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

COPY

Board Room
8800 Cal Center Drive
Sacramento, California

Wednesday, January 20, 1993
10:00 a.m.

Janet H. Nicol
Certified Shorthand Reporter
License Number 9764

APPEARANCES

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COMMITTEE MEMBERS PRESENT:

Jesse Huff, Chairman

Sam A. Egigian

Paul M. Relis

STAFF PRESENT:

Elliott Block

Robert F. Conheim, Chief Legal Counsel

Don Dier, Jr.

Marlene Kelly, Board Secretary

Martha Vazquez

Don Wallace, Deputy Executive Director

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P R O C E E D I N G S

1
2 COMMITTEE CHAIRMAN HUFF: Welcome to the
3 Permitting and Enforcement Committee.

4 We'll have a roll call to establish a quorum.

5 COMMITTEE SECRETARY KELLY: Board Member Egigian.

6 COMMITTEE MEMBER EGIGIAN: Here.

7 COMMITTEE SECRETARY KELLY: Relis.

8 COMMITTEE MEMBER RELIS: Here.

9 COMMITTEE SECRETARY KELLY: Chairman Huff.

10 COMMITTEE CHAIRMAN HUFF: Here.

11 Quorum is present.

12 We will take things out of item on this -- out of
13 order on this agenda, because of time considerations and
14 requests made to the Chair and so we will begin with open
15 discussion relative to the status of our Subtitle D
16 application.

17 Mr. Wallace, Martha.

18 MR. DIER: Don Dier.

19 COMMITTEE CHAIRMAN HUFF: Don Dier. There you
20 are, Don.

21 MR. DIER: I just wanted to take this opportunity
22 to apprise the Committee of where we're at in the process
23 with our application to US EPA for approval of the State's
24 solid waste landfill program.

25 As you're aware, California was one of four states

1 that was involved in a pilot application process last year.
2 And as a part of that process and review of that pilot
3 application, US EPA identified some areas of the State's
4 program that needed to be modified in order to meet the
5 requirements of Subtitle D.

6 We're preparing the formal application at this
7 time in conjunction with the State Water Resources Control
8 Board. It will be a joint application submitted by the
9 executive directors of each agency with legal certification
10 from each agency.

11 This application would be filed on February 1st
12 and we'll be requesting that EPA grant full approval of
13 California's program.

14 This full approval we're asking for will be
15 predicated upon the US EPA in some aspects of the
16 application granting a conditional approval, because we
17 agree that there are some areas of the State's program that
18 don't meet the federal prescriptive standards.

19 And in those areas we're asking that it be
20 conditionally approved while the State, we and the Water
21 Board, seek amendments to either statutes and regulations to
22 conform to the federal requirements.

23 Couple of the outstanding areas of concern have to
24 do with design criteria for landfills and the liner design
25 for the landfills.

1 The Water Board's Chapter 15 requirements do not
2 meet the specifications for liner design.

3 However, we do believe that the performance
4 requirements of Chapter 15 exceed the federal requirements.
5 On that basis we're asking for the conditional approval to
6 allow us the time in the next couple of years to make
7 modifications to the State's regulations on prescriptive
8 standards to come in line with federal requirements.

9 Another major concern of ours is daily cover.

10 Under the federal requirements the landfill
11 operators must apply a cover material every day.

12 As you know, our Title 14 regulations contain
13 provisions for less than daily cover for small facilities.

14 This is particularly critical in the rural areas
15 of the state, Siskiyou County, San Bernardino County, and
16 other rural areas.

17 So what we're asking EPA for is flexibility in
18 administering our program to the unique situations that we
19 have here in California.

20 As I indicated, this application will be admitted
21 on February 1st.

22 The Region IX office will have 30 days to deem it
23 administratively complete and they can take up to six months
24 from then, from that time when it's complete, to act on the
25 application.

1 So we're expecting to have action this summer,
2 which will include publication in the Federal Register of
3 their determination.

4 Any questions?

5 COMMITTEE CHAIRMAN HUFF: Now, what is the date on
6 which their -- in the absence of approval or submittal,
7 submittal or approval, what's the date on which their
8 requirements would automatically take effect?

9 MR. DIER: October 9th of 1993, this year, federal
10 criteria will become effective.

11 And it's -- that's why it's critical that the
12 arguments that we will be including in our application for a
13 transition period to come in conformance with the
14 prescriptive standards of Sub D is a critical concern of
15 ours. So that for new facilities built after October of '93
16 or expansions, lateral expansions after that date, so that
17 we would be allowed to take place until we can get our State
18 requirements amended.

19 COMMITTEE CHAIRMAN HUFF: Now, we're going to make
20 this argument.

21 Do we need help?

22 MR. DIER: Yes; we do.

23 We're working -- we're thinking about how we can
24 get that help, both internally and also externally. We'll
25 be convening a workshop, a public workshop, in February that

1 will be attended by our staff, the Water Board staff, and US
2 EPA Region IX staff to apprise any interested parties on the
3 status of the contents of our application and to assist us
4 in developing arguments or justifications to be made to the
5 Region to demonstrate why the State's program as it exists
6 right now meets the performance requirements of the federal
7 criteria.

8 COMMITTEE CHAIRMAN HUFF: Would it be safe to say
9 that every county in this state has a vested interest in our
10 making the case?

11 MR. DIER: Definitely.

12 COMMITTEE CHAIRMAN HUFF: Every landfill owner in
13 the state?

14 MR. DIER: Owner and operator will be affected and
15 it's our -- we really need to apprise them of what is
16 happening and the effects on them if we do not obtain the
17 State approval.

18 COMMITTEE CHAIRMAN HUFF: Any other questions?

19 COMMITTEE MEMBER EGIGIAN: What's the cost of this
20 going to be to the Board? Are we going to have to go out to
21 somebody else for information on this to let the contract
22 for information?

23 MR. DIER: I don't have a firm cost for our Board.

24 It's been stated that the cost of implementing
25 Subtitle D is in the billions of dollars to affect --

1 COMMITTEE MEMBER EGIGIAN: I was talking locally.

2 MR. DIER: Locally?

3 COMMITTEE MEMBER EGIGIAN: Yes. In California.

4 MR. DIER: That is a figure, an accurate figure,
5 to California because they're talking about major design and
6 operating changes at these facilities. We're talking -- in
7 from now forward.

8 COMMITTEE CHAIRMAN HUFF: From now forward.

9 MS. VAZQUEZ: Mr. Chairman, also what we would be
10 looking at is revising the permit for every landfill.

11 MR. DIER: And every waste discharge requirement
12 for the Water Board.

13 COMMITTEE CHAIRMAN HUFF: There would be some
14 staff cost, which may or may not be met by simply
15 redirecting staff to this activity.

16 It would certainly change the focus of our staff
17 allocation toward the permit and enforcement end of the
18 business at least for a short period of time, couple years,
19 whatever.

20 MR. DIER: Right.

21 COMMITTEE CHAIRMAN HUFF: In order to wade through
22 the mountain of revisions that would be required.

23 But beyond that it would cost the economy of the
24 State of California billions to overnight put into place the
25 federal requirements.

1 Is that a fair, within the realm of rhetorical
2 limits, a fair statement?

3 MR. DIER: That's a fair statement, but reality is
4 that you can't affect those changes overnight.

5 COMMITTEE CHAIRMAN HUFF: That's true.

6 MR. DIER: And so that's why we are proposing --

7 COMMITTEE CHAIRMAN HUFF: But the requirements
8 would come into place overnight?

9 MR. DIER: The requirements will be coming into
10 place; yes.

11 COMMITTEE CHAIRMAN HUFF: And thus they would have
12 to be imposed as quickly as possible and possible would be
13 determined by the EPA.

14 MR. DIER: Right.

15 Our application will be putting forth a proposal
16 as to how we'll phase in transition to the federal
17 requirements.

18 COMMITTEE CHAIRMAN HUFF: What punishment is
19 attached to failure to meet the federal requirements?

20 MR. DIER: The federal program is a little
21 different than what we're used to and different from the
22 hazardous program in that it is self-implementing. The
23 federal government has no enforcement authority.

24 The criteria are enforced by public lawsuits.

25 COMMITTEE CHAIRMAN HUFF: But public lawsuits

1 would be possible?

2 MR. DIER: They are the one provision in the
3 federal criteria for enforcement of the criteria.

4 COMMITTEE CHAIRMAN HUFF: So if, for example,
5 California decided that all of this is unreasonable and that
6 we've been doing a good job long before EPA was ever
7 compelled by a court to issue Subtitle D, and thank you
8 we'll just do it ourselves, that doesn't afford counties,
9 owners, operators, any protection, any relief, because
10 they're going to get sued by somebody somewhere, because the
11 federal requirements aren't met?

12 MR. DIER: Correct.

13 To put -- that approach would put the burden on
14 the operators.

15 COMMITTEE CHAIRMAN HUFF: Okay.

16 MR. DIER: Our approach is trying to put the
17 burden on EPA.

18 COMMITTEE CHAIRMAN HUFF: Okay. Stay tuned.

19 Any other questions?

20 It's an interesting situation.

21 When the federal government decides to get into
22 something, they get into it.

23 Okay. From here we will take the next item on --
24 the agenda we will take will be San Marcos.

25 What number is it?

1 COMMITTEE SECRETARY KELLY: 14.

2 COMMITTEE CHAIRMAN HUFF: 14. That's right. Item
3 14.

4 Just a word. Be my intention to proceed in this
5 item.

6 For the benefit of people who may not be familiar
7 with the way we operate, we will proceed with staff report,
8 followed by any reports necessary from the LEA of San Diego,
9 followed by proponents.

