEMBER VARNER: THERE'S A TAX THAT'S PUT
18 UP FRONT RATHER THAN A TAX PUT ON THE LANDFILL?

19 MR. LARSON: CORRECT.

20 BOARD MEMBER VARNER: OKAY. THAT'S THE ANSWER I
21 WANTED.

22 CHAIRMAN MOSCONE: MR. LOCKINGTON.

23 BOARD MEMBER LOCKINGTON: IS IT NOT TRUE THAT
24 THIS IS TAKING PLACE IN OTHER STATES?

25 MR. LARSON: THERE ARE TEN STATES.

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1 BOARD MEMBER LOCKINGTON: IS IT NOT TRUE THAT
2 THIS HAS BEEN A CATASTROPHE IN MOST STATES WHERE THEY PUT
3 IT IN?

4 MR. LARSON: I CANNOT USE THE WORD
5 "CATASTROPHE."
6 WHAT WE HAVE BEEN ABLE TO --

7 BOARD MEMBER LOCKINGTON: LET'S SAY IT'S BEEN
8 VERY COMPLEX.

9 BOARD MEMBER BREMBERG: CHAOTIC.

10 MR. LARSON: MY INVESTIGATIONS INTO THOSE STATES
11 DON'T SUBSTANTIATE THAT. THE PROGRAM IN WASHINGTON STATE
12 THAT'S BEEN THERE FOR 15 YEARS HAS BEEN DEEMED TO BE VERY
13 SUCCESSFUL. IT'S A MILL TAX THERE, THOUGH. IT'S A WORD
14 WE DON'T USE HERE. IT'S A USER FEE HERE BECAUSE OF THE
15 POLITICS OF CALIFORNIA, BUT IT HAS WORKED IN OTHER
16 STATES, AND IT'S PROVIDED FUNDING FOR SPECIFIED PROGRAMS.
17 THERE ARE INSTANCES, MR. LOCKINGTON, I'M SURE, IT'S BEEN
18 CHAOTIC AND A CATASTROPHE.

19 BOARD MEMBER LOCKINGTON: FROM WHAT I
20 UNDERSTAND, THE ARRIVING OF HOW MUCH EVERYTHING IS GOING
21 TO PAY HAS BEEN THE MOST DIFFICULT THING. THE COLLECTION
22 OF IT IS PRETTY SIMPLE. IT'S THE DETERMINATION AND
23 ACTUALLY, AS I UNDERSTOOD IT, THAT'S WHAT THEY WERE
24 ASKING YOU TO DO.

25 MR. LARSON: TO IDENTIFY --



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1 BOARD MEMBER LOCKINGTON: TO DETERMINE WHAT AND
2 HOW MUCH TO --

3 MR. LARSON: YES. TO PROVIDE THREE OPTIONS, AS
4 THE IFB INDICATES, AS TO THE MOST EFFICIENT MEANS.

5 BOARD MEMBER LOCKINGTON: WE WERE NOT TO MAKE NO
6 DETERMINATION WHETHER WE THOUGHT IT WAS GOOD OR BAD.
7 IT'S A REPORT THAT'S SUPPOSED TO GO BACK TO THE
8 LEGISLATURE THAT, IF WE WERE GOING TO DO THIS, THIS IS
9 THE WAY WE WOULD SUGGEST IT BE DONE.

10 MR. LARSON: THAT'S CORRECT.

11 BOARD MEMBER LOCKINGTON: WELL, I WAS LIKE
12 SKEET. THE DISPOSAL COST FEE STUDY, THAT ISN'T -- IT
13 ISN'T -- I MEAN, IF YOU READ THE TWO PARAGRAPHS UP, IT
14 TELLS YOU WHAT IT'S FOR. IT'S FUNDS FOR STATE PROGRAMS,
15 STATE AND LOCAL PROGRAMS.

16 MR. LARSON: CERTAINLY FOR STATE; LOCAL COULD BE
17 INCLUDED.

18 BOARD MEMBER LOCKINGTON: WELL, THAT'S WHAT IT
19 SAYS IN OUR BOOKLET HERE.

20 CHAIRMAN MOSCONE: DR. GEORGE:

21 BOARD MEMBER TCHOBANOGLOUS: I'D LIKE TO RAISE
22 JUST SOME OTHER ISSUES ALTOGETHER, AND MINE RELATE NOT --
23 I UNDERSTAND WHAT THE PROBLEM WAS THAT SKEET BROUGHT UP,
24 BUT I AM LOOKING AT THE TIME SCHEDULE, AND THEN I'M
25 LOOKING AT THINGS LIKE GREATEST POTENTIAL FOR



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1 ENVIRONMENTAL DEGRADATION.

2 NOW, IF YOU COULD ARGUE THAT MIGHT BE PAPER
3 BECAUSE IT ULTIMATELY DEGRADES INTO METHANE AND CARBON
4 DIOXIDE, AND METHANE HAS 20 TIMES THE GREENHOUSE EFFECT
5 THAT CARBON DIOXIDE DOES. SO, I MEAN, IF -- ONE OF THE
6 THINGS THAT I SEE AS A REAL QUAGMIRE HERE IS HOW WE'RE
7 GOING TO PIN DOWN THAT TO ANYONE'S SATISFACTION.

8 MR. LARSON: IT WILL BE --

9 BOARD MEMBER TCHOBANOGLOUS: THEN, SECONDLY,
10 GIVEN THE DATES, IT APPEARS THAT THE CONTRACTOR HAS ABOUT
11 A MONTH TO THINK ABOUT THIS AND WRITE THIS REPORT. AND I
12 GUESS MY CONCERN IS THAT I'M NOT SURE THAT ANYONE CAN DO
13 ANY KIND OF A THOUGHTFUL JOB ON THIS IN THAT KIND OF A
14 TIME FRAME. AND I THINK THAT MAYBE WHAT WE OUGHT TO DO
15 IS SCALE BACK OUR OBJECTIVES TO SOMETHING -- AT LEAST AN
16 IDENTIFICATION OF THE OPTIONS.

17 I'M NOT STATING IT VERY WELL, BUT I'M LEFT
18 WITH A VERY UNEASY FEELING THAT YOU ARE ASKING FOR A
19 REPORT TO BE DONE ON A REALLY COMPLEX -- BECAUSE IT JUST
20 DEPENDS ON HOW YOU ACCEPT THIS GREATEST POTENTIAL FOR
21 ENVIRONMENTAL DEGRADATION. YOU KNOW, THAT ISSUE IN AND
22 OF ITSELF IS LOADED.

23 MR. LARSON: ABSOLUTELY.

24 BOARD MEMBER TCHOBANOGLOUS: I UNDERSTAND --
25 IT'S ALMOST A NO WIN POSITION. AND SO ALL I'M SAYING IS,

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1 NOTWITHSTANDING THESE OTHER ISSUES, SHOULD WE NOT TRY TO
 2 FOCUS THIS AND GET CLARIFICATION OF WHAT IT IS THEY
 3 REALLY WANT BECAUSE IF WE TURN THIS LOOSE, I COULD
 4 IMAGINE CONSULTANTS WANDERING ALL OVER THE BALLPARK.

