

1
2

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

IN THE MATTER OF THE:)
)
PERMITTING AND ENFORCEMENT)
COMMITTEE MEETING)
APRIL 4, 1991)
_____)

DATE AND TIME: WEDNESDAY, APRIL 4, 1991, 9 A.M.

PLACE: BOARD HEARING ROOM
1020 NINTH STREET
SACRAMENTO, CALIFORNIA

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

BRS FILE NO.: 8768

Barristers'
reporting service

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

APPEARANCES

MR. JESSE HUFF, CHAIRMAN
MR. WESLEY CHESBRO
MR. SAM EGIGIAN

STAFF PRESENT

MR. GEORGE LARSON, CHIEF EXECUTIVE OFFICER
MR. HERBERT IWAHIRO, CHIEF DEPUTY EXECUTIVE
OFFICER
MR. ROBERT F. CONHEIM, GENERAL COUNSEL

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

I N D E X

	<u>PAGE NO.</u>
CALL TO ORDER	6
ITEM 1: CONCURRENCE IN ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR TEHACHAPI RECYCLING LARGE VOLUME TRANSFER/PROCESSING STATION, KERN COUNTY.	
WITHDRAWN	
ITEM 2: CONCURRENCE IN ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR VENVIROTEK-ARVIN PROCESSING/RECYCLING STATION, KERN COUNTY.	
WITHDRAWN	
ITEM 3: CONSIDERATION OF APPROVAL OF PRELIMINARY CLOSURE AND POSTCLOSURE MAINTENANCE PLANS, PHASE II, WEST-CENTRAL LANDFILL, SHASTA COUNTY.	
PRESENTATION	6
QUESTIONS AND COMMENTS	10
BOARD ACTION	31
ITEM 4: CONSIDERATION OF FACILITIES EVALUATION REPORT FOR LAKE COUNTY, LOCAL ENFORCEMENT AGENCY JURISDICTION 17-AA.	
PRESENTATION	31
QUESTIONS AND COMMENTS	
BOARD ACTION	77
ITEM 5: CONSIDERATION OF FACILITIES EVALUATION REPORT FOR YUBA COUNTY, LOCAL ENFORCEMENT AGENCY JURISDICTION 58-AA.	
WITHDRAWN	

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701LOS ANGELES ORANGE COUNTY SAN DIEGO
213-622-8511 714-953-4447 619-455-1997
Barristers'
reporting service

ITEM 6: REPORT BY THE LEA'S REGARDING THE
LANDFILL GAS EXPLOSION AT NEWBY ISLAND LANDFILL ON MARCH
8, 1991.

PRESENTATION	78
QUESTIONS AND COMMENTS	
ADJOURNMENT	115
REPORTER'S CERTIFICATE	116

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
2 PERMITTING AND ENFORCEMENT COMMITTEE

3 APRIL 4, 1991
4

5 CHAIRMAN HUFF: MEETING WILL COME TO ORDER. IF
6 WE CAN HAVE A ROLL CALL TO ESTABLISH A QUORUM, PLEASE.

7 COMMITTEE SECRETARY: BOARD MEMBER EGIGIAN?

8 BOARD MEMBER EGIGIAN: HERE.

9 COMMITTEE SECRETARY: CHESBRO.

10 BOARD MEMBER CHESBRO: HERE.

11 COMMITTEE SECRETARY: CHAIRMAN HUFF.

12 CHAIRMAN HUFF: HERE.

13 QUORUM IS PRESENT.

14 MR. LARSON, WHAT'S THE FIRST ITEM OF
15 PLEASURE FOR US TODAY?

16 MR. LARSON: MR: CHAIRMAN, MEMBERS, PROCEDURALLY
17 I'D LIKE TO NOTE THAT SEVERAL ITEMS, THREE ITEMS, HAVE
18 BEEN PULLED FROM TODAY'S CALENDAR. I'D LIKE TO INDICATE
19 THOSE FOR THE RECORD. ITEM NO. 1, CONCURRENCE IN THE
20 ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR
21 THE TEHACHAPI RECYCLING/TRANSFER STATION IS PULLED;
22 CONCURRENCE -- ITEM NO. 2, CONCURRENCE IN THE ISSUANCE OF
23 SOLID WASTE FACILITIES PERMIT FOR THE VENVIROTEK FACILITY
24 IN KERN COUNTY; AND ITEM NO. 5, CONSIDERATION OF
25 FACILITIES EVALUATION FOR THE YUBA COUNTY LOCAL

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 ENFORCEMENT AGENCY WILL BE DEFERRED TO A LATER DATE.

2 THOSE ARE THE ONLY ITEMS THAT I'M AWARE OF
3 THAT HAVE BEEN PULLED FROM THE CALENDAR FOR TODAY, WHICH
4 WOULD INDICATE ITEM NO. 3, CONSIDERATION OF APPROVAL FOR
5 PRELIMINARY CLOSURE AND POSTCLOSURE MAINTENANCE PLANS,
6 PHASE II, FOR THE WEST-CENTRAL LANDFILL IN SHASTA COUNTY
7 WOULD BE CONSIDERED FIRST.

8 CHAIRMAN HUFF: OKAY. THE ITEMS THAT WERE
9 PULLED, WAS THIS DONE IN CONCURRENCE WITH THE APPLICANTS?

10 MR. LARSON: YES.

11 CHAIRMAN HUFF: OKAY. LET'S MOVE TO ITEM 3.

12 MR. IWAHIRO: YES, MR. CHAIRMAN. THIS IS A
13 CONSIDERATION OF A CLOSURE PLAN, WHICH WE DISCUSSED
14 FAIRLY CONSIDERABLY YESTERDAY IN TERMS OF APPROVAL OF
15 THESE PLANS, AND THIS IS ONE OF THOSE PLANS WHERE WE ARE
16 ASKED TO APPROVE. AND DON DIER AND HIS STAFF WILL BE
17 GIVING US THE ITEM.

18 CHAIRMAN HUFF: DOES THIS RAISE OUR TOTAL FROM
19 THREE UP TO FOUR IF WE DO THIS?

20 MR. IWAHIRO: THAT'S CORRECT.

21 MR. DIER: I WOULD LIKE TO JUST -- YOU HAVEN'T
22 SEEN IT YET AND I WISH I HAD BROUGHT IT, BUT WHEN I
23 INHERITED THE CLOSURE BRANCH FROM BILL ORR LAST YEAR, HE
24 PASSED ON TO ME A WAND, WHICH HE DIDN'T -- BILL DIDN'T
25 HAVE THE -- BILL SPENT, YOU KNOW, TWO AND A HALF YEARS OF

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 THIS LIFE DEVELOPING CLOSURE REGS. AND, UNFORTUNATELY,
2 HE DIDN'T HAVE THE OPPORTUNITY TO CARRY FORWARD AND
3 IMPLEMENT THE PROGRAM, AND I'M TRYING TO DO THAT.

4 BUT THE WAND WAS SORT OF SYMBOLIC OF THE
5 THING TO BE USED AS WE WAVE IT OVER THESE PLANS -- FIRST
6 FEW PLANS THAT COME BEFORE THE BOARD FOR APPROVAL, SO I
7 APOLOGIZE FOR NOT HAVING THE WAND HERE TO BLESS IT. I
8 WILL TRY AND MAKE IT UP IN THE FUTURE PRESENTATIONS.

9 CHERYL CLOSSON FROM THE CLOSURE BRANCH WILL
10 BE PRESENTING THIS ITEM.

11 MS. CLOSSON: GOOD MORNING. I'M CHERYL CLOSSON
12 FROM THE CLOSURE BRANCH, AND WE'RE HERE TO DISCUSS THE
13 POSTCLOSURE -- EXCUSE ME -- CLOSURE -- PRELIMINARY
14 CLOSURE AND POSTCLOSURE MAINTENANCE PLANS FOR
15 WEST-CENTRAL LANDFILL, PHASE II.

16 WEST-CENTRAL LANDFILL IS A PERMITTED CLASS
17 III LANDFILL RECEIVING NONHAZARDOUS SOLID WASTE AND INERT
18 WASTE FROM RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL
19 SOURCES. THE LANDFILL WAS FIRST PERMITTED IN 1981 AND IS
20 CURRENTLY REACHING CAPACITY IN ITS PHASE I OPERATION.

21 PHASE II OPERATIONS ARE SCHEDULED TO START
22 RECEIVING WASTE THIS SUMMER. THE PRELIMINARY PLAN UNDER
23 CONSIDERATION IS FOR PHASE II. A FINAL CLOSURE PLAN FOR
24 PHASE I IS CURRENTLY UNDER REVIEW BY STAFF.

25 THE SITE IS LOCATED IN A REMOTE RURAL

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 SECTION APPROXIMATELY 15 MILES SOUTH OF THE CITY OF
2 REDDING. THE OPERATION IS ESSENTIALLY CANYON CUT AND
3 FILL, WITH PHASE II OPERATIONS TO BE CONDUCTED IN
4 INCREMENTS.

5 PHASE II IS CONSTRUCTED WITH A CLAY LINER
6 AND LEACHATE COLLECTION SYSTEM. FINAL COVER WILL CONSIST
7 OF A 4-FOOT SECTION PER TITLE 23, CHAPTER 15, AND TITLE
8 14 REGULATIONS. THE 4-FOOT COVER WILL CONSIST OF 2 FEET
9 OF A FOUNDATION LAYER, 1-FOOT BARRIER LAYER THAT WILL BE
10 CONSTRUCTED IN TWO LIFTS, ONE WITH A PERMEABILITY OF ONE
11 TIMES TEN TO THE NEGATIVE 6 CENTIMETERS PER SECOND, WHICH
12 MEETS ALL THE REQUIREMENTS OF TITLE 14 AND TITLE -- AND
13 CHAPTER 15. AND THE SECOND LIFT WILL BE AT THE
14 PERMEABILITY OF 1.10 TO THE NEGATIVE 7 CENTIMETERS PER
15 SECOND, WHICH EXCEEDS THE REQUIREMENTS. THE LAST FOOT OF
16 FINAL COVER WILL CONSIST OF A VEGETATIVE LAYER.

17 MONITORING AND CONTROL SYSTEMS INCLUDE
18 MONITORING THE SOLID WASTE, LEACHATE, LEACHATE COLLECTION
19 AND RECOVERY SYSTEMS, SURFACE WATER, GROUNDWATER, VADOSE
20 ZONE, AND LANDFILL GAS.

21 AN EXEMPTION REQUEST TO LANDFILL GAS
22 CONTROL REQUIREMENTS HAS BEEN REQUESTED, AND THAT IS PER
23 SECTION 17783.17 OF TITLE 14.

24 THE GAS EXEMPTION IS BASED ON SEVERAL
25 CHARACTERISTICS: THE SITE IS REMOTE. THERE ARE NO

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997



Barristers
reporting service

1 RESIDENCES OR INHABITABLE STRUCTURES WITHIN A THOUSAND
2 FEET OF THE LANDFILL. CLOSEST RESIDENCE IS APPROXIMATELY
3 3,000 FEET AWAY.

4 THE SOILS IN THE CANYON ARE VERY DENSE AND
5 IMPERMEABLE. THERE AREN'T ANY HIGH PERMEABILITY STRATA
6 TO ACT AS CONDUITS FOR GAS MIGRATION. AND ALSO THE
7 SURROUNDING AREAS IS NOT CURRENTLY SUITABLE FOR ANY MAJOR
8 RESIDENTIAL OR AGRICULTURAL DEVELOPMENTS.

9 THE FACILITY WILL MONITOR ANY STRUCTURES ON
10 SITE QUARTERLY FOR ANY GAS -- LANDFILL GAS GENERATION.

11 STAFF RECOMMEND THAT THIS EXEMPTION BE
12 GRANTED AT THIS TIME.

13 AN ACCEPTABLE FINANCIAL MECHANISM FOR
14 CLOSURE AND POSTCLOSURE MAINTENANCE COST HAS BEEN
15 ESTABLISHED AND APPROVED BY THE BOARD. THE PRELIMINARY
16 PLAN FOR PHASE II HAS BEEN APPROVED BY BOTH THE LEA AND
17 THE REGIONAL WATER QUALITY CONTROL BOARDS, AND STAFF HAVE
18 DETERMINED THE PRELIMINARY PLAN TO MEET ALL THE
19 REQUIREMENTS OF TITLE 14 AND THE BOARD'S -- ESTABLISHING
20 THE BOARD'S CLOSURE REQUIREMENTS.

21 THE BOARD HAS THREE OPTIONS THAT THEY CAN
22 TAKE. ONE WOULD BE TO TAKE NO ACTION. TWO WOULD BE TO
23 DISAPPROVE THE PLAN. THREE WOULD BE TO APPROVE THE PLAN.
24 AND STAFF RECOMMEND THAT THE BOARD SELECT OPTION 3,
25 APPROVING THE PRELIMINARY CLOSURE AND POSTCLOSURE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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

Barristers'
reporting service

1 MAINTENANCE PLAN FOR WEST-CENTRAL LANDFILL, PHASE II, AND
2 ADOPT RESOLUTION 91-16 SO STATING.

3 WE DO HAVE REPRESENTATIVES OF THE CITY OF
4 REDDING AND SHASTA COUNTY, WHO ARE THE OPERATORS, AND
5 THEY ARE AVAILABLE FOR QUESTIONS AND TO PRESENT A SLIDE
6 SHOW. WE HAVE WILLIAM LYMAN OF SHASTA COUNTY DEPARTMENT
7 OF PUBLIC WORKS. THEN WE ALSO HAVE RICHARD QUINE, AN
8 ENGINEERING GEOLOGIST FROM THEIR CONSULTANTS, CH2MHILL.
9 AND THEN WE ALSO HAVE BILL RAMSDELL FROM SHASTA COUNTY,
10 AND SO WE HAVE THESE PEOPLE AVAILABLE IF YOU WOULD LIKE
11 TO SEE.

12 CHAIRMAN HUFF: ARE THERE ANY QUESTIONS OF
13 STAFF'S PRESENTATION?

14 BOARD MEMBER EGIGIAN: I'D LIKE TO ASK A
15 QUESTION, MR. CHAIRMAN. I'M CONCERNED ABOUT THE
16 EXEMPTION FOR A GAS PROBE SYSTEM. I UNDERSTOOD BY WHAT
17 YOU JUST GOT THROUGH REPORTING THAT PERIODICALLY THEY
18 WOULD BE CHECKING FOR GAS. MY QUESTION IS IF THERE'S A
19 POSSIBILITY OF GAS BEING IN THE AREA, THEN WHY NOT PUT
20 DOWN A PROBE SO THAT THERE WILL BE WAYS TO MEASURE THAT
21 PARTICULAR AREA THAT WE'RE LOOKING, HOPING THAT WE DON'T
22 HAVE A GAS SITUATION.

23 MS. CLOSSON: THE MONITORING OF THE STRUCTURES
24 IS DONE AS A PRECAUTIONARY MEASURE TO DETERMINE IF THERE
25 IS ANY GAS BEING GENERATED ANYWHERE WITHIN THE SITE. IN

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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

Barristers'
reporting service

1 THE PRELIMINARY PLAN, SINCE THIS AREA HASN'T RECEIVED ANY
2 WASTE YET, THE GAS EXEMPTION CAN BE REVOKED AT ANY TIME
3 UPON REVIEW OR ANY EVIDENCE THAT THE BOARD HAS RECEIVED
4 THAT THERE IS ANY GENERATION OF GAS. SO IN -- IF THERE
5 WERE EVIDENCE THROUGH THE MONITORING OF THE STRUCTURES
6 THAT THERE WAS ANY GENERATION OF GAS, THEN AT THAT TIME
7 THE BOARD COULD REVOKE THIS EXEMPTION AND REQUIRE THE
8 PROBES.

9 BOARD MEMBER EGIGIAN: HAVE WE EVER IN THE PAST
10 GIVEN EXEMPTIONS LIKE THIS AS FAR AS NO MONITORING DEVICE
11 FOR GASES?

12 MR. DIER: MR. EGIGIAN, GIVEN THE FACT THIS IS
13 ONLY THE FOURTH PLAN THE BOARD'S APPROVED, I BELIEVE WE
14 DID INCLUDE AN EXEMPTION IN ONE OF THE PRIOR PLAN
15 APPROVALS IN PLACER COUNTY, I BELIEVE, FOR A SMALL SITE
16 THERE BECAUSE OF THE NATURE OF THE WASTE AT THE FACILITY
17 AND ITS REMOTENESS.

18 BOARD MEMBER EGIGIAN: SO YOU DON'T FEEL THERE'S
19 GOING TO BE A PROBLEM. IS THAT WHAT YOU'RE SAYING?

20 MR. DIER: I DON'T FEEL THERE'S GOING TO BE A
21 PROBLEM. AS CHERYL IS EXPLAINING, THOUGH, THIS IS A
22 PRELIMINARY PLAN. IT WILL BE REVISED. IT WILL BE
23 REVISITED FREQUENTLY. AND THE PRECAUTIONS THAT ARE IN
24 PLACE NOW WILL PROVIDE US THE OPPORTUNITY TO DETERMINE IF
25 THERE IS A PROBLEM; AND IF THERE IS, THEN THE MONITORING

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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

Barristers'
reporting service

1 WILL BE REQUIRED. AND THIS WOULD ALL BE REEXAMINED WHEN
2 IT CAME TIME FOR THE FINAL CLOSURE PLAN, AND WE WOULD
3 HAVE THE MONITORING DATA AT THAT TIME TO DETERMINE
4 WHETHER OR NOT THE EXEMPTION WAS APPROPRIATE TO BE
5 CONTINUED OR NOT.

6 BOARD MEMBER EGIGIAN: THANK YOU.

7 CHAIRMAN HUFF: THE EXEMPTION ITSELF WAS
8 ESTABLISHED IN OUR REGS, WAS IT NOT?

9 MS. CLOSSON: YES.

10 CHAIRMAN HUFF: AND SO -- AND IN OUR REGS, I
11 ASSUME, WE SPELLED OUT THAT IF CERTAIN SITUATIONS,
12 CERTAIN CONDITIONS ARE PRESENT, THEN SOMEONE COULD APPLY
13 FOR AN EXEMPTION. THAT'S THE WAY THE REGS WORK?

14 MS. CLOSSON: YES, THAT IS CORRECT.

15 CHAIRMAN HUFF: SO THE REGS THEMSELVES RECOGNIZE
16 THIS DEVICE, AND WE'RE SIMPLY APPLYING IT IN THIS
17 CIRCUMSTANCE BECAUSE THEY MEET ALL THE CONDITIONS OF THE
18 REGS?

19 MR. DIER: YES. JUST TO CLARIFY IT FOR THE
20 BOARD AND THE COMMITTEE, THAT THE CONDITIONS THAT NEED TO
21 BE ANALYZED IN ORDER TO HAVE STAFF RECOMMEND THE
22 EXEMPTION INCLUDES THE SIZE OF THE LANDFILL, THE NATURE
23 OF THE MATERIAL THAT'S BEING DEPOSITED, THE AGE OF THE
24 REFUSE, WHICH IN THIS CASE HAS NO AGE YET, HASN'T BEEN
25 DEPOSITED, PROJECTED GAS GENERATION, AND THE REMOTENESS

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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

barristers'
reporting service

1 OF THE FACILITY.

2 BOARD MEMBER CHESBRO: MONITOR NO GAS BEFORE ITS
3 TIME.

4 MR. DIER: STAFF AT THIS POINT IN THE LIFE OF
5 THE FACILITY IS COMFORTABLE WITH RECOMMENDING THE
6 EXEMPTION BE GRANTED SUBJECT TO THE FUTURE REVIEW OF THE
7 MONITORING INFORMATION FROM THE STRUCTURES.

8 CHAIRMAN HUFF: OKAY.

9 BOARD MEMBER CHESBRO: MR. EGIGIAN ANTICIPATED
10 MY QUESTION, BUT I WANTED TO GO A LITTLE FURTHER WITH IT
11 AND ASK SOME OTHER ASPECTS OF THE SAME QUESTION.

12 IS THIS A PUBLICLY USED FACILITY? IS IT
13 OPEN TO THE GENERAL PUBLIC, OR IS IT JUST TRUCKS THAT USE
14 IT?

15 MS. CLOSSON: IT'S OPEN TO THE PUBLIC ONLY IN
16 THAT THEY WILL GO TO, LIKE, A TRANSFER AREA THAT'S JUST
17 OUTSIDE OF THE GATES THAT'S REMOTE FROM THE ACTUAL
18 WORKING FACE. AND AT THIS TRANSFER AREA THEY DUMP THEIR
19 REFUSE INTO CONTAINERS THAT ARE THEN TAKEN BY THE
20 OPERATOR TO THE ACTUAL WORKING FACE. SO NO PUBLIC
21 PRIVATE CITIZENS ARE EVER EXPOSED TO THE LANDFILL. IT'S
22 SEVERAL HUNDRED YARDS AWAY FROM THIS TRANSFER AREA.

23 BOARD MEMBER CHESBRO: I'M JUST BEGINNING TO
24 UNDERSTAND THIS ISSUE ENTIRELY. THE ONE LANDFILL I WAS
25 MOST FAMILIAR WITH AND ACTUALLY MOST LANDFILLS I'VE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 VISITED IN THE STATE HAVE COLLECTION EQUIPMENT, SO EXCUSE
2 MY LACK OF KNOWLEDGE OF THE FACILITY WHERE ONE WOULDN'T
3 BE NEEDED. BUT I HAVE GOTTEN THE IMPRESSION FROM TALKING
4 TO OUR INSPECTION STAFF, JUST THEIR OWN EXPERIENCES AT
5 LANDFILLS, THAT THERE IS A POTENTIAL HAZARD TO PEOPLE AT
6 A LANDFILL -- I'LL TALK GENERICALLY, NOT THIS LANDFILL
7 NECESSARILY -- BUT TO THOSE PERSONS ON THE SITE.

8 AND SO THE ISSUE OF HABITABLE RESIDENCES IS
9 NOT THE ONLY ISSUE. THERE'S POTENTIAL EXPOSURE TO EITHER
10 THE EMPLOYEES AT THE SITE, THE TRUCKS VISITING THE SITE,
11 OR IF THERE'S MEMBERS OF THE PUBLIC CLOSE TO THE SITE
12 DEPOSITING GARBAGE, THEN THERE COULD BE A POTENTIAL FOR
13 EXPOSURE.

14 AND SO I HEARD YOU SAY SOMETHING IN VERY
15 GENERAL TERMS ABOUT THE SOILS AND THE GEOLOGY OF THE SITE
16 AND HOW THAT MIGHT PREVENT POTENTIAL FOR SUCH PROBLEMS,
17 BUT CAN YOU GIVE US MORE DETAIL? I'M INTERESTED IN -- I
18 WANT TO BE ASSURED THAT, IN FACT, WE HAVE -- THAT THE
19 ODDS ARE VERY STRONG THAT THERE'S NOT GOING TO BE ANY
20 RISK OF EXPOSURE TO PEOPLE AT THE SITE.

21 MS. CLOSSON: AS I UNDERSTAND IT, YOUR CONCERN
22 IS FOR ANYONE VISITING THE SITE AND/OR LIVING IN THE
23 ACTUAL AREA?

24 BOARD MEMBER CHESBRO: PEOPLE WHO WORK THERE OR
25 PEOPLE WHO VISIT THE SITE.



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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

Barristers'
reporting service

1 MS. CLOSSON: IT IS AN EXCEPTIONALLY REMOTE AREA
2 IN A CANYON OPERATION, SO THE ACCESS IS LIMITED. THE
3 RESIDENCES ARE SEPARATED BY --

4 BOARD MEMBER CHESBRO: I UNDERSTOOD THAT. WHAT
5 I WAS TALKING ABOUT WAS THE PEOPLE WHO WORK AT THE SITE
6 OR WHO ARE VISITING THE SITE BECAUSE THEY'RE DRIVING A
7 TRUCK THERE OR BECAUSE THEY'RE MEMBERS OF THE PUBLIC WHO
8 ARE DUMPING THEIR GARBAGE AT THE TRANSFER STATION.

9 MS. CLOSSON: WITH PHASE II THERE IS -- THERE IS
10 NO WASTE DEPOSITED AS YET. THERE SHOULD NOT BE ANY
11 SIGNIFICANT BUILDUP OR ANY POTENTIAL FOR GAS BUILDUP
12 UNTIL THERE'S AN AMOUNT OF WASTE BUILT UP, WHICH SHOULD
13 TAKE ON THE ORDER OF A COUPLE YEARS, I SURMISE, AND THAT
14 AT THAT TIME THIS FACILITY WOULD HAVE ITS PERMIT AND THE
15 PRELIMINARY PLAN REVIEWED TO EVALUATE ANY POTENTIAL GAS
16 GENERATION. SO IN THE INTERIM TIME, BECAUSE OF THE LACK
17 OF WASTE AVAILABLE TO ACTUALLY GENERATE LANDFILL GAS FOR
18 PHASE II, THERE DOESN'T SEEM TO BE A NEED.

19 BOARD MEMBER CHESBRO: THERE WOULD NOT BE ANY
20 OVERLAP TIME AT WHICH TIME GAS WOULD HAVE BUILT UP BUT
21 THE REVIEW HAS NOT YET TAKEN PLACE?

22 MS. CLOSSON: I CAN'T SPEAK FOR WHAT THE FUTURE
23 WOULD BE IN TERMS OF THE ACTUAL REVIEW OF THE BOARD. I
24 CAN ONLY SPEAK TO WHAT THE SCHEDULES WOULD BE; AND GIVEN
25 THE REQUIREMENTS FOR REVIEW AND THE LACK FOR THE AMOUNT

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 OF WASTE THAT CAN BE DEPOSITED IN THIS TIME, IT APPEARS
2 THAT THE OPPORTUNITY FOR GENERATION OF GAS IS VERY SMALL
3 OR SIGNIFICANT GENERATION OF GAS.

4 BOARD MEMBER CHESBRO: THAT'S BECAUSE OF SIMPLY
5 THE QUANTITY OF GARBAGE THAT WILL BE PRESENT? IS IT THE
6 CONDITIONS OF THE SITE? WHAT IS IT THAT IS DIFFERENT
7 ABOUT THIS SITE THAN OTHER LANDFILLS WHERE THERE IS GAS
8 BUILDUP?

9 MS. CLOSSON: AS I UNDERSTAND, THE GAS BUILDUP
10 DOES TAKE AWHILE AND NEEDS TO HAVE -- IS MORE A FUNCTION
11 OF THE AMOUNT OF WASTE THAT IS THERE, AS WELL AS THE
12 TYPES, BUT MORE THE AMOUNT AND THE TIME OF RESIDENCE. SO
13 GIVEN THE FACT THAT WE'RE JUST BEGINNING --

14 BOARD MEMBER CHESBRO: OKAY. I'LL ACCEPT IT AS
15 A GIVEN THAT THERE'S NO IMMEDIATE RISK. BUT THEN THE
16 QUESTION IS DO WE KNOW FROM EXPERIENCE WHAT THE POINT AT
17 WHICH A RISK MIGHT BEGIN TO EXIST, BASED ON THE
18 QUANTITIES OF GARBAGE AND THE LENGTH OF TIME THEY'VE BEEN
19 IN THE GROUND, SO THAT AT THAT POINT WE COULD BE ASSURED
20 THAT ADEQUATE TESTING HAD BEEN DONE.

21 MR. DIER: THE -- UNDERSTAND THAT WEST-CENTRAL
22 IS BEING DEVELOPED IN PHASES; AND AS CHERYL INDICATED
23 EARLIER, THERE'S A FINAL PLAN UNDER DEVELOPMENT FOR PHASE
24 I, WHICH WE'LL BE BRINGING TO YOU IN THE NEAR FUTURE.
25 THIS IS A PRELIMINARY FOR PHASE II, WHICH IS JUST OPENING

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 UP. THE LIFE FOR PHASE II WILL EXTEND INTO THE NEXT
2 CENTURY.

3 BOARD MEMBER CHESBRO: I UNDERSTAND THAT.

4 MR. DIER: AT THE PROPOSED RATE OF FILL, THE
5 EXPERIENCE OF STAFF WOULD BE THAT THEY PROBABLY WON'T
6 HAVE GAS GENERATION IN THAT CANYON IN THAT PHASE FOR
7 PROBABLY A COUPLE OF YEARS AT LEAST. AND HISTORICALLY,
8 THE THREAT POSED BY GAS GENERATION ON SITES IS OFF-SITE
9 MIGRATION, AND THAT'S REALLY WHAT WE'RE ADDRESSING ON
10 THIS EXEMPTION.

11 BOARD MEMBER CHESBRO: DO WE HAVE ANY CASES ON
12 SITE OF EXPOSURE OF EMPLOYEES AT THE LANDFILL OR PEOPLE
13 VISITING IT AS TRUCKERS?

14 MR. DIER: IF YOU HAVE ITEM NO. 6 IN MIND,
15 THAT'S AN EXCEPTION BECAUSE THAT WAS AN EXCAVATION OF A
16 FILL. IF YOU'RE JUST TALKING ABOUT NORMAL OPERATIONS AT
17 THE FACE OF A LANDFILL, I DON'T THINK OUR EXPERIENCE
18 INDICATES THAT GAS TYPICALLY PRESENTS ITS THREAT AT THAT
19 POINT OF THE OPERATION. IF YOU START EXCAVATING OLD
20 WASTE OR THE GAS MIGRATES OFF THE PERIMETER, THAT'S
21 TYPICALLY WHERE THE PROBLEMS ARISE.