10 And I understand the proponents have a coordinated
11 presentation.

12 Followed by opponents.

13 Okay. Interrupted at any time by questions from
14 the Committee, because the nature of this entire proceeding
15 is to enable Committee members to come to a decision as to
16 what their recommendation should be to the full Board.

17 And that's what we'll try to gear our presentation
18 to.

19 This is in order to facilitate a decision by this
20 Committee.

21 And so I would ask that individuals offering
22 testimony not be repetitive and be direct in terms of
23 answering any questions and try to be as concise as
24 possible. That all goes to assisting people making
25 presentations in actually conveying the information they

1 desire to convey to the Committee. It helps the
2 presentation if you conduct yourself in that way.

3 So with that, I'll ask for the staff presentation
4 of the San Marcos permit.

5 MS. VAZQUEZ: Mr. Chairman, I'd like to introduce
6 the item.

7 This facility commenced operations in 1978 and the
8 proposed permit is for a vertical expansion. It would allow
9 the facility to go 200 feet higher and increase the maximum
10 daily tonnage to 6,200 tons per day.

11 The LEA has issued a series of enforcement orders
12 beginning with 1991 directing the operators to apply for a
13 revised permit to incorporate the tonnage changes and
14 vertical expansion.

15 The application met with numerous delays, some of
16 the result of legal challenges and others the results of
17 necessary field work.

18 In January of '92 the LEA submitted a proposed
19 permit to this Board and we found that it was not complete.

20 So over the course of the year Board staff has
21 worked closely with the operator and the LEA to obtain an
22 application that would meet with Board approval.

23 In September of '92 the LEA submitted a second
24 permit with the thought that the application was complete at
25 that time.

1 At that time it was determined by Board staff that
2 the design of a support structure wall was not complete,
3 that additional field work was necessary, and staff
4 recommended rejection of the permit at that time.

5 The Board considered -- pardon me -- the Committee
6 convened a hearing in September to consider the item and as
7 a result of the meeting it was agreed that additional
8 information is necessary.

9 Since that time, Board staff have met with the LEA
10 project proponents, consulting engineers, and designers, and
11 have participated in weekly conference calls, all which sum
12 up to a design which we feel comfortable in recommending
13 concurrence with.

14 I should note that the county has completed
15 significant additional work at the site regarding the design
16 and that information was submitted to the Board on September
17 the 10th, 1992. That's the last date we received
18 information.

19 With this, I will turn the matter over to
20 Ms. Stevens of the Permits Branch, who will discuss the
21 details of staff's evaluation.

22 COMMITTEE CHAIRMAN HUFF: Thank you.

23 MS. STEVENS: Good morning, Mr. Chairman.

24 My name is Rosslyn Stevens and I represent the
25 Permits Branch.

1 Item No. 14 concerns consideration of concurrence
2 and the issuance of a revised permit for the San Marcos
3 Landfill, located in northern San Diego County.

4 The local enforcement agency, the San Diego County
5 Department of Environmental Health Services, made a
6 determination in 1991 that a revised permit was required
7 because the operator wished to increase the volume of waste
8 received at the site as well as the height of the landfill.

9 The San Marcos Landfill was operating under a 1978
10 permit which limited the site to 600 tons per day and a
11 height of 750 feet above mean sea level.

12 Because operational levels at the site had already
13 exceeded the 600 ton per day limit, the LEA issued an
14 enforcement order to the operators of the landfill directing
15 the operator to make application to revise his permit.

16 The first of these orders was issued in November
17 '91 and the last in November of '92.

18 The final of these orders is unique in that it
19 differs from the other orders because it allowed placement
20 of waste above the '78 permit 750 foot height limit,
21 provided that waste was placed in a manner that it conformed
22 to the contours of the proposed vertical expansion.

23 This enforcement order, the last one issued in
24 November of '92, has an expiration date of January 27, 1993.

25 As was with all permits brought to this Committee,

1 a number of other regulatory agency approvals have preceded
2 this Committee's action.

3 Because the history of this action is of interest
4 to Board members in coming to their decision today and is
5 also relevant in supporting staff's recommendation regarding
6 this project, I would like to summarize the vertical
7 expansion project's regulatory approval history briefly
8 before I go into the other details of the vertical
9 expansion.

10 As with all projects, the first thing that has to
11 happen is you have to secure California Environmental
12 Quality Act compliance.

13 And the County of San Diego prepared an
14 environmental impact report in accordance with the
15 California Environmental Quality Act.

16 That report was reviewed by Board staff, who
17 commented on it in August of 1990.

18 The project was certified as approved by the lead
19 agency in November of '90 and a notice of determination was
20 filed with the State clearinghouse.

21 In July of '91 the Superior Court in the County of
22 San Diego ruled that that EIR did not adequately address the
23 surface and groundwater impacts associated with landfill
24 operations or with the expansion of the landfill.

25 The Superior Court ruled in a writ of mandate that

1 the County of San Diego must, and now I'm quoting:

2 "Revise the surface and groundwater
3 section of the EIR so that it complies
4 with the California Environmental
5 Quality Act and prepare a mitigation
6 monitoring plan that identifies who will
7 be responsible for ensuring that the
8 County implements each mitigation
9 measure."

10 End quote.

11 The County of San Diego prepared a supplemental
12 Environmental Impact report for the San Marcos Landfill
13 expansion. That report was also reviewed by Board staff,
14 who commented in November of '91.

15 The project was certified as approved by the lead
16 agency in December of '91 and an NOD was filed for the SIER,
17 that's the Supplemental Environmental Impact Report.

18 In December of '92 a legal challenge to the CEQA
19 document was heard by the Superior Court of the County of
20 San Diego.

21 The result of this challenge required the County
22 to provide different responses to comments than those
23 incorporated into the CEQA document approved in December
24 '91.

25 The County complied with the Superior Court's

1 ruling and the CEQA documentation for the proposed project
2 was deemed complete in the fall of 1992.

3 Part of that CEQA documentation is the mitigation
4 monitoring plan which has been submitted to the Board.

5 Potential environmental impacts and mitigation
6 measures for the impacts associated with the vertical
7 expansion of the San Marcos Landfill are identified and
8 incorporated in the MMP.

9 The MMP is, in turn, a conditioning document of
10 the proposed permit before us today.

11 The next step in expanding the landfill was to
12 obtain a conditional use permit.

13 And the County of San Diego made application to
14 the City of San Marcos for a conditional use permit for the
15 expansion of the San Marcos Landfill.

16 This conditional use permit was in question at one
17 point in the summer of '92 because of the legal challenges
18 to the CEQA document, because the CEQA document was the
19 basis for the conditional use permit.

20 But when the CEQA issue was resolved, the City of
21 San Marcos issued a CUP to the County for the San Marcos
22 Landfill and that happened on September 8th, 1992.

23 The CUP is a document that must be renewed
24 annually and has a maximum term of seven years.

25 The seven year term of the CUP has been

1 incorporated into the permit in the form of a requirement
2 that the operators submit application for permit review when
3 the CUP expires.

4 The County has also obtained Air Pollution Control
5 District approval for the vertical expansion of the landfill
6 and that was obtained on March 4th, 1992, in the form of an
7 authority to construct.

8 That authority to construct expires on June 2nd,
9 1997, but that's not of concern in the course of permitting
10 this site.

11 The final approval that the County obtained before
12 coming to the Waste Management Board for a solid waste
13 facilities permit was approval from the San Diego Regional
14 Water Quality Control Board in the form of the waste
15 discharge requirements.

16 Now, the history on this is kind of interesting
17 because originally the Regional Water Quality Control Board
18 issued waste discharge requirements prohibiting the vertical
19 expansion of the landfill and the County prepared and
20 submitted what is termed a response to order 91-25, order
21 91-25 being the waste discharge requirement prohibiting the
22 expansion, and submitted that response to order to the
23 Regional Water Quality Control Board.

24 Thereupon the Regional Water Quality Control Board
25 approved in January of 1992 a WDR allowing the vertical

1 expansion of the landfill.

2 That WDR did have a condition in it in that the
3 design information was not yet complete and the Regional
4 Board reviewed the design information during the course of
5 1992 and on August 3rd approved the design for the vertical
6 expansion.

7 That letter approving that design is in your
8 agenda item. I believe it's Attachment 6. I may be wrong
9 on that.

10 I beg your pardon. It's Attachment 5.

11 It's important to note that two separate entities,
12 the opponents to this project, the Elephant Forest Coalition
13 and Christwood Ministries, have filed petitions regarding
14 the WDR with the State Water Resources Control Board. Those
15 petitions are currently under review.

16 Now I'm going to go into the history of the Waste
17 Management Board's action on this site.

18 As you know, the proposed vertical expansion of
19 the San Marcos Landfill was discussed at the Fullerton
20 meeting of the Committee on September 21st, 1992.

21 As Ms. Vazquez has said, at that time there
22 remained serious technical flaws in the design of the
23 vertical expansion that related to the stability of the
24 slope and the design of the retaining wall.