5 MR. LARSON: CERTAINLY. IT WILL TAKE A GREAT
 6 DEAL OF CONTROL ON THE PART OF THE BOARD AND THE STAFF TO
 7 KEEP THE CONSULTANT CONTRACTOR'S WORK ON THE PATH THAT WE
 8 DESIRE.

9 AS MENTIONED IN HERE, TOO, WE'RE
 10 RECOMMENDING AN ADVISORY COMMITTEE OF PEOPLE WHO WILL BE
 11 IMPACTED, PEOPLE WHO TESTIFIED AT THAT HEARING, FOR
 12 EXAMPLE, WHO WOULD BE THE MANUFACTURERS WHO ARE SUBJECT
 13 TO OR MAY BE SUBJECT TO PAYING INTO -- THIS FEE INTO THIS
 14 ACCOUNT. NONE OF WHOM, INCIDENTALLY, HAD MAJOR
 15 DIFFICULTIES ABOUT THE FACT THAT THEY WOULD BE PAYING
 16 INTO THE ACCOUNT.

17 THE TIMELINE, WE ARE ON RECORD AND IT'S
 18 BEEN RESTATED, AND I'LL DO IT AGAIN FOR THE RECORD, THAT
 19 WE HAVE BEEN TREMENDOUSLY NONSUPPORTED BY THE LEGISLATURE
 20 THAT ENACTED THIS LAW. WE HAVE BEEN NOT SUPPORTED BY THE
 21 GOVERNOR'S OFFICE IN IMPLEMENTING THIS LAW.

22 THERE WAS MONEY IN AB 1820 THAT WAS
 23 SPECIFICALLY TARGETED TO ALLOW THIS BOARD TO DO SOME
 24 BASIC THINGS LIKE HIRE THE FIRST PERSON TO IMPLEMENT ALL
 25 THESE LAWS. THAT HAS NOT BEEN FORTHCOMING. SO THE

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1 TIMELINE IS IN THE LAW AND WE'RE DRIVEN BY THE LAW. SO
2 WE'RE APPROACHING IT AS POSITIVELY AS WE CAN. WE
3 PROBABLY WON'T GET IT DONE BY JANUARY 1, 1991.

4 BOARD MEMBER TCHOBANOGLOUS: SHOULD WE NOT,
5 THOUGH, BE ON RECORD AS STATING THAT THE CRITERIA BY
6 WHICH YOU SELECT THE GREATEST POTENTIAL FOR ENVIRONMENTAL
7 DEGRADATION IS REALLY COMPLEX, AND YOU'VE GOT TO DEFINE
8 HOW YOU PROPOSE TO DO THAT? BECAUSE I COULD DEFINE -- I
9 MEAN, I COULD SIT RIGHT HERE AND TALK ABOUT TEN DIFFERENT
10 BASES THAT I COULD USE THAT WOULD ALL BE EQUALLY VALID
11 SCIENTIFICALLY, BUT MAY BE FAR OFF THE MARK.

12 AND IT SEEMS TO ME THAT WE NEED TO HAVE, AT
13 LEAST ON RECORD, WHAT IS IT THAT THE BILL WRITERS HAD IN
14 MIND. I THINK WE NEED TO PIN THEM DOWN.

15 MR. LARSON: I WOULD CERTAINLY FOLLOW UP ON THAT
16 RECOMMENDATION IN THE FORM OF CORRESPONDING TO THE AUTHOR
17 THESE EXACT CONCERNS SO THAT THE BOARD CAN BE ON THE
18 RECORD FOR WHAT IT PERCEIVES TO BE THE MAJOR PROBLEM, THE
19 LEAST OF WHICH IS THE TIME LINE. MAYBE MORE
20 SIGNIFICANTLY IS THE RANGE OF OPTIONS THAT MIGHT BE
21 PURSUED BY A CONSULTANT, BUT WE WOULD HAVE TO BE THE ONE,
22 IN MY OPINION, AS THE LEAD AGENCY TO TRY TO CONTROL.

23 BOARD MEMBER TCHOBANOGLOUS: WELL, I WOULD THINK
24 THAT ON THIS ONE WE'RE GOING TO HAVE TO TAKE THE BRUNT OF
25 IT BY SITTING DOWN AND SAYING WHAT THE CRITERIA ARE GOING

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1 TO BE. AND THAT IS NO EASY MATTER. I MEAN, IF YOU LOOK
2 AT THIS WORDING, YOU ARE TALKING ABOUT ENVIRONMENTAL
3 DEGRADATION. DO YOU MEAN IN A WELL-CONTROLLED LANDFILL?
4 DO YOU MEAN JUST DISCHARGE AT WILL?

5 I MEAN, YOU KNOW, WHAT -- HERE'S THE THING
6 THAT I'M REALLY CONCERNED ABOUT, GEORGE. AND THAT IS
7 THAT WE GO OFF IN GOOD FAITH AND YOU COME UP WITH A
8 REPORT, EVERYONE IS GOING TO SAY, NO, THAT'S NOT WHAT I
9 MEANT. AND SOMEHOW WE NEED TO BE ON RECORD SAYING THAT
10 WE'RE MORE THAN WILLING TO DO THIS. AND WE'RE PREPARED,
11 AND WE'LL FOLLOW IT, AND WE'LL TRACK IT, BUT WE WANT TO
12 KNOW HOW YOU CHOOSE TO DEFINE THIS ENVIRONMENTAL
13 DEGRADATION. WHAT DO YOU MEAN BY THAT? DO YOU MEAN
14 RELEASE OF GASES? DO YOU MEAN LIFE? DO YOU MEAN CANCER
15 RISK? WHAT IS IT THAT YOU HAVE IN MIND?

16 BECAUSE WITHOUT SOME GENERAL CONCURRENCE ON
17 THAT, WE'RE GOING TO BE HUNG OUT TO DRY. BECAUSE THE
18 CONSULTANT'S GOING TO TRY TO READ INTO IT WHAT THEY
19 BELIEVE TO BE THE ANSWER TO THIS QUESTION.

20 CHAIRMAN MOSCONE: MR. LOCKINGTON.

21 BOARD MEMBER LOCKINGTON: IN ADDITION TO THAT,
22 YOU'VE GOT THIS PROSPECTIVE 2091 THAT ALSO IMPACTS THIS;
23 IS THAT NOT CORRECT?

24 MR. LARSON: THIS IS THE GARY HART BILL? IT
25 ESSENTIALLY RESTATES IN PRINCIPLE WHAT IS IN THE LAW



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1 RIGHT NOW WITH GARY HART'S NAME AT THE TOP OF THE PAGE.

2 BOARD MEMBER LOCKINGTON: IT SEEMS TO ME THAT IT
3 ALSO SAYS YOU BETTER BE READY BY JANUARY 1, 1991.

4 MR. LARSON: WE HAVE NO LATITUDE IN THAT DATE AS
5 OF RIGHT NOW. WE EXPRESSED CONCERN, NOT ONLY PRIOR TO
6 THE MONUMENTAL LACK OF SUPPORT. IF WE'D BEEN ABLE TO
7 START ON JANUARY 1 OF 1990, IT WOULD HAVE BEEN AN AWESOME
8 TASK.