22 THE LOCATION, THE REMOTENESS OF THIS SITE,
23 THE CANYON SITUATION INDICATES THE STAFF DOESN'T BELIEVE
24 EVEN GAS GENERATED IN SIGNIFICANT QUANTITIES AND STARTED
25 OFF-SITE MIGRATION, THAT THERE IS NOTHING TO BE IMPACTED.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



barristers'
reporting service

1 CHAIRMAN HUFF: METHANE AND RELATED GASES ARE
2 LIGHTER THAN AIR, ARE THEY NOT, SO IT DOESN'T HANG AROUND
3 THE GROUND?

4 MR. DIER: BECAUSE OF THE STRUCTURE, THE GAS
5 EMITS THROUGH THE SURFACE, BUT IT ALSO HAS LATERAL
6 MIGRATION BECAUSE OF JUST THE NEW DESIGNS OF LANDFILLS.
7 SO STAFF -- YOU KNOW, THE PRIMARY THREAT FOR ON-SITE
8 OPERATIONS IS IN STRUCTURES, AND WE FEEL THAT'S ALREADY
9 ADDRESSED AND PROTECTED.

10 BOARD MEMBER CHESBRO: I'M NOT TRYING TO MAKE A
11 CASE FOR DOING ANYTHING MORE THAN YOU'RE ASKING. I'M
12 TRYING TO UNDERSTAND THE ISSUE, SO DON'T -- I JUST
13 WANT -- I HAVE HEARD IN VARIOUS INTERACTIONS WITH OUR
14 STAFF. FOR EXAMPLE, OUR INSPECTORS, I BELIEVE, CARRY
15 WITH THEM SAFETY EQUIPMENT TO LET THEM KNOW IF THEY'RE
16 BEING EXPOSED TO LANDFILL GAS. THAT TELLS ME THAT THERE
17 MUST BE SOME RISK OF PEOPLE ON A SITE BEING EXPOSED TO
18 LANDFILL GAS IN SOME CIRCUMSTANCES. SO I'M JUST TRYING
19 TO PUT ALL THIS TOGETHER SO I REALLY UNDERSTAND.
20 HOPEFULLY, WE WON'T HAVE TO GO THROUGH THIS EVERY TIME
21 THESE COME UP. MAYBE I'LL HAVE A BETTER BASELINE OF
22 KNOWLEDGE AND WON'T HAVE TO ASK SO MANY QUESTIONS.

23 MR. IWAHIRO: IF I MAY, I THINK WE ARE TALKING
24 ABOUT A COUPLE OF THINGS HERE. AND I THINK IT WOULD BE
25 WELL TO KIND OF DIVIDE. ONE IS WE'RE TALKING ABOUT

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



barristers'
reporting service

1 UNDERGROUND MIGRATION OF GAS TO ADJACENT AREAS, AND THE
2 OTHER IS THE OFF GASES THAT ARE -- OFF GASES, AS YOU
3 MIGHT CALL THEM -- COMING THROUGH THE SURFACE OF THE
4 LANDFILL AND SEEPING TO VARIOUS PLACES. THIS IS WHAT
5 YOU'VE BEEN ALLUDING TO IN TERMS OF OUR STAFF BEING
6 INSTRUMENTED TO MAKE SURE THEY DON'T STEP INTO AN AREA
7 WHICH IS BAD, YOU MIGHT SAY.

8 I THINK WHAT WE'RE TALKING ABOUT IN TERMS
9 OF MONITORING WITH WELLS IS TRYING TO MONITOR WHETHER OR
10 NOT THE GAS IS GOING Laterally UNDERGROUND. I THINK
11 THAT'S ONE AREA WHICH, YOU KNOW, WE'RE TRYING TO ADDRESS
12 OR IN THIS CASE DON'T NEED TO ADDRESS. THE OTHER IS THE
13 SURFACE MIGRATION OR OFF GASES, AND THAT'S SOMETHING THAT
14 CAN BE MONITORED ON AN ONGOING BASIS IN TERMS OF OUR
15 MONTHLY INSPECTIONS BY THE LEA'S WITH INSTRUMENTS THAT
16 THEY WOULD CARRY AROUND.

17 BOARD MEMBER CHESBRO: IS THAT NORMALLY DONE AS
18 PART OF THE LEA-REQUIRED INSPECTIONS?

19 MR. IWAHRO: THAT'S CORRECT. THAT IS SOMETHING
20 THAT THEY ARE SUPPOSED TO HAVE, THESE HANDHELD
21 EVALUATORS, AND THEY'LL GO AROUND SNIFFING AROUND, I
22 GUESS YOU MIGHT SAY.

23 BOARD MEMBER CHESBRO: IS THE COLLECTION AND
24 FLARING OR ELECTRICAL GENERATION FROM THE GASES STRICTLY
25 AIMED, THEN, AT THE OFF-SITE IMPACTS, OR IS IT ALSO AIMED

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 AT REDUCING THE PRESENCE OF GAS ON SITE THAT MIGHT BE A
2 THREAT?

3 MR. IWAHRO: THERE ARE -- WHERE THERE ARE THESE
4 MONITORING -- THESE CONTROL SYSTEMS, THERE ARE TWO
5 TYPES. ONE IS THE PERIMETER TYPES WHERE THEY HAVE WELLS
6 SUNK IN THE PERIMETER OF THE LANDFILL AND THEY BASICALLY
7 CREATE A VACUUM, SO THERE'S A BARRIER, YOU MIGHT SAY, SO
8 LATERAL GAS MIGRATION WILL NOT BE EFFECTED.

9 THE OTHER IS THAT THEY MAY HAVE GASES
10 LATERALLY OR HAVE WELLS WITHIN THE MIDDLE OF A LANDFILL,
11 AND THEN THAT CONTROLS, HOPEFULLY CONTROLS, THE OFF GASES
12 AS WELL AS LATERAL MIGRATION, SO IT DEPENDS ON THE KIND
13 OF CONTROL YOU PUT IN.

14 AS YOU KNOW, IN, FOR INSTANCE, SOME
15 LANDFILLS THAT YOU'VE VISITED, THERE ARE PIPES LAID DOWN
16 AND THEN THEY PUT THE WASTE ON TOP OF IT AND ANOTHER
17 LAYER OF PIPES, AND THOSE ARE MANIFOLD -- THEY'RE
18 CONNECTED TO A MANIFOLD AND THEY EXCAVATE THE GAS. THAT
19 KIND OF GAS CONTROL SYSTEM WOULD, HOPEFULLY, CONTROL OFF
20 GASES AS WELL AS LATERAL MIGRATION, BUT THERE ARE SOME
21 FACILITIES WHICH JUST HAVE PERIMETER WELLS.

22 BOARD MEMBER CHESBRO: SO IN TERMS OF RISKS ON
23 SITE, WHAT, IF ANYTHING, IS DONE TO -- THROUGH OUR
24 REGULATIONS TO PROTECT AGAINST THAT SO THAT PEOPLE
25 WORKING THERE OR VISITING THE SITE ARE NOT AT RISK?

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997



Barristers'
reporting service

1 MR. IWAHRO: AS I SAY, THE CONTINUOUS HANDHELD
2 MONITORING IS ONE OF THE WAYS THAT WE EFFECT THAT.
3 THAT'S OUR MONITORING SYSTEM, YOU MIGHT SAY, THE LEA'S.

4 BOARD MEMBER CHESBRO: AND THEN --

5 MR. DIER: TYPICALLY, THE LARGER URBAN AREAS,
6 THEY HAVE SPECIFIC REGULATIONS, PARTICULARLY THE AIR
7 QUALITY MANAGEMENT DISTRICTS, WITH REGARD TO MONITORING
8 SURFACE EMISSIONS. AND IF THE SURFACE EMISSIONS ARE
9 DETECTED AT CERTAIN LEVELS, THE IMMEDIATE REMEDY AND THE
10 CAUSE FOR THAT QUITE OFTEN IS INSUFFICIENT COVER. AND SO
11 IF THERE ARE SPOTS DETECTED WITH HIGH EMISSION RATES,
12 THEN THE REMEDY IS TO APPLY ADDITIONAL COVER.

13 BOARD MEMBER CHESBRO: SO THERE ARE
14 MANAGEMENT -- I MEAN ADEQUATE ON-SITE MANAGEMENT
15 TECHNIQUES TO GUARD AGAINST IT; AND IF THE EXPOSURE IS
16 OCCURRING, IT'S BECAUSE THE ACTUAL MANAGEMENT TECHNIQUES
17 HAVE NOT BEEN PROPERLY EXERCISED; IS THAT RIGHT?

18 MR. DIER: CORRECT. I WOULD LIKE TO CLARIFY FOR
19 THE COMMITTEE'S UNDERSTANDING, THOUGH, THAT THE APPROACH
20 TO GAS CONTROL, AS HERB WAS INDICATING, THERE'S MIGRATION
21 CONTROL AND THEN THERE'S A DIFFERENT PURPOSE IF YOU WANT
22 TO DO ENERGY RECOVERY. IF YOU ARE EXTRACTING GAS FOR
23 ENERGY, FOR POWER PRODUCTION, THOSE TWO APPROACHES ARE
24 FOR TWO DISTINCTLY DIFFERENT PURPOSES.

25 AND HISTORY HAS SHOWN THAT YOU QUITE OFTEN

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 CANNOT HAVE A SINGLE SYSTEM TO ACCOMPLISH BOTH GOALS.
2 YOU NEED -- BECAUSE IF YOU PULL OUT GAS FOR ENERGY
3 RECOVERY, THAT DOESN'T GUARANTEE AND QUITE OFTEN WILL NOT
4 INSURE THAT, IN FACT, YOU ARE CONTROLLING GAS MIGRATION.
5 SO THERE ARE TWO SEPARATE TYPES OF APPROACHES TO LANDFILL
6 GAS.

7 BOARD MEMBER CHESBRO: OKAY.

8 BOARD MEMBER EGIGIAN: WOULD ANYTHING CHANGE IF
9 WHAT WAS DESCRIBED TO US BY CHERYL HERE, THAT NONE OF THE
10 TRUCKS WOULD ACTUALLY GO TO THE DUMPING SITE, THEY WERE
11 DUMPING IT INTO -- WHAT IS IT? -- A MRF THERE OR SOME
12 KIND OF RECYCLING FACILITY, WHY WOULDN'T THEY DRIVE THE
13 TRUCK RIGHT TO THE DUMPING AREA?

14 MS. CLOSSON: THE ACTUAL COMMERCIAL OPERATORS
15 TAKE THEIR VEHICLES DIRECTLY TO THE SITE FACE. THE
16 GENERAL PUBLIC DUMPS THEIR REFUSE AT THE KIND OF TRANSFER
17 STATION.

18 BOARD MEMBER EGIGIAN: I COULDN'T SEE WHY THEY
19 WOULD WANT TO DUMP IT ONE PLACE AND CARRY IT OFF IN A
20 SECOND OPERATION.

21 MR. DIER: IT'S JUST A SAFETY PRECAUTION TO KEEP
22 THE GENERAL PUBLIC OFF THE WORKING FACE.

23 BOARD MEMBER EGIGIAN: THAT'S ALL I HAVE.

24 CHAIRMAN HUFF: NOW I THINK WE CAN HEAR FROM THE
25 OPERATOR, THE LEA.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 MS. CLOSSON: THE OPERATOR IS HERE. THE LEA IS
2 NOT PRESENT, NEITHER ARE THE REGIONAL BOARD
3 REPRESENTATIVES BECAUSE STAFF RECOMMENDED THAT THIS IS A
4 PRELIMINARY PLAN, THAT THEY WOULD NOT NEED TO BE PRESENT.
5 SO WE DO HAVE BILL RAMSDELL, WILLIAM LYMAN, AND RICHARD
6 QUINE FROM -- REPRESENTING THE LANDFILL.

7 MR. LYMAN: GOOD MORNING, MR. CHAIRMAN. I'M
8 BILL LYMAN, DEPUTY DIRECTOR OF PUBLIC WORKS FOR SHASTA
9 COUNTY. WE'VE READ YOUR STAFF REPORT, AND WE THINK THE
10 STAFF DID A GOOD JOB ON THE REPORT. OF COURSE, WE AGREE
11 WITH THEIR RECOMMENDATION FOR APPROVAL.

12 I HAVE BILL RAMSDELL FROM OUR STAFF AND
13 RICK QUINE FROM CH2MHILL HERE. THEY'RE THE GUYS THAT
14 KNOW THE ANSWERS TO THE QUESTIONS. WE ALSO BROUGHT OUR
15 SLIDES. THERE'S SOME AERIAL COLOR SLIDES THAT I THINK
16 WILL GIVE YOU A LITTLE BETTER ORIENTATION AS TO THE
17 REMOTENESS OF THE SITE, THE SIZE OF THE SITE, AND THE
18 TOPOGRAPHY, WHICH, WITH REFERENCE TO OUR REQUEST FOR THE
19 GAS MONITORING AND CONTROL EXEMPTION, I THINK IT WILL
20 HELP YOU UNDERSTAND THAT SITUATION A LITTLE BETTER.

21 WE HAVE ABOUT FIVE MINUTES WORTH OF SLIDES.
22 WE CAN SHOW YOU THAT; AND IF YOU HAVE ANY QUESTIONS, RICK
23 QUINE, I THINK, CAN ADDRESS THE GAS GENERATION CURVES AND
24 ANY OTHER QUESTIONS YOU MAY HAVE REGARDING THAT AND ALSO
25 BILL RAMSDELL.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 THIS IS A GENERAL VIEW THAT THE ENTIRE
2 LANDFILL PROPERTY IS A THOUSAND AND 60 ACRES, I BELIEVE.
3 THIS REPRESENTS PROBABLY A HUNDRED FIFTY ACRES. WHAT YOU
4 SEE HERE, THAT'S THE WORKING AREA.

5 THE EXISTING PHASE I IS HERE, WHICH IS
6 NEARLY COMPLETE AT THIS TIME. AT THE TIME IT WAS BUILT
7 IT WAS STATE-OF-THE-ART. TODAY IT'S A LITTLE BIT
8 OBSOLETE, BUT IT HAS A CLAY LINER, LEACHATE COLLECTION
9 SYSTEM. THESE ARE CLAY LINED PONDS ORIGINALLY USED FOR
10 LEACHATE STORAGE. THAT'S BEEN REPLACED. THERE'S A
11 SYNTHETIC LINER IN THIS POND. IT'S COLLECTED DOWN HERE.
12 THERE'S A PUMP HOUSE, PUMPED UP TO HERE. SEDIMENTATION
13 POND IS DOWN HERE.

14 THE STRUCTURE THAT WE'RE TALKING ABOUT
15 MONITORING, THERE'S AN EXISTING SHOP BUILDING, WHICH IS
16 HERE NOW. THAT'S GOING TO BE REPLACED WITH A NEW
17 BUILDING. YOU CAN SEE THE NEAREST RESIDENCE IS ABOUT
18 3,000 FEET AWAY OVER HERE. THIS IS THE ENTRANCE ROAD.
19 THIS IS THE TRANSFER STATION WHERE THE PUBLIC DUMPS THEIR
20 MATERIAL, GATEHOUSE, AND THE SCALES ARE UP HERE.

21 THIS AREA IS WHAT WE CALL PHASE II-A, WHICH
22 IS NOW READY FOR REFUSE. THAT WILL EVENTUALLY BE
23 EXPANDED. THERE ARE SEVERAL SUBPHASES TO PHASE II.

24 BOARD MEMBER CHESBRO: IS THAT A LINER, THAT
25 LIGHT BLUE COLORED --

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 MR. LYMAN: THAT'S A GRAVEL COVERING THE LINER,
2 YES.

3 COUPLE MORE ANGLES. THERE'S SOME MORE
4 AERIALS THAT SHOW THAT, TOO. THAT'S THE ENTRANCE. THIS
5 IS THE TRANSFER STATION WHERE THE PUBLIC DEPOSITS THEIR
6 REFUSE.

7 THAT'S A CLOSE-UP OF THE LOWER END OF PHASE
8 I WITH THE PUMP HOUSE AND OLD LEACHATE COLLECTION POND.

9 THIS IS THE UPPER END OF PHASE II. THERE'S
10 A DIVERSION TRENCH THAT TAKES THE WATER -- THIS IS A
11 WHOLE SERIES OF CANYONS IN HERE, WHICH IS ANOTHER REASON
12 WHY THE GAS DOESN'T MIGRATE. IT'S PRETTY DIFFICULT FOR
13 IT GO DOWN THROUGH THE BOTTOM OF THE CANYON OUT THE OTHER
14 SIDE. THERE ARE INTERVENING CANYONS BETWEEN OUR PROPERTY
15 AND THE NEAREST RESIDENCE.

16 WE'RE ALSO IN THE PROCESS OF TRYING TO
17 ACQUIRE A COUPLE OF HUNDRED MORE ACRES IN THIS AREA FROM
18 THE BUREAU OF LAND MANAGEMENT. THE PURPOSE OF THIS IS TO
19 DIVERT WATER FROM THIS CANYON ABOVE PHASE II OVER TO THIS
20 CANYON WHERE THERE IS NO REFUSE.

21 JUST ANOTHER ANGLE. YOU CAN SEE THE
22 WORKING FACE IN PHASE I AND THE DEBRIS FENCE. IT'S A
23 LITTLE CLOSER PICTURE OF THE WORKING FACE. LITTLE BETTER
24 PICTURE OF PHASE II. THIS IS II-A THAT EXISTS. II-B IS
25 GOING TO BE AN EXPANSION DOWN IN THIS AREA. II-C IN THIS

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 AREA, AND THEN WE WORK OUR WAY DOWN TO THE EXISTING PHASE
2 I. HERE'S THE SHOP BUILDING.

3 THAT'S AN AERIAL OF THE TRANSFER STATION
4 WHERE THE PUBLIC COMES IN. THAT'S PROBABLY AT LEAST A
5 QUARTER OF A MILE FROM THE EXISTING WORKING FACE AND
6 FURTHER THAN THAT FROM THE PHASE II WORKING AREA.

7 THAT'S JUST ANOTHER PICTURE OF EXISTING
8 PHASE I WORKING FACE AND DEBRIS FENCE AND SOME DRAINAGE
9 SYSTEMS FOR CONTACT WATER.

10 THAT'S THE SYNTHETIC LINER IN THE LEACHATE
11 COLLECTION POND. GROUND SHOT OF PHASE II-A. YOU CAN
12 KIND OF GET AN IDEA WE'RE LITERALLY OUT IN THE BOONDOCKS.
13 I DON'T KNOW IF ANY OF YOU HAVE EVER BEEN THERE OR NOT,
14 BUT IT'S IN A PRETTY REMOTE AREA. IT'S ABOUT 15 MILES
15 FROM REDDING.

16 ANOTHER PICTURE KIND OF GIVES YOU AN IDEA
17 OF WHERE WE ARE IN RELATION TO THE LANDFILL. THAT'S THE
18 WORKING AREA. SO IF YOU HAVE SPECIFIC QUESTIONS.

19 CHAIRMAN HUFF: QUESTIONS?

20 BOARD MEMBER EGIGIAN: THE AREAS THAT YOU ARE
21 DUMPING INTO NOW, DO YOU HAVE NOTICEABLE GAS IN THAT AREA
22 AT ALL?

23 MR. LYMAN: NOT TO MY KNOWLEDGE. I THINK I'LL
24 LET RICK ADDRESS THE GAS. HE'S OUR EXPERT FROM CH2MHILL.
25 HE CAN TELL YOU A LITTLE BIT ABOUT THE GENERATION AND HOW

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 LONG IT TAKES AND THE VOLUMES AND SO ON.

2 MR. QUINE: I HAVEN'T BEEN INVOLVED IN
3 MONITORING THE PHASE I. WHAT WE'VE DONE FOR PHASE II IS
4 TO DEVELOP A GAS GENERATION MODEL.

5 BOARD MEMBER EGIGIAN: PHASE I DOESN'T HAVE A
6 GAS COLLECTION FACILITY AT ALL, AND YOU DON'T -- THERE'S
7 NO INDICATION OF GAS AT ALL THERE?

8 MR. QUINE: NOT TO MY KNOWLEDGE. I'M SURE THE
9 LEA WOULD TELL US ABOUT IT IF THERE WAS.

10 BOARD MEMBER CHESBRO: ONE THING THAT COMES TO
11 MIND IS YOU'VE GOT A CANYON -- I UNDERSTAND YOUR ARGUMENT
12 THAT IT ISN'T GOING TO GO UP THE CANYON OR OUT THE SIDES,
13 BUT THERE'S STILL GOT TO BE A FACE THAT IS EXPOSED. IT
14 WOULD SEEM TO ME TO STILL BE THE ONE POINT AT WHICH THERE
15 MIGHT BE SOME POSSIBILITY FOR MIGRATION OUT OF THE
16 LANDFILL. IS THAT --

17 MR. LYMAN: WE'RE RELATIVELY -- THIS LANDFILL IS
18 ONLY TEN YEARS OLD, BUT I THINK I WOULD DEFER TO YOUR
19 STAFF AS FAR AS THEIR EXPERIENCE WITH SOME OLDER
20 LANDFILLS BECAUSE IT'S REALLY GOT --

21 BOARD MEMBER CHESBRO: TO SOME DEGREE YOU ARE
22 BEING VICTIMIZED HERE BY OUR COMING UP TO SPEED. IF YOU
23 ARE THE FIRST ONE FOR SOME OF US, THEN, YOU KNOW, WE ASK
24 ALL THE QUESTIONS ABOUT IT. DON'T GET TOO WORRIED BY ALL
25 THESE QUESTIONS. I THINK IT'S JUST A MATTER OF US REALLY

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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

Barristers'
reporting service

1 TRYING TO UNDERSTAND.

2 MR. LYMAN: I THINK THAT WOULD GIVE YOU A BETTER
3 INDICATION BECAUSE THEY'VE HAD SOME EXPERIENCE WITH AN
4 OLDER LANDFILL. IF THERE'S EVER BEEN A PROBLEM, I DON'T
5 KNOW OF IT BEING A PROBLEM. TEN-YEAR-OLD LANDFILL IS
6 PRETTY YOUNG REALLY.

7 MR. QUINE: OUR GAS GENERATION MODEL INDICATES
8 THAT STARTING IN 1990 THE GENERATION OF THE GAS WOULD
9 PEAK AROUND THE YEAR 2018, WHICH IS GETTING PRETTY CLOSE
10 TO THE CLOSURE TIME FOR PHASE II AND THEN IT TAPERS OFF
11 AFTER THAT. THAT WAS ONE OF THE QUESTIONS AS FAR AS WHEN
12 THIS MIGHT TAKE PLACE AS FAR AS THE GAS GENERATION.

13 THE OTHER THING THAT I WOULD -- THAT'S BEEN
14 MENTIONED BEFORE AS FAR AS OFF-SITE MIGRATION, THERE ARE
15 INTERVENING CANYONS. AND SPEAKING AS A GEOLOGIST, TO ME
16 IT'S INCONCEIVABLE A GAS COULD MIGRATE TO RESIDENTIAL
17 AREAS OUTSIDE OF THE FILL AREA BECAUSE OF THESE
18 INTERVENING CANYONS.

19 THE OTHER THING IS THE SOILS ARE CLAY,
20 SANDY GRAVELS, SILTY GRAVELS, SANDY CLAYS, AND THEY'RE
21 VERY DENSE. AND WHEN WE PUT IN MONITORING WELLS, WE GET
22 VERY LITTLE WATER OUT OF THOSE WELLS. SO THE TYPE OF
23 SOIL THAT WE HAVE BOTH UNDERLYING AND ON THE SIDES OF THE
24 FILL AREAS HAVE VERY LITTLE PERMEABILITY TO GAS.

25 BOARD MEMBER CHESBRO: I ASSUME -- CAN YOU

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Harristers'
reporting service

1 ADDRESS THE QUESTION I ASKED A FEW MINUTES AGO? I ASSUME
2 THAT IF YOU'RE IN A CANYON, THAT THERE'S GOING TO BE ONE
3 SIDE OF THIS THING THAT IS GOING TO --

4 MR. QUINE: WELL, IT'S A CROSS-CANYON FILL. IN
5 OTHER WORDS, THE EXISTING CANYON IS BEING NOTCHED OUT AND
6 THE FILL IS PLACED AGAINST THAT AND THEN ACROSS THE
7 CANYON.

8 BOARD MEMBER CHESBRO: ON THE EXPOSED SIDE IS
9 THERE A FILL, SOME SORT OF A DAM OR SOMETHING TO SEAL
10 THAT SIDE OF IT? IS THERE A LINER? THERE'S GOT TO BE A
11 FACE --

12 MR. QUINE: ON THE UPSTREAM --

13 BOARD MEMBER CHESBRO: -- ON ONE SIDE OF THIS
14 CANYON.

15 MR. QUINE: WELL, EVENTUALLY THE UPSTREAM SIDE
16 WILL BE FILLED COMPLETELY.

17 BOARD MEMBER CHESBRO: DOWNSTREAM SIDE.

18 MR. QUINE: THE DOWNSTREAM SIDE, THERE WILL BE A
19 FACE THERE. IT'S ABOUT A FOUR-TO-ONE SLOPE.

20 BOARD MEMBER CHESBRO: IS THAT A POTENTIAL OUT
21 MIGRATION SITE AT THE LANDFILL FOR THE GAS TO --

22 MR. QUINE: I GUESS POTENTIALLY IT WOULD BE.

23 BOARD MEMBER CHESBRO: LOOKING AT YOUR CHART,
24 YOU MENTIONED WHEN THE GAS PRODUCTION WOULD PEAK, BUT I
25 COULDN'T REALLY READ THE DATES. DOES THE -- WHEN DOES IT

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 SHOW IT BEGINNING? I MEAN IT SHOWS AT LEAST A SMALL
2 AMOUNT.

3 MR. QUINE: WE START AT THE BEGINNING OF THE
4 FILL TIME.

5 BOARD MEMBER CHESBRO: AND IT ACCELERATES
6 GRADUALLY OVER A PERIOD OF TIME.

7 MR. QUINE: THIS IS FROM OUR PHASE II CLOSURE
8 PLAN DOCUMENT.

9 MR. LYMAN: THAT DOWNSTREAM CANYON FACE THAT
10 YOU'RE TALKING ABOUT, WHEN IT'S CLOSED, IT GETS THE SAME
11 IMPERMEABLE CAP THAT THE REST OF THE LANDFILL DOES.

12 BOARD MEMBER CHESBRO: WHICH WOULD BE THE METHOD
13 OF SEALING THE ESCAPE ROUTE FOR THE GAS.

14 MS. CLOSSON: THESE ISSUES WILL BE ADDRESSED
15 WITH ADDITIONAL REVISED PRELIMINARY PLANS AS MORE
16 EVIDENCE IS GATHERED. AND THEN, ALSO, WITH THE FINAL
17 PLAN, THE ISSUE OF EXEMPTION WILL BE THOROUGHLY
18 INVESTIGATED FAR IN ADVANCE OF ANY OF THIS.

19 CHAIRMAN HUFF: ANY OTHER QUESTIONS, SAM? OKAY.
20 ANY OTHER MATERIALS TO PRESENT?

21 MS. CLOSSON: NOT AT THIS TIME.

22 CHAIRMAN HUFF: OKAY. THE MATTER IS BEFORE US.

23 BOARD MEMBER EGIGIAN: MR. CHAIRMAN, I RECOMMEND
24 OPTION 3, THE BOARD ADOPT RESOLUTION NO. 91-16.

25 BOARD MEMBER CHESBRO: I'LL SECOND.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



barristers'
reporting service

1 CHAIRMAN HUFF: OKAY. IT'S BEEN MOVED AND
2 SECONDED. IF I COULD HAVE A ROLL CALL, PLEASE.

3 COMMITTEE SECRETARY: BOARD MEMBER EGIGIAN?

4 BOARD MEMBER EGIGIAN: YES.

5 COMMITTEE SECRETARY: CHESBRO?

6 BOARD MEMBER CHESBRO: AYE.

7 COMMITTEE SECRETARY: CHAIRMAN HUFF?

8 CHAIRMAN HUFF: AYE.

9 MOTION CARRIES.

10 ITEM 4.

11 MR. IWAHIRO: MR. CHAIRMAN.

12 MS. CLOSSON: WAS THERE A MOTION TO MAKE THIS A
13 CONSENT CALENDAR ITEM, OR IT'S GOING TO BE HEARD BY THE
14 BOARD?

15 CHAIRMAN HUFF: IS THIS CONSENT?

16 BOARD MEMBER CHESBRO: SURE.

17 CHAIRMAN HUFF: WE'LL USE THE PRIOR ROLL CALL ON
18 CONSENT.

19 MS. CLOSSON: THANK YOU VERY MUCH.

20 MR. IWAHIRO: ITEM NO. 4, MR. CHAIRMAN AND
21 COMMITTEE MEMBERS, IS AN EVALUATION OF FACILITIES IN LAKE
22 COUNTY AND REPORT ON THE LEA THERE. THIS IS SIMILAR TO
23 WHAT WE BROUGHT BEFORE THE BOARD ON BERKELEY IN THE PRIOR
24 MEETING.

25 OUR ENFORCEMENT STAFF UNDER BERNARD VLACH



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997

barristers'
reporting service

1 WILL GIVE THE ITEM, JACK MILLER AND SUSAN MARKIE.

2 MR. VLACH: MORNING, MR. CHAIRMAN, MEMBERS.
3 BRIEF BIT OF BACKGROUND AGAIN ON THE FACILITY EVALUATION
4 PROGRAM.

5 THE STAFF IS REQUIRED BY LAW TO INSPECT
6 EACH FACILITY IN THE STATE ANNUALLY, AND THIS IS DONE IN
7 CONJUNCTION WITH THE LEA'S. I SHOULD POINT OUT THAT
8 THESE INSPECTIONS THAT THE STAFF MAKE ARE NOT ADDITIONAL
9 INSPECTIONS FOR THE LEA TO MAKE. THE LEA'S REQUIRED TO
10 INSPECT FACILITIES MONTHLY, AND THE STATE STAFF MERELY
11 ACCOMPANY THE LEA ON ONE OF THEIR PLANNED MONTHLY
12 INSPECTIONS.