25 You will recall that the retaining wall was

1 necessary to flatten the lower slope of the landfill and to
2 provide the slope with a necessary factor of safety.

3 The flaws identified by Board's technical
4 reviewers in that proposed slope included a lack of basic
5 geotechnical data on the subsurface materials underlying the
6 west slope, a factor of safety less than that considered
7 acceptable under standard engineering practice, and missing
8 data on the recency of faulting at the site.

9 The retaining wall design also had some flaws
10 including the same lack of basic geotechnical data on the
11 subsurface materials in which and on which the wall was to
12 be constructed, and the use of design values that were not
13 supported by site specific analysis.

14 I am happy to be able to report now that the
15 County has corrected these deficiencies.

16 Since the September Committee meeting, Board staff
17 have met with the project proponents and the LEAs and have
18 had weekly conference calls with the project consultants,
19 the Board's consultant, the LEAs, and project proponents,
20 both Department of Public Works and NCRRA.

21 NCRRA being the entity that is constructing the
22 recycling center that is at the toe of the landfill and
23 needs to be protected by the wall.

24 The County Department of Public Works has
25 submitted additional design information, the bulk of which

1 was received on December 1st and 10th, 1992.

2 This information was reviewed by Board technical
3 staff, as well as our independent consultant, and is
4 summarized in Attachment 4 to the agenda item.

5 It is technical staff's determination that
6 outstanding matters of the vertical expansion design have
7 been resolved.

8 The proposed project for the San Marcos Landfill
9 is for the receipt of up to 6200 tons per day of
10 non-hazardous solid waste and a vertical expansion of that
11 landfill by 200 feet.

12 This expansion will increase the total volumetric
13 capacity of the landfill to 22.7 million cubic yards.

14 Now, I believe the project proponents have
15 prepared a substantial presentation for you, so I will not
16 go into detail on the proposed project's features.

17 One unique feature I would like to draw your
18 attention to is the two-foot clay layer between the old 750
19 foot elevation and the expansion area, as well as the
20 additional layers of clay at 20-foot intervals throughout
21 the 200-foot expansion area.

22 The purpose of these two systems is to retard
23 movement of liquid in the expansion area and to prevent
24 liquid from leaking from the expansion area into the lower
25 landfill area and from there potentially into groundwater.

1 In evaluation of the proposed permit for
2 consideration of concurrence, staff determined that the site
3 is in conformance with the County plan, is consistent with
4 the general plan, and will not impair achievement of waste
5 diversion goals.

6 In addition, the site has met its financial
7 assurance and operating liability requirements.

8 The requirements of the California Environmental
9 Quality Act have been satisfied and the landfill operations
10 are in compliance with State minimum standards as documented
11 by LEA inspection on January 2nd of 1992.

12 This compliance history is further supported by
13 State inspection of June 11, 1992.

14 Board staff therefore recommend that the Board
15 adopt Resolution 92-109 approving proposed permit 37-AA-0008
16 for the San Marcos Landfill.

17 Board technical reviewers, including our
18 consultant, are present to answer your questions.

19 In addition, the LEA and operator are here.

20 And as I said before, the operators would like to
21 address the Committee and have prepared a presentation.

22 This concludes my presentation.

23 COMMITTEE CHAIRMAN HUFF: Nicely done. Thank you.

24 Any questions?

25 COMMITTEE MEMBER RELIS: Are we going to go

1 systematically through the questions?

2 COMMITTEE CHAIRMAN HUFF: Yeah.

3 COMMITTEE MEMBER RELIS: I have a question.

4 COMMITTEE CHAIRMAN HUFF: Okay.

5 COMMITTEE MEMBER RELIS: First of all --

6 COMMITTEE CHAIRMAN HUFF: This would be a staff
7 question, because we haven't heard from LEA or operators
8 yet.

9 COMMITTEE MEMBER RELIS: I'll hold back.

10 COMMITTEE CHAIRMAN HUFF: I have a question of
11 staff.

12 The old, if I could call it that, the old
13 landfill, is that lined?

14 MS. STEVENS: No; it is not.

15 COMMITTEE CHAIRMAN HUFF: Okay. So the new -- the
16 expansion area not only would have standard liner existing
17 between the old and the new, but also is going to have clay
18 every 20 feet?

19 MS. STEVENS: Yes. People have called them
20 pancakes.

21 COMMITTEE CHAIRMAN HUFF: What do the people call
22 the syrup?

23 MS. STEVENS: The stuff that's not supposed to get
24 to the bottom.

25 COMMITTEE CHAIRMAN HUFF: I've heard it called

1 other things. Okay.

2 Does the LEA have anything to add to the
3 presentation?

4 Good morning.

5 MR. STEPHANY: Good morning, Chairman Huff and
6 Board members.

7 Gary Stephany, director of Environmental Health
8 Services, San Diego County, and the LEA for San Diego
9 County.

10 In October of last year Environmental Health
11 Services for San Diego County was certified by your Board as
12 the LEA for San Diego County for the record.

13 And we are here today to ask for your concurrence
14 on the approval of the permit for the San Marcos Landfill
15 expansion.

16 We have spent over a year reviewing all the data
17 submitted by the proponents, opponents, our own evaluations,
18 and we've worked very closely with your staff for this past
19 year on this review process.

20 And rather than repeat everything that your own
21 staff has already said, we are just asking for, again, for
22 your concurrence because we have met all the requirements of
23 the standard, minimum State standards, Water Board, Air
24 Board, and CEQA, and et cetera.

25 After reviewing all this data and the permits that

1 were submitted by the other agencies, we in fact felt
2 comfortable in applying and submitting our permit
3 application to your Board in September 11th of '92, which
4 was heard on September 21st and as already stated.

5 The reason we asked for that continuance is not
6 that we didn't feel comfortable issuing the permit at that
7 time, but we did agree with your staff that there was more
8 details to be ironed out and rather than ask for a
9 conditional use permit, which is a procedural type thing, we
10 didn't feel that that was the time to discuss process, and
11 we would still like to come back at some point in time and
12 discuss that process with your Board.

13 At this point in time, as staff has said, all
14 those conditions that we were asking for at that time have
15 been since met.

16 I'd like to recommend again that you proceed and
17 pass this on to the full Board with a blessing of
18 concurrence and rather than ask specific questions at this
19 time, since the proponents do have a detailed presentation
20 to be made, we'll be happy to answer any specific questions
21 after the proponents have finished with their presentation.

22 COMMITTEE CHAIRMAN HUFF: Questions of the LEA?

23 Thank you.

24 And let me say that we appreciate the cooperation
25 that has ensued.

1 MR. STEPHANY: Chairman Huff, one other thing I'd
2 like to add at this point in time, wearing another hat as
3 president of the California Conference of Directors of
4 Environmental Health, relating to what Don Dier said this
5 morning, we'd be happy to offer our help in your battle with
6 the federal EPA.

7 COMMITTEE CHAIRMAN HUFF: We're going to need it.
8 We'll take you up on that. Okay.

9 With that, we'll start the presentation on
10 proponents.

11 David, you're first.

12 Good morning.

13 MR. JANSSEN: Good morning. Thank you,
14 Mr. Chairman.

15 David Janssen. I'm the chief administrative
16 officer of the County of San Diego.

17 Happy to report that it is not raining in San
18 Diego after 15 days of rain. It looks like --

19 COMMITTEE CHAIRMAN HUFF: So you brought it here.

20 MR. JANSSEN: We sent it ahead of us. You need
21 the rain up here so you can send it down to us later.

22 It's my pleasure to lead off the San Diego region
23 presentation in support of the vertical expansion of the
24 landfill.

25 In addition to county staff, consultants,

1 technical experts, we also are happy to have with us
2 Supervisor John MacDonald, who represents the North County
3 of San Diego, the mayor of the City of San Marcos, Lee
4 Thibadeau, and Jeannette Smith, the councilwoman from the
5 City of Vista in the north part of San Diego County.

6 It's tempting just to rely on your staff's
7 presentation because they did an excellent summary of where
8 we have come from. It has been a very long period of time.
9 A lot of effort has been spent to reach this point.

10 We have prepared a presentation. I've asked them
11 to keep it brief, however, in the interest of your time.
12 They are prepared to answer any questions in any areas
13 having anything to do with this permit, if it needs to take
14 all day.

15 But in terms of the presentation, we'll try to
16 keep it as specific and brief as possible.

17 My particular comment to your Board, I think, is
18 to convey our appreciation to the work that your staff has
19 done, not because they support the permit, because I know
20 they wouldn't support it if they didn't feel comfortable
21 with it, but because of the cooperation that we have
22 received over the last -- particular last three and four
23 months since the last subcommittee meeting.

24 Your backup indicates regular calls, regular data
25 transmitted back and forth. It couldn't have happened

1 without that line of cooperation.

2 And I think all of our charges in California is to
3 figure out how to make things happen, not to figure out how
4 to block things from happening, as long as they're being
5 done consistent with the laws of the State of California.

6 With that, I would like to begin our presentation
7 by asking Mr. Bill Worrell, our deputy director charged with
8 solid waste, to make the first presentation. He will
9 introduce the subsequent speakers.

10 MR. WORRELL: Bill Worrell, deputy director of
11 Department of Public Works.

12 Before I start I would also like to reiterate what
13 Mr. Janssen said. The support from your staff has been very
14 good. The weekly conference calls that I was also a part of
15 and your staff, your consultant, the LEA, our team of
16 experts, certainly help facilitate getting the permit to
17 where we are today and the flow of information was just
18 excellent during that process.