9 BOARD MEMBER LOCKINGTON: HERCULEAN JOB, THERE'S
10 NO QUESTION.

11 MR. LARSON: I WOULD, OTHER THAN THE FACT THAT
12 THIS TESTIMONY IS ON RECORD, NOT SAY IN PUBLIC THAT WE
13 WON'T BE DONE BY JANUARY 1, 1991, BUT I WILL STAND IN
14 FRONT OF ANY LEGISLATIVE COMMITTEE AND TELL THEM WHY AND
15 CHALLENGE THEM TO SAY THAT I DID NOT GIVE VALID REASONS
16 WHY WE'RE UNABLE TO MEET THAT DATE, AMONG OTHER DATES
17 THAT WE'RE NOT GOING TO MEET BECAUSE OF THE SAME
18 SITUATION.

19 BOARD MEMBER LOCKINGTON: MY LAST QUESTION,
20 GEORGE... DO YOU REALLY FEEL THAT THE BUSINESS COMMUNITY
21 AND THE PUBLIC ARE REALLY AWARE OF WHAT THIS IS GOING TO
22 BE?

23 MR. LARSON: AND IN JOINT TESTIMONY BEFORE THE
24 SENATE AND ASSEMBLY NATURAL RESOURCES COMMITTEE, A PANEL
25 MADE UP OF WHAT IS DESCRIBED AS MANUFACTURING INDUSTRIES,

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1 WHICH INCLUDED GLASS, ALUMINUM, STEEL, THE OIL COMPANIES
 2 MANUFACTURING PLASTIC RESINS, ALL WITH, I'LL CALL A
 3 DEGREE OF UNANIMITY, AND I'LL GET THE TESTIMONY, THAT
 4 THEY ARE NOT OPPOSED TO THE ASSESSMENT OF A FEE AS
 5 DESCRIBED IN THIS LAW, BUT WERE ONLY CONCERNED AS TO HOW
 6 IT WOULD BE STRUCTURED AND ON WHAT PRODUCTS, WHICH IS THE
 7 REASON -- I MEAN THE PURPOSE OF THE STUDY. SO --

8 BOARD MEMBER TCHOBANOGLOUS: IT'S JUST
 9 INTERESTING THAT THE FOUR THAT YOU MENTIONED ARE LEAST
 10 LIKELY TO BE IMPACTED DEPENDING ON HOW YOU INTERPRET THIS
 11 LAW.

12 MR. LARSON: WELL, THE PLASTICS PEOPLE I --

13 BOARD MEMBER TCHOBANOGLOUS: MIGHT BE
 14 BORDERLINE, BUT --

15 MR. LARSON: AND THE PAPER PEOPLE, THERE'S
 16 PEOPLE WHO CLEARLY -- THERE'S COMPANIES THAT OPERATE WITH
 17 100 PERCENT RECYCLED FEEDSTOCK AND THERE ARE SOME THAT
 18 ARE 100 PERCENT VIRGIN. THEY MAY -- SOME OF THOSE
 19 COMPANIES THAT OPERATE WITH MAKING PULP OUT OF TREES
 20 VERSUS OUT OF RECYCLED FEEDSTOCK SEE THAT THEY MAY BE HIT
 21 HARDER, FOR EXAMPLE, THAN COMPANIES THAT USE RECYCLED
 22 FEEDSTOCK.

23 THERE'S A RECOGNITION THAT, AMONG POTENTIAL
 24 OPTIONS THAT ARE AVAILABLE OUT HERE FOR FUNDING PROGRAMS,
 25 THERE ARE TWO MAJOR OPTIONS. ONE IS HOUSE AND ANOTHER

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1 AGENCY OF THE STATE COVERING A VERY NARROW -- NARROWLY
2 DEFINED AND EASILY IDENTIFIED COMPONENTS OF THE
3 WASTESTREAM; NAMELY, BEVERAGE REDEMPTION LAW, AND THIS AS
4 A POTENTIAL OPTION AS A FUNDING SOURCE.

5 AMONGST THE INDUSTRIES THAT TESTIFIED AT
6 THAT COMMITTEE, IT WAS CLEARLY THAT THEY FAVORED
7 SOMETHING THAT WAS MORE UNIFORM AND ACROSS THE BOARD THAN
8 HAVING A SINGLE NARROWLY DEFINED PROCESSING FEE-TYPE OF
9 FUNDING MECHANISM IMPOSED ON, AGAIN, A VERY NARROW
10 SEGMENT OF THE WASTESTREAM.

11 CHAIRMAN MOSCONE: MR. VARNER.

12 BOARD MEMBER VARNER: OKAY. GEORGE, JUST TO
13 FOLLOW IT UP, IT'S TRUE THAT A GREAT DEAL OF THE
14 MANUFACTURERS, AND THE PAPER INDUSTRY IN PARTICULAR, EVEN
15 LAST YEAR WHEN THIS SUBJECT CAME UP, WERE NOT OPPOSED TO
16 THIS ON A CONDITION THAT IT'S FAIRLY ADMINISTERED.

17 AND, TWO, I JUST WANT TO MAKE A POINT WITH
18 MYSELF, I'M NEITHER OPPOSED -- FOR IT OR AGAINST IT. I'M
19 NOT TALKING ON THAT ISSUE, BUT IT DOES CONCERN ME THAT
20 THE LANGUAGE THAT'S USED OVER AND OVER TO PROPERLY
21 IDENTIFY THIS THING, AND AS DR. TCHOBANOGLIOUS POINTED
22 OUT, TOO, TO BRING UP THE ISSUES SO THAT EVERYBODY GETS
23 TREATED FAIRLY. AND IT'S THE PUBLIC THAT I'M WORRIED
24 ABOUT THAT UNDERSTAND THE THING BECAUSE THEY'RE THE ONES
25 THAT'S GOING TO PAY FOR IT.

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1 MR. LARSON: THEY CERTAINLY ARE GOING TO PAY FOR
2 IT, EITHER THROUGH INCREASED TIPPING FEES AT THE LANDFILL
3 OR THROUGH SOME FEE STRUCTURE BASED ON THE PRODUCTS. THE
4 PROBLEMS THAT THE PRODUCTS THAT THEY CONSUME AND DISPOSE
5 OF --

6 BOARD MEMBER VARNER: ONCE WE CHARACTERIZE THE
7 THING, THAT WE PUT THE TAX OR A FEE, WHATEVER YOU WANT TO
8 CALL IT, ON THE PRODUCT UP FRONT RATHER THAN AT THE
9 LANDFILL, AND SO THEN IT'S EASY TO UNDERSTAND. THROUGH
10 ALL THIS LANGUAGE, IT SOUNDS LIKE IT'S SOMETHING THAT IT
11 ISN'T.

12 MR. LARSON: IT'S MY UNDERSTANDING THAT THE
13 INTENT OF THIS FEE IS ON THE FRONT END ON THE PRODUCT AND
14 NOT ON THE BACK END ON THE LANDFILL.

15 CHAIRMAN MOSCONE: I'M A LITTLE -- I'M TRYING TO
16 GET AN ANSWER TO WHAT THIS 40600(A), A DISPOSAL COST FEE
17 SYSTEM ON GOODS SOLD IN CALIFORNIA WHICH ARE NOT SUBJECT
18 TO DIVISION 12.1 COMMENCING WITH -- WHAT IS IN 12.1,
19 DIVISION 12.1?