13 ALL OF THIS IS EXPLAINED TO THE LEA IN
14 ADVANCE OF THE PROGRAM AS IT'S INITIATED IN ANY
15 PARTICULAR COUNTY; AND, IN ADDITION, THE LEA IS GIVEN A
16 WRITTEN COPY, A PRINTED COPY, OF OUR FACILITIES
17 EVALUATION AND PROGRAM IMPLEMENTATION MANUAL, WHICH
18 EXPLAINS ALL OF THIS IN MORE DETAIL.

19 THE STAFF IS PARTICULARLY LOOKING FOR
20 PROBLEMS AT THE FACILITIES THAT THE LEA DOES NOT SEE.
21 THIS WOULD BE AN INDICATION THAT THERE'S SOME DIFFERENCES
22 IN THE WAY THE LEA MIGHT PERCEIVE AN INSPECTION COMPARED
23 TO THE STATE STAFF. AND PART OF THE PROGRAM IS TO INSURE
24 THAT THERE'S SOME CONSISTENCY THROUGHOUT THE STATE IN
25 CONDUCTING THESE INSPECTIONS.

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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

Barristers'
reporting service

1 AT THE END, WHEN THE REPORT IS PREPARED,
2 THERE IS A SUBJECTIVE DECISION MADE BY THE STAFF TO GRADE
3 THE LEA EITHER IN A MANNER THAT IS ACCEPTABLE, AND IF
4 THEY DO AN EXEMPLARY JOB, WE MIGHT EVEN RECOMMEND TO THE
5 BOARD THAT THEY BE GIVEN SOME COMMENDATION. THERE'S ALSO
6 A GRADE OF IMPROVEMENT NEEDED AND ANOTHER GRADE OF
7 UNACCEPTABLE. AND STAFF WOULD MAKE A RECOMMENDATION TO
8 THE BOARD ABOUT THAT.

9 IF THERE ARE ANY FACILITIES THAT ARE
10 PARTICULARLY BAD IN TERMS OF THEIR OPERATION OR SOME
11 ENVIRONMENTAL OR PUBLIC HEALTH PROBLEM, THEN THE STAFF
12 WOULD RECOMMEND TO THE COMMITTEE THAT THEY BE PLACED ON
13 THE STATE LIST OF NONCOMPLYING FACILITIES.

14 WHEN THE STAFF GOES OUT IN THE FIELD WITH
15 THE LEA, THEY ARE LOOKING AT NOT ONLY PERMITTED ACTIVE
16 LANDFILLS, BUT THEY ALSO LOOK AT CLOSED LANDFILLS. AND
17 WE HAVE A -- WE'RE DEVELOPING AN INVENTORY OF CLOSED
18 LANDFILLS, AND STAFF WILL WORK WITH THE LEA TO TRY TO
19 LOCATE THOSE CLOSED LANDFILLS, IDENTIFY THEM, AND SEE
20 THAT THEY ARE EITHER CLOSED PROPERLY OR PERHAPS WE
21 THOUGHT THEY WERE CLOSED AND THEY ACTUALLY ARE CONTINUING
22 TO BE USED, AND THOSE ARE THE KINDS OF THINGS WE'LL LOOK
23 FOR.

24 AND THEN THERE ARE -- STAFF WILL ALSO LOOK
25 FOR SPECIAL KINDS OF FACILITIES, SUCH AS GEOTHERMAL WASTE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 DUMPS OR MINING WASTE DUMPS.

2 SO THAT'S A BIT OF A BACKGROUND AGAIN ON
3 THE PROGRAM, AND NOW THIS PARTICULAR CASE, THE LAKE
4 COUNTY, THE PROGRAM WAS IMPLEMENTED IN LAKE COUNTY
5 BEGINNING IN JANUARY AND FEBRUARY, AND THE REPORT WAS
6 PREPARED AND IS INCLUDED IN YOUR PACKAGE. THE FACILITY
7 EVALUATION REPORT ITSELF IS AN ATTACHMENT, AND THE AGENDA
8 ITEM IS THERE WITH SOME BRIEF DESCRIPTION OF FINDINGS OF
9 THE REPORT.

10 I'D LIKE TO NOW TURN THE REST OF THE ITEM
11 OVER TO MR. JACK MILLER AND SUSAN MARKIE OF THE
12 ENFORCEMENT DIVISION.

13 MR. MILLER: MR. CHAIRMAN AND COMMITTEE MEMBERS,
14 MY NAME IS JACK MILLER, AND I AM THE SUPERVISOR OF THE
15 UNIT B OF THE FACILITIES EVALUATION BRANCH. I HAVE --
16 THERE ARE EIGHT INSPECTORS IN THE UNIT, AND WE ARE
17 RESPONSIBLE FOR FACILITY EVALUATIONS IN 24 NORTHERN
18 CALIFORNIA COUNTIES AND ALSO ENFORCEMENT IN THOSE
19 COUNTIES.

20 WE ARE HERE BEFORE YOU TODAY TO PRESENT THE
21 LAKE COUNTY LEA FACILITIES EVALUATION. SITTING BESIDE ME
22 HERE IS SUE MARKIE, WHO IS THE INSPECTOR WHO CONDUCTED
23 THE EVALUATION AND DEVELOPED THE REPORT.

24 BERNIE HAS ALREADY GIVEN YOU A LITTLE
25 BACKGROUND ON HOW OUR PROGRAM IS IMPLEMENTED. I'D LIKE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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

Barristers'
reporting service

1 TO START OUT WITH WHY WE PICKED LAKE COUNTY TO BE ONE OF
2 THE FIRST SITES OR FIRST LEA'S TO GO THROUGH THE
3 EVALUATION PROGRAM.

4 FIRST OF ALL, THERE'S ONLY TWO PERMITTED
5 FACILITIES IN THE COUNTY, THE LAKEPORT TRANSFER STATION
6 AND THE EASTLAKE LANDFILL. SO THE NUMBER OF FACILITIES
7 TO INSPECT WAS LOW. AND IN THE PAST THE LAKE COUNTY HAS
8 BEEN VERY COOPERATIVE IN WORKING WITH BOARD STAFF IN
9 DOING THE CORRECTIVE MEASURES THAT BOARD STAFF HAS ASKED
10 FOR.

11 I INITIATED THE EVALUATION PROCESS WITH
12 LAKE COUNTY BY MAKING A PHONE CALL TO MR. MARTY WINSTON,
13 WHO IS THE DIRECTOR OF ENVIRONMENTAL HEALTH FOR THE
14 COUNTY. I ALSO TALKED WITH RAY RUMINSKI, WHO IS HIS
15 ASSISTANT AND ENVIRONMENTAL HEALTH SPECIALIST FOR THE
16 COUNTY. SUE MARKIE ALSO PHONED RAY, AND WE SET UP A TIME
17 TO HAVE A MEETING HERE IN SACRAMENTO. WE WERE TRYING TO
18 INVITE THE LEA DOWN SO THAT THEY COULD LEARN MORE ABOUT
19 OUR PROGRAM AND MEET OTHER STAFF WITHIN THE BOARD, SUCH
20 AS PERMIT DIVISION STAFF.

21 AND MR. RUMINSKI INFORMED US THAT THE
22 COUNTY HAD A VERY LIMITED TRAVEL BUDGET AND THAT IT WOULD
23 BE BETTER IF WE WENT UP TO LAKE COUNTY AND HAD THE
24 MEETING THERE.

25 SO ON THE 19TH OF JANUARY, MYSELF, SUE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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

Harristers'
reporting service

1 MARKIE, JEFF HACKETT, WHO HELPED SUE MARKIE WITH THE
2 EVALUATION, AND MEMBERS OF THE LEA EVALUATION STAFF AND
3 PERMIT STAFF WENT TO LAKE COUNTY TO MEET WITH MR. WINSTON
4 AND RAY RUMINSKI. MR. CARGILL OF THE COUNTY PUBLIC WORKS
5 DEPARTMENT WAS ALSO IN ATTENDANCE AT THE MEETING.

6 WE SPENT ABOUT AN HOUR AND A HALF GOING
7 OVER THE PROCEDURES AND PROCESS OF AN LEA EVALUATION OR
8 FACILITIES EVALUATION, WHAT THE POSSIBLE OUTCOMES WOULD
9 BE, AND WE SET UP INSPECTION DATES FOR THE TRANSFER
10 STATION AND THE LANDFILL, TALKED ABOUT GOING OUT AND
11 LOOKING AT CLOSED, ILLEGAL, AND ABANDONED SITES.

12 AND THE PERSON FROM THE LEA EVALUATIONS
13 GROUP TALKED WITH THE MR. WINSTON AND MR. RUMINSKI ABOUT
14 LEA REDESIGNATION AND RECERTIFICATION, AND THE PERMIT
15 PERSON TALKED ABOUT SOME OF THE PERMIT ISSUES THAT WERE
16 ASSOCIATED WITH THE EASTLAKE LANDFILL.

17 ONE OF THE MANY BENEFITS OF THIS MEETING,
18 WHEN WE WENT UP THERE, WAS WE DISCOVERED THAT THE LEA WAS
19 UNAWARE OF THE LEA GRANTS PROGRAM WITH ONLY TWO WEEKS
20 LEFT BEFORE THE APPLICATION DEADLINE, AND WE WERE ABLE TO
21 GET THE COUNTY TO SUBMIT AN APPLICATION AND, HOPEFULLY,
22 THEY WILL GET THEIR 17,000 MINIMUM GRANT FOR THEIR
23 PROGRAM WHEN THE CHECKS GO OUT FROM THE BOARD.

24 STARTING ON JANUARY 31ST, SUE MARKIE AND
25 JEFF HACKETT WENT UP TO LAKE COUNTY, MET WITH RAY

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 RUMINSKI TO INSPECT THE LAKEPORT TRANSFER STATION. MR.
2 RUMINSKI ACCOMPANIED STAFF FOR THE FULL TIME THAT THEY
3 WERE ON THE INSPECTION OF THE TRANSFER STATION; HOWEVER,
4 THEY NOTICED MR. RUMINSKI WAS NOT FILLING OUT AN
5 INSPECTION REPORT FORM FOR THE INSPECTION OR, IN OTHER
6 WORDS, THEY DIDN'T FEEL THAT HE WAS CONDUCTING AN
7 INSPECTION ALONG WITH STAFF. SO THEY REMINDED HIM THAT
8 HE HAD TO COMPLETE AN INSPECTION REPORT FORM AND SUBMIT
9 IT WITHIN 30 DAYS.

10 THE NEXT DAY THEY WENT OUT TO THE EASTLAKE
11 LANDFILL TO INSPECT THAT. MR. RUMINSKI CAME LATE, BUT
12 PARTICIPATED IN ABOUT AN HOUR OF THE INSPECTION. AGAIN
13 BOARD STAFF REMINDED MR. RUMINSKI THAT HE HAD TO CONDUCT
14 AN INSPECTION WITH BOARD STAFF AND COMPLETE AN INSPECTION
15 REPORT COINCIDING WITH OUR INSPECTION ON THAT DAY.

16 AT THE SAME TIME ON THIS DAY, JEFF HACKETT
17 OF OUR STAFF GAVE MR. RUMINSKI A COPY OF OUR PROGRAM
18 MANUAL, WHICH HAD RECENTLY BEEN PRESENTED TO THE BOARD ON
19 JANUARY 22D. IT BECAME AVAILABLE TO THE LEA'S, AND THIS
20 WAS PRESENTED TO MR. RUMINSKI ON FEBRUARY 1ST. SO HE WAS
21 ASKED TO REVIEW THAT AND IF HE HAD ANY QUESTIONS TO GET
22 BACK TO BOARD STAFF IF THERE WERE ANY QUESTIONS ABOUT OUR
23 PROCESS AND HOW THE FACILITIES EVALUATION PROGRAM WAS
24 BEING IMPLEMENTED.

25 ON FEBRUARY 15TH SUE CALLED RAY AND LET HIM



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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

Barristers'
reporting service

1 KNOW THE RESULTS OF THE INSPECTIONS. HE WAS ALSO INVITED
2 TO GO OUT WITH BOARD STAFF DURING THE FIRST WEEK OF MARCH
3 TO CLOSED, ILLEGAL, AND ABANDONED SITES; HOWEVER, WE DID
4 NOT MAKE A REQUIREMENT OF THE LEA FOR THEM TO GO OUT AND
5 LOOK AT CLOSED, ILLEGAL, AND ABANDONED SITES, AND THE LEA
6 CHOSE NOT TO GO WITH US ON THAT TRIP.

7 WE ORIGINALLY HAD A LIST OF SEVEN SITES
8 THAT WE KNEW WERE CLOSED OR ABANDONED. THE LEA, DURING
9 THE FIRST INSPECTION TRIP, TOOK US AROUND TO THOSE SITES,
10 TOOK STAFF AROUND TO THOSE SITES, BUT IN THE END WE ENDED
11 UP FINDING ANOTHER 15 SITES, AND THE LEA WASN'T VERY
12 HELPFUL, AND WE BASICALLY DID MOST OF THAT FOOTWORK ON
13 OUR OWN.

14 ON FEBRUARY 27TH, OUR INSPECTION REPORTS
15 WERE MAILED TO THE LEA, AND ON MARCH 7TH AND 8TH WE WENT
16 UP AND LOOKED FOR THE CLOSED, ILLEGAL, AND ABANDONED
17 SITES.

18 ON MARCH 25TH WE GOT THE REPORT DONE, THE
19 FACILITIES EVALUATION REPORT. WHILE WE WERE WORKING ON
20 IT, WE HAD A DRAFT DONE, AND WE FAX'D MR. WINSTON A COPY
21 OF A LETTER THAT WE WERE IN THE PROCESS OF DEVELOPING
22 THIS REPORT, AND WE NOTIFIED HIM OF WHAT THE RESULTS
23 WOULD BE AND THAT THEY WOULD BE PRESENTED TO THE BOARD
24 COMMITTEE HERE ON APRIL 4TH.

25 ON -- IN RESPONSE TO THIS, WE'RE NOT REALLY

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers
reporting service

1 SURE WHY, WE GOT A FAX'D BACK INSPECTION REPORT FOR THE
2 EASTLAKE LANDFILL FOR FEBRUARY 25, 1991. WE'RE NOT
3 REALLY QUITE SURE WHY THAT WAS -- WHAT THE SIGNIFICANCE
4 OF THAT WAS.

5 ON MARCH 27TH WE FINISHED THE REPORT AND
6 FAX'D IT TO MR. WINSTON, AND ON MARCH 28TH I HAPPENED TO
7 BE IN MENDOCINO AT A MEETING. AND ON THE WAY BACK, I
8 STOPPED BY MR. WINSTON'S OFFICE TO MAKE SURE THAT HE HAD
9 GOTTEN THE REPORT AND IF HE HAD ANY QUESTIONS. MR.
10 WINSTON WAS NOT INTERESTED IN TALKING ABOUT THE REPORT.
11 HE WAS DISTURBED ABOUT THE WAY THE REPORT HAD BEEN
12 COMMUNICATED TO HIM, AND HE FELT THAT HE SHOULD HAVE HAD
13 A VERBAL REVIEW OF THE REPORT WITH BOARD STAFF BEFORE IT
14 WAS FINALIZED.

15 I APOLOGIZED FOR ANY HARD FEELINGS THAT MAY
16 HAVE BEEN GENERATED BY THE WAY THE REPORT WAS
17 COMMUNICATED, BUT I DID MENTION TO MR. WINSTON THAT THE
18 RESULTS OF THE REPORT WOULD NOT CHANGE BASED ON HOW THE
19 REPORT WAS COMMUNICATED TO HIM.

20 THE RESULTS OF THE REPORT ARE THAT THE
21 LAKEPORT TRANSFER STATION IS IN PRETTY GOOD SHAPE, ONLY
22 ONE VIOLATION, THREE AREAS OF CONCERN. THIS PRETTY MUCH
23 COINCIDES WITH THE INSPECTIONS THAT -- INSPECTION RESULTS
24 THAT WE GOT FROM THE LEA.

25 THE EASTLAKE LANDFILL WASN'T IN AS GOOD A

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997



barristers'
reporting service

1 SHAPE. THERE WERE FIVE VIOLATIONS AND SIX AREAS OF
2 CONCERN. THE MOST -- BIGGEST PROBLEM WITH THE LANDFILL
3 WAS COVER.

4 SINCE THE INSPECTION, THE COUNTY HAS
5 RECEIVED AN EARTHMOVER, AND THIS SHOULD HELP WITH THEIR
6 COVER OPERATIONS. WE'VE HAD AN ONGOING CONCERN AT THE
7 SITE WITH LEACHATE CONTROL. IT'S MORE THE DISPOSAL OF
8 THE LEACHATE, AND THE COUNTY IS IN THE PROCESS OF
9 BUILDING A LINE BETWEEN THE LANDFILL AND THE WASTEWATER
10 TREATMENT PLANT SO THE LEACHATE CAN BE PUMPED TO THE
11 TREATMENT PLANT FOR DISPOSAL.

12 I THINK THE OTHER POINT OF NOTE, WHICH I'VE
13 ALREADY MENTIONED, IS WE INITIALLY THOUGHT THERE WERE
14 SEVEN CLOSED SITES IN THE COUNTY. WE CAME UP WITH 22. I
15 THINK THIS -- I THINK THERE'S A LOT MORE CLOSED, ILLEGAL,
16 AND ABANDONED SITES IN THE STATE THAN WE MAY HAVE ON OUR
17 RECORDS, AND WE'RE GOING TO FIND QUITE A FEW, TWO OR
18 THREE TIMES AS MANY AS WE THINK ARE THERE.

19 BASED ON SITES, WE'RE NOT RECOMMENDING --
20 BASED ON OUR EVALUATION OF SITES, WE'RE NOT RECOMMENDING
21 ANY FOR THE STATE LIST OF NONCOMPLYING FACILITIES AT THIS
22 TIME. WE, HOWEVER, WOULD LIKE TO ENCOURAGE THE COUNTY TO
23 TAKE BETTER CARE OF WHAT'S GOING ON OUT AT THE MORRISON
24 CREEK ILLEGAL DUMP SITE. IT'S SOMETHING THAT'S BEEN
25 ONGOING FOR 11 YEARS, AND THEY HAVE MADE EFFORTS IN THE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 PAST TO CLEAN IT UP, BUT PEOPLE CONTINUE TO DUMP IN THE
2 CREEK THERE AND THAT NEEDS SOME WORK.

3 AS FAR AS THE LEA PERFORMANCE, TO DATE WE
4 HAVE NOT RECEIVED ANY INSPECTION REPORTS FOR THE LAKEPORT
5 TRANSFER STATION OR THE EASTLAKE LANDFILL FOR THE DAYS
6 THAT BOARD STAFF AND THE LEA WERE THERE. AND UNDER
7 REQUIREMENTS OF STATE LAW, THE LEA IS TO CONDUCT AN
8 INSPECTION WITH BOARD STAFF AND SUBMIT AN INSPECTION
9 REPORT WITHIN 30 DAYS. THAT'S ONE OF THE PROBLEMS THAT
10 WE HAD ON THIS EVALUATION.

11 THERE'S ALSO A SIGNIFICANT DIFFERENCE
12 BETWEEN THE COUNTY'S LAST INSPECTION REPORTS OVER THE
13 LAST YEAR AT THE EASTLAKE LANDFILL AND WHAT WE FOUND OUT
14 THERE ON FEBRUARY 1ST. THEY HAVE BEEN SHOWING OFF AND ON
15 ONE LITTER VIOLATION OVER THE PAST YEAR, AND WE ENDED UP
16 WITH FIVE VIOLATIONS AND SIX AREAS OF CONCERN.

17 IN ADDITION, WE CONCLUDED THAT THE LEA
18 COULD HAVE BEEN A LITTLE MORE FORTHCOMING ON CLOSED,
19 ILLEGAL, AND ABANDONED SITES IN THE COUNTY. WE PRESENTED
20 A LIST OF SEVEN THAT WE KNEW ABOUT, AND THEY WERE WILLING
21 TO TAKE US OUT TO THOSE SEVEN, BUT WE ENDED UP FINDING
22 ANOTHER 22 -- OR ANOTHER 15 -- EXCUSE ME -- AND THE
23 COUNTY DIDN'T MAKE ANY EFFORT TO ADVISE US OF THOSE SITES
24 EXISTED.

25 FINALLY, IT SEEMS THAT MAYBE MANY OF THE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 LEA'S IN MANY COUNTIES HAVE MANY TASKS TO DO BESIDES
2 SOLID WASTE, AND IT'S HARD TO DETERMINE WHETHER THEY HAVE
3 ENOUGH STAFF TO DO THE SOLID WASTE JOB ENFORCEMENT AND
4 LEA PERMITTING. OUR PRELIMINARY JUDGMENT IS MAYBE THEY
5 AREN'T PUTTING ENOUGH TIME INTO THEIR LEA DUTIES.

6 SO BASED ON THE ABOVE, AS FAR AS THE LEA IS
7 CONCERNED AND THEIR PERFORMANCE RATING, BOARD STAFF HAS
8 CONCLUDED THAT THE LEA NEEDS IMPROVEMENT IN THEIR
9 IMPLEMENTATION OF THE LEA PROGRAM.

10 GETTING DOWN TO THE RECOMMENDATIONS BOARD
11 STAFF IS MAKING, WE'RE NOT RECOMMENDING ANY SITES FOR
12 THE -- TO BE PROPOSED FOR THE NONCOMPLYING FACILITIES AT
13 THIS TIME, BUT WE ARE RECOMMENDING THAT THE BOARD GIVE
14 THE LEA AN INITIAL PERFORMANCE RATING OF IMPROVEMENT
15 NEEDED. WHAT THIS MEANS IS THAT THE LEA IS GOING TO HAVE
16 TO UPGRADE THEIR PROGRAM OVER THE NEXT YEAR SO THAT THEY
17 CAN BE REDESIGNATED AND RECERTIFIED BY THE BOARD SO THAT
18 THEY CAN CONTINUE ON AS THE LEA AFTER AUGUST 1, 1992.

19 I JUST WANT TO REMIND THE BOARD I DO HAVE
20 OPTIONS HERE. THE BOARD CAN LIST ANY SITE THAT HAS A
21 VIOLATION OR PROPOSE ANY SITE THAT HAS A VIOLATION TO THE
22 STATE LIST OF NONCOMPLYING FACILITIES ALTHOUGH WE'RE NOT
23 RECOMMENDING THAT AT THIS TIME. AND THE BOARD HAS THE
24 OPTION OF BASICALLY GIVING WHATEVER RECOMMENDATION THEY
25 SEE FIT AS FAR AS THE INITIAL LEA PERFORMANCE REVIEW

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 GOES.

2 RIGHT NOW STAFF, AS BERNIE POINTED OUT, WE
3 HAVE THREE CATEGORIES: ACCEPTABLE, NEEDS IMPROVEMENT,
4 AND UNACCEPTABLE. I'D JUST LIKE TO POINT OUT TO THE
5 BOARD, THOUGH, IF THE BOARD GIVES AN UNACCEPTABLE RATING,
6 THAT TRIGGERS A 120-DAY PERFORMANCE REVIEW BY OUR LEA
7 EVALUATION STAFF, AND THAT IS A VERY INTENSIVE EXERCISE
8 WHICH REALLY LOOKS INTO THE LEA'S.

9 I'M OPEN TO ANY QUESTIONS THAT YOU MAY
10 HAVE. THAT COMPLETES MY PRESENTATION.

11 CHAIRMAN HUFF: MR. CHESBRO, DO YOU HAVE
12 SOMETHING TO SAY?

13 BOARD MEMBER CHESBRO: AS I UNDERSTAND IT,
14 THERE'S THREE CATEGORIES OF RATINGS. THERE IS
15 ACCEPTABLE, IMPROVEMENT NEEDED, AND NOT ACCEPTABLE.
16 IMPROVEMENT NEEDED IS SORT OF THE INTERMEDIATE RATING; IS
17 THAT CORRECT?

18 MR. MILLER: YEAH. AND I SHOULD EXPLAIN, TOO,
19 THAT WE EXPECT TO GET MANY IMPROVEMENT NEEDED RATINGS
20 OVER THIS YEAR. LEA'S HAVE BEEN OPERATING AT A CERTAIN
21 LEVEL UNDER THE OLD LAW, AND NOW WE'RE GOING THROUGH THIS
22 RECERTIFICATION, THE NEW LAWS. THERE ARE MANY PROGRAMS
23 OUT THERE THAT ARE GOING TO HAVE TO BRING THEIR
24 PERFORMANCE LEVEL UP TO MEET THE CERTIFICATION REGS THAT
25 THE BOARD IS REQUIRED TO ADOPT BY JULY 1ST, 1991.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 BOARD MEMBER CHESBRO: SO IMPROVEMENT NEEDED IS
2 A TOOL FOR UPGRADING AND IMPROVING THINGS AS OPPOSED TO
3 AN UNACCEPTABLE RATING, WHICH OUTRIGHT SAYS THAT
4 CONDITIONS ARE SUCH THAT WE SHOULD RECONSIDER THE
5 DESIGNATION.

6 MR. MILLER: ABSOLUTELY.

7 BOARD MEMBER CHESBRO: AND PRESUMABLY WOULD BE
8 NEEDED, AS YOU SAID, AS A TOOL ON AN ONGOING BASIS WITH A
9 NUMBER OF COUNTIES IN ORDER TO ADDRESS THE SPECIFIC AREAS
10 THAT MIGHT BE CONSIDERED DEFICIENT.

11 MR. MILLER: ABSOLUTELY. ESPECIALLY --

12 CHAIRMAN HUFF: AT THE SAME TIME, THEN,
13 RECEIVING AN IMPROVEMENT NEEDED RATING MAY COME AS A
14 SURPRISE TO VARIOUS LEA'S SCATTERED ACROSS THE STATE WHO
15 HAVE BEEN DOING THINGS FOR YEARS, IN THEIR OWN MINDS
16 PERHAPS, QUITE ADEQUATELY.

17 MR. MILLER: YES. THAT MAY BE. WE INTEND --
18 AND UNFORTUNATELY, THIS HASN'T BEEN IMPLEMENTED AS OF
19 THIS EVALUATION, BEING THE FIRST ONE OUR GROUP HAS DONE
20 AND THE SECOND ONE THAT'S BEEN DONE. WHEN WE GO OUT AND
21 DO INSPECTIONS OF LANDFILLS, WE DO EXIT INTERVIEWS WITH
22 THE OPERATORS BEFORE WE LEAVE TO LET THEM KNOW EXACTLY
23 WHAT WE SAW EVERYWHERE AT THE SITE. AND WE HAVE DECIDED
24 AND WE'RE GOING TO BE DOING EXIT INTERVIEWS WITH EACH LEA
25 WHEN WE COME UP FINISHING THE REPORT BEFORE BRINGING IT

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 TO THE BOARD.

2 MR. VLACH: MR. HUFF, I SHOULD ALSO POINT OUT
3 THAT THE IMPROVEMENT NEEDED, AS YOU ARE SUGGESTING, IS
4 REALLY AN OPPORTUNITY FOR THE LEA TO RECOGNIZE THE NEW
5 LAW AND THE NEW REGULATIONS AND FOR THEIR LOCAL ELECTING
6 BODY TO BE ADVISED OF THESE CHANGES SO THAT THEY CAN
7 START THINKING AT THIS TIME ABOUT UPGRADING THE PROGRAM
8 TO BE ABLE TO MEET THE CERTIFICATION REQUIREMENTS. IT
9 SHOULD BE LOOKED AT AS A CONSTRUCTIVE RATING, I WOULD
10 THINK, IN THAT PERSPECTIVE.

11 CHAIRMAN HUFF: AT THE SAME TIME WHEN MY
12 DAUGHTER GOT IMPROVEMENT NEEDED ON HER THIRD GRADE REPORT
13 CARD...

14 BOARD MEMBER EGIGIAN: BERNIE, I'D LIKE TO ASK
15 YOU A QUESTION. HAS THIS LEA BEEN THE SAME LEA FOR SOME
16 PERIOD OF TIME, AND WHAT WAS THIS LEA INSTRUCTED TO DO BY
17 OUR BOARD? DOES HE KNOW HIS JOB? THAT'S THE QUESTION
18 I'M ASKING YOU.

19 MR. VLACH: THE ENVIRONMENTAL HEALTH DEPARTMENT
20 OF LAKE COUNTY, I BELIEVE, HAS ALWAYS BEEN THE LEA IN
21 LAKE COUNTY IF I'M NOT MISTAKEN. THERE HAVE BEEN CHANGES
22 IN STAFFING AND PERSONNEL, BUT THAT REALLY IS OF NO
23 CONSEQUENCE IN TERMS OF THE LEGALITY OF THE DESIGNATION.

24 SOMETHING THAT WE DON'T NORMALLY DO AT THIS
25 PHASE OF THE EVALUATION IS TO CHECK AS TO WHETHER THE LEA

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997

barristers'
reporting service

1 HAS BEEN GOING TO BOARD -- THE TRAINING THAT THE BOARD
2 HAS OFFERED AND HAS DONE -- HAS OTHER FORMS OF -- HAS
3 PARTICIPATED IN OTHER FORMS OF TRAINING, HAS PROPER
4 STAFFING LEVELS, EQUIPMENT, VEHICLES AND THINGS. THAT WE
5 WOULD LEAVE TO AN LEA EVALUATION, WHICH IS DIFFERENT THAN
6 THE FACILITY EVALUATION.

7 IF, FOR EXAMPLE, THE LEA WAS FOUND TO BE
8 UNACCEPTABLE, THEN, AS JACK MILLER POINTED OUT, WE WOULD
9 THEN INITIATE AN LEA EVALUATION AND TRY TO FIND OUT WHY
10 THEY HAD AN UNACCEPTABLE RATING, AND WE WOULD DO THAT IN
11 AN IN-DEPTH FASHION BY LOOKING AT THE KINDS OF TRAINING
12 THAT THEY HAVE HAD, THE KINDS OF STAFFING LEVELS THEY
13 HAVE HAD, AND DO A MUCH MORE THOROUGH ANALYSIS. I CAN'T
14 REALLY ANSWER YOUR QUESTION. PRESUMABLY, I THINK THEY
15 KNOW WHAT THEIR JOB IS AND -- BUT I CAN'T SAY
16 SPECIFICALLY WITHOUT GOING THROUGH AN LEA EVALUATION
17 WHETHER THEY HAVE SUFFICIENT RESOURCES AND STAFFING.