19 I think the one thing I want to say, the one point
20 I want to make to this Committee is that the city of -- 18
21 cities and the County of San Diego and the County of San
22 Diego are committed to properly handling solid waste.

23 As you know, we've gone through a real tough time
24 in this state. When most communities are looking to reduce
25 staff, in the last three years the Solid Waste Division has

1 gone from 72 people to 185, primarily on the operating and
2 enforcement, permitting side for us. We have 15 new people
3 who do nothing but check for hazardous waste coming into
4 landfills.

5 The same has happened on our budget. Again, while
6 many communities are cutting their budget, our budget has
7 grown from about 30 million three years ago to over 100
8 million this year.

9 Again, primarily to meeting new requirements, both
10 state, federal level, and upgrading our operations.

11 And all these things show that we are committed to
12 properly managing the solid waste.

13 And as we probably know from having discussions
14 with your staff -- it's going to be a test of my engineering
15 abilities here.

16 COMMITTEE CHAIRMAN HUFF: We got the lights
17 brighter.

18 (Slide presentation made.)

19 MR. WORRELL: We do manage solid waste in the
20 county for 17 cities in the unincorporated area,
21 approximately two million tons a year, and we do it through
22 a system of five landfills you can see on the map here.

23 The San Marcos Landfill happens to be our newest
24 landfill. Operations began in 1979. Also is the one that
25 is most recently reached its capacity.

1 You can see when the landfill was opened it was
2 supposed to last until 1999. However, because of the growth
3 in the north county and the continuing increase in the
4 amount of solid waste generated on a per capita basis, we've
5 essentially reached its capacity today.

6 But if you look at this chart, one thing you
7 notice in the last two years, there's been a great reduction
8 in the amount of waste coming to San Marcos and that's
9 primarily due, we think, to a couple reasons.

10 We do have a very aggressive recycling program in
11 San Diego County. It's been referred to as one of the
12 leading programs in the state.

13 Every single single-family resident that brings
14 their waste to this landfill has a curbside recycling
15 program in place.

16 We have a commercial program in place in the north
17 county.

18 There is a yard waste recycling program at the
19 site. We actually recycled over 50,000 tons of yard waste
20 last year.

21 And all these things have helped to bring it down
22 to where it was originally projected to be back in 1979.

23 But even given that, we are at the point where we
24 do need a vertical expansion.

25 And again the board of supervisors is committed to

1 properly doing the expansion.

2 We're looking to go approximately 200 feet higher.
3 What you see on this figure, a little difficult, is there's
4 four properties that we referred to is the EIR property for
5 purchase. And let me try and point that out.

6 And those properties were required to be purchased
7 by our EIR.

8 In addition, you can see this is something called
9 Tier 2 properties on there. Again, let my try and outline
10 it for you.

11 Those are 19 properties that were not required to
12 be purchased by the EIR for mitigation. However, the Board
13 of Supervisors had taken the position that even though it
14 wasn't required to be purchased, they were going to go ahead
15 and offer to buy those homes out.

16 In addition, there's eight other properties are
17 there referred to as Tier 3 and those are in the north,
18 upper left-hand corner of the map, and those are going to be
19 considered next month for purchase.

20 And that's because if you notice the landfill is
21 on the very bottom of the map.

22 So the board of supervisors has gone beyond what
23 was required in the EIR.

24 Another important factor is that the County of San
25 Diego has never said no to any regulatory agency during this

1 process.

2 It started in 1989.

3 We have had a lot of sidetracks. We have been set
4 back at times, but whenever any regulatory agency has asked
5 for anything, we have been willing to provide it.

6 For example, the Regional Water Quality Control
7 Board wanted additional monitoring wells. We went out and
8 put in ten wells, including a well that goes directly
9 through the landfill through 200 feet of garbage, was then
10 specially cased and then drilled another hundred feet below
11 the landfill looking for leachate.

12 So, again, we think we have done everything
13 possible to show that the expansion is environmentally
14 sound.

15 And, finally, we have not taken the design
16 standards as minimums. We have said they may be the
17 minimums to get a permit, but we've exceeded them.

18 I think Rosslyn's description of the pancakes is a
19 good example. While the standard is -- or Mr. Huff's
20 description of the pancakes.

21 While the standard says one foot of clay, we've
22 gone to two feet of clay.

23 In addition, we were going to be putting clay at
24 every 20 feet.

25 So we have tried to exceed standards where at all

1 possible.

2 With that I would like to turn it over to our list
3 of detailed experts in the fields. We do have what we think
4 is one of the best teams assembled to assist us on this
5 project.

6 And we took the same approach with them as we have
7 taken with the regulatory bodies. Anything that they
8 thought was necessary we said let's go and do it. That's
9 resulted in expenditures of over \$5 million for the
10 consultants to do the investigations, the analysis, the
11 design.

12 But, again, we think it was a worthwhile
13 investment to ensure the protection of this environment
14 around this landfill.

15 To start off, I'd like turn it over to Dr. David
16 Huntley, who is professor of geologic sciences at San Diego
17 State University, and with him will also be David Philips,
18 president of Philips and Associates, and they will talk
19 about the groundwater situation at the landfill.

20 MR. HUNTLEY: Good morning. My name is Dave
21 Huntley. I'm a professor of geologic sciences at San Diego
22 State University.

23 I was responsible for the design and
24 implementation of the groundwater hydrologic study of the
25 San Marcos Landfill and then the analysis of the resulting

1 data.

2 San Marcos Landfill is underlain by fractured
3 crystalline rock.

4 And I think it's important to understand the
5 fundamental characteristics of that or at least to verify
6 that we understand the fundamental characteristics of that
7 medium, because it has a number of peculiar problems.

8 Fundamentally we're dealing with a system where
9 the rock itself has no ability to transmit water, that is as
10 in this figure we have a low average permeability. In fact,
11 we have no average permeability. The rock blocks itself,
12 won't transmit water.

13 What will transmit water are the fractures that
14 break that rock, that rock mass.

15 Those fractures are -- tend to be high angle.
16 They tend to be spaced at irregular intervals. They're
17 difficult to find. But the -- really all of the mass of any
18 solute that would be introduced to the system would flow
19 through those fractures.

20 And because they have a high permeability and at
21 the same time a low porosity, that is very little pore
22 space, the velocity of solute transport through those
23 fractures tends to be relatively high.

24 In an alluvial system or in a sedimentary rock
25 system we talk about groundwater flow velocities that might

1 be on the order of five feet per year to perhaps as much as
2 200 feet per year.

3 In fractured rock systems we talk about solute
4 velocities that can easily be hundreds to thousands to
5 perhaps even tens of thousands of feet per year.

6 So it's critical that we monitor those high
7 permeability fracture zones. It's critical that we place
8 our monitoring wells in the correct locations in order to
9 adequately assess a landfill and its potential for leachate
10 migration.

11 In addition, in a sedimentary or alluvial
12 environment there are a number of mechanisms for the
13 attenuation of solutes. Clays may absorb metals. Organics
14 within sedimentary rocks may attenuate or slow down the
15 movement of organics that are part of the leachate mass.

16 In fractured crystalline rock, unless there's a
17 lot of clay development along those fractures, there's very
18 little attenuation, so this stuff virtually goes along as if
19 it were in a pipeline system.

20 And then finally we tend to find that major
21 fracture zones really control the overall groundwater flow
22 pattern of these areas and consequently again it's very very
23 important to identify where those major fracture zones are,
24 otherwise we're going to be at a loss.

25 Given those sorts of problems, I was effectively

1 given a carte blanche by the County of San Diego at the
2 beginning of the study to design the study that would --
3 that would focus on identifying the locations and the
4 orientations of those major fracture zones, and that we
5 would focus on completing observations wells in those
6 fracture zones.

7 The idea being again that if we didn't hit those
8 we could put in any number. We could have put in hundreds
9 of monitoring wells and not have a single valid data point.

10 Once we had valid observation wells, then we would
11 focus on characterizing the permeability and once we knew
12 the permeability we could -- only at that point actually
13 determine directions of groundwater flow and rates of
14 groundwater flow and the potential impacts on the landfill
15 or the real impacts that the landfill had on underlying
16 groundwater.

17 The study was really unprecedented for the time.

18 We started out applying photointerpretation to the
19 site to try to identify lineaments that were in the area.

20 Then going beyond that -- the photointerpretation
21 was a fairly standard technique -- but going beyond that we
22 applied something that's called VLF geophysics. It's a
23 geophysical technique that we've had a lot of success at in
24 siting high-yield groundwater resource wells, production
25 wells, in the fractured crystalline rock terrain.

1 And fractured crystalline rock you typically get
2 well yields of two to three gallons a minute.

3 Using VLF we found a number of well sites where we
4 can produce 500, 1,000, 2,000 gallons a minute out of that
5 same crystalline rock terrain.

6 So we simply applied the same technique that would
7 be used to site high-yield production wells to siting valid
8 monitoring wells in this medium.

9 We ended up drilling 11 bore holes, completing
10 monitoring wells in 10 of those.

11 And as Bill pointed out, one of those was dead
12 center in the middle of that landfill. The idea was really
13 to go to the heart of the beast.