20 MR. LARSON: BEVERAGE CONTAINERS. PLASTIC,
21 ALUMINUM, AND GLASS CONTAINERS THAT CONTAIN MALT BEVERAGE
22 AND CARBONATED BEVERAGE CONTAINERS AND WHAT HAS
23 SUBSEQUENTLY BEEN BROUGHT UNDER THE DEPARTMENT OF
24 CONSERVATION.

25 CHAIRMAN MOSCONE: EVERYTHING ELSE THAT IS

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1 NOT --

2 MR. LARSON: THE OTHER 96 PERCENT.

3 CHAIRMAN MOSCONE: -- WATERMELON AND CANTALOUPE
4 RINDS AND ALL OF THAT ARE A PART OF ALL THIS?

5 MR. LARSON: IT'S NOT A MANUFACTURED PRODUCT OR
6 GOOD.

7 CHAIRMAN MOSCONE: WE'RE TALKING ABOUT
8 MANUFACTURED PRODUCTS?

9 MR. LARSON: GOODS SOLD IN CALIFORNIA THAT END
10 UP IN THE WASTESTREAM.

11 CHAIRMAN MOSCONE: WATERMELONS ARE SOLD IN
12 CALIFORNIA.

13 MRS. BREMBERG.

14 BOARD MEMBER BREMBERG: I WOULD LIKE TO ASK WHY
15 I DON'T SEE IN ANY OF THIS, OR PERHAPS IT'S IN THE LAW
16 AND I MISSED IT, BUT I DON'T SEE ANYTHING UNDER THIS
17 GENERIC STRUCTURE ABOUT THE TRUE MANAGEMENT, THE
18 AUDITING, THE COLLECTION PRACTICES, AND THE NOTIFICATION
19 ON A PACKAGE, LABELING OR WHATEVER, THAT YOU ARE PAYING
20 FIVE CENTS BECAUSE OF THE LEGISLATURE IMPOSING THIS UPON
21 YOU AS AN ADVANCE -- SO-CALLED ADVANCE DISPOSAL FEE.

22 YOU KNOW, THE CITY OF LOS ANGELES GETS AWAY
23 WITH MURDER AND SUDDEN DEATH BECAUSE THEY NEVER BILL
24 THEIR CONSTITUENTS FOR SOLID WASTE MANAGEMENT. THEY JUST
25 INCLUDE IT IN PROPERTY TAXES. PEOPLE IN L.A. THINK IT'S

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1 FREE TO PICK UP THEIR GARBAGE.

2 YOU KNOW, I DON'T SEE ANY AUDITING. I
3 DON'T SEE ANY OF THAT LISTED. IS THIS JUST GOING TO
4 HAPPEN BECAUSE EVERYBODY IS NOBLE AND VIRTUOUS?

5 MR. LARSON: AS TO WHETHER THIS COVERS THAT, IT
6 DOESN'T. THERE ARE SOME OTHER LAWS THAT WERE ENACTED
7 LAST YEAR THAT REQUIRE THE BOARD TO DO STUDIES TO
8 EVALUATE WHAT IS REFERRED TO AS THE TRUE COST OF
9 LANDFILLING. THERE ARE BILLS THAT WERE ENACTED --

10 BOARD MEMBER BREMBERG: DOES ANYBODY KNOW THAT
11 THERE ARE FOUR OR FIVE LAWS IMPACTING THIS AND KNOW WHO'S
12 SUPPOSED TO DO WHAT AND HOW IT'S DONE? OR DOES THIS JUST
13 SORT OF BUILD UP A BANK ACCOUNT TO BE FRITTERED AWAY ON
14 WHAT SOMEBODY THINKS IS A WONDERFUL PROGRAM TO SAVE THE
15 ENVIRONMENT?

16 MR. LARSON: THE INTENT, I BELIEVE, IS TO BRING
17 THAT MESSAGE TO THE PUBLIC, THAT THEY'RE PAYING A HIGHER
18 FEE FOR THEIR PRODUCTS BASED ON WHAT WILL BE, HOPEFULLY,
19 DEMONSTRATED EVIDENCE THAT CERTAIN PRODUCTS CONTRIBUTE TO
20 THE WASTESTREAM AND TO THE SOLID WASTE PROBLEM IN THE
21 STATE.

22 BOARD MEMBER BREMBERG: WHO'S GOING TO INTERPRET
23 AND ENUNCIATE THE INTENT, AND WHOSE INTENT WAS IT OR WILL
24 IT BE?

25 MR. LARSON: ULTIMATELY IT WILL BE THE



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1 LEGISLATURE TO WHOM THIS STUDY, AFTER APPROVED BY THE
2 REPORT, WOULD GO SO THAT THEY -- YOU KNOW, AND I'LL IN
3 THAT CASE --

4 BOARD MEMBER BREMBERG: SURE, THEY'LL ACCEPT THE
5 RESPONSIBILITY. YOU CAN BET THEY WILL.

6 MR. OLDALL: GEORGE, THE MAJOR OUTPUT OF THIS
7 REPORT WILL BE DRAFT LEGISLATION. WE WILL, UPON THE
8 BOARD'S APPROVAL OF THE REPORT, THEN WORK ON DRAFTING
9 LEGISLATION. IT IS THAT PARTICULAR LEGISLATION THAT WILL
10 INCLUDE ALL THE NOOKS AND CRANNIES FOR IMPLEMENTATION
11 THAT YOU ARE SUGGESTING THERE. WE WILL --

12 BOARD MEMBER BREMBERG: WELL, IS THE CONSULTANT
13 IN THIS CONTRACT GOING TO EVEN --

14 MR. OLDALL: NO. NO. WE THOUGHT THAT WAS MORE
15 APPROPRIATELY OUR ROLE BECAUSE WE'RE BETTER SITUATED TO
16 KNOW ALL THOSE NUANCES AND INTERRELATIONSHIPS.

17 MR. LARSON: CERTAINLY, ONCE ANY MEASURE GETS
18 INTO THE LEGISLATIVE PROCESS, IT TAKES ON A LIFE,
19 CERTAINLY, OF ITS OWN THAT'S IMPACTED BY A VARIETY OF
20 FORCES. WE, IN OUR INTERPRETATION OF THIS PROVISION OF
21 LAW, HAVE OBJECTIVITY TO THE EXTENT WE CAN BRING ABOUT
22 THE -- OR INVESTIGATE THROUGH A CONSULTANT SOME VERY
23 SPECIFIC AND IDENTIFIABLE CRITERIA THAT WILL TRY TO FRAME
24 THIS GENERIC AND SOMEWHAT VAGUE LANGUAGE SO THAT YOU,
25 WHEN YOU APPROVE A REPORT, FEEL COMFORTABLE THAT THIS IS

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1 WHAT YOU THINK IS IMPORTANT TO GO TO THE LEGISLATURE AS
2 THE BASIS FROM WHICH SOME LAW WOULD BE DRAFTED TO CREATE
3 THIS FEE STRUCTURE.

4 BOARD MEMBER BREMBERG: THE MORE VAGUE THAT THE
5 CHARGE IS, THE MORE EXPANSION A CONSULTANT CAN DO AND
6 JUST KEEP IT GOING AND BUILDING AND BUILDING. AND TO
7 THEN TRY TO TAKE THE WHOLE BIG PIZZA, IF YOU WILL, DOWN
8 TO ONE PIECE THAT'S SPECIFIC, YOU KNOW, CAN YOU DO THAT
9 FOR \$200,000?