18 BOARD MEMBER EGIGIAN: THIS IS THE SORT OF THING
19 WE'RE PROBABLY GOING TO RUN INTO AS WE PROCEED WITH THIS
20 LEA CERTIFICATION. AND I'M JUST WONDERING WHETHER OR NOT
21 THERE'S A MESSAGE THAT SHOULD BE SENT OUT EVEN BEFORE THE
22 CERTIFICATIONS, THAT THE LEA'S UNDERSTAND THAT WHAT HAS
23 HAPPENED IN THIS PARTICULAR CASE IS NOT SOMETHING THAT
24 WE'RE GOING TO SET OUR STANDARDS BY, YOU KNOW. WE
25 UNDERSTAND THIS IS A SMALL COUNTY AND IMPROVEMENT IS

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 NEEDED, BUT I HOPE THAT OTHERS WON'T READ SOMETHING INTO
2 THIS THAT DOESN'T EXIST, YOU KNOW, AS AN EXCUSE.

3 MR. VLACH: MR. EGIGIAN, THE EXECUTIVE OFFICER
4 PREVIOUSLY HAS SENT OUT A LETTER TO ALL THE LEA'S
5 ADVISING THEM OF THEIR NEW RESPONSIBILITIES. AND STAFF
6 HAS BEEN ATTENDING THE VARIOUS WORKSHOPS THAT THE BOARD
7 HAS PUT ON, ADVISING THOSE IN ATTENDANCE FROM LOCAL
8 GOVERNMENT AND MANY LEA'S ABOUT THE NEW REQUIREMENTS OF
9 THE LEGISLATION AND THE PROPOSED REGULATIONS. WE'VE
10 CONDUCTED SEVERAL WORKSHOPS ALREADY ON THE PROPOSED
11 REGULATIONS, AND SO I THINK WE'RE TRYING TO GET THE
12 MESSAGE OUT THERE; AND IF THERE'S MORE THAT WE CAN DO, WE
13 CERTAINLY WILL DO THAT.

14 BOARD MEMBER EGIGIAN: WELL, I'M SURE THAT
15 STAFF'S RECOMMENDATION IS WELL TAKEN HERE. AND THAT,
16 HOPEFULLY, THE NEED TO IMPROVE WILL CHANGE, AND WE'LL GET
17 SOME GOOD RESULTS OUT OF THIS THING IN THE FUTURE, BUT
18 I'M TROUBLED BY IT. I DON'T KNOW HOW TO REACT TO IT. IT
19 SEEMS AS THOUGH THERE'S SOMETHING MISSING THAT MAYBE WE
20 LACK IN DOING OUR JOB, AND I NEED SOME MORE TIME TO KICK
21 THIS THING AROUND.

22 MR. VLACH: ONE THING THAT I THINK THE STAFF, AS
23 MR. MILLER POINTED OUT, I THINK ONE -- THE EXTRA STEP
24 THAT WE CAN TAKE, THE EXTRA MILE WE CAN GO IS WHETHER OR
25 NOT, PARTICULARLY WHEN WE HAVE ONE OF THESE SITUATIONS

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 WHERE THERE'S IMPROVEMENT NEEDED, WE WILL MEET WITH THE
2 LEA AT LEAST ONE OR TWO MORE TIMES BEFORE WE BRING THIS
3 MATTER TO THE BOARD, EXPLAIN THE DEFICIENCIES TO THEM IN
4 DETAIL, AND OFFER THEM ANY KIND OF TECHNICAL ASSISTANCE
5 THAT WE CAN IN TERMS OF TRAINING, PARTICULARLY IN
6 TRAINING, SO THAT THE PROCESS BECOMES MORE OF A
7 CONSTRUCTIVE PROCESS IN THEIR MINDS. I THINK THAT'S WHAT
8 WE ALWAYS HAD IN MIND. BECAUSE THE PROGRAM IS NEW, WE
9 ARE TRYING TO WORK TOWARDS THAT GOAL, AND WE CERTAINLY
10 WILL BE DOING THAT IN THE FUTURE.

11 BOARD MEMBER EGIGIAN: I'M GOING TO GO ALONG
12 WITH STAFF'S RECOMMENDATION PERSONALLY UNTIL WE'VE HAD
13 TIME TO GET INTO THIS THING AND STUDY IT A LITTLE DEEPER.

14 MR. MILLER: I'D LIKE TO MAKE ONE MORE POINT
15 THAT I THINK IS IMPORTANT. IF WE WENT OUT TO THE
16 COUNTIES NOW AND GAVE ACCEPTABLE RATINGS TO COUNTIES
17 WHERE THINGS WEREN'T UP TO THE LEVEL OF WHAT THEY'RE
18 GOING TO HAVE TO BE COME AUGUST 2D, 1992, WE'D REALLY BE
19 SENDING OUT THE WRONG MESSAGE, AND WE WOULD BE HAVING
20 MORE PROBLEMS THEN. WE HAVE TO CONFRONT THIS SOONER OR
21 LATER; AND IF WE LET IT GO BY --

22 CHAIRMAN HUFF: BETTER TO KNOW NOW.

23 MR. MILLER: -- BETTER TO KNOW NOW.

24 BOARD MEMBER CHESBRO: WITH REGARDS TO WHETHER
25 OR NOT -- THE QUESTION OF WHETHER OR NOT IMPROVEMENT

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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

Barristers'
reporting service

1 NEEDED IS SOME KIND OF A REBUKE OR STINGING ATTACK, I
2 THINK THE LEA'S NEED TO BE REMINDED THAT THERE IS A NEW
3 LEVEL OF REQUIREMENT AND SCRUTINY. AND SO IT'S NOT TO
4 SAY THAT WHAT YOU'VE BEEN DOING -- THEY HAVE BEEN DOING
5 DOESN'T MEET WHAT WAS EXPECTED OF THEM. IT'S TO SAY THAT
6 THERE'S A NEW LEVEL OF PERFORMANCE EXPECTED UNDER THE LAW
7 AND UNDER THIS BOARD'S POLICY.

8 AND SO THEY NEED TO BE PREPARED TO MEET
9 THAT. AND SO TO THE EXTENT WE SAY IMPROVEMENT NEEDED,
10 THAT MEANS THAT THERE IS GREATER SCRUTINY AND A HIGHER
11 STANDARD AND HIGHER EXPECTATION, AND IT'S NOT, I DON'T
12 THINK -- I MEAN, THERE'S AN UNACCEPTABLE CATEGORY THAT
13 IS, I THINK, VIEWED AS THE ONE THAT HAS A DEFINITE
14 NEGATIVE. I THINK THE IMPROVEMENT NEEDED IS, AGAIN, A
15 TOOL, AN ATTEMPT TO WORK WITH THE LEA TO UPGRADE AND
16 IMPROVE AND MEET THE NEW LEVEL OF STANDARDS AND SCRUTINY
17 THAT EXISTS IN THE LAW AND IN THIS BOARD'S POLICY.

18 I'M SUPPORTIVE OF THE STAFF'S EFFORT, IF
19 NOT MAYBE THE SPECIFICS OF WHAT TOOK PLACE IN THIS
20 INSTANCE, WHICH WE WEREN'T PARTY TO, AND I THINK THERE
21 MAY BE SOME GREATER SENSITIVITY NOW ON OUR STAFF'S PART
22 TO HOW WE GO ABOUT COMMUNICATING WITH THE LEA OVER THIS
23 EVALUATION. BUT I WANT TO STATE VERY STRONGLY THAT I
24 SUPPORT THE USE OF THIS RATING AS A TOOL TO COMMUNICATE
25 WITH THE LEA'S AND TO LET THEM KNOW WHAT NEEDS TO BE DONE

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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

Barristers'
reporting service

1 TO CONTINUE AS A CERTIFIED LEA.

2 CHAIRMAN HUFF: OKAY. ANYTHING FURTHER TO ADD?
3 DOES THE LEA WISH TO ADDRESS US?

4 MR. WINSTON: MR. CHAIRMAN AND MEMBERS OF YOUR
5 COMMITTEE, MY NAME IS MARTIN WINSTON. I'M THE
6 ENVIRONMENTAL HEALTH DIRECTOR FOR LAKE COUNTY, AND
7 SITTING TO MY SIDE IS RAY RUMINSKI, WHO IS ON OUR STAFF.

8 I'VE HANDED OUT A LETTER WHICH I WOULD LIKE
9 TO READ INTO THE RECORD AND DISCUSS TO SOME DEGREE.

10 LAKE COUNTY DIVISION OF ENVIRONMENTAL
11 HEALTH IS A DIVISION OF THE LAKE COUNTY HEALTH
12 DEPARTMENT. WE ARE THE LOCAL ENFORCEMENT AGENCY OR THE
13 LEA FOR THE ENTIRE COUNTY OF LAKE AND ITS TWO
14 INCORPORATED CITIES. WE HAVE HAD THAT DESIGNATION SINCE
15 1977.

16 OVER THE PAST 14 YEARS WE'VE ENJOYED A
17 POSITIVE AND PRODUCTIVE WORKING RELATIONSHIP WITH YOUR
18 STAFF. WE ARE SURE THAT THIS KIND OF RELATIONSHIP WILL
19 CONTINUE.

20 I MAKE THIS STATEMENT BECAUSE WE'RE
21 COMMITTED TO DOING WHATEVER IS NECESSARY TO SATISFY THE
22 DIRECTION OF YOUR BOARD IN CARRYING OUT STATE LAW,
23 REGULATION, AND SUBSEQUENT POLICIES AND PROCEDURES.

24 CURRENTLY WE'RE KIND OF IN AN INTERIM
25 PERIOD OF DEVELOPMENT UNDER NEW STATE LAW, BASICALLY 939,

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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

Barristers'
reporting service

1 FOR YOUR STAFF, US, AND OTHER LEA'S THROUGHOUT THE STATE.
2 BECAUSE OF THIS, ALL OF US ARE ENCOUNTERING SOME
3 PROBLEMS. GROWING PAINS DO HAVE PROBLEMS, BUT WE LOOK
4 FORWARD TO THE TIME WHEN WE CAN WORK IN A SETTING THAT
5 WE'RE USED TO, MORE COMFORTABLE WITH, AND WITHOUT HAVING
6 THE PROBLEMS THAT WE'RE CURRENTLY CONFRONTING.

7 ON JANUARY 18, 1991, MR. RAYMOND RUMINSKI
8 OF LAKE COUNTY ENVIRONMENTAL HEALTH, DON CARGILL, LAKE
9 COUNTY PUBLIC WORKS, AND MYSELF MET WITH THE REVIEW STAFF
10 OF YOUR BOARD. WE DISCUSSED A NUMBER OF ISSUES; HOWEVER,
11 ONE OF THE ISSUES THAT I MENTIONED SEVERAL TIMES DURING
12 OUR DISCUSSION RELATIVE TO THE EVALUATION THAT WAS COMING
13 UP WAS THAT IF THERE WERE ANY PROBLEMS, PLEASE LET ME
14 KNOW. PLEASE SEEK ME OUT. PLEASE COME TO GET ME. CAN I
15 HELP IN ANY WAY. I MENTIONED THAT SEVERAL TIMES DURING
16 THAT MEETING AND CONCLUDED WITH THAT STATEMENT.

17 OUR OFFICE BASICALLY AGREES WITH THE
18 MAJORITY OF FINDINGS ON YOUR STAFF'S FACILITY EVALUATION
19 REPORT REGARDING THE SOLID WASTE FACILITIES OF LAKE
20 COUNTY; HOWEVER, WE TAKE MAJOR EXCEPTION ABOUT OUR
21 EVALUATION. AND PERHAPS IT'S NOT SO MUCH THE IMPROVEMENT
22 NEEDED, BUT SOME OF THE DIALOGUE THAT WENT ALONG WITH IT.

23 FURTHERMORE, IT'S FELT THAT THE EVALUATION
24 PROCESS THAT CURRENTLY WAS USED -- AND I'M PLEASSED TO
25 HEAR THIS MORNING THAT IT'S GOING TO CHANGE -- DOESN'T

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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

Barristers'
reporting service

1 PROVIDE US AN OPPORTUNITY AT THE LOCAL LEVEL TO DISCUSS
2 THE FINDINGS OF STAFF'S EVALUATION.

3 WE ARE REGULATORS. WE ARE INVOLVED IN
4 ABOUT 13 AREAS WITHIN OUR COUNTY, AS MOST LOCAL LEA'S ARE
5 IF THEY'RE AN ENVIRONMENTAL HEALTH UNIT, AND WE DO QUITE
6 A BIT OF REGULATING. AND PART OF THE PROCESS THAT'S
7 REALLY KEY TO MAKING IT A SUCCESSFUL PROCESS IS YOU GO
8 IN, YOU DO YOUR INSPECTION, AND THEN YOU DON'T GO BACK TO
9 YOUR OFFICE AND WRITE OUT A REPORT AND SEND A COPY OF
10 THAT REPORT TO THE CORPORATE HEADQUARTERS FOR WHOM YOU'VE
11 DONE THE INSPECTION FOR.

12 WHAT YOU DO IS YOU SIT DOWN WITH THE
13 OPERATOR OF THAT FACILITY AND YOU GO OVER THE INSPECTION
14 WITH THEM. AND MANY TIMES CERTAIN OBSERVATIONS THAT
15 STAFF MAY MAKE REALLY ARE NOT APPROPRIATE ONCE YOU HEAR
16 THE EXPLANATION ON THE PART OF THE OPERATOR.

17 SO I'M THRILLED TO HEAR THAT THE PROCESS IN
18 THE FUTURE, WHEN EVALUATIONS ARE BEING CONDUCTED, IS
19 GOING TO INVOLVE SOMEWHAT OF AN EXIT INTERVIEW TO AT
20 LEAST GET THE POSITION OF THE PEOPLE BEING INSPECTED.

21 I THINK IT'S IMPORTANT AT THAT POINT ALSO
22 TO LET THEM KNOW WHAT YOUR BOARD'S STAFF'S FEELINGS ARE
23 AND OVER -- AND THEIR EVALUATION AT THAT POINT IS OF
24 THEM. I THINK AT THAT POINT, IF IT'S A NEGATIVE
25 EVALUATION -- AND IMPROVEMENT NEEDED IS SOMEWHAT

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997

Barristers'
reporting service

1 NEGATIVE -- THAT AN EXPLANATION CAN BE MADE TO THE OTHER
2 PEOPLE IN THE COMMUNITY SO THEY UNDERSTAND WHAT THAT
3 RATING MEANS AND WHAT IT CONNOTATES.

4 WE WERE SENT A LETTER, WITH A C.C. TO OUR
5 BOARD OF SUPERVISORS, INDICATING IMPROVEMENT NEEDED AND
6 SOME OTHER DIALOGUE IN THE LETTER WHICH WAS REALLY
7 DETRIMENTAL TO US IN OUR EFFORT. WE THINK IT ALL COULD
8 HAVE BEEN DONE A LOT SMOOTHER AND WITH A LOT LESS IN THE
9 WAY OF CREATING AN ADVERSARY SITUATION, WHICH I THINK IS
10 CURRENTLY DEVELOPING, AND I'M REALLY UPSET WITH THAT.

11 BECAUSE OF THE EVALUATION THAT TOOK PLACE,
12 A LETTER WAS GENERATED TO ME. THE LETTER WAS ADDRESSED
13 AND SENT TO ME; HOWEVER, BEFORE I RECEIVED THIS LETTER,
14 IT WAS FAX'D TO THE LAKE COUNTY PUBLIC WORKS DEPARTMENT,
15 THE OPERATOR OF OUR LANDFILL AND TRANSFER STATION. ALSO,
16 THAT MORNING, WHICH WAS THE MORNING OF MARCH 25TH, I
17 RECEIVED AN AGENDA OF THIS MEETING TODAY AND SAW LAKE
18 COUNTY ON THE AGENDA, AND I HAD NO IDEA THAT WE WERE ON
19 THE AGENDA OR KNEW WHY WE SHOULD BE ON THE AGENDA.

20 PUBLIC WORKS IN LAKE COUNTY CALLED US AND
21 SAID WE GOT PROBLEMS, AND I HAD NO IDEA THAT WE HAD
22 PROBLEMS. I HAD NO IDEA A LETTER WAS SENT. I HAD NO
23 IDEA THAT THE AGENDA ITEM FOR TODAY, WE WERE INCLUDED ON
24 THAT. NONE OF THAT WAS COMMUNICATED TO US. THERE WAS NO
25 DIALOGUE.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 I THINK OF US AS THE LEA AND YOUR BOARD
2 STAFF HAS A TEAM. WE'RE HERE TO ACCOMPLISH THE SAME
3 GOALS, AND WE'RE COMMITTED TO THOSE GOALS. BUT I REALLY
4 FELT AS IF YOUR STAFF KIND OF WENT OFF ON THEIR OWN AND
5 TREATED US AS IF WE WERE A BAD ACTOR, AND I HAVE PROBLEMS
6 WITH THAT.

7 MR. BELL'S LETTER WAS COPIED TO THE LAKE
8 COUNTY BOARD OF SUPERVISORS. WE, AS THE LEA, WERE NEVER
9 GIVEN A CHANCE TO COMMENT ON THE REVIEW IN WHICH WE WERE
10 EVALUATED AS IMPROVEMENT NEEDED. IT IS INAPPROPRIATE,
11 UNFAIR, AND NOT SOMETHING THAT PROMOTES A POSITIVE
12 WORKING RELATIONSHIP TO CRITICIZE US PRIOR TO HEARING OUR
13 POINT OF VIEW.

14 THE CRITICISM WAS DONE BY STAFF WITH NOT A
15 WHOLE LOT OF EXPERIENCE AND THEN WAS SIGNED OFF BY MORE
16 EXPERIENCED STAFF THAT SHOULD HAVE EVALUATED THE
17 SITUATION BEFORE REACTING IN THE MANNER THAT THEY DID.

18 MR. BELL'S LETTER STATED THAT OUR RATING
19 WAS BASED UPON OUR FAILURE TO CONDUCT AN INSPECTION OF
20 THE EASTLAKE LANDFILL IN CONJUNCTION WITH YOUR STAFF AND
21 FAILURE TO SUBMIT COPIES OF OUR MONTHLY INSPECTION
22 REPORTS WITHIN 30 DAYS AND THE DIFFERENCE BETWEEN THE
23 RESULTS OF YOUR BOARD STAFF'S INSPECTION OF THE EASTLAKE
24 LANDFILL AND THE RESULTS OF INSPECTIONS CONDUCTED BY US
25 OVER THE PAST YEAR.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 FURTHERMORE, THE LETTER INDICATED THAT THEY
2 ARE RECOMMENDING THAT YOUR BOARD WARN US IF OUR
3 PERFORMANCE DOES NOT IMPROVE, THAT OUR REDESIGNATION WILL
4 NOT BE APPROVED.

5 AFTER SPENDING THE ENTIRE DAY WITH YOUR
6 STAFF ON JANUARY 31ST, MR. RAY RUMINSKI OF OUR STAFF TOLD
7 YOUR STAFF THAT HE'D MEET THEM AT THE LANDFILL AFTER THEY
8 ARRIVED THE NEXT MORNING. THEY DID NOT COMPLAIN ABOUT
9 THAT ARRANGEMENT. MR. RUMINSKI ARRIVED AT THE LANDFILL
10 ON 9:30 ON FEBRUARY 1ST. HE THEN MET UP WITH YOUR STAFF
11 A LITTLE BIT BEFORE TEN AND TOOK THEM AROUND AND ANSWERED
12 ALL THEIR QUESTIONS FOR ABOUT TWO AND A HALF HOURS, NOT
13 AN HOUR AS INDICATED BY YOUR STAFF.

14 THEY SEEM SATISFIED WITH HIS INPUT, AND
15 THEN HE PROCEEDED TO GO ABOUT HIS ROUNDS, WHICH IS TO
16 TAKE SAMPLES AT THE MONITORING WELLS AT THE SITE FOR
17 ABOUT ANOTHER TWO HOURS. THIS WAS DONE IN THE PRESENCE
18 OF YOUR BOARD STAFF; HOWEVER, THEY KNEW HE WAS THERE AND
19 IF THEY NEEDED ANYTHING, HE WAS AVAILABLE. THEY DID NOT
20 COMPLAIN ABOUT THIS ARRANGEMENT NOR SEEK HIM OUT FOR
21 HELP; THEREFORE, OUR OFFICE DID ACCOMPANY YOUR STAFF ON
22 THE INSPECTION. WE CERTAINLY WERE NOT THERE WITH YOUR
23 STAFF THROUGH THE ENTIRE INSPECTION; HOWEVER, IF THIS IS
24 A PROBLEM, IT WAS NEVER ARTICULATED TO MR. RUMINSKI OR
25 MYSELF. OTHERWISE, IT COULD HAVE BEEN CORRECTED.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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

Barristers'
reporting service

1 WE SHOULD NOT BE EXPECTED TO ANTICIPATE THE
2 DESIRES OF YOUR STAFF. THEY MUST TELL US WHAT THEY WANT.
3 THAT DID NOT TAKE PLACE.

4 WE AGREE TO THE FACT THAT DURING 1990 OUR
5 OFFICE DID NOT CONVEY INSPECTION REPORTS IN A TIMELY
6 MANNER TO YOUR STAFF. THE REQUIRED INSPECTIONS WERE
7 DONE, WHICH I THINK IS TO OUR CREDIT. WE SHOULD HAVE
8 CONVEYED THE REPORTS TO YOU; WE DID NOT. THAT WILL BE
9 CORRECTED, AND IT WILL NOT BE A PROBLEM AGAIN IN THE
10 FUTURE.

11 IT WOULD HAVE BEEN HELPFUL, HOWEVER, IF
12 DURING THAT YEAR WE WERE TOLD THAT THE INSPECTION REPORTS
13 WERE NOT COMING IN BECAUSE WE COULD HAVE CORRECTED IT.
14 IT SHOULDN'T HAVE WAITED UNTIL YOUR STAFF CAME AND
15 VISITED US AND THEN CRITICIZED US FOR A WHOLE YEAR OF NOT
16 GETTING THE FORMS. THAT WAS NEVER COMMUNICATED TO US
17 DURING 1990.

18 THUS FAR, WE -- IN MR. BELL'S LETTER WE'VE
19 BEEN GIVEN THE RATING OF IMPROVEMENT NEEDED BASED UPON
20 OUR INSPECTION REPORTS WHICH DID NOT COME IN A TIMELY
21 MANNER, BASED UPON US NOT ACCOMPANYING YOUR STAFF. I'LL
22 AGREE WITH THE FIRST ONE; I WILL NOT AGREE WITH THE
23 SECOND ONE.

24 AND WITH REFERENCE TO DIFFERENCE BETWEEN
25 OUR INSPECTION REPORTS, AS THE THIRD ITEM REFERENCED IN

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 MR. BELL'S LETTER, I HAVE A PROBLEM WITH THAT ALSO.
2 THERE WAS ONLY A DIFFERENCE OF THREE ITEMS. FIVE ITEMS
3 WERE LISTED IN VIOLATION AT THE LANDFILL. ONE WAS
4 LITTER. WE NOTED LITTER ON OUR PREVIOUS INSPECTION
5 REPORTS. WE'RE OUT THERE EVERY MONTH. AND THEY SHOW UP
6 ONCE A YEAR; AND IF THERE'S A DIFFERENCE BETWEEN
7 INSPECTION REPORTS, I DON'T THINK IT SHOULD BE TYPICAL
8 PROCEDURE TO CRITICIZE US.

9 IF THEY'RE IN A POSITION TO OBSERVE WHAT
10 HAPPENS EVERY DAY AND SAY THAT OUR INSPECTION REPORTS ARE
11 INCORRECT, THEN IT WOULD BE APPROPRIATE. BUT ON ITEMS
12 THAT THEY CAN'T SAY WERE OR WERE NOT DURING THE YEAR,
13 BASICALLY THEY'RE SAYING BECAUSE OF THE DIFFERENCE, THEY
14 DON'T TRUST US OR THEY DON'T FEEL OUR STAFF IS ADEQUATELY
15 TRAINED TO PICK UP THE THINGS THAT THEY PICKED UP. AND I
16 DON'T THINK EITHER REALLY IS APPROPRIATE.

17 WE NOTED A LITTER PROBLEM AND A COVER --
18 AND COVER WAS NEVER A PROBLEM ON PREVIOUS INSPECTIONS.
19 WE HAD SOME DIFFICULTY WHEN THEY WERE THERE WITH SOME
20 EQUIPMENT, WHICH I BELIEVE IN PREVIOUS DIALOGUE WAS
21 INDICATED THAT THE COVER IS NO LONGER A PROBLEM, WAS
22 NEVER A PROBLEM PRIOR TO THEM BEING THERE. THE OPERATOR
23 HAS GOTTEN NEW EQUIPMENT, AND IT IS NO LONGER A PROBLEM.
24 IT WAS JUST A ONE-TIME PROBLEM. AGAIN, IT WAS CITED AS A
25 DIFFERENCE BETWEEN OUR INSPECTION REPORTS OF THE PREVIOUS

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 YEAR AND THE ONE DONE BY YOUR STAFF.

2 IT, THEREFORE, APPEARS AS IF THE
3 RECOMMENDATION TO YOUR BOARD TO WARN US TO SIGNIFICANTLY
4 IMPROVE -- AND I HAVE A PROBLEM WITH SIGNIFICANTLY
5 IMPROVE -- OUR PERFORMANCE, OR WE NOT BE REDESIGNATED IS
6 BASED UPON US NOT SENDING OUR INSPECTION REPORTS ON A
7 MONTHLY BASIS AND A POSSIBLE DIFFERENCE OF THREE ITEMS ON
8 OUR INSPECTION REPORTS AND US NOT ACCOMPANYING YOUR STAFF
9 FOR THE FULL INSPECTION WHEN THEY DID NOT TELL US TO DO
10 THAT. DOES THIS SEEM APPROPRIATE? IT'S NOT EVEN CLOSE
11 TO BEING REASONABLE TO COME TO THIS CONCLUSION, AND IT
12 SHOULD HAVE BEEN DISCUSSED WITH US.

13 I THINK IF IT WAS DISCUSSED WITH US AT AN
14 EXIT INTERVIEW, WE COULD HAVE IRONED OUT A LOT OF THESE
15 THINGS AND IT WOULDN'T BE NECESSARY FOR US TO BE HERE
16 TODAY DEBATING THINGS THAT SHOULD HAVE BEEN TAKEN CARE OF
17 LOCALLY.

18 WITH REFERENCE TO THE REST OF THE FER, THE
19 FOLLOWING IS OFFERED: MORRISON CREEK DUMP, THIS OFFICE
20 WILL PURSUE AN AGGRESSIVE ENFORCEMENT ACTION OVER THE
21 NEXT SEVERAL MONTHS. FURTHERMORE, THIS OFFICE WILL KEEP
22 YOUR STAFF UPDATED ON THE EFFORT.

23 ON OUR CLOSED FACILITIES, I DON'T KNOW WHAT
24 KIND OF DIRECTION WE'RE BEING GIVEN. SEEMS TO BE UNCLEAR
25 AT THIS TIME WHAT NEEDS TO BE DONE. IF YOUR STAFF WILL

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701
LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

Barristers'
reporting service

1 PROVIDE US WHAT THEY WOULD LIKE US TO DO WITH REFERENCE
2 TO FREQUENCY OF INSPECTION AND THE TYPE OF ACTION WE TAKE
3 ON CLOSED FACILITIES, WE'LL BE MORE THAN HAPPY TO FOLLOW
4 THAT. I UNDERSTAND THAT POLICY IS IN THE PROCESS OF
5 BEING PUT TOGETHER.

6 IN YOUR REPORT OR IN THE FER, THE VERY
7 SERIOUS CRITICISM IS MADE WHICH IS NOT TRUE. IT WAS
8 INDICATED THAT THE LEA WAS LESS THAN COOPERATIVE IN
9 IDENTIFYING, LOCATING, AND VISITING CLOSED, ILLEGAL, AND
10 ABANDONED SITES IN THE COUNTY.

11 FIRST OF ALL, THE LEA IS NOT RAYMOND
12 RUMINSKI. MR. RUMINSKI IS A MEMBER OF THE ENVIRONMENTAL
13 HEALTH STAFF. IF ANY PROBLEMS WERE ENCOUNTERED WITH MR.
14 RUMINSKI, IT SHOULD HAVE BEEN BROUGHT TO MY ATTENTION.
15 THAT DID NOT TAKE PLACE. HOWEVER, ACCORDING TO MR.
16 RUMINSKI, HE FULFILLED ALL THE REQUESTS OF YOUR STAFF.
17 HE NEVER DENIED ANY OF THEIR REQUESTS.

18 AGAIN, IF THEY WANTED SOMETHING AND DIDN'T
19 ASK FOR IT, WE CAN'T BE RESPONSIBLE FOR THEIR UNFULFILLED
20 EXPECTATIONS. TO THEN LABEL US AS LESS THAN COOPERATIVE
21 WARRANTS AN APOLOGY ON THE PART OF YOUR STAFF TO US.