14 We double cased that well. It was an
15 extraordinary well. We drilled through 200 feet of garbage,
16 set a solid steel casing, concrete sealed to the outside of
17 that, then went back inside that well, drilled into the
18 hundred feet or so into the underlying fractured crystalline
19 rock, set another casing on the inside of that, with screen
20 interval only in the fractured rock, and then set us a
21 concrete and bentonite seal on the inside of the other
22 casing so that we had complete protection from leachate
23 moving into that well from the landfill itself and directly
24 contaminating the aquifer.

25 And I'll tell you up front in that well drilled

1 directly underneath this thing we found no indication of any
2 leachate.

3 We applied a number of bore hole geophysical
4 techniques to quantify the orientation of the fractures.

5 Acoustic televiewer logs, for example, tell us the
6 strike and dip of each one of the fractures that's
7 encountered.

8 We used electric and gamma ray logs to try to look
9 at the characteristics, how much clay was there in the
10 fracture system.

11 We conducted ten aquifer tests to determine the
12 permeability in each one of those wells and the hydraulic
13 communication.

14 And then we did very very complete water quality
15 analyses going beyond the standard major ion analysis, the
16 volatile organics.

17 We also looked at a number of isotopes that had
18 been discussed in the literature as indicators of leachate
19 from landfills.

20 And we did -- and we looked at some of the trace
21 elements as well.

22 What did we find?

23 Well, in general, even in the areas that were
24 fractured we found that the permeability was relatively low.
25 There was a lot of clay filling in fractures throughout the

1 landfill.

2 However, we found one really very major fracture
3 zone that extended northwest from the down grading into the
4 landfill and I'll try to line that out for you.

5 There's a major fracture that trends
6 west-northwest from the down grading in the landfill and
7 moving outside of that landfill.

8 By major fracture, I mean that well, the
9 observation well, that we placed at that location produced
10 about 500 gallons a minute.

11 A nearby and existing monitoring well that was
12 located about 200 feet away, creates less than a tenth of a
13 gallon a minute.

14 Hydraulic conductivities of that fracture system
15 were very very substantial.

16 And perhaps most importantly that fracture itself,
17 when we look at the groundwater contour map, controlled the
18 direction of groundwater flow, that is groundwater moved
19 from the northern boundary of the landfill toward that
20 fracture system, from the eastern boundary of the landfill
21 towards that fracture, from the southern boundary of the
22 landfill towards that fracture, and then groundwater moved
23 northwest out along that fracture system.

24 So we feel that by identifying that fracture we've
25 identified a major control in groundwater circulation and

1 potential solute movement through the landfill.

2 In looking at the water chemistry we found no
3 indication of any leachate generation within the landfill.
4 There's no increases of metals, no increases of major ions,
5 no changes in the isotope ratios, no -- there's simply no
6 indication of any leachate generation within the landfill.

7 And, in fact, that's consistent with measurements
8 that were made by other people at the same time of moisture
9 content of the waste material.

10 In drilling, I believe, over 20 bore holes they
11 found that generally the existing trash was very very dry
12 despite the fact that this landfill had been in operation
13 for at that time 13 years and had gone through several
14 periods of above-normal precipitation and that, in fact, the
15 trash had additional capacity to absorb water.

16 We found no off-site impacts of the landfill on
17 groundwater quality.

18 What we did find was some localized impacts
19 restricted to some volatile organics, specifically two wells
20 came up with some volatile organics.

21 So if I can do this.

22 Well 35, located on the northern boundary of the
23 landfill, and then Well 31, located right over here, had
24 some volatile organics.

25 The one located along the northern boundary is

1 literally ten feet from a vertical face on the landfill and
2 we feel fairly strongly that the source of the volatile
3 organics was poor control of surface runoff from the working
4 surface, the working deck of the landfill, directly into
5 that northern boundary and impacting that one well.

6 The one on the western side of the landfill was
7 immediately downstream from a surface sample that had been
8 collected the previous year that had high volatile organics
9 and we attribute the concentrations in that well to surface
10 infiltration in the immediate vicinity of the well.

11 The key here is that both of those are upgraded
12 and tributary to that major fracture zone that exits the
13 well to the northwest and our monitoring well in that has no
14 volatile organics in it, has no indication of leachate
15 generation.

16 And more importantly our analysis suggests that
17 pumping from that well will act to intercept essentially all
18 of the groundwater that flows underneath the San Marcos
19 Landfill and, in fact, that's an activity that's going on
20 right now.

21 The San Diego County is pumping 20,000 gallons per
22 day from that particular observation well in order to exert
23 a positive hydraulic control on that system so that no
24 groundwater that flows underneath the landfill exits the
25 landfill to any off-site properties.

1 Bottom line here I think is that the landfill's
2 been operating for 14 years and we have no real indication
3 of any impact of any leachate generation of any impact to
4 groundwater quality other than those very localized on-site
5 impacts.

6 Construction of the two-foot clay liner, if it
7 does anything, is going to reduce the amount of leachate
8 reaching the groundwater and help control any surface water
9 problems that the San Marcos Landfill previously experienced
10 and so, if anything, we will reduce a problem which
11 apparently doesn't exist.

12 Thank you.

13 COMMITTEE CHAIRMAN HUFF: Okay. Well, we may have
14 some questions here.

15 Mr. Relis.

16 COMMITTEE MEMBER RELIS: Dr. Huntley, you've
17 basically stated that there is no water, groundwater
18 problem, or contamination.

19 In the report, I was looking for the specific --

20 COMMITTEE CHAIRMAN HUFF: Maybe staff can help.

21 COMMITTEE MEMBER RELIS: -- reference in the staff
22 report. If you can point me to the page where we just very
23 tersely deal with the matter that there is some leakage from
24 this landfill.

25 Could we try and square your understanding --

1 you've read the report, too. You would be stating that
2 there is no leakage from this landfill conclusively?

3 MR. HUNTLEY: That's correct.

4 It may be a matter of semantics.

5 Again, we've looked at the major ions and we see
6 no leachate generation from the traditional standpoint.
7 There appears to be no water moving through this waste
8 material and going down into the underlying groundwater.

9 There are two wells that clearly have VOCs and
10 they're not natural VOCs in the groundwater. So those two
11 wells have been impacted by the landfill.

12 It's our interpretation at present that those two
13 wells have been impacted by surface -- by poor control of
14 surface runoff from that working deck.

15 Now, whether you want to call that leakage, I
16 don't call that leakage. I envision leakage as being water
17 moving through the waste material and into the underlying
18 groundwater.

19 Clearly those two wells have been impacted by a
20 process related to the landfill.

21 COMMITTEE MEMBER RELIS: I'd like to either now or
22 later hear our staff comment on that, as well as I think we
23 have a member of the staff from the Regional Water Quality
24 Control Board.

25 So I don't know if -- should we do that now?

1 COMMITTEE CHAIRMAN HUFF: No. I think we'll
2 continue with San Diego County.

3 COMMITTEE MEMBER RELIS: I then I had one
4 technical question, I think you've answered.

5 Concerning the placement of the wells vertically
6 into the landfill as opposed to there was some question of
7 whether they would be horizontally done or vertically.

8 MR. HUNTLEY: Those are gas wells, I think, that
9 you're referring to and that's outside of my area.

10 COMMITTEE MEMBER RELIS: Okay. Well --

11 COMMITTEE CHAIRMAN HUFF: We'll wait until -- it's
12 somebody's area. It's going to be in somebody's areas.

13 COMMITTEE MEMBER RELIS: Whosever area that is, be
14 alert.

15 COMMITTEE CHAIRMAN HUFF: Let me go back and just
16 be redundant here. I get to be.

17 We're basically talking about the old landfill,
18 though?

19 MR. HUNTLEY: That's correct. That's correct.

20 We're talking about an unlined landfill that had
21 been in operation since 1979.

22 So, I mean, that's really my point is that for 13
23 years this unlined landfill had been operating and then when
24 you look at the waste material and you look at the
25 groundwater quality, there appears to have been only

1 localized on-site impact from that landfill and no off-site
2 impact of the landfill.

3 COMMITTEE CHAIRMAN HUFF: But even if you found
4 some impact, that doesn't necessarily say that the new
5 expansion is going to aggravate?

6 MR. HUNTLEY: The new expansion, because of the
7 addition of the clay liner, should do just the opposite. It
8 should decrease any problems that might exist.

9 COMMITTEE CHAIRMAN HUFF: Because you're going to
10 be putting clay on top of something that will ensure nothing
11 more enters, in terms of rain, into an unlined landfill?

12 MR. HUNTLEY: That's the design.

13 COMMITTEE MEMBER RELIS: On that point, if you can
14 explain further the pumping activities going on the 20,000
15 gallon per day effort to prevent, I guess what you call the
16 exit of leachates, is that something -- that's a practice
17 that's currently underway?

18 Is that something that would be ongoing?

19 MR. HUNTLEY: That's my -- my recommendation is
20 that they continue pumping that well as long as volatile
21 organics show up in really either of those two wells that
22 we've talked about, the on-site wells. The Well 31 and 35
23 are the two wells we have been talking about.

24 As long as volatile organics show up in those two
25 wells, I recommend to the County that they continue pumping

1 groundwater at a rate of about 20,000 gallons a day from
2 that high permeability fracture zone so that we provide
3 positive hydraulic control so that we know that none of
4 those constituents are exiting the landfill.