10 MR. LARSON: I DON'T THINK WE CAN DO IT FOR
11 \$200,000, BUT THAT'S ALL WE'VE BEEN ABLE TO EKE OUT OF
12 THE PROCESS THUS FAR.

13 BOARD MEMBER TCHOBANOGLOUS: MR. CHAIRMAN.

14 CHAIRMAN MOSCONE: DR. GEORGE.

15 BOARD MEMBER TCHOBANOGLOUS: GEORGE, IS IT
16 POSSIBLE, REALLY, ON THIS ISSUE THAT -- YOU KNOW, I'M IN
17 AGREEMENT THAT WE PROCEED WITH WHAT YOU'VE LAID OUT, BUT
18 WOULDN'T IT MAKE SENSE TO PUT TOGETHER A LITTLE TASK
19 FORCE OF OUR OWN STAFF TO COME UP WITH A RECOMMENDATION
20 OF WHAT THEY THINK THE ISSUES ARE BY THE MEETING NEXT
21 MONTH? STAFF AND A COUPLE OF BOARD MEMBERS AND MS.
22 BREMBERG HERE.

23 BUT IT SEEMS TO ME THAT WE OUGHT TO HAVE AT
24 LEAST A VISION OF IT BEFORE WE RELEASE THESE PEOPLE.
25 AND, YOU KNOW, IT'S NOT THAT THEY MIGHT NOT COME UP WITH

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1 A CLEARER VISION. I'M NOT DENYING THAT. BUT IT SEEMS TO
2 ME THAT IT WOULD BE APPROPRIATE FOR US TO HAVE LAID OUT
3 WHAT OUR VISION OF IT IS. YOU KNOW, WE'VE GOT THE STAFF
4 THAT'S PREPARED TO DO THIS KIND OF THING, AND SO WHAT WE
5 HAVE TO DO IS LET'S SEE WHAT KIND OF -- CAN WE GET ANY
6 AGREEMENT ON ENVIRONMENTAL DEGRADATION WITHIN OUR OWN
7 STAFF? I MEAN, THAT'S A MAJOR ISSUE.

8 MR. LARSON: IT CERTAINLY IS. WE CAN CERTAINLY
9 FOLLOW YOUR GUIDANCE ON UNDERTAKING SUCH AN ACTIVITY TO
10 TRY TO FRAME OR COUCH IN OUR OWN PERCEPTIONS WHAT THIS
11 MEANS. THE REASON THAT UP TO THIS POINT AND STRUCTURED
12 LIKE IT IS IS THAT IT WAS OUR APPROACH IN -- PARTICULARLY
13 IN ADDRESSING THE JOINT COMMITTEES OF THE LEGISLATURE,
14 THAT WE NOT GO IN AS IF THERE WERE SOME PRECONCEIVED IDEA
15 OF EXACTLY HOW THIS SHOULD BE IN THE END. SUCH THAT IN
16 AN OPEN PROCESS, WHEN THESE MANUFACTURERS WHO WOULD BE
17 SUBJECT TO THESE FEES WOULD HAVE AN OPPORTUNITY TO MAKE
18 THEIR CASE KNOWN THROUGH AN ADVISORY COMMITTEE THAT WE
19 WOULD SET UP TO WORK ON A PARALLEL TRACK ALONG WITH THE
20 CONSULTANT WHO WOULD BE CLOSELY MONITORED, SUPERVISED,
21 AND DIRECTED BY THE BOARD.

22 BOARD MEMBER TCHOBANOGLOUS: MAYBE THAT'S WHAT
23 WE NEED TO DO IS FORM THIS ADVISORY COMMITTEE ALMOST
24 IMMEDIATELY AND GET THE ADVISORY COMMITTEE DOWN THE ROAD
25 TO PASS ON ENVIRONMENTAL DEGRADATION BECAUSE WE'VE GOT TO

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1 GO SOMEHOW TO THE LEGISLATURE AND SAY THAT -- THAT THE --
2 THIS ENVIRONMENTAL COMMITTEE -- I MEAN THIS COMMITTEE
3 THAT WAS FORMED AGREED TO THIS.

4 BOARD MEMBER GEARHEART: MR. CHAIRMAN, LET ME
5 MENTION SOMETHING HERE REAL QUICKLY. IT SEEMS TO ME THAT
6 WE'RE BEING A LITTLE BIT INCONSISTENT. WE'VE TALKED ALL
7 DAY ABOUT THE LETTER OF THE LAW. THERE WAS A REASON FOR
8 IT TO BE HERE. AND THAT WAS THERE WAS AN OPPORTUNITY TO
9 GENERATE IN SOME CREATIVE SENSE, PRIOR TO A BILL PERHAPS
10 BEING DRAFTED THAT MIGHT DICTATE THIS, TO BE REALLY OPEN
11 AND CREATIVE ON HOW TO APPROACH THIS PARTICULAR PROBLEM,
12 WHETHER THERE IS A WAY AND HOW TO DO IT.

13 IT SEEMS LIKE IN THE RATING FOR THE
14 CONSULTANT, THEY TALK ABOUT THE METHODOLOGY. IT SEEMS
15 LIKE THE KEY IS TO HAVE PEOPLE INVOLVED IN LOOKING AT
16 THESE PROPOSALS TO SEE IF, IN FACT, THEY MEET SOME
17 METHODOLOGY THAT INCORPORATES THE THINGS THAT YOU ARE
18 REFERRING TO, GEORGE.

19 MR. OLDALL: INCLUDE THEM ON THE PANEL.

20 BOARD MEMBER GEARHEART: YEAH. INCLUDE PEOPLE
21 LIKE THAT ON THE PANEL SO THAT THAT'S INCLUDED IN THE
22 PROCESS, BUT I KIND OF AGREE WITH THIS. THIS IS LIKE --
23 THIS IS LIKE KIND OF FIRST TIME PEOPLE ARE THINKING ABOUT
24 THINGS LIKE THIS, AT LEAST, IN THE CALIFORNIA SENSE. SO
25 IT SHOULD BE AS OPEN AND AS CREATIVE AS POSSIBLE AND LET

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1 THE CONSULTANTS RESPOND, BUT HAVE SOME QUALITY CONTROL ON
2 WHAT THESE DEFINITIONS ARE, IF THERE'S A WAY TO DO THAT.
3 I MEAN, THERE'S 20 POINTS. METHODOLOGY IS 20 OUT OF 130,
4 WHICH IS A SIXTH OF THE RATING.

5 MR. LARSON: CERTAINLY, IN A PROCESS THAT DOES
6 EXIST AND THE WAY WE INTEND FOR THIS PARTICULAR IFB TO
7 PROCEED IS THAT IT'S AT THAT POINT IN TIME WHERE THE
8 BOARD WOULD HAVE ABSOLUTE AUTHORITY OR ABILITY TO
9 EVALUATE WHETHER OR NOT THE PROPOSALS THAT WERE SUBMITTED
10 AT ALL REFLECT THE WAY YOU SEE THE ISSUE. AND IF NOT,
11 THEN THEY NEED NOT BE ACCEPTED OR PURSUED.