22 THE ONLY OTHER COMMENT THAT NEEDS TO BE
23 MADE IS IN RESPONSE TO THE FOLLOWING STATEMENT: IT IS
24 QUESTIONABLE AS TO WHETHER THE LEA HAS ADEQUATE STAFF TO
25 ADEQUATELY IMPLEMENT ITS ENFORCEMENT PROGRAM. THE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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

Barristers'
reporting service

1 CURRENT LEVEL OF IMPLEMENTATION IS UNLIKELY TO MEET
2 PROPOSED LEA REDESIGNATION.

3 THAT VERBIAGE WAS SENT TO OUR BOARD OF
4 SUPERVISORS. HOW CAN THE -- THAT QUESTION BE ASKED
5 WITHOUT FIRST ASKING MANAGEMENT OF THE OFFICE, WHICH
6 NEVER TOOK PLACE, ABOUT OUR STAFF LEVELS AND ABOUT OUR
7 FINANCES AND ABOUT OUR RESOURCES? THAT STATEMENT, AS
8 STAFF INDICATED EARLIER, NEEDS TO BE SOMETHING THAT COMES
9 OUT OF THE LEA EVALUATION TEAM, WHICH IS YET TO COME TO
10 OUR OFFICE. AND IT'S PREMATURE PARTICULARLY ON THEIR
11 PART AND PARTICULARLY WHEN IT'S DONE IN AN UNFOUNDED WAY.

12 ON THAT PARTICULAR STATEMENT, WHICH WE
13 CONSIDER TO BE VERY DEROGATORY, WE ASK THAT THAT BE
14 STRICKEN FROM THE REPORT.

15 I AT THIS TIME WOULD LIKE TO TURN THE MIKE
16 OVER TO MR. RUMINSKI. A COUPLE OF STATEMENTS WERE MADE
17 THAT HE WOULD LIKE TO CORRECT, AND THEN I HAVE THE LAKE
18 COUNTY OPERATOR OF THE TRANSFER STATION AND THE LANDFILL.
19 AND WITH REFERENCE TO THE FIVE ITEMS THAT WERE LISTED IN
20 VIOLATION -- AND I REALLY DIDN'T GO INTO THEM MUCH IN MY
21 LETTER OTHER THAN WE DISAGREE WITH SEVERAL OF THEM -- I'D
22 LIKE TO HAVE HIM COME FORTH AND PRESENT HIS POINT OF
23 VIEW. MR. RUMINSKI.

24 MR. RUMINSKI: JACK, THANK YOU. THANK YOU FOR
25 SHARING YOUR VIEWPOINT.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 I'VE BEEN WORKING IN THIS CAPACITY TO SOME
2 EXTENT SINCE SPRING OF '85 IN LAKE COUNTY. AND I THINK
3 JACK WAS CORRECT IN HIS EVALUATION THAT IN THE PAST WE'VE
4 BEEN VERY COOPERATIVE TO THE BOARD STAFF IN THEIR WORK
5 AND IN THEIR INVESTIGATIONS, AND WE'VE BEEN MORE THAN
6 WILLING TO BENEFIT FROM THEIR WISDOM AND EXPERIENCE.

7 HE WASN'T CORRECT IN HIS EVALUATION THAT
8 THAT'S CHANGED AT THIS TIME. WE'RE STILL WILLING TO
9 COOPERATE IN ANY WAY WITH YOUR STAFF ON WHATEVER THEIR
10 REASONABLE GOALS ARE, AND WE'RE STILL WILLING TO BENEFIT
11 FROM YOUR STAFF'S WISDOM AND EXPERIENCE ON THESE -- YOU
12 KNOW, ON THEIR SOLID WASTE PROGRAMS, WHETHER ENFORCEMENT,
13 PERMITTING, CLOSURE, OR ANY OTHER PROGRAMS THAT YOU DEAL
14 WITH.

15 THERE'S SOME INACCURATE STATEMENTS BOTH IN
16 THE DISCUSSION AND IN THE WRITTEN REPORTS. I THINK I'M
17 NOT UNDERSTANDING CLEARLY THE BOARD'S WISHES AND THE
18 BOARD'S COMMUNICATION TO US. I WOULD REQUEST THAT THE
19 BOARD STAFF BE AS SPECIFIC AS POSSIBLE AND NOT SPEAK IN
20 GENERAL TERMS.

21 THEY DID INFORM ME AND I UNDERSTOOD THE
22 CODE REQUIRED BOARD STAFF TO ACCOMPANY AN LEA ON A
23 FACILITIES INSPECTION. I THOUGHT THAT'S WHAT WE WERE
24 DOING. I WAS NOT UNDER THE UNDERSTANDING THAT THEY
25 WANTED ME AT THE LANDFILL AT 7 O'CLOCK ON FRIDAY MORNING

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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

Barristers'
reporting service

1 1ST FEBRUARY.

2 I BELIEVE THAT IF WE'RE CAREFUL, WE CAN
3 COMMUNICATE CLEARLY AND WE CAN CLEAR THESE THINGS UP IN
4 THE FUTURE, BUT I BELIEVE IT WAS A MISINTERPRETATION ON
5 YOUR BOARD STAFF TO EVALUATE US AS LESS THAN COOPERATIVE.
6 THAT'S NEVER BEEN OUR ATTITUDE AND IT ISN'T NOW.

7 WHEN WE WERE VISITING CLOSED AND ABANDONED
8 SITES, I WAS UNDER THE UNDERSTANDING THAT THE BOARD STAFF
9 HAD A SPECIFIC LIST AND A SPECIFIC AGENDA. I ASKED THEM
10 WHAT THEY WANTED; AND WHEN THEY TOLD ME, I TOOK THEM TO
11 THOSE SITES.

12 JACK MENTIONED 15 OTHER SITES THAT THE
13 BOARD STAFF IDENTIFIED. WELL, THEY IDENTIFIED THOSE
14 SITES BY REVIEWING DOCUMENTS THAT I HANDED THEM. WE'RE
15 NOT TRYING TO COVER ANYTHING UP. WE'RE TRYING TO RESPOND
16 TO THE SPECIFIC DIRECTION OF THE BOARD STAFF.

17 THERE'S A FEW OTHER EXAMPLES OF SOME
18 INACCURATE STATEMENTS IN THE BOARD'S REPORT THAT WE COULD
19 HAVE CLEARED UP WITH A REVIEW AND COMMENT PROCESS. SOME
20 OF THEM ARE -- WELL, SOME OF THEM ARE NOT THAT SPECIFIC
21 LANDFILL OPERATIONS, SUCH AS YOU GUYS ARE UNDER THE
22 UNDERSTANDING THAT GEOTHERMAL ENERGY PRODUCTION IS THE
23 NO. 1 INDUSTRY IN LAKE COUNTY. IT'S NOT. AGRICULTURE IS
24 AND GROWING, AND GEOTHERMAL IS SECOND AND DECLINING. AND
25 WE COULD, YOU KNOW, COVER THAT. WE COULD COVER A FEW

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 TYPOS, SUCH AS THE WRONG DATE OF THE MEETING, AND WE
2 COULD MAKE IT A HIGH QUALITY, ACCURATE REPORT AS WELL AS
3 COMMENT ON THE SPECIFIC AREAS THAT WE FEEL WE WERE
4 MISJUDGED ON.

5 MR. WINSTON: I DON'T KNOW IF IT'S APPROPRIATE
6 TO HAVE THE OPERATOR IN TO DISCUSS THE FIVE VIOLATIONS,
7 BUT IF YOUR BOARD WOULD LIKE, MR. CARGILL IS HERE. I
8 THINK WE CLEARLY MADE OUR POSITION. WE FEEL THAT WE WERE
9 NOT TREATED AS PART OF THE TEAM, AND WE FEEL THAT TODAY'S
10 EXERCISE COULD HAVE BEEN AVOIDED IF WE COULD HAVE SAT
11 DOWN WITH YOUR STAFF WHEN THEY VISITED US IN LAKE COUNTY.

12 AND I'M THRILLED TO HEAR THAT'S GOING TO BE
13 A POLICY IN THE FUTURE, AND I DON'T MIND BEING A GUINEA
14 PIG IF THE PROCESS CAN BE IMPROVED, BUT YOU STILL WIND UP
15 WITH A FEW SCARS, AND I'M CONCERNED WITH THE WAY THINGS
16 TOOK PLACE, AND I'M CONCERNED WITH THE COMMUNICATION THAT
17 WAS SENT TO THE LAKE COUNTY BOARD OF SUPERVISORS.

18 MR. RUMINSKI: IN REQUESTING SPECIFIC DIRECTION
19 ON THIS FROM THE BOARD STAFF, JACK MENTIONED A DOCUMENT
20 CALLED A PROGRAM MANUAL OR A FACILITIES INSPECTION MANUAL
21 THAT BOARD STAFF BELIEVES THEY DELIVERED TO US. I DON'T
22 REMEMBER EVER RECEIVING THAT OR READING THAT. THEY SAID
23 IT WAS AVAILABLE AT OUR JANUARY 18TH MEETING AND THAT
24 JEFF HACKETT DELIVERED ME A COPY AT THE LANDFILL ON
25 FEBRUARY 1ST. I'M NOT FAMILIAR WITH THAT DOCUMENT. I

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



barristers'
reporting service

1 DON'T BELIEVE I'VE EVER SEEN IT.

2 I DO HAVE A COPY OF ANOTHER DOCUMENT FROM
3 YOUR STAFF CALLED A "PERMITTING MANUAL" OR "PERMITTING
4 DESK MANUAL," AND IN THE WORK WE DO IN THAT PROGRAM, I
5 FIND THAT DOCUMENT VERY HELPFUL, SO I'M SURE THIS OTHER
6 MANUAL WOULD BE VALUABLE TO US, AND I'D LIKE TO HAVE THE
7 BENEFIT OF IT, AND I DON'T HAVE A COPY.

8 BOARD MEMBER EGIGIAN: MR. CHAIRMAN, I'VE BEEN
9 LISTENING HERE, TRYING TO FIND WHETHER OR NOT I
10 UNDERSTAND EVERYTHING THAT'S HAPPENING HERE. AND I FIND
11 A LOT OF CRITICISM OF OUR STAFF, AND THAT DOESN'T SIT TOO
12 WELL WITH ME BECAUSE I'VE BEEN HERE SINCE JULY AND I'VE
13 SEEN THESE PEOPLE WORK. AND THEY'RE VERY COMPETENT AND
14 THE TYPE OF PEOPLE THAT GO OUT OF THEIR WAY TO AVOID A
15 CONFRONTATION. THEY'RE ALWAYS -- THEY'RE ALWAYS GOING
16 EASIER ON THE SITUATION THAN I READ A REPORT OR READ A
17 LETTER, I WISH THAT THEY HAD BEEN A LITTLE TOUGHER ON THE
18 SITUATION.

19 I FIND THAT THERE'S A DENIAL ON YOUR PART
20 ON WHETHER OR NOT EVERYTHING IN THIS REPORT IS TRUE, AND
21 I FIND -- AGAIN, LIKE I SAY, I FIND THAT HARD TO BELIEVE,
22 KNOWING THE STAFF AND HAVE WORKED WITH THEM FOR QUITE
23 SOME TIME NOW.

24 I WOULD LIKE TO SEE THIS THING RESOLVED;
25 HOWEVER, IN MY MIND, READING THE REPORT, IT APPEARS TO ME

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701
LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

Barristers'
reporting service

1 THAT WHOEVER WAS IN CHARGE OR WHOEVER WAS DOING THE JOB
2 WAS NOT REALLY INTERESTED IN GETTING TO THE BOTTOM OF
3 WHAT WAS HAPPENING HERE.

4 IN THE PAST WE'VE HAD OPPORTUNITIES TO
5 LISTEN TO SITUATIONS SIMILAR TO THIS; AND WHEN WE HAVEN'T
6 RECEIVED ANY COOPERATION FROM THE PEOPLE IN CHARGE, WE
7 INSTRUCTED THE STAFF TO GO TO THEIR BOSSES, YOU KNOW,
8 SEND A COPY TO THE SUPERVISORS. NOW, IF THIS ANNOYS YOU
9 OR HURT YOUR FEELING, IT WAS DONE BY THIS BOARD'S
10 RECOMMENDATION. SO THE STAFF WILL DO THIS IN CASES WHERE
11 THEY DON'T FEEL THAT WE ARE BEING HEARD OR OUR
12 RECOMMENDATIONS ARE BEING ACCEPTED.

13 WE'VE DONE A LOT ON THIS BOARD TO TRY TO
14 KEEP FROM HAVING A PROBLEM WITH THE CITIES AND THE
15 COUNTIES THAT WE WORK WITH. AND WITH THIS NEW BOARD
16 COMING ON AND GETTING EDUCATED IN THE AREAS THAT WE
17 DIDN'T HAVE THE EXPERIENCE IN THE PAST, I'M FINDING THAT
18 THE NEW BOARD IS MORE THAN CONCERNED ABOUT THE COUNTIES
19 AND THE CITIES AND THEIR PROBLEMS. SO I DON'T THINK
20 ANYBODY IS TAKING OUT AFTER YOUR COUNTY. AND, YOU KNOW,
21 PERSONALLY I CAN'T ACCEPT THAT OUR STAFF IS INADEQUATE IN
22 WHAT THEY'VE DONE HERE.

23 THAT'S ALL I HAVE, MR. CHAIRMAN.

24 CHAIRMAN HUFF: OKAY. LET ME TRY TO FIND A
25 COMPROMISE OR A WAY TO RESOLVE THIS ISSUE SO WE CAN MOVE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers
reporting service

1 ON. AND I'LL VENTURE INTO THIS WITH SOME FEELINGS OF
2 CAUTION, BUT LET ME DO IT ANYWAY.

3 FIRST OF ALL, WITH REGARD TO STAFF
4 RECOMMENDATION, POINT NO. 2, DUE TO LEA'S PERFORMANCE,
5 RATING OF IMPROVEMENT NEEDED, BOARD STAFF RECOMMENDS,
6 ETC., THIS IS JUST MY BIAS AND MAYBE MY FELLOW COMMITTEE
7 WON'T FEEL IT, BUT I DON'T LIKE TO PREDICT FUTURE EVENTS
8 WITH REGARD TO VOTING BOARDS. AND I WOULD MODIFY THAT
9 LANGUAGE WHERE IT SAYS "WILL BE NECESSARY TO ACHIEVE
10 BOARD APPROVAL." I DON'T KNOW WHAT'S NECESSARY TO
11 ACHIEVE BOARD APPROVAL A YEAR FROM NOW.

12 I'D LIKE TO THINK I KNOW, BUT YOU DON'T
13 KNOW UNTIL THE VOTE IS TAKEN. I'D SIMPLY LIKE TO SAY
14 THAT A HIGHER LEVEL OF PERFORMANCE WILL BE NECESSARY TO
15 MEET THE STANDARDS FOR REDESIGNATION/CERTIFICATION BY
16 AUGUST 1 PURSUANT TO, ETC., ETC., ETC. OKAY. NOT BE IN
17 THE PREDICTION BUSINESS.

18 SECONDLY, I'D LIKE TO SUGGEST IN THE FER,
19 PAGE 28 OF OUR AGENDA PACKET, PAGE 10 OF THE FER WHERE --
20 IN THE PARAGRAPH THAT'S SUBTITLED "REVIEW:" LAST
21 SENTENCE, "THE LEA WAS ALSO LESS THAN COOPERATIVE IN
22 IDENTIFYING, LOCATING, AND VISITING CLOSED," ETC.

23 OKAY. WHERE IT COMES TO FACTS, I'M GOING
24 TO ACCEPT WHAT THE STAFF SAYS, BUT THERE'S A CERTAIN
25 JUDGMENTAL RING TO THIS PHRASE THAT I'D LIKE TO AVOID.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997

Barristers'
reporting service

1 AND SO IF WE CAN JUST GET THIS BACK TO MORE OF A FACTUAL
2 AND AVOID THE JUDGMENTAL. WE MIGHT DO THAT BY SAYING THE
3 LEA WAS ALSO -- NO -- THE LEA DID NOT PROVIDE SUFFICIENT
4 ASSISTANCE IN IDENTIFYING, LOCATING, AND VISITING AND,
5 THEREFORE, NOT GETTING INTO THE FRAME OF MIND THAT SPEAKS
6 OF COOPERATION. OKAY?

7 AND THEN, FINALLY, AS PART OF A MOTION TO
8 ACCEPT STAFF RECOMMENDATION AS I HAVE MODIFIED IT, PART
9 OF THAT MOTION TO BE THAT THE STAFF ADOPT THE PROCEDURE
10 OF WHEREVER THERE IS A LESS THAN ACCEPTABLE RATING, OF
11 HAVING ADDITIONAL MEETINGS WITH THE LEA AS YOU OUTLINED
12 IN YOUR VERBAL, OKAY, ADOPT THAT AS OUR BOARD PROCEDURE.

13 SO I WOULD MOVE STAFF RECOMMENDATION AS
14 MODIFIED BY MY SUGGESTIONS WITH THE ADDITION OF THE
15 PROCEDURE TO HAVE ADDITIONAL MEETINGS WHEN THERE IS LESS
16 THAN ACCEPTABLE.

17 MR. VLACH: WE WILL MODIFY OUR PROCEDURES MANUAL
18 AS YOU'VE INDICATED.

19 BOARD MEMBER CHESBRO: I'LL SECOND THAT AND
20 MIGHT WANT TO SUGGEST AN ADDITION TO IT AFTER A LITTLE
21 MORE DISCUSSION IF THAT'S OKAY.

22 THE OTHER QUESTION I HAD IS WHETHER OR NOT
23 IF AN AGENCY -- LOCAL ENFORCEMENT AGENCY RESPONDS IN A
24 POSITIVE WAY TO CORRECT THE ITEMS THAT HAVE BEEN
25 ADDRESSED AFTER THE INITIAL -- OR SOMETIME DURING THE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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

Barristers'
reporting service

1 PROCESS, I SHOULD SAY, BEFORE THE BOARD ACTUALLY SUBMITS
2 THAT, THE PROCEDURE -- COULD A PROCEDURE BE ESTABLISHED
3 TO MODIFY THAT AT THE POINT THAT EITHER THE COMMITTEE OR
4 THE BOARD IS SATISFIED THAT THE DEFICIENCIES HAVE BEEN
5 CORRECTED; IN OTHER WORDS, A CARROT AND A STICK HERE?

6 YOU KNOW, WE'RE TALKING ABOUT AN INADEQUATE
7 DESIGNATION, BUT I THINK WE ALSO WANT TO MAKE IT CLEAR TO
8 PEOPLE IF THEY RESPOND POSITIVELY TO THE SUGGESTIONS OR
9 CRITICISMS, THAT THEY -- THAT THERE WOULD BE A QUICK
10 REMEDY IN TERMS OF A REMOVAL OF THAT RECOMMENDATION.

11 CHAIRMAN HUFF: DON'T HAVE TO CARRY THIS RED
12 NEEDS IMPROVEMENT SIGN FOR THE WHOLE YEAR.

13 BOARD MEMBER CHESBRO: WHILE YOU ARE THINKING
14 ABOUT IT, LET ME ADD MODIFYING THE OTHER SIDE OF IT. I
15 THINK THAT THE FILE NEEDS TO REFLECT THAT THIS PROCESS
16 TOOK PLACE IN ORDER TO, OVER A LONG PERIOD OF TIME,
17 MONITOR THE PERFORMANCE. IN OTHER WORDS, IF THERE WAS A
18 PROBLEM, IT NEEDS TO BE IN THE FILE AND THAT IT WAS ON
19 THE BOARD'S AGENDA AND WAS DISCUSSED.

20 SO I'M NOT TALKING ABOUT ERASING THE RECORD
21 IF WE CHANGE -- IF YOU CHANGE THE RECOMMENDATION AND THE
22 COMMITTEE OR BOARD CHANGE THE RECOMMENDATION ALONG THE
23 WAY. I'M JUST TALKING ABOUT MAKING SURE THAT WE REWARD
24 POSITIVE RESPONSE BY AN LEA WITH A MODIFICATION OF THE
25 IMPROVEMENT NEEDED DESIGNATION.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 CHAIRMAN HUFF: INTERESTING CONCEPT.

2 BOARD MEMBER CHESBRO: STAFF'S RESPONSE TO THAT.

3 MR. VLACH: MR. CHESBRO, I THINK IT'S POSSIBLE,
4 WITH THE MODIFICATION OF OUR PROCEDURES, TO EXPRESS THE
5 RESPONSE OF THE LEA TO THE VARIOUS ISSUES THAT WERE
6 BROUGHT FORWARD; AND IF THERE ALREADY HAS BEEN A
7 CORRECTION OF SOME OF THOSE PROBLEMS, THEN WE CAN ALSO
8 INDICATE THAT IN THE AGENDA ITEM TO THE BOARD.

9 I THINK, THOUGH, THAT WHEN WE'RE TALKING
10 ABOUT THE PROGRAM IDENTIFYING SOME ISSUES THAT CAN BE
11 CORRECTED IMMEDIATELY, LIKE A LITTER PROBLEM OR SOMETHING
12 THAT CAN BE IDENTIFIED AND CORRECTED IMMEDIATELY, AS
13 OPPOSED TO A LONG-TERM ISSUE OR A PATTERN OF PRACTICE
14 THAT MIGHT REQUIRE EQUIPMENT, STAFFING LEVELS, OR BUDGET,
15 THOSE THINGS ARE NOT GOING TO BE ABLE TO BE CORRECTED
16 OVERNIGHT.

17 BOARD MEMBER CHESBRO: REQUIRE A DEMONSTRATION
18 OF COMMITMENT, NOT JUST A VERBAL.

19 MR. VLACH: YES. AND WE WILL TRY TO IDENTIFY
20 THOSE SEPARATELY. AND WHERE THERE CAN'T BE AN IMMEDIATE
21 CORRECTION, AT LEAST SHOW THAT THERE'S SOME EFFORT OR A
22 DEMONSTRATION THAT THEY'RE ATTEMPTING TO. WE WILL LOOK
23 FOR THAT.

24 BOARD MEMBER CHESBRO: OKAY. WELL, LET ME ASK
25 YOU WHAT WOULD HAPPEN IF WE PROCEEDED WITH THE STAFF

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 RECOMMENDATION AS HAS BEEN MOVED WITH SOME MODIFICATION,
2 AND BETWEEN NOW AND AUGUST 1ST, 1992, THE STAFF BECAME
3 CONVINCED OR THIS COMMITTEE BECAME CONVINCED THAT THE
4 DEFICIENCIES HAD BEEN RESOLVED, WOULD THERE BE A METHOD
5 BY WHICH, PRIOR TO THE LEA REDESIGNATION/RECERTIFICATION
6 ISSUE, THAT THE LAKE COUNTY LEA COULD COME BACK BEFORE
7 THE COMMITTEE OR BOARD AND HAVE THEIR DESIGNATION
8 MODIFIED?

9 MR. VLACH: YES. THAT COULD EITHER BE DONE
10 THROUGH THE DESIGNATION/CERTIFICATION PROCESS, IN WHICH
11 WE WOULD -- THESE REMEDIATION EFFORTS WOULD BECOME -- WE
12 WOULD BECOME AWARE OF IT AT THAT TIME, OR WE COULD DO IT
13 SEPARATELY AS A SEPARATE ITEM AS A PRECURSOR TO THAT
14 PROCESS, WHICHEVER WAY WAS APPROPRIATE.

15 I'M NOT SURE THAT -- I WOULD SAY WHERE
16 THERE WAS IMPROVEMENT NEEDED, THAT WE WOULD WANT TO BRING
17 THIS BACK TO THE BOARD DEFINITELY, BUT -- I'M SORRY --
18 WHERE THERE WAS AN UNACCEPTABLE SITUATION, WE WOULD WANT
19 TO BRING IT BACK TO THE BOARD FOR CERTAIN.

20 I THINK WHERE IMPROVEMENT IS NEEDED, I
21 WOULD HOPE THAT WE COULD JUST BRING UP AT THE TIME WE
22 BROUGHT THE BOARD THE DESIGNATION OF CERTIFICATION, THAT
23 THAT PAST HISTORY WOULD BE BROUGHT TO THE BOARD'S
24 ATTENTION AND REMEDIATION EFFORTS BROUGHT TO THEIR
25 ATTENTION AT THAT TIME.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 CHAIRMAN HUFF: LET ME ASK THIS ONE. THE
2 REDESIGNATION AND CERTIFICATION OCCURS BY AUGUST 1ST,
3 1992?

4 MR. VLACH: YES.

5 CHAIRMAN HUFF: IT COULD OCCUR EARLIER THAN
6 THAT?

7 MR. VLACH: IT COULD OCCUR EARLIER.

8 CHAIRMAN HUFF: WHAT CONTROLS THAT?

9 MR. VLACH: WELL, THE REGULATIONS ARE TO BE IN
10 PLACE BY '91, THE DESIGNATION AND CERTIFICATION BY '92.
11 THE REGULATIONS CURRENTLY SET UP A SCHEDULE FOR THE
12 VARIOUS COUNTIES TO COME TO THE BOARD BASED ON POPULATION
13 SO THAT --

14 CHAIRMAN HUFF: WHEN WOULD LAKE COUNTY COME
15 BEFORE US?

16 MR. VLACH: PROBABLY LATER THAN SOONER.

17 CHAIRMAN HUFF: OKAY. SO IT DIDN'T GET WHERE I
18 THOUGHT IT MIGHT.

19 MR. VLACH: AND THIS PROGRAM, AGAIN, IS AN
20 ANNUAL PROGRAM, SO IT'S POSSIBLE THAT WE WILL BE DOING
21 ANOTHER EVALUATION -- ANOTHER FACILITIES EVALUATION
22 BEFORE THE CERTIFICATION. IT DEPENDS ON HOW SOON THE
23 COUNTY COMES FORWARD WITH THEIR DESIGNATION AND
24 CERTIFICATION PACKAGE.

25 BOARD MEMBER CHESBRO: WE CAN WITHIN THE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 EXISTING PROCESS HANDLE WHAT I'M SUGGESTING?

2 MR. VLACH: YES, I THINK SO.

3 BOARD MEMBER CHESBRO: OKAY. I'D LIKE TO SAY A
4 FEW THINGS BEFORE WE PROCEED WITH THIS MOTION. I DON'T
5 WANT ANY OF MY QUESTIONS OR COMMENTS TO BE INTERPRETED AS
6 LACK OF SUPPORT FOR OUR STAFF IN THEIR EFFORT TO HELP THE
7 LEA'S UPGRADE BECAUSE I THINK THERE'S A SERIOUS NEED IN
8 OUR STATE FOR IMPROVEMENT AND UPGRADE. I DON'T THINK --
9 MR. EGIGIAN SAID I DON'T THINK ANY MEMBER OF THIS
10 COMMITTEE INTENDS THAT.

11 THE MAIN REASON FOR MY CONCERN IS THAT I'VE
12 BEEN ON THE COUNTY SIDE, AND I KNOW THE PROBLEMS THAT THE
13 COUNTY HAS, NOT ONLY FINANCIALLY, BUT I ALSO KNOW THE
14 BOARD OF SUPERVISORS DOESN'T PAY MUCH ATTENTION TO THESE
15 KINDS OF THINGS ON A REGULAR BASIS BECAUSE THEY HAVE 40
16 OR 50 DEPARTMENTS TO DEAL WITH AND LOTS OF CRISES AND
17 PROBLEMS. IT'S NOT A PLEASANT THING TO BE CALLED BEFORE
18 THE BOARD ON SOMETHING THAT APPEARS TO BE A SERIOUS
19 PROBLEM.

20 IF I WERE A BOARD MEMBER IN LAKE COUNTY,
21 I'D BE SAYING I WANT YOU GUYS TO HAVE THIS STRAIGHTENED
22 OUT ASAP. I WANT THIS PROBLEM RESOLVED. AND THAT'S THE
23 REASON I'M RAISING THE QUESTION OF HOW CAN -- WHAT KIND
24 OF METHOD OR VEHICLE CAN WE PROVIDE THEM TO MAKE THE
25 IMPROVEMENT IN ORDER FOR THE DIVISION TO NOT ONLY RECOVER

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701
LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

Barristers'
reporting service

1 ITS GOOD STANDING BEFORE OUR COMMITTEE AND OUR BOARD, BUT
2 ALSO BEFORE THEIR OWN BOARD OF SUPERVISORS SO THAT
3 THERE'S NO QUESTION ABOUT THEIR CAPABILITY AT THAT LEVEL
4 IF THEY'VE MET ALL OF OUR CONCERNS.

5 SO WHILE I WANT TO SUPPORT OUR STAFF HERE,
6 I ALSO WANT TO SAY I UNDERSTAND THE PROBLEMS THAT THE LEA
7 AND COUNTIES HAVE, AND WE NEED TO BE -- OFFER POSITIVE
8 APPROACHES TO RESOLVING THEIR PROBLEMS IN THIS PROCESS
9 AND NOT JUST BE CRITICIZING.

10 NOW, ONE MORE MODIFICATION, AND THAT IS I
11 DON'T THINK IMPROVEMENT NEEDED IS A NASTY CRITICISM. I
12 THINK IT'S A CONSTRUCTIVE CRITICISM; BUT, NONETHELESS, IT
13 COULD BE MISINTERPRETED THAT WAY, AND SO WE HAVE -- AND
14 BY BOARD OF SUPERVISORS, FOR EXAMPLE, SO WE HAVE TO OFFER
15 THE LEA THE PATHWAY BY WHICH THEY CAN RESPOND AS QUICKLY
16 AND AS POSITIVELY AS POSSIBLE TO OUR QUESTIONS OR
17 CRITICISMS. AND THAT'S THE DIRECTION I'D LIKE TO SEE US
18 TAKE AS A GENERAL MATTER.

19 CHAIRMAN HUFF: ANY FURTHER -- WELL, I DON'T
20 KNOW WHERE MR. EGIGIAN WENT. THAT PRECLUDES ME FROM
21 USING A PRIOR ROLL CALL.

22 MR. WINSTON: MR. CHAIRMAN, MAY I MAKE A COMMENT
23 BEFORE --

24 CHAIRMAN HUFF: YES. YES. GO AHEAD.

25 MR. WINSTON: I VERY MUCH APPRECIATE REMOVING

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 THE LESS THAN COOPERATIVE ASPECT OF THE INSPECTION REPORT
2 OR THE FER ON PAGE 10.