5 COMMITTEE MEMBER RELIS: What do you do with that
6 water?

7 MR. HUNTLEY: It's actually used as a replacement
8 for the dust control water. The operators of the landfill
9 currently use about 20,000 gallons a day for dust control on
10 the landfill.

11 They have previously purchased that water from
12 metropolitan water district or county water authority and
13 they're now substituting that groundwater for it.

14 COMMITTEE MEMBER RELIS: Okay. And staff earlier
15 on a previous permit we discussed this volatile issue and it
16 was, I think, staff's view that some of this might be gas
17 migration. I mean, in another context. I don't know if
18 it's parallel here.

19 And that the remedy for that is potentially the
20 gas extraction system.

21 Is that a fair statement or are you familiar with
22 this?

23 MR. HUNTLEY: There -- a lot of those volatiles
24 are denser than water and the vapor phase is, in fact,
25 denser than water so that -- or denser than air, excuse

1 me -- so that it moves -- tends to move vertically downward
2 as, say, a solvent that was disposed of in the landfill
3 volatilizes into the waste material.

4 And so there is the real possibility of
5 introducing some of those organics into the underlying
6 groundwater without actually having leachate generation.

7 In a remediation setting, the approach of -- the
8 solution to that would be a vapor extraction system and the
9 methane gas extraction actually does a reasonably effective
10 job of removing that.

11 And, in fact, if you look at the condensate from
12 the methane gas systems, you see a lot of those volatile
13 organics in that.

14 COMMITTEE MEMBER RELIS: Thank you.

15 MS. STEVENS: Mr. Relis, as a point of
16 clarification, I believe the site you're thinking of -- I
17 mean, I think I know which site it is, but I don't want to
18 name it -- they do not have a gas extraction system.

19 COMMITTEE MEMBER RELIS: Right. I know.

20 MS. STEVENS: This site has an extensive system.

21 COMMITTEE MEMBER RELIS: We brought up that
22 question where you encountered this problem, is there a
23 remedy and if so what is it? I guess we're --

24 COMMITTEE CHAIRMAN HUFF: It may be a gas
25 extraction system.

1 COMMITTEE MEMBER RELIS: It may be.

2 COMMITTEE CHAIRMAN HUFF: That exists here.

3 MS. STEVENS: Yes; it does.

4 COMMITTEE MEMBER RELIS: Thank you.

5 COMMITTEE CHAIRMAN HUFF: Next.

6 MR. PHILIPS: Good morning. My name is David

7 Philips of David Philips and Associates. I'm a

8 sub-consultant acting as senior environmental scientist for

9 Michael Brandman Associates.

10 I hold degrees in physics and chemistry and I have

11 15 years of experience in statistical data analysis.

12 I would briefly like to discuss these three

13 topics. Okay. The need for statistics in collecting and

14 analyzing monitoring data, the analysis we performed on the

15 historical water quality data, and the current water quality

16 monitoring program.

17 I don't intend to give a statistics lesson, but

18 there are a couple of concepts which merit discussion and

19 lead us to a statistical analysis -- a statistical approach

20 to data analysis.

21 In any sampling program we observe uncertainty in

22 measurement. There is sampling variability and there's also

23 measurement error.

24 In fact, because of measurement error, even if a

25 constituent is not present in a given water sample, a

1 measurement may incorrectly show that is, in fact, present.

2 And this is called the false positive.

3 Therefore every detection is not necessarily a
4 true detection.

5 And in any sampling system it's possible to get
6 spurious or false detections.

7 And statistics, the use of statistics, allows us
8 to make informed decisions about the presence or absence of
9 groundwater contamination. And if we take enough samples we
10 can have a high degree of confidence in the decisions that
11 we make.

12 Okay. So statistical methods were applied in the
13 analysis of the historical data and let me talk a little bit
14 about that analysis.

15 Okay. So it turns out that the monitoring of the
16 historical data began in April of 1978 and extended through
17 July of 1991.

18 The analysis included upgradient Wells 17, 23, and
19 24 and compliance Well 16.

20 Additionally, the surface water sites were
21 studied.

22 We monitored the concentrations of more than 125
23 organic constituents and approximately 50 general
24 constituents at each monitoring site.

25 And in total, this was a massive study, there were

1 22,000 individual constituent tests performed, 13,000
2 organic tests and 9,000 general constituent tests.

3 So now the statistical method that we used
4 attached significance to all detections and provided
5 accurate information about groundwater and surface water
6 quality.

7 And here are the results of that analysis.

8 So only five constituents had down gradient
9 concentrations significantly greater than background values.
10 There were two organic and two general constituents in the
11 groundwater and one general constituent in the surface
12 water.

13 The three general constituents were potassium,
14 chloride, and sulfate, but these have demonstrated elevated
15 concentrations down gradient of the landfill throughout the
16 entire history of monitoring and with not temporal variation
17 during this period.

18 Therefore, the elevated concentrations of these
19 constituents can be attributed to the landfill, but just to
20 the natural variations of those constituents at the site.

21 The organic constituents, acetone and Freon, also
22 know as trichlorofloromethane had down gradient
23 concentrations significantly greater than background values.

24 However, acetone was detected only three times in
25 the entire course of monitoring.

1 The last time it was detected was in May of 1991
2 and it wasn't detected in any subsequent sampling.

3 And these data don't have the continual release
4 pattern that's indicative of leachate.

5 In addition, acetone is one of the most commonly
6 used laboratory cleaning solvents and it is a frequent
7 source of sample contamination.

8 Freon, the other organic constituent found to be
9 significant, was sampled a total of 22 times and was
10 detected on 14 occasions, although the QA/QC procedure in
11 place cast these results in doubt. Conflicting QA/QC in
12 duplicate analyses make these data suspect.

13 Aside from that, the detected values of Freon
14 ranged from roughly 3 to 21 micrograms per liter. Those
15 were the detected concentrations.

16 And the MCL, the maximum contaminant level, for
17 Freon set by the California Department of Health Services,
18 and that's the drinking water standard, is 150 micrograms
19 per liter. So the actual concentrations detected here are
20 one to two orders of magnitude lower than the safe drinking
21 water standard.

22 COMMITTEE MEMBER RELIS: What are those detections
23 again? I missed the number you used.

24 MR. PHILIPS: The actual detected concentrations
25 ranged from a low of 3.1 micrograms per liter to a high of

1 21 micrograms per liter.

2 And so my point is that the presence of Freon,
3 because of QA/QC, is highly suspect, but even if it is
4 actually present, at these low measured concentrations Freon
5 has no impact on beneficial uses of the basin.

6 And basically -- so with respect to the historical
7 water quality data, we can conclude that our analysis
8 revealed virtually no impacts to groundwater and surface
9 water quality and further beneficial uses are not being
10 impaired as a result of the San Marcos Landfill.

11 Since the historical analysis, we have implemented
12 a current program that complies with Article 5. And just
13 very briefly let me go over a few points of this new
14 monitoring program.

15 It has a very rigorous statistical method that was
16 favorably reviewed by Dr. Neal Willits, who is the State's
17 statistical consultant at UC Davis.

18 And this method is to identify statistically
19 significant releases from the landfill.

20 Here's a few technical details.

21 A type one or false positive error rate of no less
22 than five percent and monitoring parameters to provide a
23 reliable indication of a release from the landfill.

24 And here's a few more details of the new
25 monitoring program.

1 Monthly sampling and quarterly after the first
2 year.

3 A statistical analysis that includes re-tests to
4 confirm constituent detection so we don't have that false
5 positive problem I mentioned earlier.

6 And quarterly monitoring reports.

7 The new monitoring program also includes the
8 monitoring of private wells, the wells that surround the
9 landfill.

10 So since the historical analysis we have collected
11 and performed an additional 15,000 individual constituent
12 tests.

13 And with the exception of organic detections in
14 Wells 31 and 35 that Dr. Huntley discussed, in none of the
15 other compliance wells, nor in any of the private wells have
16 we measured any -- have we found any significant evidence of
17 constituent detections.

18 And so this is evidence that there is only locally
19 impact to groundwater quality and there's no -- and it
20 doesn't impact overall groundwater quality and there's no
21 movement off-site of the San Marcos Landfill.

22 And just in conclusion now, I'd like to say that
23 we developed statistically valid approaches and we evaluated
24 the historical data, as well as the current data. These
25 analyses revealed virtually no impacts to groundwater and

1 surface water and that beneficial uses are not being
2 impaired as a result of the San Marcos Landfill.

3 Are there any questions?

4 COMMITTEE CHAIRMAN HUFF: Questions?

5 COMMITTEE MEMBER RELIS: So just to perhaps
6 reiterate what you said, your understanding, there's no
7 pattern of migration?

8 MR. PHILIPS: That's correct.

9 COMMITTEE MEMBER RELIS: Whatever has been
10 detected is where it is and if you were to model this, you
11 would not see anything creeping?

12 MR. PHILIPS: That's correct.

13 COMMITTEE MEMBER RELIS: Thank you.

14 MR. WORRELL: At this time we'd like to turn it
15 over to our design team that was involved in the design of
16 the expansion and that would be Nowland Bambard, director of
17 solid waste with the consulting firm of HDR, and Howard
18 Barlow with Geomatrix, and also Larry Gaffin with NCRRA on
19 their role.