12 AND TO THE EXTENT WE SELECT A CONTRACTOR
13 BASED ON SOME OVERALL ACCEPTABILITY, WE CAN NEGOTIATE IN
14 THE FINAL CONTRACT NEGOTIATION PROCESS CHANGES IN THE
15 DIRECTION OF THE SCOPE OF WORK OR THE PROCESS OR WHATEVER
16 WAS SUBMITTED TO MAKE SURE THAT IT MEETS THOSE NEEDS. WE
17 HAVE TRIED TO KEEP IT AS OPEN AS POSSIBLE SO THAT ANYONE
18 WHO READ OUR IFB WOULD NOT THINK THAT WE HAVE THE ANSWER
19 GOING IN AND WE'RE LOOKING FOR THE PERSON TO GIVE US THE
20 ANSWER.

21 BOARD MEMBER TCHOBANOGLOUS: WHERE IS THE
22 RATING?

23 BOARD MEMBER GEARHEART: 243, GEORGE.

24 MR. OLDALL: PAGE 243.

25 BOARD MEMBER TCHOBANOGLOUS: I WOULD GIVE



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1 SOUNDNESS OF PROPOSED METHODOLOGY A HIGHER RATING,
2 PERSONALLY. THE FACT THAT PEOPLE HAVE DONE OTHER WORK
3 REALLY BEARS VERY LITTLE TO DO WITH WHAT THEY'RE ABLE TO
4 DO ON THIS. I MEAN, THE MAXIMUM 40 POINTS ASSIGNED FOR
5 RESOURCE -- 45 POINTS ASSIGNED FOR RESOURCES, IN MY MIND,
6 IS FAR TOO HIGH RELATIVE TO THE METHODOLOGY HERE, WHICH
7 IS ALMOST REALLY THE CRUX OF THE WHOLE MATTER.

8 MR. OLDALL: THAT'S EXACTLY THE INPUT WE'RE
9 LOOKING FOR RIGHT NOW. YOU WANT TO MAKE RESOURCES 30?

10 BOARD MEMBER TCHOBANOGLOUS: THIRTY, AND I WOULD
11 MAKE METHODOLOGY 55. IN FACT, I WOULD MAKE IT 60, AND
12 MAKE PAST WORK 30 BECAUSE PAST WORK REALLY DOES NOT --
13 WE'RE REALLY NOT LOOKING FOR PAST WORK.

14 ATTORNEY CONHEIM: WHAT I'D LIKE YOU TO DO NOW
15 IS TO BE QUITE CLEAR, AS YOU APPROVE THIS, TO MAKE ALL OF
16 THE ADJUSTMENTS ON THAT RATING SHEET SO THAT WHEN YOU
17 ADOPT IT, THERE IS NO QUESTION ABOUT WHAT YOU ADOPTED
18 BECAUSE THAT'S WHAT WILL BIND YOU -- US AND YOU IN
19 READING THESE PROPOSALS.

20 MR. LARSON: I'LL READ INTO THE RECORD AT THE
21 APPROPRIATE TIME THOSE CHANGES. DO YOU WANT ME TO DO
22 THAT NOW?

23 BOARD MEMBER TCHOBANOGLOUS: YES, THAT WILL BE
24 FINE.

25 MR. LARSON: ON PAGE 243, WHAT I UNDERSTAND THE



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1 DIRECTION OF THE BOARD IS THAT UNDER THE CATEGORY 1,
2 RESOURCES WILL BE REDUCED FROM 45 TO 30. AND FOR THE
3 PURPOSES OF DISCUSSION, IF IT'S ACCEPTABLE TO THE BOARD,
4 SINCE THERE'S A 15-POINT DROP, WE COULD TAKE FIVE POINTS
5 OFF OF SUBSET A, B, AND E, MAKING THEM FIVE, TEN, AND
6 FIVE. IS THAT ACCEPTABLE?

7 BOARD MEMBER TCHOBANOGLOUS: THAT'S FINE.

8 MR. LARSON: ON ITEM 2, METHODOLOGY, THE TOTAL
9 MAXIMUM POINTS FROM 40 INCREASED TO 60.

10 BOARD MEMBER TCHOBANOGLOUS: CORRECT.

11 MR. LARSON: THE ENTIRE 20 POINTS ADDED TO THE
12 SOUNDNESS OF PROPOSED METHODOLOGY; OTHERS REMAINING THE
13 SAME.

14 ON PAGE 244, PAST WORK, REDUCED FROM 35
15 POINTS TO 30, AND TAKE THE FIVE POINTS OUT OF SUBSET A,
16 SIMILARITY, REDUCING IT FROM 25 TO 20, THEREBY THE TOTAL
17 STAYING THE SAME?

18 BOARD MEMBER TCHOBANOGLOUS: THE ONLY OTHER
19 SMALL CHANGE I WOULD LIKE, IF THE BOARD WILL GO ALONG
20 WITH IT, IS TO -- RATHER THAN SIMILARITY BETWEEN PREVIOUS
21 PROJECTS AND PROJECTS CONTAINED, IF WE SOMEHOW PUT
22 INNOVATION IN THERE. IN OTHER WORDS, IT SEEMS TO ME I
23 WANT PROJECTS THAT WERE INNOVATIVE, THAT DEMONSTRATED THE
24 ABILITY OF THE FIRM TO DO INNOVATIVE WORK, NOT JUST
25 REPEAT.

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1 MR. LARSON: I SUBMIT THAT WE DELETE THE WORDS
2 "SIMILARITY BETWEEN," AND INSERT "DEMONSTRATED INNOVATION
3 OF PREVIOUS PROJECTS."

4 BOARD MEMBER VARNER: WHICH ITEM ARE YOU ON,
5 PLEASE?

6 BOARD MEMBER TCHOBANOGLOUS: TURN THE PAGE TO
7 PAGE 2- --

8 MR. OLDALL: PAGE 244.

9 BOARD MEMBER TCHOBANOGLOUS: RATHER THAN
10 SIMILARITY, YOUR WORDING IS FINE.

11 BOARD MEMBER VARNER: SAY IT AGAIN, GEORGE.

12 MR. LARSON: STRIKE, UNDER SUBSET A, SIMILARITY
13 BETWEEN AND INSERT DEMONSTRATION OF INNOVATIVE NATURE OF
14 PREVIOUS, AS STATED.

15 MR. OLDALL: THERE WAS ONE POINT THAT DR. G. HAD
16 MADE EARLIER ON AND THAT CONCERNED ABOUT THE TIMELINE.

17 BOARD MEMBER TCHOBANOGLOUS: I'M WILLING TO LIVE
18 WITH IT.

19 MR. OLDALL: WELL, WE'VE TAKEN A CAREFUL LOOK AT
20 THAT, AND WE THINK WE NEED ONE MORE WEEK OUT IN TERMS OF
21 THE RESPONSE AND TAKE ONE WEEK OFF OF THE REVIEW. WHAT
22 WE HAVE HERE IS LIKE A THREE WEEK -- FOR THEM TO DO IT
23 AND THREE WEEKS FOR US TO LOOK AT IT. I THINK THAT WE
24 GIVE THEM AN EXTRA WEEK, SO WE WILL CHANGE THE AUGUST
25 17TH TO AUGUST 24TH FOR THE DEADLINE FOR SUBMITTING THE

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1 BIDS, AND THAT WOULD GIVE US ONE WEEK LESS TO REVIEW. I
2 THINK THAT WOULD BE AMPLE.