3 IF YOU WILL LOOK AT THE BOTTOM OF THE PAGE,
4 SECOND TO THE LAST PARAGRAPH, IT SAYS IT'S ALSO
5 QUESTIONABLE AS TO WHETHER THE LEA HAS ADEQUATE STAFF TO
6 ADEQUATELY IMPLEMENT AN ENFORCEMENT PROGRAM. I DON'T
7 REALLY FEEL IT WAS UP TO THE TEAM THAT WAS THERE TO
8 QUESTION THAT, PLUS THEY NEVER REALLY SAT DOWN AND LOOKED
9 AT OUR RESOURCES NOR OUR STAFFING. I THINK THAT'S
10 INAPPROPRIATE IN THE REPORT.

11 ADDITIONALLY, IF THE LESS THAN COOPERATIVE
12 IS BEING REMOVED FROM THE REPORT, THE LESS THAN
13 COOPERATIVE MESSAGE WAS CONVEYED IN A LETTER TO OUR BOARD
14 OF SUPERVISORS, AND I WOULD ASK THAT PERHAPS THAT COULD
15 BE AMENDED ALSO.

16 ADDITIONALLY, IF IMPROVEMENT NEEDED IS
17 GIVEN TO ANY LEA -- AND WE DO THAT AS A REGULATOR IN
18 PERFORMING OUR INSPECTIONS -- YOU NEED TO EXACTLY SPELL
19 OUT WHAT HAS TO BE DONE TO ACHIEVE A BETTER RATING, TO
20 ACHIEVE A BETTER EVALUATION. AND THAT NEEDS TO BE PART
21 OF THE REPORT. SPECIFICALLY YOUR BOARD STAFF NEEDS TO
22 TELL THE LEA'S WHAT THEY EXPECT OF THEM IN ORDER TO
23 REMOVE THAT DARK CLOUD OF IMPROVEMENT NEEDED.

24 CHAIRMAN HUFF: OKAY. DID THE PHRASE "LESS THAN
25 COOPERATIVE" APPEAR IN THE BOARD OF SUPERVISORS LETTER?

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 MR. VLACH: MR. HUFF, I DON'T BELIEVE IT DOES.

2 CHAIRMAN HUFF: I DIDN'T SEE IT. WESLEY JUST
3 REREAD THE LETTER. WESLEY IS A SPEED READER.

4 MR. VLACH: I WOULD ALSO LIKE TO POINT OUT THAT
5 THE PHRASE, "IT IS ALSO QUESTIONABLE AS TO WHETHER THE
6 LEA HAS ADEQUATE STAFF," I THINK THAT IS AN APPROPRIATE
7 SUBJECTIVE DETERMINATION THAT OUR STAFF WOULD MAKE AT
8 THIS TIME.

9 THIS IS A PERFORMANCE REVIEW. WE'RE BASING
10 OUR EVALUATION OF THE STAFFING LEVELS AND OTHER KINDS OF
11 CHARACTERISTICS OF AN LEA BASED ON THE PERFORMANCE THAT
12 WE SEE AT THE FACILITIES. IF WE THINK IT'S A SERIOUS
13 PROBLEM, WE'LL DO AN IN-DEPTH LEA EVALUATION, BUT I THINK
14 IT'S CERTAINLY APPROPRIATE FOR US TO BE MAKING THESE
15 KINDS OF SUBJECTIVE JUDGMENTS.

16 CHAIRMAN HUFF: OKAY. WELL, THEN, ABSENT
17 FINDING THAT PHRASE IN THE LETTER, ON PAGE 10 OF THE FER
18 WHERE IT SAYS IT IS ALSO QUESTIONABLE, WHY DON'T WE SAY
19 IT ALSO NEEDS TO BE DETERMINED AS TO WHETHER THE LEA HAS
20 ADEQUATE STAFF. I THINK THAT'S THE SAME ISSUE WITHOUT
21 SOMETHING THAT HAS ANY CONNOTATION.

22 OKAY?

23 MR. VLACH: YES.

24 BOARD MEMBER CHESBRO: AGAIN, WHAT I'M MORE
25 CONCERNED ABOUT THAN THE WORDS OF THE -- I'M HAPPY TO GO

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 ALONG WITH THIS LANGUAGE, BUT WHAT I'M MORE CONCERNED
2 ABOUT THAN WORDS USED IN THE LETTER TO THE BOARD OR THE
3 REPORT IS HOW -- WHAT KIND OF PROCESS WE HAVE BY WHICH
4 THE COUNTY CAN RESPOND AND THE LEA CAN RESPOND. SO,
5 AGAIN, THE MORE SPECIFICALLY WE CAN ANALYZE WITH THEM
6 THAT QUESTION AND THEN THEY KNOW WHAT KIND OF CRITERIA OR
7 LEVEL IT IS THAT WOULD MEET THE STATE'S -- MEET THE
8 BOARD'S CONCERNS, I THINK THAT'S THE FAIREST WAY TO DEAL
9 WITH THEM.

10 AND ONE PART OF WHAT THEY'VE SAID THAT I'M
11 SYMPATHETIC WITH IS THAT IT'S HARD TO RESPOND TO
12 GENERALITIES. AND THE MORE SPECIFIC THE REQUEST IS, THE
13 EASIER IT IS FOR THE LEA, THEN, TO COME INTO COMPLIANCE
14 WITH OUR CONCERNS.

15 ON THE OTHER HAND, I'M SURE THE BOARD OF
16 SUPERVISORS DOESN'T WANT US DICTATING EXACT STAFFING
17 LEVELS IN THEIR DIVISION EITHER. SO THAT'S THE FLIP SIDE
18 IF WE GO TO THE OTHER EXTREME OF BEING TOO SPECIFIC. AND
19 I THINK WHAT WOULD BE MOST HELPFUL WOULD BE FOR THE
20 COUNTY TO RESPOND CONSTRUCTIVELY BY SAYING, WELL,
21 HERE'S -- YOU KNOW, CAN YOU DEFINE MORE FOR US WHAT THE
22 PROBLEM IS, AND HERE'S HOW WE'D LIKE TO RESPOND TO IT.
23 THAT PREVENTS US FROM BEING IN THE POSITION OF SAYING
24 THOU SHALT HAVE X NUMBER OF POSITIONS DEDICATED FOR THIS
25 PURPOSE.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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

Harristers'
reporting service

1 CHAIRMAN HUFF: I HAD, THEN, AS THE MAKER OF THE
2 MOTION, A FURTHER MODIFICATION TO MY MOTION. I ASSUME
3 THAT THE SECOND OF MY MOTION ACCEPTS THAT MODIFICATION.
4 WE HAVE THE MOTION AND WE HAVE THE SECOND. WE HAVE
5 EVERYONE HERE. WITHOUT OBJECTION. HEARING NO OBJECTION,
6 WE'LL ADOPT THE PRIOR ROLL CALL. RECORD WILL SHOW A
7 THREE TO NOTHING VOTE. IT WILL NOT GO TO CONSENT BECAUSE
8 THERE WAS OPPOSITION HERE. YOU MAY, IF YOU WISH, COME TO
9 THE BOARD MEETING -- WHEN, MR. LARSON?

10 MR. LARSON: APRIL 17TH.

11 CHAIRMAN HUFF: -- APRIL 17TH. AND AS I
12 UNDERSTAND IT, THIS ITEM IS ON THE AGENDA.

13 MR. LARSON: YES, IT IS.

14 CHAIRMAN HUFF: FOR THE FULL BOARD. THANK YOU.

15 MR. WINSTON: LIKE TO THANK YOUR CONCILIATORY
16 EFFORT THAT YOU PUT FORTH, AND I'D ALSO LIKE TO COMMEND
17 YOUR COMMITTEE ON THE SUPPORT THAT YOU GAVE YOUR STAFF.
18 I THINK THAT'S VERY APPROPRIATE. I SUPPORT THEM TOO. I
19 THANK YOU VERY MUCH.

20 BOARD MEMBER CHESBRO: ONE PARTING SHOT, AND
21 THAT IS IN TERMS OF THE LEA EVALUATION PROCESS IN GENERAL
22 FOR FUTURE LEA'S. I WANT TO MAKE SURE THAT WE HAVEN'T
23 PROVIDED ANY DISCOURAGEMENT TO OUR STAFF TO GO FORTH AND
24 DO THEIR JOB BECAUSE THAT'S A THING THAT I SUPPORT VERY
25 STRONGLY IN THIS PROCESS.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 MR. LARSON: MAY I RESPOND TO THAT, MR.
2 CHAIRMAN?

3 CHAIRMAN HUFF: CERTAINLY.

4 MR. LARSON: THIS IS THE SECOND OF SUCH
5 ACTIVITIES TO EVALUATE LEA'S. WE ARE CLEARLY IN THE
6 LEARNING MODE ON BOTH SIDES OF THIS FORMULA. AND I THINK
7 THAT THE BENEFICIAL OUTPUT OF THIS DISCUSSION TODAY WAS
8 THE GUIDANCE THAT WE GOT AS TO STICK TO AN OBJECTIVE
9 ANALYSIS AS BEST AS WE CAN AND REVISE OUR PROCEDURAL
10 APPROACH TO ACCOMPLISHING OUR MISSION. AND I'M SURE THAT
11 IN THE FUTURE WE'LL BE ABLE TO DIFFUSE TO A GREAT EXTENT
12 WHAT WAS THE CONFUSION OF THE INTENT OF THIS EXERCISE.

13 CHAIRMAN HUFF: VERY GOOD. AT THAT, NOT ONLY DO
14 WE NEED TO TAKE A PAPER BREAK, WE NEED TO TAKE A PEOPLE
15 BREAK. WE'LL STAND IN RECESS.

16 (A BREAK WAS TAKEN.)

17 CHAIRMAN HUFF: OKAY. I GUESS WE'RE READY TO
18 PROCEED WITH AGENDA ITEM 6.

19 MR. IWAHRO: MR. CHAIRMAN, ITEM NO. 6 IS AN
20 INFORMATIONAL ITEM WHICH WE THOUGHT WOULD BE OF GREAT
21 INTEREST TO THE COMMITTEE BECAUSE THERE WAS A GAS
22 EXPLOSION AT NEWBY ISLAND LANDFILL EARLIER LAST MONTH
23 WHILE THERE WAS SOME CONSTRUCTION GOING ON.

24 ACTUALLY, THERE IS AN ISSUE HERE THAT WE
25 MAY WANT TO DISCUSS A LITTLE BIT IN TERMS OF A POLICY



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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

Barristers'
reporting service

1 ISSUE OF WHETHER OR NOT WE SHOULD BE CONCERNED WITH,
2 PERHAPS, THE STANDARDS OR SOME KIND OF ENFORCEMENT ON THE
3 CONSTRUCTION -- ON THE ACTIVITY SUCH AS CONSTRUCTION AT
4 LANDFILLS WITH REGARD TO GAS. AND SO AS WE TALK ABOUT
5 THIS, I THINK WE WANT TO KEEP THAT IN MIND IN TERMS OF
6 WHETHER OR NOT THIS BOARD WANTS TO GET INVOLVED IN
7 REGULATING THAT SORT OF ACTIVITY.

8 WITH THAT, I THINK SUSAN MARKIE AND JACK
9 MILLER, OUR -- AS SOON AS SUSAN FINDS HER PLACE, I THINK,
10 SHE'LL GIVE US A RUNDOWN, AND I THINK THE LEA IS HERE,
11 AND I THINK THE PEOPLE WHO RUN THE LANDFILL ARE HERE
12 ALSO.

13 MR. MILLER: I'M THE SUPERVISOR RESPONSIBLE FOR
14 SANTA CLARA COUNTY, AND SUE MARKIE IS THE INSPECTOR WHO
15 IS RESPONSIBLE FOR THE NEWBY ISLAND LANDFILL, SO SHE'S
16 GOING TO MAKE THE PRESENTATION TODAY FOR YOU.

17 MS. MARKIE: HELLO, MR. CHAIRMAN, MEMBERS OF THE
18 COMMITTEE. I'M SUE MARKIE WITH THE ENFORCEMENT BRANCH.

19 AS YOU ARE AWARE, THERE WAS AN EXPLOSION
20 THAT OCCURRED MARCH 8TH AT THE NEWBY ISLAND LANDFILL. I
21 WAS INFORMED OF THIS INCIDENT BY PHONE ON MONDAY, MARCH
22 11TH FROM RICHARD ARCHDEACON, THE LEA REPRESENTATIVE FOR
23 THE CITY OF SAN JOSE.

24 MR. ARCHDEACON INFORMED ME THAT THERE HAD
25 BEEN AN EXPLOSION WHICH OCCURRED WHEN WORKERS WORKING

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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

Barristers'
reporting service

1 INSIDE OF A TRENCH REPAIRING A GAS COLLECTION LINE HAD
2 USED AN ELECTRICAL WRENCH TO REMOVE A BOLT.
3 CONSEQUENTLY, THE SPARKS SET OFF AN EXPLOSION IN WHICH
4 THREE OF THE WORKERS WERE SERIOUSLY INJURED.

5 AFTER INFORMING MY SUPERVISORS, I PROCEEDED
6 TO THE NEWBY ISLAND LANDFILL TO GATHER MORE INFORMATION.
7 UPON ARRIVAL, I MET WITH BFI'S LANDFILL MANAGER, MARK
8 WOLTHAUSEN, WHO WAS VERY COOPERATIVE IN ASSISTING ME WITH
9 ALL THE INFORMATION THAT HE HAD UP UNTIL THAT TIME.
10 EMPLOYEES FROM BFI, LAIDLAW, AND CAL-OSHA WERE ALSO
11 PRESENT AT THE SITE WHILE I WAS THERE.

12 I ACTUALLY HAVE FIVE SLIDES I'D LIKE TO
13 SHOW YOU TO GIVE YOU AN OVERVIEW OF WHAT I SAW THAT DAY.
14 AFTER THE INITIAL EXPLOSION, THE FIRE WAS PUT OUT BY BFI
15 LANDFILL EMPLOYEES WHO BULLDOZED FILL MATERIAL BACK INTO
16 THE TRENCH. THE DAY I WAS ON THE SITE THE TRENCH HAD
17 BEEN REEXCAVATED TO PROPERLY CAP OFF THE GAS LINE. AND,
18 HOPEFULLY, THIS IS WHAT WE'LL SEE HERE IN A MINUTE.

19 THIS IS A REEXCAVATED TRENCH. THERE'S TWO
20 MEN DOWN IN THE TRENCH, AND SURROUNDING IS ALL THE
21 EMPLOYEES FROM BFI, LAIDLAW, AND CAL-OSHA.

22 CHAIRMAN HUFF: HOW DEEP IS THAT TRENCH?

23 MS. MARKIE: IT WAS ABOUT 8 FEET, 8 TO 10 FEET.

24 THE WORKERS ARE DOWN THERE. THEY HAVE CUT
25 OFF PART OF THE PIPE THAT WAS DAMAGED, AND THEY ARE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997



Barristers'
reporting service

1 CAPPING IT OFF. AND YOU WILL SEE THAT IN THE NEXT SLIDE.
2 IT WILL BE A WHITE CAP. ONE SIDE HAS ALREADY BEEN
3 CAPPED, AND THEY'RE WORKING ON THE OTHER SIDE. AND
4 THERE'S THE FINISHED CAP.

5 AND ONE MORE. THIS IS PART OF THE PIPE
6 THAT WAS REMOVED THAT HAD BEEN SERIOUSLY DAMAGED FROM THE
7 FLAME. THAT GIVES YOU A LITTLE OVERVIEW OF WHAT I SAW
8 THAT DAY.

9 WE WOULD ALSO LIKE TO POINT OUT THAT IN THE
10 AGENDA ITEM'S POLICY ISSUES ON PAGE 2, WE FEEL THIS
11 INCIDENT DEMONSTRATES THAT THERE ARE NO AGENCIES THAT ARE
12 ACTIVELY MONITORING GAS COLLECTION SYSTEMS AND PERHAPS
13 THERE IS A NEED FOR THAT IN THE FUTURE. THE BOARD MAY
14 WANT TO CONSIDER DEVELOPMENT OF SOME KIND OF REGULATION
15 OR PROGRAM TO LOOK INTO THIS MATTER.

16 THE LEA DUTIES IN THE CITY OF SAN JOSE ARE
17 SHARED BY THE CITY DEPARTMENT OF NEIGHBORHOOD
18 PRESERVATION, ENVIRONMENTAL ENFORCEMENT DIVISION, AND THE
19 SANTA CLARA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH.
20 THE CITY OF SAN JOSE LEA ENFORCES NONHEALTH-RELATED
21 STANDARDS AT ALL SOLID WASTE FACILITIES WITHIN CITY
22 LIMITS, AND THE COUNTY ENFORCES THE HEALTH STANDARDS AT
23 THESE SAME FACILITIES.

24 BOTH LEA'S HAVE BEEN VERY COOPERATIVE WITH
25 ME, AND WE WORKED TOGETHER ON THIS WHOLE ISSUE. AND WE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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

Barristers'
reporting service

1 HAVE INVITED THE LEA'S TO TALK WITH US TODAY ABOUT WHAT
2 HAPPENED AT THE NEWBY ISLAND LANDFILL ON MARCH 8TH. I'VE
3 JUST GIVEN A BRIEF OVERVIEW OF THE EVENTS AS I SAW THEM,
4 AND I'D LIKE TO TURN OVER THE MIKE TO TONY PACHECO, WHO'S
5 REPRESENTING THE SANTA CLARA COUNTY LEA, FOR A MORE
6 DETAILED REPORT.

7 BOARD MEMBER CHESBRO: COULD I ASK A REAL BASIC
8 QUESTION?

9 MS. MARKIE: SURE.

10 BOARD MEMBER CHESBRO: WHAT WERE THEY DOING
11 DIGGING A TRENCH AT THE LANDFILL?

12 MS. MARKIE: I'M SURE THAT BFI MIGHT BE ABLE TO
13 EXPLAIN THAT A LITTLE BETTER.

14 BOARD MEMBER CHESBRO: MAYBE YOU BETTER LET THEM
15 EXPLAIN IT.

16 MS. MARKIE: OKAY. I CAN GO INTO IT. WELL,
17 LAIDLAW IS -- THEY HIRED LAIDLAW TO TAKE CARE OF THEIR
18 GAS COLLECTION SYSTEM, SO LAIDLAW WAS THERE REPAIRING A
19 LOW SECTION IN THE PIPE THAT HAD KIND OF COLLAPSED DOWN
20 AND WAS COLLECTING CONDENSATE. SO THAT'S WHAT THEY WERE
21 DOING THERE, AND APPARENTLY -- AND THIS WILL PROBABLY
22 COME OUT IN THEIR MORE DETAILED REPORT -- THEY WEREN'T
23 AWARE THAT AN ELECTRICAL WRENCH COULD CAUSE SUCH AN
24 EXPLOSION.

25 BOARD MEMBER CHESBRO: IT WAS A PIPE THAT WAS

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 ALREADY COLLAPSED THAT THEY WERE GOING TO REPAIR?

2 MS. MARKIE: I DON'T THINK IT WAS QUITE
3 COLLAPSED ALTHOUGH IT WAS LOW, SO THE CONDENSATE WAS
4 FORMING IN THE PIPE, SO THEY NEEDED TO CORRECT IT SO IT
5 WOULDN'T FORM THERE.

6 CHAIRMAN HUFF: DOES THAT HAPPEN OFTEN?

7 MS. MARKIE: THIS IS THE ONLY SITE OF MINE THAT
8 HAS A GAS COLLECTION SYSTEM, SO THIS IS ALL PRETTY NEW
9 TURF TO ME.

10 CHAIRMAN HUFF: I'M BASING THAT ON THE THEORY
11 THAT WHAT WE'RE DEALING WITH WITH A LANDFILL ITSELF IS
12 GROUND THAT WILL SETTLE OVER TIME AND SHIFT, AND WE'RE
13 DEALING WITH PLASTIC PIPE, WHICH IS NOT TERRIBLY RIGID,
14 BUT SEMIRIGID, OKAY, SO IT WOULD SEEM TO ME THAT, GIVEN
15 THOSE TWO THINGS, THAT OVER TIME -- AND MAYBE SOMEONE
16 ELSE ON STAFF HAS SOME OTHER THOUGHTS -- OVER TIME WE
17 MIGHT SEE GAS COLLECTION SYSTEMS WHICH DEVELOP SWAYBACKS.

18 MR. MILLER: I CAN ADDRESS THAT A LITTLE BIT.
19 AT MOST LANDFILLS CURRENTLY, THERE -- MOST OF THE WELLS
20 THAT COLLECT GAS ARE VERTICAL WELLS. AND MANIFOLDS ARE
21 SURFACE THINGS THAT CAN BE REPAIRED AND DONE WHATEVER, SO
22 THAT ISN'T A MAJOR PROBLEM. AT PUENTE HILLS LANDFILL,
23 FOR INSTANCE, THEY PUT IN EACH LAYER OF THE COLLECTION
24 SYSTEM HORIZONTALLY AS THEY MOVE UP WITH THE SYSTEM, AND
25 AT THOSE TYPES OF SITES YOU MIGHT BE CORRECT. NOTHING

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 HAS EVER HAPPENED AT PUENTE HILLS THAT I'M AWARE OF.

2 CHAIRMAN HUFF: BKK ALSO HAS HORIZONTAL.

3 MR. MILLER: AND HERE AT THIS SITE THE
4 HORIZONTAL COLLECTION PIPE IS UNDERGROUND. PERHAPS IF IT
5 HAD BEEN ON THE SURFACE --

6 CHAIRMAN HUFF: YEAH. IT'S MY RECOLLECTION THAT
7 AT BOTH PUENTE HILLS AND BKK, THE HORIZONTAL COLLECTION
8 IS ABOVEGROUND.

9 MR. MILLER: YES.

10 CHAIRMAN HUFF: YOU HAVE ANYTHING TO ADD, HERB?
11 THIS ISN'T SOMETHING THAT CAL-OSHA COVERS?

12 MS. MARKIE: CAL-OSHA WAS THE LEAD AGENCY, AND
13 WE HAVE REQUESTED THE REPORTS FROM THEM, BUT WE HAVEN'T
14 HEARD ANYTHING FROM THEM. I'M SURE TONY WILL PROBABLY GO
15 INTO IT, BUT CAL-OSHA GAVE LAIDLAW THE VIOLATIONS AND NOT
16 BFI.

17 CHAIRMAN HUFF: WELL, I'M WONDERING ABOUT THIS
18 NOTION OF WHO REGULATES THE CONSTRUCTION AND SAFE
19 OPERATION OF LANDFILL GAS COLLECTION.

20 MR. MILLER: I'LL ADDRESS FOR A SECOND. THE AIR
21 POLLUTION CONTROL DISTRICT IN THE BAY AREA IS THE BAY
22 AREA AIR QUALITY MANAGEMENT DISTRICT. THEY DO REGULATE
23 THE EMISSIONS IN A SENSE AND THE CONSTRUCTION OF -- IT'S
24 MY INFORMATION THAT THEY REGULATE THE PLANT WHERE THE
25 ELECTRICITY IS BEING GENERATED ITSELF AND NOT SO MUCH THE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 COLLECTION SYSTEM OUT THERE THAT'S BRINGING IN THE GAS TO
2 THE PLANT. THEY ALSO REGULATE THE EMISSIONS FROM THE
3 EXHAUST FROM GENERATION.

4 CHAIRMAN HUFF: SEE, IN ONE ASPECT OF A
5 LANDFILL'S OPERATION, YOU HAVE OSHA, PUC, AND THE AIR
6 BOARD.

7 MR. MILLER: AND THE WATER BOARD AND US AND THE
8 LEA AND EVERYBODY ELSE.

9 CHAIRMAN HUFF: BUT THIS IS EXPANDED AREA WHEN
10 IT COMES TO GAS COLLECTION AND ENERGY.

11 MR. MILLER: THE WATER BOARD ALSO COULD BE, NOT
12 ALWAYS, BUT COULD BE REGULATING THE CONDENSATE. WHEN YOU
13 PULL THE LANDFILL GAS OUT OF THE LANDFILL, IT'S SATURATED
14 WITH MOISTURE. WHEN IT COOLS, IT FORMS CONDENSATE, AND
15 THE CONDENSATE HAS TO BE DEALT WITH. AND IT USUALLY --
16 THERE ARE USUALLY VOLATILE ORGANICS ASSOCIATED IN THE
17 CONDENSATE. AND TRADITIONALLY THE WATER BOARDS HAVE
18 ALLOWED THIS CONDENSATE TO BE PUMPED BACK INTO THE
19 LANDFILL. NOW THEY ARE STARTING DOWN THE ROAD OF MAKING
20 OPERATORS COLLECT AND TREAT AND DISPOSE OF THIS WITHOUT
21 PUMPING IT BACK INTO THE LANDFILL.

22 CHAIRMAN HUFF: OKAY. WHAT'S NEXT?

23 BOARD MEMBER NEAL: I JUST HAVE -- MY CONCERN
24 WHEN I FIRST READ THE REPORT ON THIS WAS THE FACT THE
25 EXPLOSION HAPPENED ON FRIDAY THE 8TH AND WE DIDN'T HEAR

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



barristers'
reporting service

1 ABOUT IT UNTIL MONDAY THE 11TH. NOW, I RECOGNIZE THAT
2 THERE WAS A WEEKEND IN BETWEEN THERE, BUT IT STILL SEEMS
3 TO ME THAT THERE OUGHT TO BE SOME WAY FOR SOMETHING OF
4 THIS KIND OF IMPORTANCE -- AND I CONSIDER AN EXPLOSION AT
5 A LANDFILL IMPORTANT -- THAT THERE SHOULD BE SOME KIND OF
6 EMERGENCY NOTIFICATION PROCEDURE, AND I'M WONDERING WHY
7 THERE IS NOT OR, IF THERE IS, WHAT HAPPENED TO IT.

8 MS. MARKIE: SPECIFICALLY, THAT'S WHAT THE LEA'S
9 WILL ADDRESS TODAY, THAT ISSUE OF THE NOTIFICATION.

10 CHAIRMAN HUFF: THEN WHO'S THE NEXT ON THE
11 WITNESS TABLE?

12 MS. MARKIE: TONY PACHECO FROM SANTA CLARA
13 COUNTY.

14 MR. PACHECO: CHAIRMAN HUFF, BOARD MEMBERS, MY
15 NAME IS TONY PACHECO. I'M THE SOLID WASTE ENFORCEMENT
16 PROGRAM MANAGER FOR THE SANTA CLARA COUNTY DIVISION OF
17 ENVIRONMENTAL HEALTH. AND AS MS. MARKIE INDICATED, WE
18 ARE CO-LEA WITH THE CITY OF SAN JOSE DEPARTMENT OF
19 NEIGHBORHOOD PRESERVATION.

20 I DON'T WANT TO START THIS OUT WITH AN
21 APOLOGY, BUT I'M GOING TO HAVE TO DO IT. MR. BENITEZ,
22 THE DIRECTOR OF THE DEPARTMENT OF NEIGHBORHOOD
23 PRESERVATION, WAS SUPPOSED TO GIVE THE PRESENTATION
24 TODAY. WE FOUND OUT TEN MINUTES BEFORE THE BOARD MEETING
25 THAT HE WAS ILL AND COULDN'T MAKE IT. I'M SURE WE CAN DO

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 AN ADEQUATE JOB OF ANSWERING QUESTIONS FOR YOU, SO WE'RE
2 GOING TO PROCEED AND DO WHAT WE CAN.

3 THIS IS MR. RICHARD ARCHDEACON, WHO WORKS
4 FOR MR. BENITEZ, WHO DID MUCH OF THE INVESTIGATION AND
5 THE REPORT WRITING. SO WHAT I'M GOING TO DO IS JUST GIVE
6 YOU A LITTLE BIT OF BACKGROUND AND THEN TURN IT OVER TO
7 MR. ARCHDEACON TO GIVE YOU THE PARTICULARS, AND THEN WE
8 CAN ANSWER QUESTIONS AS THEY COME UP.

9 FIRST THING I WANT TO SAY THAT IT'S MY
10 UNDERSTANDING THAT THIS REALLY WASN'T SO MUCH OF AN
11 EXPLOSION AS IT WAS KIND OF A FLASH FIRE. THERE WAS -- I
12 DON'T THINK IT WAS A CLASSIC EXPLOSION WHERE THINGS GOT
13 BLOWN ALL OVER. THE GAS IGNITED AND BURNED KIND OF
14 VIOLENTLY AT FIRST, BUT THAT'S JUST THE IMPRESSION I'VE
15 GOTTEN FROM WHAT WE'VE LEARNED FROM THE VARIOUS PLAYERS
16 SO FAR.

17 CHAIRMAN HUFF: I SUPPOSE THAT DISTINCTION
18 DEPENDS ON WHETHER YOU WRITE THE REPORT OR WHETHER YOU
19 ACTUALLY EXPERIENCE IT.

20 MR. PACHECO: YES. I'M NOT DOWNPLAYING THE
21 SEVERITY OF WHAT HAPPENED BECAUSE THERE WERE THREE PEOPLE
22 INJURED, AND THAT'S ALWAYS A TERRIBLE THING. I'VE BEEN
23 INVOLVED IN AN INDUSTRIAL ACCIDENT MYSELF, AND IT'S NOT
24 AN EASY THING NO MATTER HOW SMALL IT IS.

25 NEWBY ISLAND LANDFILL IS OWNED BY

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



barristers'
reporting service

1 INTERNATIONAL DISPOSAL COMPANY, WHICH IS A COMPANY OWNED
2 BY BROWNING FERRIS INDUSTRIES. IT'S ONE OF THE LARGEST
3 LANDFILLS IN OUR COUNTY, AND THEY PROBABLY TAKE IN
4 PROBABLY HALF OF THE TONNAGE IN OUR COUNTY. IT'S A BAY
5 SITE SURROUNDED BY BAY MARSH, AND THERE'S NO RESIDENTIAL
6 AREA OR ANYTHING ANYWHERE NEARBY THE FACILITY. IT'S
7 FAIRLY ISOLATED.