20 MR. BAMBARD: Good morning. My name is Skip
21 Bambard. I am director of solid waste for HDR Engineering,
22 based in Irvine, California. I'm a registered civil
23 engineer in the State of California.

24 As a professional engineer with over ten years
25 landfill design operations and construction experience, it's

1 my pleasure to serve as the engineer of record for the
2 design, construction, and ultimately the certification of
3 the San Marcos Landfill vertical expansion.

4 Each aspect of the design of the vertical
5 expansion has been developed to meet, and in many cases
6 exceed, the requirements of Title 14 and Title 23 of the
7 California Code of Regulations.

8 To begin, I'd like to discuss the landfill layer
9 design starting with the -- see if I can get this
10 centered -- starting with the clay cap, which you see at
11 elevation 950 feet and coming down the sides of the
12 landfill.

13 Essentially it's five foot layer thickness
14 comprised of two feet of foundation layer, overlain by two
15 feet of a clay liner of ten times -- one times ten to the
16 minus six centimeters per second, covered by one foot of
17 vegetative soil cover.

18 The interesting element of the clay layer is that
19 that is one foot thicker than is currently required in the
20 regulations.

21 At the bottom of the illustration, and
22 approximately the 750 foot elevation, you see what we have
23 referred to as the clay liner.

24 Again, we start with two feet of foundation layer
25 overlain by two feet of clay, again ten times -- one times

1 ten to the minus six centimeters per second.

2 And then a one-foot drainage layer, which
3 ultimately goes to a leachate collection sump for collection
4 and taken off the immediate landfill footprint to a storage
5 area, which I'll discuss briefly later.

6 Again, the two feet of clay is one foot thicker
7 than is currently required under the regulations for clay
8 liners.

9 One of the more unique aspects of this design is
10 the intermediate clay layers, which are placed every 20
11 vertical feet.

12 This again is one times ten to the minus six clay
13 and one-foot thick layer.

14 The unique part about this is that this is not a
15 requirement of any of the regulations and is placed here to
16 really control the vertical downward migration of leachate.

17 As part of the design effort, HDR has gone through
18 numerous runs of the US EPA developed HELP model, that's the
19 Hydraulic Evaluation of Landfill Performance.

20 In running the HELP model you traditionally take
21 existing data, rainfall data, and put in your design and
22 then run the model and determine what the leachate potential
23 is.

24 After running a number of these under the design
25 parameters and playing what was the worst case, and in this

1 case we took ten years of the worst record storms and ran
2 ten consecutive years, none of the models that we ran showed
3 any leachate entering the existing refuse mass.

4 COMMITTEE MEMBER RELIS: Ten years of the worst
5 storms sequentially?

6 MR. BAMBARD: Sequentially.

7 In other words we --

8 COMMITTEE MEMBER RELIS: Ten years --

9 MR. BAMBARD: Ten years and we broke the drought
10 severely.

11 And after that no leachate, even under the worst
12 case, no leachate entered the existing refuse mass, which is
13 the charge of the design.

14 Touch briefly on the site drainage. Because we
15 have such an effective cap cover and liner system, we need
16 to handle the site drainage. Regulations require that we
17 design to 100-year 24-hour storm event.

18 All drainage aspects were designed and developed
19 using the HEC one, HEC two hydraulic computer models
20 developed by the US Army Corps of Engineers.

21 The main drainage features include downshoots, see
22 if I can point them out, which are these elements here,
23 various contoured ditches which are the arrows that are
24 following the main contours, drainage flows along these
25 ditches into the downshoots, and then ultimately flows

1 through perimeter channels into one of two ponds, either the
2 north pond or the south pond.

3 Drainage that is trying to come onto the site from
4 off the footprint is controlled by a bypass channel, and
5 most of that drainage is on the southern portion, and
6 bypasses the on-site drainage altogether.

7 So we're controlling both the water that tries to
8 come onto the footprint, as well as the water that falls
9 immediately upon the footprint.

10 We've developed both the north and south pond have
11 on-site storage capabilities in excess of 57 acre feet.
12 This is more than three feet acre feet more than what is
13 required under the regulations.

14 Additionally, all of these drainage structures,
15 including the leachate collection sumps, have been designed
16 to accommodate landfill settlement. In fact, as settlement
17 occurs, the drainage potential of these features is
18 increased.

19 To handle the water that is developed on-site,
20 both the leachate water from the subdrains, as well as the
21 groundwater that comes from the monitoring wells which was
22 previously mentioned, we have three separate on-site storage
23 systems. These are above-ground tanks. Water is collected,
24 put into these tanks, tested and then appropriately disposed
25 of.

1 Additionally, there's -- to enhance the existing
2 gas collection system, vertical expansion system is designed
3 to accommodate the settlement and the additional gas which
4 is going to be generated by the vertical expansion.

5 The significant aspect, in addition to the wells
6 and to the manifolds and collection pipes, is a flare system
7 which is designed to take any gas which cannot be
8 accommodated in the existing turbine generator system and
9 burn off any excess gas.

10 COMMITTEE MEMBER RELIS: Are you the gas well
11 expert here?

12 MR. BAMBARD: I don't propose to be an expert, but
13 I can touch on that design.

14 COMMITTEE MEMBER RELIS: I'll come back to you on
15 that.

16 MR. BAMBARD: Okay.

17 Additionally, the gas collection system for the
18 vertical expansion has been designed to accommodate all of
19 the closure and the capping and closure requirements.

20 One additional feature that I'd like to point out
21 is the access road, and you can see it as this darker
22 winding line.

23 This is going to be paved, and by paving it we
24 control erosion as well as promote cleaner runoff.

25 And last, we'll touch briefly on site closure.

1 The closure plan calls for the site to be
2 revegetated with native species. This is designed to
3 enhance and make the site more capable of blending in with
4 the natural surrounding and accommodate and encourage a more
5 ecological balance for some of the species in the area.

6 Thank you.

7 And if you have any questions?

8 COMMITTEE MEMBER RELIS: Yes. Mr. Bambard?

9 MR. BAMBARD: Bambard.

10 COMMITTEE MEMBER RELIS: I'd like to draw your
11 attention to page 208 of our staff report. You have a copy
12 of it?

13 MR. BAMBARD: No; I don't.

14 COMMITTEE MEMBER RELIS: Page 208, beginning in
15 the middle paragraph there's the following statement, on
16 September '92:

17 "A letter report with isosettlement
18 maps was received which attempted to
19 address the effects of both normal and
20 differential settlement. This report
21 suggests that, over 30 years, the
22 maximum settlement between any two
23 points located on 100 foot grid spacing
24 would be 6 feet. If differential
25 settlement of the same magnitude were

1 added, the maximum settlement between
2 any two points would be 12 feet. This
3 would create a lengthening of the clay
4 layer on the order of 8.6 inches per 100
5 feet. The operator believes that the
6 clay to be used in the construction will
7 be able to accommodate this amount of
8 elongation, however test data specific
9 to the materials to be used in the
10 construction of the liner are not
11 available."

12 Could you comment on this statement?

13 MR. BAMBARD: Yes.

14 The presentation which will immediately follow
15 mine is going to address this.

16 COMMITTEE MEMBER RELIS: Well, then I'll wait for
17 that.

18 MR. BAMBARD: I think to your satisfaction.

19 COMMITTEE MEMBER RELIS: Then regarding the gas
20 well, when you set those gas wells in, there was some
21 discussion in the report about whether those should be
22 handled vertically or horizontally and the decision, I
23 think, was to go vertical.

24 MR. BAMBARD: It's my understanding, based upon
25 some correspondence that I have viewed, that the County has

1 an approved design from APCD.

2 COMMITTEE MEMBER RELIS: Now, if that's done, then
3 would the drilling technique or the incasement technique be
4 the same as what we heard earlier described by Dr. Huntley
5 regarding the -- that that would not jeopardize the
6 integrity?

7 MR. BAMBARD: The existing wells, that wells that
8 are existing, there's a clay plug to go around, a clay plug
9 and raised area to go around each of the existing wells.

10 At this point in time the further development of
11 the wells going through into the secondary refuse, we're
12 looking at coming in from the sides and looking at bringing
13 the gas vertically from the terraces, existing terraces. We
14 have not determined whether or not there will be a need to
15 penetrate a clay liner.

16 COMMITTEE MEMBER RELIS: I must have misread the
17 report then.

18 I read it that that was a decision that was made
19 to come vertically and that they would deal with this
20 problem. So maybe I misread it.

21 MR. BAMBARD: The existing wells, the wells that
22 are currently in place will continue to be put vertically.

23 One of the questions has been how to seal or how
24 to plug the existing wells as they travel vertically or
25 whether or not to cap those off and bring them horizontally.

1 So the part of the vertical discussion has been
2 with existing wells.

3 New wells that may have to go into the lower
4 refuse mass could come from the side either vertically or at
5 an angle.

6 We have not really gone into any great discussion
7 of a vertical penetration from the final two elevations all
8 the way through.

9 COMMITTEE MEMBER RELIS: That's unresolved?

10 MR. BAMBARD: That's unresolved at this particular
11 point.

12 MR. CLINKENBEARD: Yes, Mr. Relis. My name is
13 John Clinkenbeard and I'm with the Closure and Remediation
14 Branch here at the Board.

15 The initial concerns were with how the existing
16 gas wells would be brought through the clay liner and also
17 how future wells would accommodate the clay liner if they
18 were to penetrate the clay liner.