3 WE'RE ALSO THINKING OF POSSIBLY HAVING WHAT
4 WE WOULD TERM A BIDDER'S CONFERENCE, AND THAT MIGHT BE
5 ABOUT ONE WEEK AFTER WE HAVE PUT THE IFB OUT TO ALLOW FOR
6 THE CONSULTANTS TO GET THEIR QUESTIONS TOGETHER, AND THEN
7 WE COULD HAVE A MEETING SOMETIME, SOMETHING LIKE AUGUST
8 THE 6TH, WITH THEM TO GO OVER SOME OF THE ISSUES THAT
9 THEY WOULD HAVE RAISED, AND THEY STILL HAVE THREE MORE
10 WEEKS TO DO THE FINAL PRODUCT.

11 BOARD MEMBER BREMBERG: PREBID CONFERENCE.

12 MR. OLDALL: PREBID CONFERENCE.

13 MR. LARSON: MR. CHAIRMAN, FOR THE RECORD, IT'S
14 BEEN BROUGHT TO MY ATTENTION THAT THAT CHANGE ON PAGE
15 244, I NEED TO DELETE A FEW MORE WORDS IN ORDER FOR THIS
16 SENTENCE TO MAKE SENSE. I WOULD LIKE TO READ IT INTO THE
17 RECORD AND FOR THE REVIEW OF THE BOARD.

18 SUBSECTION A READS: "DEMONSTRATION OF
19 INNOVATIVE NATURE OF PREVIOUS PROJECTS." DELETE THE REST
20 OF THE SENTENCE WORDS, "AND THE PROJECT CONTAINED IN THIS
21 IFB." THANK YOU.

22 AS A -- IF I MAY MAKE ONE OTHER NOTE, THE
23 ROLE OF AN ADVISORY COMMITTEE, ONE OF THE OPPORTUNITIES
24 THAT WE TOOK, FAILING MONEY TO HIRE A CONSULTANT, WAS THE
25 FORMATION OF AN AD HOC COMMITTEE WHICH WE CALLED IN

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1 REPRESENTATIVES OF PRIVATE INDUSTRY. THE PARTICIPANTS
2 ARE IDENTIFIED ON PAGE 215 OF YOUR PACKET.

3 AND IN A VOLUNTARY NATURE AND A VERY
4 COOPERATIVE NATURE, I MIGHT ADD, REPRESENTATIVES FROM
5 CALIFORNIA RETAILERS ASSOCIATION, PROCTOR AND GAMBLE, THE
6 SIERRA CLUB, THE ALUMINUM CAN MANUFACTURING INDUSTRY,
7 JEFFERSON SMURFIT, A LEADING PAPER MANUFACTURER, AND
8 CONTAINER CORPORATION OF AMERICA, AND CHEVRON
9 INCORPORATED VOLUNTEERED TO PARTICIPATE IN THIS AD HOC
10 COMMITTEE WITH STAFF.

11 WE MET THREE TIMES, REVIEWED THE IFB OVER A
12 PERIOD OF ABOUT SIX WEEKS. AND I GENERALLY CALL THE
13 ACTIVITY THERE WAS A VERY PRODUCTIVE ONE TO SEE HOW THOSE
14 INDUSTRIES AND BUSINESSES AND ENVIRONMENTAL GROUPS THAT
15 HAVE A DEEP AND ABIDING INTEREST IN THIS FEEL ABOUT THE
16 PROCESS WE WERE GOING THROUGH. WE GOT SOME GOOD
17 FEEDBACK. I THINK IT'S A PRODUCTIVE PROCESS TO CONTINUE
18 THAT THROUGH AN ADVISORY COMMITTEE WHEN THE CONTRACT IS
19 LET.

20 BOARD MEMBER GEARHEART: EXCUSE ME. WOULD THOSE
21 SAME REPRESENTATIVES BE INCLUDED IN THE NEW ONE? THAT'S
22 THE QUESTION I HAVE ABOUT THE MAKEUP OF THE ADVISORY
23 GROUP.

24 MR. LARSON: WHAT I DID, SINCE TIME WAS OF SUCH
25 A SHORT WINDOW OF OPPORTUNITY, IS I SELECTED, MYSELF,

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1 THROUGH THE PEOPLE WHOM I HAVE BEEN WORKING WITH, SOME
2 PEOPLE TO REPRESENT VARIOUS INDUSTRIES. I COULDN'T GET
3 THEM ALL. I THINK WE NEED A BROADER BASE OF
4 REPRESENTATION IN THE FORMAL COMMITTEE THAT WOULD BE
5 SUBMITTED TO AND APPROVED BY THE BOARD SO THAT THERE
6 WOULD BE OTHERS IN ADDITION TO THESE THAT WERE IN THIS AD
7 HOC COMMITTEE.

8 IS THAT -- DO YOU HAVE ANY THOUGHTS OR --
9 BOARD MEMBER GEARHEART: WELL, I JUST -- IN
10 LOOKING AT THE INITIAL WRITEUP HERE, IT SAID PUBLIC
11 INTEREST GROUP. IT DIDN'T SPECIFICALLY SAY ENVIRONMENTAL
12 GROUP. IN YOUR ADVISORY GROUP, YOU HAD THE SIERRA CLUB.
13 BUT I NOTICED IN THE GENERAL WRITEUP, THE DISCUSSION WAS
14 JUST PUBLIC INTEREST. I THINK IT'S IMPORTANT, BECAUSE
15 THEY WERE INVOLVED PREVIOUSLY, THAT YOU HAVE A
16 REPRESENTATIVE OF AN ENVIRONMENTAL GROUP IN YOUR -- IN
17 THIS ADVISORY GROUP OF THIS PROJECT.

18 BOARD MEMBER VARNER: THESE PEOPLE MOSTLY CALL
19 THEMSELVES PUBLIC INTEREST GROUPS. THE SIERRA CLUB,
20 CALIFORNIANS AGAINST WASTE AND SO FORTH, THEY
21 CHARACTERIZE THEMSELVES AS PUBLIC INTEREST GROUPS.

22 BOARD MEMBER GEARHEART: WELL, GEORGE JUST
23 REFERRED TO THEM AS AN ENVIRONMENTAL GROUP. THAT'S WHY I
24 WAS JUST USING THAT NOTATION.

25 BOARD MEMBER VARNER: WELL, THAT'S WHY I'M



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1 SAYING THAT SOMETIME THEY REFER TO THEMSELVES AS PUBLIC
2 INTEREST GROUPS.

3 MR. LARSON: IT WAS MY PARTICULAR FEELING AT THE
4 TIME THAT I CERTAINLY WANTED AN ENVIRONMENTAL GROUP ON
5 THE AD HOC COMMITTEE, AND I PUT IN THE SIERRA CLUB.