8 IT'S A FACILITY THAT'S ABOUT 300 ACRES IN
9 SIZE, LITTLE OVER 300 ACRES, AND IT'S BEEN IN OPERATION
10 FOR ABOUT 35 YEARS AS A SANITARY LANDFILL. PRIOR TO THAT
11 IT WAS AN OLD STYLE DUMP, I THINK. BUT AT ANY RATE, OUR
12 RECORDS INDICATE THAT IT WAS STARTED AS A SANITARY
13 LANDFILL IN ABOUT 1956. THEY RECEIVED WASTE FROM SAN
14 JOSE, WHICH IS THE LARGEST CITY IN OUR COUNTY, POPULATION
15 OF AROUND 700,000, AND SEVERAL OF THE OTHER CITIES. SO
16 THERE'S A LOT OF WASTE IN THERE, AND THEY PRODUCE A FAIR
17 AMOUNT OF GAS.

18 IDC HAS A CONTRACT WITH LAIDLAW TO RUN THE
19 GAS RECOVERY SYSTEM. GAS IS EXTRACTED FROM THE LANDFILL
20 AND BURNED. BURNS A GENERATOR, PRODUCES ELECTRICITY.
21 AND SO THIS IS A SYSTEM WHERE THEY JUST DON'T FLARE IT TO
22 THE ENVIRONMENT; THEY GENERATE ELECTRICITY WITH IT.

23 I WANT TO PUT SOMETHING IN PERSPECTIVE
24 BEFORE I TURN IT OVER TO MR. ARCHDEACON TO GIVE YOU THE
25 NUTS AND BOLTS OF WHAT WE FOUND OUT. THIS WAS A SERIOUS

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701
LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

Barristers'
reporting service

1 INCIDENT WHERE PEOPLE WERE INJURED; HOWEVER, I DON'T WANT
 2 TO HAVE THIS SEEM AS IF THE OPERATOR OF THE LANDFILL HAS
 3 BEEN A NEGLIGENT OPERATOR. THEY'RE A GOOD OPERATOR AND
 4 HAVE A GOOD TRACK RECORD WITH US. WE HAVE FOUND THEM
 5 VIOLATIVE IN SOME THINGS; BUT IN THE SPECTRUM OF BEING IN
 6 VIOLATION, YOU CAN HAVE A LOW AND A HIGH. IT'S ALMOST
 7 ROOM FOR IMPROVEMENT KINDS OF THINGS, BUT SOMETHING BROKE
 8 DOWN EVEN THOUGH THEY HAD CONTROLS IN PLACE.

9 BOARD MEMBER CHESBRO: NEEDS IMPROVEMENT? IS
 10 THAT WHAT I HEARD YOU SAY?

11 MR. PACHECO: THAT'S WHY I MENTIONED IT. EVEN
 12 THOUGH THERE WAS A SERIOUS ACCIDENT, THERE WERE CONTROLS
 13 IN PLACE. SOMETHING BROKE DOWN, SO WE NEED TO TAKE THIS
 14 OPPORTUNITY TO IMPROVE THAT SYSTEM AT THIS LANDFILL, BUT
 15 WE'RE GOING TO USE IT AS A JUMPING-OFF POINT BECAUSE THIS
 16 IS THE FIRST LANDFILL TRENCH FIRE THAT I THINK I'M AWARE
 17 OF, AND I THINK IT'S CERTAINLY THE FIRST ONE IN OUR
 18 COUNTY.

19 WE USE IT AS A JUMPING-OFF POINT TO IMPROVE
 20 THOSE KINDS OF THINGS THAT WE LOOK FOR IN SAFETY PLANS
 21 AND IN SECURITY AT OUR LANDFILLS IN OUR COUNTY.

22 SO AT THIS TIME I'D LIKE TO TURN IT OVER TO
 23 RICH ARCHDEACON, AND HE'LL GIVE YOU WHAT WE FOUND DURING
 24 OUR INVESTIGATION.

25 MR. ARCHDEACON: THANK YOU, TONY. MR. CHAIRMAN



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
 SANTA ANA, CALIFORNIA 92701

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

Barristers'
reporting service

1 AND MEMBERS OF THE COMMITTEE, MY NAME IS RICHARD
2 ARCHDEACON. AND THIS MORNING I'M REPRESENTING THE CITY
3 OF SAN JOSE, WHICH IS ONE OF TWO LEA'S FOR THIS SITE.

4 I WAS PREPARED TO BASICALLY HIGHLIGHT THE
5 INCIDENT REPORT FOR YOU AND GO OVER A QUICK CHRONOLOGY OF
6 EVENTS. AND IF YOU HAVE ANY QUESTIONS DURING THAT,
7 PLEASE FEEL FREE TO STOP ME.

8 AS WAS MENTIONED, THE INCIDENT ACTUALLY
9 OCCURRED ON MARCH THE 8TH, AND I WILL GO OVER THE EVENTS
10 LEADING UP TO THAT. ON MARCH THE 8TH AT 8:15 IN THE
11 MORNING, THE LANDFILL MANAGER, MARK WOLTHAUSEN, FOUND AN
12 UNIDENTIFIED CREW THAT WAS ACTIVELY TRENCHING A SITE, A
13 PORTION OF LANDFILL WHICH IS CURRENTLY INACTIVE, AND IT
14 DOES HAVE A PERMANENT CLAY COVER OR CLAY CAP ON IT. AND
15 HE WAS, OF COURSE, VERY CONCERNED BECAUSE THEY WERE
16 TRENCHING THROUGH THIS PERMANENT CLAY CAP.

17 HE TALKED TO THE MEN, AND THEY DID IDENTIFY
18 THEMSELVES AS LAIDLAW GAS RECOVERY SYSTEMS COMPANY
19 EMPLOYEES. THERE WERE FOUR OF THEM, I BELIEVE. AND EVEN
20 THOUGH THEY DIDN'T HAVE UNIFORMS OR THEIR VEHICLE WAS NOT
21 MARKED, THEY DID IDENTIFY THEMSELVES TO HIM VERBALLY.

22 I SHOULD MENTION THAT MR. WOLTHAUSEN, THE
23 LANDFILL MANAGER, HAD MENTIONED TO US THAT AT THIS POINT
24 HE HAD SOME CONCERNS ABOUT THE CREW. HE JUST FROM
25 TALKING WITH THEM AND OBSERVING THEM, HE FELT THAT THEY

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 APPEARED TO BE PERHAPS NOT AS WELL TRAINED AS HE WOULD
2 HAVE EXPECTED FOR SUCH A JOB. AND SO, THEREFORE, AT 8:20
3 IN THE MORNING, APPROXIMATELY, THE LANDFILL MANAGER, MR.
4 WOLTHAUSEN, CALLED THE LAIDLAW AND SPOKE TO ONE OF THEIR
5 MANAGERS REGARDING THIS CREW THAT HAD APPEARANCES OF
6 BEING UNTRAINED.

7 THE LAIDLAW MANAGER SAID THAT HE WOULD LOOK
8 INTO THIS, AND HE WOULD CONTACT THE FOREMAN OF THAT CREW
9 ON SITE. THAT WAS AT 8:20 IN THE MORNING.

10 THE NEXT ENTRY IN OUR CHRONOLOGY IS AT 1:45
11 P.M. ON THE SAME DAY, MARCH THE 8TH, MR. WOLTHAUSEN, THE
12 LANDFILL MANAGER, HEARD HIS SECRETARY DIALING 911 TO
13 REPORT A FIRE ON THE LANDFILL. WHEN MARK FOUND OUT WHERE
14 IT WAS LOCATED, HE KNEW IT WAS THIS TRENCH SITE, AND HE
15 IMMEDIATELY DROVE OUT TO THE SITE. I BELIEVE HE WAS THE
16 FIRST ONE ON THE SITE, AND HE FOUND MEMBERS OF THE CREW
17 WANDERING AROUND IN A DAZED MANNER WITH OBVIOUS BURNS AND
18 DAMAGED CLOTHING.

19 AT 2 O'CLOCK P.M. FIRE AND POLICE VEHICLES
20 ARRIVED IN RESPONSE TO THE EMERGENCY CALLS, AND THE FIRE
21 WAS EXTINGUISHED SHORTLY THEREAFTER BY LANDFILL CREW
22 PEOPLE, WHO USED A TRACTOR TO FILL IN THE TRENCH AND
23 THEREBY EXTINGUISH THE FLAMES.

24 THE THREE WORKERS WHO WERE INJURED WERE
25 TAKEN TO THE HOSPITAL AT THIS POINT. THEY WERE GIVEN

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 FIRST AID AT THE SITE.

2 THE FOLLOWING MONDAY, ON MARCH THE 11TH, AS
3 SUE MARKIE HAD MENTIONED, LAIDLAW BROUGHT IN A CONTRACTOR
4 TO REEXCAVATE THE TRENCH, OPEN IT UP AGAIN, AND CAP OFF
5 THOSE TWO OPEN ENDS OF THE LINE.

6 SOME OF THE -- IF THERE ARE NO QUESTIONS ON
7 THAT CHRONOLOGY, I WAS GOING TO GO OVER SOME OF OUR
8 RESULTS AND CONCLUSIONS OF THE INVESTIGATION.

9 CHAIRMAN HUFF: JUST WANTED TO MAKE SURE. THE
10 INITIAL FIRE OCCURRED WHEN, ONE --

11 MR. ARCHDEACON: APPROXIMATELY 1:45 P.M.

12 CHAIRMAN HUFF: IT MUST HAVE CONTINUED TO BURN,
13 THEN, IF THEY EXTINGUISHED THIS FIRE USING DOZERS.

14 MR. ARCHDEACON: YES, THAT'S CORRECT. IT
15 CONTINUED TO BURN UNTIL IT WAS EXTINGUISHED BY
16 BACKFILLING THE TRENCH.

17 SOME OF OUR RESULTS AND CONCLUSIONS: WE
18 FEEL THAT THE ACCIDENT COULD HAVE, OF COURSE, BEEN EASILY
19 PREVENTED BY THE PROPER USE OF PROCEDURES BY THE CREW
20 USING PROPER SAFETY PROCEDURES AND EQUIPMENT. OBVIOUSLY,
21 IT'S SUSPECTED THAT THE ELECTRIC IMPACT WRENCH, BEING AN
22 ELECTRICAL TOOL, PROVIDED THE SPARK THAT INITIALLY
23 IGNITED THE METHANE THAT WAS PRESENT IN THE TRENCH.

24 THE LANDFILL SAFETY PROGRAM DOES NOT
25 INCLUDE LAIDLAW EMPLOYEES WHO WORK ON THE GAS RECOVERY

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 SYSTEM. I SHOULD SAY GAS COLLECTION AND RECOVERY SYSTEM.
2 IT INCLUDES ONLY THEIR LANDFILL EMPLOYEES AT THIS POINT.
3 AND THAT, OF COURSE, IS ONE THING THAT WE ARE ADDRESSING
4 AS ACTIONS THAT WE WISH TO HAVE TAKEN.

5 I'LL READ OVER THE FOLLOWING VIOLATIONS
6 THAT WE HAVE CITED. THESE ARE VIOLATIONS OF THE PUBLIC
7 RESOURCES CODE AND CALIFORNIA CODE OF REGULATIONS TITLE
8 14. NO. 1, WE FOUND OUT THERE WERE VIOLATIONS OF THE
9 LANDFILL PERMIT, THE SOLID WASTE FACILITIES PERMIT, WHICH
10 IS ISSUED FOR THIS SITE. THERE IS A CLAUSE IN THE PERMIT
11 THAT SAYS THE OPERATOR WILL FOLLOW ALL STATE, FEDERAL,
12 AND LOCAL REGULATIONS AND ENACTMENTS AS REQUIRED BY THE
13 PERMIT.

14 AND SO THIS WAS A VIOLATION OF THE PERMIT
15 IN NOT FOLLOWING PROPER ISSUANCE OF PERMITS TO EXCAVATE
16 AND ALSO NOT HAVING PROPER TRAINING, SAFETY EQUIPMENT, OR
17 SITE SUPERVISION.

18 THE NEXT VIOLATION, REQUIRED PERMITS WERE
19 NOT SECURED FOR THE EXCAVATION. PRIOR TO THE INITIAL
20 EXCAVATION, NO PERMITS FROM OSHA WERE ISSUED OR SOUGHT
21 AFTER. AFTER THE EXPLOSION HAD OCCURRED, AFTER THE FIRE,
22 NO OSHA PERMITS WERE ISSUED OR SOUGHT FOR THE
23 REEXCAVATION OF THE TRENCH. HOWEVER, AFTER THE FIRE AND
24 THE ACCIDENT, THEY DID OBTAIN CLEARANCE FROM BAY AREA AIR
25 QUALITY MANAGEMENT DISTRICT TO PERFORM THIS CAPPING

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 OPERATION.

2 SOME OF THE OTHER CALIFORNIA CODE OF
3 REGULATIONS VIOLATIONS WERE 17672, PERSONNEL ASSIGNED TO
4 WORK AT THE SITE ARE REQUIRED TO BE PROPERLY TRAINED WITH
5 AND AN EMPHASIS ON SAFETY, HEALTH, AND EMERGENCY
6 PROCEDURES.

7 SECTION 17670, PERSONNEL HEALTH AND SAFETY,
8 OPERATING AND MAINTENANCE PERSONNEL MUST WEAR AND USE
9 PROPER SAFETY EQUIPMENT.

10 SECTION 17658, SITE SECURITY, FAILURE TO
11 PROVIDE ADEQUATE SITE SECURITY BY SCREENING UNIDENTIFIED
12 INCOMING WORKERS.

13 AND, FINALLY, SECTION 17648, PROPER
14 SUPERVISION, ADEQUATE SUPERVISION FOR THIS CREW WAS NOT
15 PROVIDED.

16 A NOTICE AND ORDER HAS BEEN PREPARED BY THE
17 LEA'S, WHICH IS BASICALLY REFERENCING THESE VIOLATIONS,
18 AND IT IS CURRENTLY IN ITS DRAFT STAGE, AND IT'S BEING
19 REVIEWED BY INTEGRATED WASTE BOARD STAFF.

20 SOME OF OUR CONCLUSIONS FOLLOWING THIS --
21 AND I'M SURE TONY CAN HELP ME OUT ON THESE. WE'VE BEEN
22 WORKING ON THESE TOGETHER -- BASED ON THE INVESTIGATION
23 CONDUCTED BY BOTH THE LEA'S, IT WAS DETERMINED THAT THE
24 OPERATOR, INTERNATIONAL DISPOSAL CORPORATION, WAS REMISS
25 IN THE FOLLOWING POINTS: NO. 1, EXERCISING PROPER

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997

Barristers'
reporting service

1 CONTROL AND SUPERVISION OF THE ACTIVITIES CONDUCTED BY
2 SUBCONTRACTORS WORKING ON THE LANDFILL SITE; NO. 2,
3 NOTIFYING THE LEA'S OF THE ACCIDENT IN A TIMELY MANNER;
4 AND NO. 3, PROVIDING ADEQUATE SITE SECURITY IN THAT
5 UNIDENTIFIED PERSONNEL WERE ALLOWED TO ENTER THE SITE AND
6 CONDUCT WORK ON THE LANDFILL.

7 TO REMEDY THESE PROBLEM AREAS, THE LEA'S
8 WILL BE REVIEWING THE OPERATOR'S PROCEDURES FOR
9 SUPERVISING SUBCONTRACTORS WORKING ON THE LANDFILL SITE.
10 WE WILL ALSO BE REQUIRING THEM TO DEVELOP PROCEDURES TO
11 ACTUALLY CHECK IN THESE PERSONNEL, THESE CONTRACTORS WHO
12 COME ONTO THEIR SITE.

13 THE LEA'S WILL ALSO REVIEW THE ADEQUACY OF
14 THE REQUIREMENTS FOR LANDFILL HEALTH AND SAFETY
15 PROCEDURES. IN ADDITION, THE LEA'S WILL BE REQUIRING THE
16 OPERATOR TO SUBMIT A REVISED EMERGENCY RESPONSE PLAN FOR
17 REVIEW AND APPROVAL. AND PART OF THIS WILL BE EFFORTS TO
18 DEVELOP PROCEDURES FOR ALSO CHECKING ON THE ISSUANCE OF
19 PROPER PERMITS BEFORE EXCAVATION OF PORTIONS OF THE
20 LANDFILL.

21 I WILL ADDRESS VERY BRIEFLY THE ISSUE OF
22 LACK OF TIMELY NOTIFICATION TO THE INTEGRATED WASTE BOARD
23 STAFF. AS YOU KNOW, THE INCIDENT ACTUALLY OCCURRED ON
24 MARCH THE 8TH AT 1:45 IN THE AFTERNOON, WHICH IS A
25 FRIDAY. THE CITY OF SAN JOSE LEARNED ABOUT THIS INCIDENT

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers
reporting service

1 DURING THE WEEKEND NEWS REPORTS. WE CONTACTED THE
2 LANDFILL MANAGER FIRST THING MONDAY MORNING TO FIND OUT
3 THE DETAILS OF THE ACCIDENT. AND AFTER DISCUSSING THINGS
4 WITH HIM, I IMMEDIATELY CONTACTED SUE MARKIE OF THE
5 ENFORCEMENT STAFF TO INFORM HER OF WHAT HAD HAPPENED.

6 SO THIS IS DEFINITELY ONE OF THE AREAS THAT
7 WE WISH TO REMEDY AND TO INSURE THAT IN THE EMERGENCY
8 RESPONSE PROCEDURES INCIDENTS LIKE THIS ARE INSTANTLY
9 REPORTED TO THE LEA'S AND TO THE STATE BOARD.

10 BOARD MEMBER EGIGIAN: CAN YOU CLEAR UP AND
11 IDENTIFY THE RESPONSIBILITIES OF INTERNATIONAL, BFI, AND
12 LAIDLAW? THEY'RE ALL MENTIONED IN HERE. WHO OWNS WHAT
13 AND WHOSE RESPONSIBILITY IS IT TO --

14 MR. PACHECO: I'LL TAKE A STAB AT IT. I KNOW WE
15 HAVE REPRESENTATIVES FROM BFI, IDC, AND LAIDLAW HERE; SO
16 IF I MAKE A MISTAKE, THEY CAN COME UP AND CORRECT ME.

17 BUT BFI, I THINK, IS A PARENT COMPANY THAT
18 OWNS IDC. IDC IS THE OPERATOR OF THE LANDFILL. LAIDLAW
19 IS A CONTRACTOR THAT HAS A CONTRACT TO INSTALL, MAINTAIN,
20 AND OPERATE A GAS RECOVERY SYSTEM. AND THAT'S MY
21 UNDERSTANDING OF THE SITUATION.

22 CHAIRMAN HUFF: SO THE GAS BELONGS TO.

23 MR. PACHECO: GAS BELONGS TO LAIDLAW.

24 CHAIRMAN HUFF: BELONGS TO LAIDLAW?

25 MR. PACHECO: YEAH. I THINK THERE'S SOME

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 REMUNERATION FOR ALLOWING LAIDLAW TO OPERATE THE
2 FACILITY, BUT I'M NOT SURE OF THAT. PROBABLY EITHER
3 LAIDLAW OR IDC CAN COMMENT ON THAT MORE EFFECTIVELY. AS
4 FAR AS I KNOW, THE GAS BELONGS TO LAIDLAW.

5 BOARD MEMBER NEAL: I'M SORRY. I APOLOGIZE. I
6 DIDN'T HEAR THE VERY LAST OF YOUR COMMENTS ABOUT THE
7 NOTIFICATION. DID YOU SAY THERE WERE SOME -- SUPPOSED TO
8 BE SOME PROCEDURES TO IMMEDIATELY NOTIFY THE LEA OR NOT?

9 MR. PACHECO: THAT'S SOMETHING WE FEEL SHOULD
10 HAVE OCCURRED IMMEDIATELY. HOWEVER, DURING THE HEAT OF
11 WHAT WAS HAPPENING THERE, WE HAD THREE FAIRLY SEVERELY
12 INJURED INDIVIDUALS.

13 BOARD MEMBER NEAL: I WOULDN'T EXPECT YOU TO
14 CALL ME BEFORE YOU CALL 911.

15 MR. PACHECO: I THINK THE WAY IT'S BEEN
16 EXPLAINED TO US, THAT THERE WERE LOTS OF THINGS GOING ON
17 THERE. THERE WASN'T JUST PHONING 911. THERE WAS THE
18 COAST GUARD. THERE WAS VARIOUS AGENCIES PHONING AND
19 DOING THINGS. SO IN A SENSE, IT'S UNDERSTANDABLE HOW
20 SOMEONE MAY HAVE FORGOTTEN. WE DON'T ACCEPT THAT. I
21 MEAN WE SHOULD HAVE BEEN NOTIFIED IMMEDIATELY. WE HAVE
22 AN ANSWERING SERVICE IN OUR OFFICE.

23 BOARD MEMBER NEAL: I'M A LITTLE CONCERNED THAT
24 YOU DIDN'T KNOW ABOUT IT BEFORE YOU SAW IT ON T.V. IF IT
25 DIDN'T MAKE THE NEWS, I WONDER WHEN YOU WOULD FIND OUT.

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701
LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

Barristers'
reporting service

1 BOARD MEMBER CHESBRO: I HAVE A QUESTION THAT'S
2 RELATED. YOU JUST ANSWERED THE QUESTION WITH REGARDS TO
3 THE LEA ABOUT WHAT HAPPENS OVER THE WEEKEND. YOU HAVE AN
4 ANSWERING SERVICE. DO WE HAVE SOME SORT OF WEEKEND
5 CONTACT FOR AN EMERGENCY SITUATION? IS THERE ANY WAY FOR
6 ENFORCEMENT STAFF CAN BE CONTACTED?

7 MR. LARSON: MR. CHAIRMAN, MR. CHESBRO, THERE IS
8 NO FORMAL PROCEDURE ESTABLISHED SINCE THERE WAS NO ONE AT
9 THE PRESENT IN THE BUILDING ON THE WEEKENDS ALTHOUGH WE
10 ARE CONSIDERING EXPANDING 800 TOLL FREE SERVICE TO COVER
11 SOME WEEKEND HOURS.

12 BOARD MEMBER CHESBRO: MIGHT WANT TO TAKE THAT
13 INTO CONSIDERATION AS ONE OF THE ISSUES THAT THIS RAISES
14 IS QUESTION OF BEING -- SOME PROCESS BY WHICH THE BOARD
15 STAFF CAN BE NOTIFIED ON AN EMERGENCY BASIS IF THERE'S AN
16 EMERGENCY SOMEWHERE.

17 MR. LARSON: I'M CERTAIN, WITHOUT HAVING ALL THE
18 INFORMATION BEFORE ME, THAT THROUGH A SYSTEM WHERE
19 NOTIFICATION TO THE STATE POLICE THROUGH MAYBE SOME
20 PROVISION IN A PERMIT OR OTHER PROCEDURE COULD -- AND WE
21 COULD HAVE A CONTACT LIST WITH THE STATE POLICE DURING
22 NONWORKING HOURS AND WEEKENDS. WE'LL INVESTIGATE THAT.
23 IT COULD BE AN IMPORTANT CONSIDERATION.

24 CHAIRMAN HUFF: ANY OTHER QUESTIONS? ANYTHING
25 ELSE TO ADD?

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 MR. PACHECO: WELL, YEAH. JUST IN CLOSING, I'D
2 LIKE TO SAY WE HAVE ON OUR STAFF A NEW INDUSTRIAL
3 HYGIENIST, AND WE'RE GOING TO BE WORKING VERY CLOSELY
4 WITH HIM IN THE LANDFILL TO REFINE THE KINDS OF SAFETY
5 PROCEDURES AND EQUIPMENT THAT ARE NECESSARY.

6 WE HAVE CONCERNS, YOU KNOW, NOT ONLY FOR
7 THE LANDFILL WORKERS AND THE PUBLIC, BUT ALSO FOR OUR
8 STAFF THAT ARE OUT THERE AND MAYBE BEING IN THE TRENCH.
9 AND SO I THINK THAT, LIKE I SAID, IDC IS VERY COOPERATIVE
10 AND VERY WILLING TO WORK WITH US ON REFINING THE STEPS
11 THAT NEED TO BE TAKEN FOR EVERYTHING MR. ARCHDEACON
12 OUTLINED, AND IT'S REALLY TOO BAD THAT PEOPLE WERE HURT,
13 BUT I THINK SOMETHING GOOD WILL COME FROM THIS, AND WE'RE
14 CERTAINLY GOING TO USE IT AS A STEPPING STONE.

15 BOARD MEMBER CHESBRO: HOPEFULLY, THE GOOD THAT
16 CAN COME FROM IT WON'T JUST BENEFIT SAN JOSE, BUT OUR
17 BOARD CAN, IN TURN, IN TERMS OF THE PROCEDURES THAT WE
18 DIRECT LEA'S AND OPERATORS TO FOLLOW, CAN ALSO MAKE SOME
19 STATEWIDE BENEFIT OUT OF THIS UNFORTUNATE SITUATION.

20 MR. IWAHIRO: MR. CHAIRMAN, I JUST MIGHT ADD TO
21 THAT OR RESPOND TO THAT IN A WAY IS THAT OUR GAS STAFF
22 PEOPLE THAT ARE WORKING ON THE GAS -- LANDFILL GAS
23 PROGRAM HAVE DEVELOPED AN OUTLINE ADDRESSING THE
24 CONSTRUCTION, THE MAINTENANCE, DEVELOPMENT OF GAS CONTROL
25 SYSTEMS, AS WELL AS GAS RECOVERY SYSTEMS IN LOOKING OUT

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 AFTER WORKER SAFETY AS WELL AS THE NOTIFICATION THAT WAS
2 BROUGHT UP. SO WE ARE EMBARKING ON A REGULATIONS
3 DEVELOPMENT PROCESS, OAL PROCESS, JUST FOR THAT. AND
4 THIS IS IN LINE WITH OUR REVIEW OF ALL OF OUR
5 REGULATIONS, SO WE'RE PROPOSING, FROM STAFF'S POINT OF
6 VIEW, INCLUDING THAT SORT OF REGULATIONS FOR GAS SYSTEMS.

7 BOARD MEMBER CHESBRO: TO BROADEN THE ISSUE A
8 LITTLE BIT TO QUESTIONS OF ANY KIND OF EMERGENCY THAT
9 MIGHT OCCUR TO LANDFILL, IT SEEMS TO ME THAT THERE ARE
10 SEVERAL REASONS WHY -- AND THIS IS GETTING BACK TO THE
11 IDEA OF THE NECESSITY OF BEING ACCESSIBLE OVER A
12 WEEKEND -- SEVERAL REASONS WHY IT WOULD BE IMPORTANT FOR
13 US TO BE AVAILABLE.

14 ONE OF THEM, OF COURSE, IS TO CONSULT AND
15 PARTICIPATE IN ANY DECISION ABOUT HOW TO DEAL WITH AN
16 EMERGENCY, REMEDIATE IT OR WHATEVER, TAKE CARE IT,
17 WHETHER IT'S AN ENVIRONMENTAL EMERGENCY OR A HEALTH OR
18 SAFETY TYPE SITUATION, BUT ALSO -- AND, AGAIN, I ALWAYS
19 DRAW BACK TO MY OWN EXPERIENCE IN A LANDFILL I'M VERY
20 FAMILIAR WITH, THE QUESTION OF WITNESSING, PHOTOGRAPHING,
21 GATHERING EVIDENCE OF THE SITUATION QUICKLY CAN AFFECT,
22 THEN, ULTIMATELY THE OUTCOME IF THERE'S ANY KIND OF
23 QUESTION OF LIABILITY OR WHAT STEPS NEED TO BE TAKEN.

24 FREQUENTLY, IF YOU GET TO A SCENE OF AN
25 ACCIDENT QUICKLY ENOUGH TO GATHER EVIDENCE, THEN THE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 FACTS, AS YOU TRY TO PUT THEM TOGETHER AT A LATER DATE,
2 CAN BE MUCH BETTER. WITH AN EFFECTIVE LEA , THE LEA MAY
3 SUCCESSFULLY GATHER ALL THAT INFORMATION, BUT I THINK IN
4 A SIGNIFICANT EMERGENCY, OUR BOARD WILL WANT TO BE
5 INVOLVED IN GATHERING THAT INFORMATION TOO SO THAT IF WE
6 ARE INVOLVED IN THE SUBSEQUENT QUESTIONS, WHETHER THEY'RE
7 ENFORCEMENT QUESTIONS OR LEGAL QUESTIONS OR LIABILITY
8 QUESTIONS, WE HAVE THE BEST POSSIBLE INFORMATION. SO I
9 THINK THERE'S REAL SERIOUS AND SIGNIFICANT QUESTIONS
10 RAISED BY THIS WHOLE QUESTION OF QUICK NOTIFICATION BOTH
11 OF THE LEA AND OF THE BOARD AND THE BOARD ENFORCEMENT
12 STAFF.

13 MR. IWAHRO: I THINK IT'S IMPORTANT TO NOTE
14 THAT THE LEA IS OUR FIRST LINE OF ENFORCEMENT STAFF, AND
15 SO THEY'RE THE ONES THAT SHOULD BE NOTIFIED JUST
16 IMMEDIATELY. AND THEN AS TIME -- WHETHER OR NOT WHETHER
17 THE EXPLOSION OR WHATEVER IT IS IS THAT SERIOUS, THEN I
18 THINK THE STATE SHOULD BE NOTIFIED. I THINK THERE SHOULD
19 BE A CHAIN THAT GOES AUTOMATICALLY ONCE SUCH AN
20 OCCURRENCE BECOMES KNOWN.

21 BOARD MEMBER EGIGIAN: THIS HAS NOTHING TO DO
22 WITH THE SUBJECT, BUT ARE YOU THE LEA'S FOR THE OTHER
23 LANDFILL BEHIND NEWBY? WHAT DO THEY CALL IT? ZANKER
24 ROAD?