6 BOARD MEMBER TCHOBANOGLOUS: ONE OR MORE.

7 MR. LARSON: YES. AS MANY AS THE BOARD DESIRES.
8 AGAIN, I WAS JUST TRYING TO GET A LITMUS TEST ON THAT AS
9 TO HOW GENERALLY IT WAS PERCEIVED. AND WE DID
10 COMMUNICATE WITH MANY OTHER INDUSTRIES THAT WERE NOT
11 REPRESENTED IN GROUPS, THAT WERE NOT REPRESENTED AND
12 ALLOWED THEM TO SEE WHERE WE WERE IN THE PROCESS AND MAKE
13 THEIR -- THEY COULD MAKE THEIR, LIKE OTHER PAPER PEOPLE,
14 COULD MAKE FEELINGS KNOW THROUGH JEFFERSON SMURFIT OF
15 WHAT THEIR CONCERNS WERE.

16 CHAIRMAN MOSCONE: I HAD A QUESTION. AT LEAST I
17 GAVE MYSELF A LAUGH ON IT. ON THE ADDITIONAL PROJECT
18 REQUIREMENTS ON PAGE 227, NO. 5, I HAD TO LAUGH ABOUT
19 THIS BECAUSE SOME EXPERIENCES WE'VE HAD AS TO -- IF WE
20 COULD REALLY ARRIVE AT --

21 BOARD MEMBER BREMBERG: OH, SURE. GOOD FOR YOU,
22 JOHN. WE'LL ALL JOIN YOU IN OUR TEE-HEES.

23 MR. LARSON: I WAS TRYING TO KEEP IT TO
24 BI-SYLLABLE WORDS ANYWAY.

25 ATTORNEY CONHEIM: I THINK WE COULD SUBSTITUTE

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1 THIRD GRADE, FOURTH GRADE.

2 MR. LARSON: WITH THE CHANGES NOTED IN THE IFB
3 ITSELF, IS THERE -- ARE THERE MORE QUESTIONS OR
4 DISCUSSION, OR WOULD THE BOARD FAVOR A MOTION ON THE
5 ISSUE OR WHAT WOULD YOU --

6 BOARD MEMBER TCHOBANOGLOUS: FAVOR A MOTION ON
7 THE ISSUE. I MOVE ADOPTION OF -- WHAT ARE WE GOING TO
8 CALL IT? -- AGENDA ITEM 6, OR DO YOU WANT TO GIVE IT A
9 FORMAL TITLE?

10 I MOVE THE ACCEPTANCE OF THE INVITATION FOR
11 BIDS, THE DISPOSAL COST FEE SYSTEM, AS DEFINED AND
12 MODIFIED IN ITEM 6 OF THE BOARD AGENDA.

13 BOARD MEMBER GEARHEART: I'LL SECOND.

14 CHAIRMAN MOSCONE: EXCUSE ME. I WAS GOING TO
15 ASK MR. CHAIRMAN FOR THE FLOOR.

16 I WAS GOING TO ASK A QUESTION ON THE
17 SELECTION PROCESS. HAVE YOU DECIDED HOW WE ARE -- WHAT
18 KIND OF AN EVALUATION COMMITTEE WE'RE GOING TO HAVE?

19 MR. LARSON: IT WOULD CERTAINLY BE UP TO THE
20 DISCRETION OF THE BOARD. I WOULD RECOMMEND, MYSELF, THAT
21 BOARD MEMBERS BE COMPRISED THE EVALUATION COMMITTEE AND
22 PERHAPS ONE OR TWO TECHNICAL STAFF FROM THE BOARD,
23 HOWEVER YOU CARE. IT CERTAINLY IS A MAJOR PRODUCT AND
24 POLICY DECISION OF THE BOARD, SO YOU SHOULD BE THE
25 PRINCIPAL DECISION MAKERS ON THAT EVALUATION PROCESS.

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1 I BELIEVE, CORRECT ME IF I'M WRONG, MAYBE
2 IT'S A COUNSELOR'S QUESTION, AS TO WHETHER WE NEED TO
3 DETERMINE WHAT THAT EVALUATION CONSTRUCT MAY BE IS NOT
4 NECESSARY TODAY. WE CAN --

5 ATTORNEY CONHEIM: AS A MATTER OF FACT, SINCE IT
6 IS A DECISION OF THE BOARD, AS ALL DECISIONS ARE
7 DECISIONS OF THE BOARD, WE HAVE, FROM EXPERIENCE, LEARNED
8 NOT TO SPECIFY THE COMPOSITION OF AN EVALUATION COMMITTEE
9 BECAUSE, DUE TO DEATH AND TAXES AND ANYTHING ELSE THAT
10 CAN OCCUR, YOU CAN INVALIDATE YOUR ENTIRE IFB IF A MEMBER
11 OR A TYPE OF PERSON THAT YOU SPECIFIED WAS NOT PHYSICALLY
12 AVAILABLE AT THE TIME YOU WERE DOING IT. SO WE'VE
13 LEARNED OVER THE PAST PRACTICE NOT TO DO THAT.

14 BUT IT IS YOUR DECISION. AND ALL THE --
15 ALL THE RESPONDER NEEDS TO KNOW IS THAT AN EVALUATION
16 WILL BE MADE IN THE MANNER WE'VE STATED, AND THAT THE
17 BOARD WILL MAKE THE DECISION. THAT'S ALL. AS LONG AS WE
18 LIVE BY THOSE RULES, THEN WE COMPLY WITH THE PUBLIC
19 CONTRACT CODE.

20 CHAIRMAN MOSCONE: VERY GOOD.

21 MR. LARSON: MAY I, MR. CHAIRMAN, ASK FOR
22 CLARIFICATION, THAT THE MOTION INCLUDE THE AUTHORIZATION
23 FOR RELEASE OF THE IFB?

24 BOARD MEMBER TCHOBANOGLIOUS: YES. SO MOVED.

25 BOARD MEMBER GEARHEART: I SECOND.

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1 CHAIRMAN MOSCONE: THE TOTAL MOTION WAS TO ADOPT
2 THE --

3 MR. LARSON: RECOMMENDATION 1 ON PAGE 220, TO
4 ADOPT THE IFB AS MODIFIED BY THE BOARD AND AUTHORIZE ITS
5 RELEASE.

6 CHAIRMAN MOSCONE: ANY FURTHER COMMENTS?
7 QUESTIONS?

8 HEARING NONE, WE'LL PROCEED. MADAM
9 SECRETARY, WOULD YOU CALL THE ROLL, PLEASE?

10 SECRETARY DUNN: BOARD MEMBERS BREMBERG?

11 BOARD MEMBER BREMBERG: AYE.

12 SECRETARY DUNN: BROWN?

13 BOARD MEMBER BROWN: YES.

14 SECRETARY DUNN: GEARHEART?

15 BOARD MEMBER GEARHEART: AYE.

16 SECRETARY DUNN: LOCKINGTON?

17 BOARD MEMBER LOCKINGTON: YES.

18 SECRETARY DUNN: TCHOBANOGLOUS?

19 BOARD MEMBER TCHOBANOGLOUS: YES.

20 SECRETARY DUNN: VARNER?

21 BOARD MEMBER VARNER: AYE.

22 SECRETARY DUNN: CHAIRMAN MOSCONE?

23 CHAIRMAN MOSCONE: YES.

24 WE WILL RECESS UNTIL FRIDAY MORNING AT 9
25 A.M.



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(END OF PROCEEDINGS.)

REPORTER'S CERTIFICATE

I, BETH C. DRAIN, HEREBY CERTIFY THAT ON THE 26TH DAY OF JULY 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

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