25 MR. PACHECO: YES.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 BOARD MEMBER EGIGIAN: YOU ARE. OKAY.

2 ONE QUESTION OF HERB. HERB, WHILE THEY
3 WERE REPORTING ON THIS, SOMEBODY NOTICED THAT THE CREW
4 THAT WAS DIGGING THE HOLE SEEMED TO BE NOT PROFESSIONALS.
5 DO WE HAVE ANY REGULATIONS AS TO WHO CAN DO THAT KIND OF
6 WORK AND WHETHER OR NOT THEY CAN GO BY THE MANAGEMENT OF
7 THE LANDFILL WITHOUT THEM KNOWING ABOUT IT AND START
8 EXCAVATING AND CUTTING INTO A GAS PIPE?

9 MR. IWAHIRO: I THINK THE REGULATIONS THAT WE
10 HAVE ARE VERY GENERAL, BUT THEY ARE THERE AND THEY ARE
11 THE RESPONSIBILITY OF THE OPERATOR THEMSELVES. IN OTHER
12 WORDS, OUR REGULATIONS BASICALLY SAY IT SHALL BE
13 PROPERLY, ADEQUATELY TRAINED. THAT IS THE RESPONSIBILITY
14 OF THE OPERATOR BECAUSE THEY HAVE A PERMIT THAT SAYS THEY
15 WILL FOLLOW THESE STANDARDS.

16 NOW, WHAT I'M SUGGESTING IS THAT IN
17 REVISITING THE REGULATIONS, THAT MAYBE WE MIGHT WANT TO
18 BE A LITTLE BIT MORE SPECIFIC WITH REGARD TO GAS. THIS
19 REQUIREMENT THAT THE PEOPLE BE ADEQUATELY TRAINED AND
20 OBSERVE SAFETY RULES ADDRESSES ALL ACTIVITY, NOT JUST ON
21 GAS FACILITIES. SO IT'S VERY GENERAL AND ALL INCLUSIVE.

22 BOARD MEMBER EGIGIAN: THIS COULD HAVE PROBABLY
23 BEEN AVOIDED HAD THE CREW BEEN EXPERIENCED, LIKE THE
24 SECOND LINE THAT WAS CALLED IN TO DO THE CAPPING AND
25 REEXCAVATE, SO THIS GOES TO SHOW YOU THAT YOU JUST CAN'T

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 CUT CORNERS AND EXPECT TO DO THINGS AND NOT HAVE PROBLEMS
2 WITH IT. THIS PART SHOULD BE ADDRESSED SOMEWHERE IN OUR
3 REGULATIONS.

4 CHAIRMAN HUFF: MR. CONHEIM.

5 ATTORNEY CONHEIM: THERE MAY NOT BE A BETTER
6 TIME TO DO THIS. BUT GIVEN THE LIMITATIONS OF OUR BEING
7 NOTIFIED, I THOUGHT THAT IT IS STILL NOTEWORTHY AND I
8 THINK THE BOARD OUGHT TO KNOW THAT THE MEMO THAT SUSAN
9 MARKIE WROTE SUMMARIZING THIS FOR OUR FILE WAS PROBABLY,
10 FROM A LAWYER STANDPOINT -- I WAS GIVEN A COPY OF IT
11 RIGHT AFTERWARDS -- THE BEST MEMO ON AN -- INCIDENT MEMO
12 THAT I'D EVER SEEN. I WANT TO COMMEND HER.

13 SHE WAS ON THE HOT SEAT OVER THE LAKE
14 COUNTY ISSUE. I WANTED TO MAKE SURE THAT THE BOARD KNEW
15 THAT WE'RE CONSTANTLY LOOKING, WHEN STAFF COMES TO US,
16 FOR JUST THE FACTS SO THAT WE CAN MAKE A DETERMINATION
17 WHETHER THERE'S A ROLE FOR THE BOARD TO PLAY AND WHAT
18 THAT ROLE SHOULD BE AND HOW SOON AND THE CIRCUMSTANCES.
19 AND BASED ON THE FACTS THAT WERE IN HERE, I JUST FELT
20 WHEN IT CAME TIME FOR US TO DO SOMETHING ABOUT THIS, WE
21 WOULD HAVE THOSE FACTS RECORDED, AND I WANTED TO MAKE
22 SURE THE BOARD KNEW THAT, THAT I WAS REAL PLEASED WITH
23 HER WORK.

24 CHAIRMAN HUFF: OKAY.

25 BOARD MEMBER EGIGIAN: I THINK WE ALL ARE.

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Harristers
reporting service

1 CHAIRMAN HUFF: HOW SERIOUSLY INJURED WERE THESE
2 PEOPLE?

3 MR. PACHECO: TWO OF THE INDIVIDUALS HAD SECOND
4 DEGREE BURNS, AND I THINK IT RANGED FROM ABOUT 18 TO 23
5 PERCENT OF THEIR BODY. THIRD INDIVIDUAL HAD FIRST DEGREE
6 BURNS.

7 CHAIRMAN HUFF: THOSE TWO INDIVIDUALS WERE
8 HOSPITALIZED?

9 MR. PACHECO: ALL THREE ACTUALLY WERE
10 HOSPITALIZED. I THINK THE INDIVIDUAL WITH THE FIRST
11 DEGREE BURN WAS ONLY SEEN FOR A SHORT TIME AND SENT HOME.
12 THE OTHER TWO HAD HOSPITAL STAYS. IT WAS SEVERE INJURY.

13 CHAIRMAN HUFF: DO YOU HAVE ANYTHING ELSE TO
14 ADD?

15 MR. PACHECO: I HAVE NOTHING ELSE.

16 CHAIRMAN HUFF: ANY FURTHER QUESTIONS? WE HAVE
17 AN INDICATION FROM PEOPLE REPRESENTING BFI THAT THEY ARE
18 HERE TO ADDRESS THE BOARD ON THIS ITEM.

19 MR. APREA: MR. CHAIRMAN AND MEMBERS OF THE
20 COMMITTEE, I'M MARK APREA WITH BROWNING FERRIS
21 INDUSTRIES. THANK YOU FOR THE OPPORTUNITY TO ALLOW US TO
22 BE BEFORE YOU TODAY.

23 JUST WANT TO START OFF BY SAYING IF THE
24 BOARD DETERMINES THAT REGS WILL BE DEVELOPED, WE'RE
25 PLEASED TO WORK WITH THE BOARD AND WITH THE STAFF IN THAT



BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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

Barristers'
reporting service

1 DEVELOPMENT.

2 WITH ME TODAY IS BOB JAMISON, OUR VICE
3 PRESIDENT FOR ENVIRONMENTAL COMPLIANCE AND GAS SYSTEMS.
4 HE'LL BE HERE TODAY TO CLARIFY SOME OF THE MATTERS
5 RELATING TO GAS SYSTEMS, CONSTRUCTION, MAINTENANCE, AND
6 REGULATION. TO HIS RIGHT IS BILL HUTTON, BFI'S REGIONAL
7 COUNSEL, AND ALSO MARK WOLTHAUSEN, WHO IS THE LANDFILL
8 MANAGER MENTIONED IN THE REPORT, WHO WILL CLARIFY SOME OF
9 THE MATTERS AS FAR AS THEY RELATE TO THE FACTS.

10 AND JUST ONE -- IF THERE ARE ANY QUESTIONS,
11 WE'D BE HAPPY TO ADDRESS THEM BEYOND THAT. ALSO WITH US
12 TODAY IS NEIL WEISS, WHO IS THE REGIONAL LANDFILL
13 MANAGER.

14 MR. JAMISON: THANK YOU, MARK. I WANT TO THANK
15 THE BOARD FOR THE OPPORTUNITY TO PRESENT SOME ISSUES THAT
16 BFI IS CONCERNED ABOUT RELATIVE TO THIS INCIDENT. I'M
17 GOING TO SPEAK MOSTLY ON THE GAS SYSTEM TECHNICAL ISSUES.
18 BILL HUTTON WILL SPEAK KNOWLEDGEABLY ON SOME OF THE
19 ISSUES THAT RELATE TO THE SITUATION THAT WE HAVE WITH
20 LAIDLAW.

21 LET ME SAY FIRST THAT IF THE BOARD IS
22 DEVELOPING GAS SYSTEMS REGULATIONS, BFI HAS BEEN INVOLVED
23 HEAVILY IN SUBTITLE D CLEAN AIR ACT AND CERTAINLY THE
24 AQMD RULES, AND WE WOULD BE MORE THAN HAPPY TO ASSIST THE
25 BOARD IN ANY FASHION POSSIBLE. IN FACT, I BELIEVE TWO

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 WEEKS AGO PHIL GUAGMINO (PHONETIC) HAD US UP HERE GIVING
2 SOME PRESENTATIONS TO THE NEW INSPECTORS ON SAFETY. AS A
3 MATTER OF FACT, IT WAS VERY APPROPRIATE.

4 THERE WERE SOME STATEMENTS MADE, AND I
5 WOULD DEFER TO BILL ON SOME OF THESE, BUT I JUST WANTED
6 TO TOUCH ON THEM VERY BRIEFLY. I BELIEVE SOMEWHERE THERE
7 WAS SOME REFERENCE TO LAIDLAW HAVING BEEN HIRED BY BFI.
8 I THINK THAT'S REALLY INCORRECT. LAIDLAW WAS NOT HIRED
9 BY BFI. THEY, IN FACT -- THEY OWN THE GAS, IF YOU WILL,
10 AND THEY GENERATE POWER FROM RUNNING THAT GAS THROUGH IC
11 ENGINES AND SELL IT TO PACIFIC GAS AND ELECTRIC, AND WE
12 COLLECT A ROYALTY ON THEIR GROSS REVENUES GENERATED
13 THERE; HOWEVER, THE GAS IN THE PIPELINE IS THEIRS, IF YOU
14 WILL. IT IS MY CONTRACT, THEIR PROPERTY. SO ALSO IS THE
15 GAS SYSTEM.

16 I WANT TO MAKE SOME REFERENCE TO BFI'S OWN
17 GAS SYSTEMS OPERATIONS AND SPECIFICALLY OUR CONCERN WITH
18 THIS SAFETY ISSUE. WE OWN AND OPERATE OVER A HUNDRED
19 LANDFILLS THROUGHOUT THE COUNTRY. WE HAVE SEVEN HERE IN
20 CALIFORNIA. ALL SEVEN OF THOSE LANDFILLS WE OWN AND
21 OPERATE HAVE GAS SYMPTOMS INSTALLED AND OPERATING, SOME
22 OF THEM SINCE THE LATE '70S.

23 IT HAS BEEN OUR EXPERIENCE AND AT MANY OF
24 THOSE LANDFILLS WHERE WE HAVE OUR OWN IN-HOUSE EMPLOYEES,
25 GAS CREWS, HIRED, IF YOU WILL. THAT. IN FACT, WE DO

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 MONITOR CLOSELY RELATIVE TO SAFETY OPERATIONS AND
2 MAINTENANCE. WE TRAIN THESE PEOPLE. AND AS A MATTER OF
3 FACT, EVERY YEAR TRAIN THEM HEAVILY, OUTSIDE SEMINARS,
4 IN-HOUSE SEMINARS. CREWS ARE VERY WELL TRAINED.

5 OUR CONTRACTORS THAT WE DO HIRE -- AND,
6 AGAIN, I WANT TO POINT OUT THAT LAIDLAW WAS NOT A
7 CONTRACTOR HIRED BY US TO REPAIR THE GAS SYSTEM.
8 NEVERTHELESS, AT SOME SITES, IN FACT, WE DO HIRE
9 CONTRACTORS TO REPAIR THE GAS SYSTEM. WE DO SCRUTINIZE
10 THOSE CONTRACTORS HEAVILY, ESTABLISH A PAPER TRAIL
11 RELATIVE TO SAFETY THAT THOSE CONTRACTORS MUST FOLLOW.
12 AND, IN FACT, IF WE DISCOVER THAT A CONTRACTOR DOES NOT
13 FOLLOW THE PROCEDURES INTERNALLY, WE LITERALLY AND HAVE,
14 IN FACT, MOST RECENTLY FIRED A FEW AND BROUGHT IN
15 CONTRACTORS THAT DO MEET OUR OWN INTERNAL SAFETY
16 REQUIREMENTS.

17 IN ANY EVENT, I BELIEVE I'VE SPOKEN HEAVILY
18 ENOUGH ON BFI'S PERSPECTIVE FROM THE GAS SYSTEMS AND WHAT
19 I BELIEVE MAY HAVE BEEN SOME MISNOMERS OR
20 MISUNDERSTANDINGS RELATIVE TO LAIDLAW BEING A
21 SUBCONTRACTOR AT THE SITE OR THEM BEING HIRED OR THE
22 SITUATION WITH THE GAS AT NEWBY ISLAND.

23 AND, AGAIN, I WANT TO STRESS ONE MORE TIME
24 BEFORE I HAND THIS OVER TO BILL, PLEASE DON'T HESITATE TO
25 CALL US TO ASSIST YOU OR OTHERWISE FURNISH INFORMATION,

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 DATA, OR ANYTHING THAT YOU WOULD CALL ON US FOR RELATIVE
2 TO YOUR EFFORTS TO DEVELOP AND IMPLEMENT GAS SYSTEMS
3 REGULATIONS. BELIEVE ME THERE ARE MANY ALREADY, AND
4 WE'LL BE MORE THAN HAPPY HELP YOU MAKE SOME MORE.

5 MR. HUTTON: I'D LIKE TO ALSO THANK THE BOARD
6 FOR ALLOWING US THE OPPORTUNITY TO SPEAK. I'D LIKE TO
7 TALK ABOUT A NUMBER OF ISSUES AND PROBABLY JUST BE
8 RUNNING DOWN A LIST AND RESPONDING TO SOME OF THE EARLIER
9 QUESTIONS BY THE BOARD MEMBERS.

10 BEFORE I DID THAT, WE'D ALSO LIKE TO STATE
11 OUR CONCURRENCE WITH THE THOROUGHNESS AND ACCURACY OF MS.
12 MARKIE'S REPORT. WE THOUGHT IT WAS EXCELLENT AND LAID
13 OUT THE FACTUAL SITUATION VERY WELL.

14 COUPLE OF QUESTIONS CAME UP. I'LL JUST
15 START TICKING THROUGH THE LIST. FIRST, I DO WANT TO
16 AGAIN TALK ABOUT THE LAIDLAW/BFI RELATIONSHIP. IT'S A
17 LITTLE BIT UNUSUAL. MAYBE A BETTER WAY TO LOOK AT IT IS
18 THAT WE ARE SUPPLYING LAIDLAW A RAW MATERIAL AND THEN
19 TURNING IT OVER TO THEM SO THAT, AGAIN, THE COLLECTION
20 SYSTEM ITSELF, THE GAS -- THE PROCESSING FACILITIES, THE
21 ELECTRICAL GENERATING FACILITIES, AND THE ULTIMATE
22 DISPOSAL OF THINGS LIKE CONDENSATE ARE ALL THE
23 RESPONSIBILITY OF LAIDLAW. AND SO IT'S NOT A TYPICAL
24 SUBCONTRACTOR RELATIONSHIP, BUT WE HOPE THAT IT CAN BE
25 CLARIFIED, AND WE'D LIKE TO DISCUSS THAT WITH BOTH THE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 LEA AND THE STATE BOARD TO SEE WHAT REGULATIONS ARE
2 APPROPRIATE UNDER THE CIRCUMSTANCES.

3 TO RESPOND TO SOME SPECIFIC QUESTIONS, IT
4 WAS ASKED WHETHER -- WHY WAS THIS DONE AND IS THIS
5 COMMON. AGAIN, THE REASON WAS THAT PART OF THE LINE HAD
6 SETTLED AND THEREBY TRAPPING CONDENSATE THROUGH THE
7 ENTIRE SPACE OF THE LINE.

8 WHAT HAPPENS IS THE GAS SYSTEMS OPERATE
9 UNDER A VACUUM; AND WHEN THAT VACUUM IS BROKEN, WHEN THE
10 HORIZONTAL PIPELINE FILLS WITH WATER, SO THAT'S WHY THE
11 EXCAVATION WAS TO RAISE THAT UP TO BE ABLE TO CLEAR THE
12 CONDENSATE AND CREATE A FLOW SO THAT THAT CONDENSATE
13 WOULD FLOW OUT OF THE SYSTEM AND ALSO BE COLLECTED,
14 HANDLED, AND PROPERLY DISPOSED OF.

15 DOES THIS HAPPEN COMMONLY? YES, BECAUSE OF
16 THE NORMAL SETTLEMENT THAT YOU WILL FIND IN LANDFILLS.
17 AND BOB CAN PROBABLY SPEAK TO THAT BETTER THAN I, BUT
18 IT'S A FAIRLY ROUTINE PROCESS AT THE BFI LANDFILLS TO
19 UNDERTAKE THAT.

20 A QUESTION AROSE OF THE LOCATION OF THE
21 PIPING, WHETHER THAT HORIZONTAL PIPING IS ON THE GROUND
22 SURFACE OR UNDERGROUND. AND SEVERAL LANDFILLS WERE
23 IDENTIFIED WHERE IT WAS ABOVEGROUND AT BKK AND PUENTE.
24 IN OUR EXPERIENCE, THAT TENDS TO BE THE LESS COMMON
25 PRACTICE, THAT MOST OF THE LANDFILLS IN THE STATE, THE

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 HORIZONTAL PIPING IS UNDERGROUND AND THAT AN EXCAVATION
2 OF THE TYPE UNDERTAKEN HERE IS REQUIRED TO CORRECT ANY
3 PROBLEMS WITH THAT.

4 ANOTHER QUESTION CAME UP OF WHO REGULATES
5 THIS TYPE OF OPERATION, AND A VERY LONG LIST CAME UP OF
6 THE PUC, THE LEA'S, THE STATE WATER BOARD, THIS BOARD,
7 OSHA. ONE OTHER ONE, JUST TO LET YOU KNOW, DEPARTMENT OF
8 HEALTH SERVICE ALSO IS POTENTIALLY INVOLVED IN IT TO THE
9 EXTENT THAT THE CONDENSATE MUST BE CHARACTERIZED AND
10 PROPERLY HANDLED UNDER DHS REGULATIONS.

11 BOARD MEMBER CHESBRO: CAN I INTERRUPT FOR JUST
12 A MOMENT? WE HAVE A BOARD STAFF MEMBER WHO HAS BEEN
13 SERVING IN THE RESERVES IN THE GULF, AND I JUST WANTED TO
14 WELCOME HIM BACK, JESS ADAMS, WHO WENT OVER THERE.

15 (APPLAUSE.)

16 BOARD MEMBER CHESBRO: I UNDERSTAND HE MISSED
17 MOST OF THE ACTION, BUT NONETHELESS HE WAS DOING HIS DUTY
18 IN REPRESENTING OUR COUNTRY, SO I THOUGHT HE SHOULD BE
19 RECOGNIZED.

20 MR. ADAMS: GOOD TO BE BACK.

21 MR. HUTTON: ONE FACTUAL ISSUE THAT WE'D LIKE TO
22 CLARIFY GOES TO THE ISSUE OF NOTIFICATION. I THINK THAT
23 EVERYBODY CAN UNDERSTAND WHEN THIS INCIDENT WAS
24 OCCURRING, THERE WAS GREAT DEAL OF ACTIVITY, NOT ONLY
25 RELATED TO THE FIRE, EMERGENCY PROCEDURES, PARAMEDICS, A

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 LOT OF OTHER FOLKS AROUND, BUT ALSO LITERALLY THE PHONE
2 WAS RINGING OFF THE HOOK AT THE LANDFILL WITH THINGS LIKE
3 OUR CUSTOMERS WONDERING WHY THEIR WASTE WASN'T BEING
4 ALLOWED INTO THE LANDFILL, OF VARIOUS EMERGENCY AGENCIES.
5 NEWSPAPERS WERE CALLING. IT WAS A VERY DIFFICULT AND
6 CONFUSING SITUATION. AND I THINK THAT THAT NEEDS TO BE
7 PUT IN CONTEXT WITH MR. WOLTHAUSEN'S ACTIVITIES THAT DAY.

8 AT THE LANDFILL OUR NOTIFICATION PROCEDURES
9 REALLY ARE DICTATED BY TWO SEPARATE DOCUMENTS. ONE IS
10 BASICALLY AN EMERGENCY NOTIFICATION LIST, AND THAT SETS
11 OUT A WHOLE BUNCH OF NUMBERS, LIKE THE POLICE, FIRE. THE
12 LEA'S ARE INCLUDED WITH THAT. THE STATE BOARD AT PRESENT
13 IS NOT, AND THAT'S SOMETHING WE CAN DO, IF NECESSARY, BUT
14 THE STATE BOARD AND THE LEA'S SPECIFICALLY ARE COVERED BY
15 WHAT'S CALLED AN UNUSUAL OCCURRENCES PROVISION IN OUR
16 SOLID WASTE FACILITIES PERMIT.

17 THE DIFFICULTY WHEN YOU ARE IN THAT
18 SITUATION IS THAT THERE'S -- THERE ARE NO PRIORITIES SET
19 OF WHO YOU CALL FIRST. AND IT ALMOST -- YOU ALMOST HAVE
20 TO RELY ON THE JUDGMENT OF THE MANAGER GIVEN THE NATURE
21 OF THE INCIDENT. HERE IT'S OBVIOUS 911 AND POLICE AND
22 FIRE HAD TO HAVE THAT FIRST PRIORITY. THAT MAY OR MAY
23 NOT BE THE CASE OTHERWISE.

24 IF -- ONE OF THE THINGS IS THAT THERE SEEMS
25 TO BE DISCOMFORT EXPRESSED THAT THE LEA'S WEREN'T, YOU

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



Barristers'
reporting service

1 KNOW, GIVEN A FIRST PRIORITY. CERTAINLY, IF THE BOARD,
2 THROUGH ITS REGULATIONS, WANTS TO CLARIFY THOSE
3 PRIORITIES FOR THIS TYPE OF INCIDENT OR OTHER INCIDENTS,
4 WE'D BE MORE THAN HAPPY TO DISCUSS THAT, BUT IT REALLY IS
5 A MATTER OF DISCRETION AND JUDGMENT.

6 WHAT HAPPENED THAT DAY IS IN A VERY
7 VOLATILE SITUATION. MR. WOLTHAUSEN DID GO THROUGH THE
8 LIST, DID MAKE THE CALLS, AND DID ATTEMPT TO CONTACT THE
9 CITY OF SAN JOSE LEA . FOR WHATEVER REASON, AND WE
10 SIMPLY CAN'T EXPLAIN IT, THAT WE DID NOT GET INTO ANY
11 CONTACT WITH THE ANSWERING SERVICE, THAT WE SIMPLY GOT NO
12 ANSWER AT ALL. SO WE FEEL LIKE WE DID UNDERTAKE THE
13 INTENT OF SPIRIT OF THESE NOTIFICATION REQUIREMENTS. WE
14 WERE UNSUCCESSFUL IN MAKING CONTACT.

15 WE'RE, IN HINDSIGHT, NOT VERY HAPPY ABOUT
16 THAT, AND WE'LL CERTAINLY ENDEAVOR IN WHATEVER WAY
17 POSSIBLE TO RECTIFY THAT IN THE FUTURE. AND ONCE AGAIN,
18 WE ALSO -- FINALLY, WE WANT TO SAY THAT WE WELCOME THE
19 BOARD'S INPUT THROUGH REGULATIONS PROCEDURES OR INFORMAL
20 POLICIES IN THE OPERATION OF THE GAS SYSTEM. WE INVITE
21 YOU TO BE INVOLVED, AND PLEASE LET US KNOW IN WHAT WAY WE
22 CAN ASSIST YOU. THANK YOU VERY MUCH. IF YOU HAVE ANY
23 QUESTIONS, WE'RE READY.

24 CHAIRMAN HUFF: WE SEEM NOT TO HAVE ANY
25 QUESTIONS. IS THERE ANYTHING FURTHER ON THIS MATTER?

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



barristers'
reporting service

1 MR. IWAHRO: NO, NOT REALLY. WE JUST WANT TO
2 BRING THIS TO YOUR ATTENTION. AS A MATTER OF FACT, I DID
3 WANT TO SAY THAT THERE'S BEEN A FEW OF THESE OCCURRENCES
4 WHERE THERE'S BEEN EXPLOSIONS AT LANDFILLS WHERE GAS HAS
5 ACCUMULATED. AND NOT ONLY EXPLOSION, BUT ASPHYXIATION AS
6 WELL. THESE HAVE OCCURRED MAYBE ONCE EVERY TWO OR THREE
7 YEARS, SOMETHING ON THAT ORDER THERE, AS LONG AS I'VE
8 BEEN HERE. AND THEY OCCUR. THEY OCCUR.

9 BUT AS I SAID JUST AWHILE AGO, THAT WE ARE
10 WORKING ON SOME -- STARTING TO WORK ON SOME REGULATIONS,
11 AND I GUESS OUR BEST GUESS IS THAT WE COULD BRING
12 SOMETHING TO THE COMMITTEE LATE SUMMER, SOMEPLACE IN THAT
13 AREA THERE, FIRST DRAFT.

14 CHAIRMAN HUFF: OKAY. AT THE DIRECTION OF
15 CHAIR, YOU CONTINUE TO WORK ON THOSE THINGS AND BRING
16 THEM TO OUR ATTENTION WHEN THEY ARE READY FOR DISCUSSION.

17 IS THERE ANY FURTHER BUSINESS?

18 BOARD MEMBER CHESBRO: I'D LIKE TO MAKE A COUPLE
19 OF ADDITIONAL COMMENTS TO STAFF. ONE IS I HINTED AT IT
20 EARLIER, BUT I WOULD LIKE TO SEE THE EMERGENCY
21 NOTIFICATION PROCEDURE NOT BE LIMITED TO JUST THIS
22 SITUATION, BUT ANY EMERGENCY, INCLUDING A SPILL OR SOME
23 SORT OF FAILURE OF EQUIPMENT OR DRAINAGE FACILITY,
24 ANYTHING THAT WOULD CONSTITUTE EITHER ENVIRONMENTAL,
25 PUBLIC HEALTH OR SAFETY EMERGENCY, THAT THE NOTIFICATION

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



barristers'
reporting service

1 PROCEDURE APPLY TO A BROAD RANGE OF POSSIBLE ACCIDENTS OR
2 EMERGENCIES.

3 SECONDLY, I'D LIKE TO SEE THAT ONCE OUR
4 STAFF'S BEEN NOTIFIED, THAT, IN TURN, THERE ALSO BE A
5 PROCESS THAT BOARD MEMBERS BE NOTIFIED THAT THESE THINGS
6 HAVE HAPPENED. IT DID HAPPEN IN THIS CASE, BUT I WANT TO
7 MAKE SURE THAT -- SO THAT STARTING WITH PROBABLY THE
8 CHAIR OF THE ENFORCEMENT COMMITTEE, BUT ALL THE BOARD
9 MEMBERS. I THINK IF WE GET ASKED AT A MEETING OR
10 SOMETHING WE'RE NOT AWARE OF THE FACTS OF THE SITUATION,
11 IT CAN BE A PROBLEM. AND SO IT WOULD BE HELPFUL, NOT AS
12 A FIRST LINE OF NOTIFICATION. OF COURSE, THE ENFORCEMENT
13 STAFF HAS GOT TO BE FIRST, BUT I THINK ONCE OTHER
14 NECESSARY STEPS HAVE BEEN TAKEN, THAT INFORMING THE BOARD
15 SHOULD BE A PRIORITY AS WELL.

16 CHAIRMAN HUFF: ANYTHING FURTHER? ANY FURTHER
17 BUSINESS? MR. CONHEIM, YOU LOOK LIKE YOU WANT TO SAY
18 SOMETHING.

19 ATTORNEY CONHEIM: TIME PERMITTING, MR.
20 CHAIRMAN, IF THE BOARD IS ABLE PERHAPS AFTER LUNCH --

21 CHAIRMAN HUFF: I ALMOST FORGOT.

22 MR. CONHEIM: WELL, GOVERNMENT CODE REQUIRES
23 THAT IF WE'RE GOING TO HAVE A CLOSED SESSION, THAT I
24 ANNOUNCE IT. WE NEED TO HAVE A CLOSED SESSION ON
25 POTENTIAL LITIGATION, IMMINENT LITIGATION IN CONTRA COSTA

BETH C. DRAIN, CSR 7152

1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

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



barristers'
reporting service

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

COUNTY. I ALSO -- UNDER THE GOVERNMENT CODE I AM CHOOSING NOT TO MENTION THE NAME OF THE POTENTIAL PARTY OPPONENT AT THIS TIME BECAUSE I BELIEVE IT'S AGAINST THE PUBLIC INTEREST AND AGAINST EFFECTIVENESS OF OUR BEING INVOLVED IN LITIGATION.

CHAIRMAN HUFF: OKAY. WELL, THERE BEING NO FURTHER BUSINESS, WE WILL GO TO EXECUTIVE SESSION RIGHT NOW DEPENDING ON HOW QUICKLY PEOPLE LEAVE THE ROOM.

(A CLOSED SESSION OF THE COMMITTEE WAS THEN CONDUCTED AND THEN THE MEETING WAS ADJOURNED.)

(END OF PROCEEDINGS.)

BETH C. DRAIN, CSR 7152



1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701
LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

Barristers'
reporting service

Reporter's Certificate

* * * * *

I, Beth C. Drain hereby certify:

that on the 4th of
April 1991, 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;

that the foregoing transcript is a true and correct
copy of my shorthand notes thereof.

Beth C. Drain

Certified Shorthand Reporter

Certificate No. 7152



1600 EAST FOURTH STREET, SUITE 220
SANTA ANA, CALIFORNIA 92701

LOS ANGELES
213-622-8511

ORANGE COUNTY
714-953-4447

SAN DIEGO
619-455-1997

Barristers'
reporting service