19 There was some question at the time, prior to
20 September, as to whether the wells would be brought out
21 horizontally to the face and then connected to the
22 manifolds, or whether they would be brought up vertically.

23 I believe the decision was that the existing 34,
24 35 gas wells presently at the site will be brought up with
25 this whole clay boot that he's described.

1 Any other wells that would have to go into the
2 older waste could either be drilled outside of the liner
3 into the waste outside the footprint of the liner or could
4 be angle drilled from outside the footprint of the liner and
5 those would be sealed appropriately with the final cover on
6 the face.

7 But the overall question of how they were going to
8 do it, the big question was did they have a design that was
9 reasonable to allow them to go through the clay layers and
10 they presented a sign that appears reasonable.

11 MR. BARLOW: Good morning. My name is Howard
12 Barlow. I'm senior project engineer with Geomatrix
13 Consultants. I'm a registered geotechnical engineer in the
14 State of California.

15 Geomatrix Consultants was hired to address the
16 slope stability analyses problems of the San Marcos Landfill
17 vertical expansion.

18 The San Marcos Landfill currently occupies an
19 east-west trending canyon. The front face of the canyon is
20 the best end of the -- front face of the landfill's west end
21 of this canyon and currently the landfill rises
22 approximately 200 feet at this west face.

23 The proposed vertical expansion will add
24 approximately 200 feet to this west face, making it a total
25 of approximately 400 feet high.

1 The landfill's front face slope is designed to
2 consist of a series of benches, slopes and benches. The
3 slopes will be an angle of two and a half to one with 15
4 foot benches, horizontal benches, between each of the
5 slopes.

6 This yields an overall slope of approximately
7 three to one.

8 Title 14, Section 17777, indicates that for slopes
9 that have -- are steeper than three to one, a slope
10 stability needs to be -- analysis needs to be performed.

11 Since the intervening slopes were steeper than
12 three to one, slopes stability analyses were performed at
13 the site.

14 To address the Board's staff's concerns, we agreed
15 to perform additional analyses at the site and these
16 included a study of active faults at the site, a
17 geotechnical investigation at the toe of the slope and the
18 first bench of the slope, perform consolidated drained and
19 consolidated undrained triaxial tests on samples of the
20 landfill materials and the soils immediately underlying the
21 west face of the slope.

22 And select appropriate strength parameters for
23 refuse, perform more detailed stability analysis at the toe
24 of the slope, assuming that the retaining wall proposed is
25 not in place, but backfill for the wall except for an active

1 wedge, is in place.

2 To show that static factor of safety is greater
3 than 1.5 and the pseudo static or earthquake factor of
4 safety is greater than 1.2.

5 To perform non-circular analyses in addition to
6 circular analyses.

7 To perform strain compatibility analyses.

8 And finally to perform supplemental deformation
9 analyses.

10 Initially, we looked at aerial photographs to
11 determine whether there were any active faults on the site.
12 We found photo lineations and did site walk studies and
13 investigated the photo lineations and found that there were
14 no active faults on the site.

15 Next we did a study of the nearest active faults
16 and historic earthquakes on those active faults. This map
17 shows the locations of the nearest active faults.

18 Based on this study we found that the Rose Canyon
19 fault, at a distance of ten miles from the San Marcos
20 Landfill, is the nearest active fault. And we used that
21 fault to determine the maximum probable earthquake which
22 could affect the San Marcos Landfill.

23 Next we determined the location of the critical
24 slope to be analyzed for the slope stability analyses and
25 this was on the west face of the landfill where the proposed

1 final slope will be approximately 400 feet high.

2 This diagram essentially shows the location of the
3 former canyon going up into the landfill. The bottom of
4 this canyon contains a clay formation, a soil formation.

5 Most of the remaining portions of the landfill
6 sides and bottom consist of the crystalline rock, as
7 Dr. Huntley was explaining previously.

8 So based on this analysis we selected our critical
9 slope in this area.

10 Next we went out and performed a field
11 investigation at the toe of the slope. We drilled borings
12 that -- at the toe of the west face and at the first bench
13 of going up the west face. The toe of the slope we drilled
14 through the clay formation, the natural clay formation at
15 the bottom of this area. It was approximately 20 feet
16 thick.

17 On the first bench we drilled through construction
18 site demolition debris, which has been placed at the toe of
19 the landfill to provide a berm to place refuse behind, kind
20 of keep the refuse in place when the landfill was first
21 constructed.

22 We took samples from these borings and performed
23 laboratory tests to determine the strength properties of
24 these materials.

25 Based on that, we developed a model and assigned

1 various strength properties to the layers in the model.

2 First we analyzed the stability of the entire
3 slope from the proposed final elevation of 950 down the west
4 face to the toe.

5 The results of these analyses indicate that the
6 static factors of safety were greater than 1.5 and the
7 pseudo static factors of safety were greater than 1.2.

8 Next we looked at the stability at the toe of the
9 landfill assuming that the wall was not in place. The wall
10 was required because the bottom -- the bottom lift of the
11 landfill there was created slightly steeper in order to make
12 room for the recycling facility immediately west of the
13 landfill.

14 These analyses also indicated that static factors
15 of safety were greater than 1.5 and pseudo static factors of
16 safety were greater than 1.2.

17 We also looked at slip surfaces extending from the
18 second bench up, down to the toe and in this case they also
19 show static factors of safety greater than 1.5 and pseudo
20 static factors of safety greater than 1.2.

21 Next we performed non-circular analysis and
22 this -- these analyses indicated similar results to the
23 circular analyses.

24 Then we performed strain capability analyses to
25 show that the -- as a potential failure surface travels

1 through the different materials that there would be no
2 incapacibilities in the strains of the materials. And the
3 results of the analysis indicated that there would be no
4 straining compatibility.

5 For all cases where we found pseudo static or
6 earthquake loading factors of safety less than 1.5, we went
7 in and performed deformation analyses to determine how much
8 these slopes would deform under the maximum probable
9 earthquake and the deformation analyses indicated that
10 basically no deformation would occur under the maximum
11 probable earthquake.

12 We did this by determining what the yield
13 acceleration was for each of those slip surfaces and in all
14 cases but one the yield acceleration was greater than the
15 maximum acceleration predicted from the maximum probable
16 earthquake.

17 In the one case where it was slightly less, the
18 ratio was just under 1, at .98, and for that case using a
19 diagram of variation and yield acceleration with
20 displacement, it indicated that negligible displacement
21 would occur.

22 In summary our work showed that there are no
23 active faults on-site. The slope stability analyses
24 indicate factors of safety -- static factors of safety
25 greater than 1.5 and pseudo static factors of safety greater

1 than 1.2, strain compatibility analyses indicate no
2 straining compatibility, and deformation analyses indicate
3 that negligible slope deformation in response to the maximum
4 probable earthquake.

5 These analyses essentially meet the requirements
6 of Section 17777 of Title 14.

7 If you have any questions I'll be glad to answer.

8 COMMITTEE CHAIRMAN HUFF: Any questions?

9 No questions. Thank you.

10 MR. JANSSEN: Mr. Chairman, in the interest of
11 time, we're going to defer two more presentations on
12 litigation and the wall unless you have specific questions
13 about those two items.

14 I would like to ask Supervisor MacDonald, Mayor
15 Thibadeau and Councilwoman Smith if they would like to make
16 some comments at this time.

17 MR. MacDONALD: My name is John MacDonald. I live
18 in Oceanside. I'm a member of the county -- San Diego
19 County Board of Supervisors. I represent the Fifth
20 District, which is the district where the San Marcos
21 Landfill is located.

22 I represent about 600,000 people, four cities in
23 my district, plus three other cities, that depend upon the
24 landfill for trash disposal, so this is a very significant
25 decision that you're dealing with as far as our constituents

1 are concerned.

2 All 18 cities in the County of San Diego have
3 supported the expansion of the landfill. I think you have
4 letters from most, if not all, of those cities.

5 And it is very important for us and that we
6 request that you recommend to the full Board that the
7 expansion go forward.

8 I'm not going to take any more of your time.
9 You've been besieged by a terrific amount of technical data.

10 But I would like to introduce two people who have
11 traveled to Sacramento with us today, Mayor Lee Thibadeau,
12 who is the mayor of the City of San Marcos, and he might
13 have a few words to say, and then I'd like to introduce
14 Jeannette Smith, who is a representative from the City of
15 Vista for just a word, and then we will conclude so that you
16 can get out to lunch some time.

17 COMMITTEE CHAIRMAN HUFF: Well, thank you.

18 And let me say, we've understood every word of
19 this technical.

20 MR. MacDONALD: I know I had a little nap, too.

21 MR. THIBADEAU: Good afternoon, Mr. Chairman,
22 members of the Board, staff.

23 As Supervisor MacDonald said, I'm the mayor of the
24 City of San Marcos. I'm an elected mayor since 1986.

25 This issue all morning has been technical data. I

1 fought the political battles for over ten years. I was
2 first elected in 1980 in the middle of these battles.

3 The people outside of our community, a handful of
4 them that have fought solid waste management in the region
5 for a number of years have threatened to have me thrown of
6 out town. I've succeeded to win four more elections since.

7 So I think that I have a very strong committent
8 from my community to continue supporting the solution to the
9 solid waste management problem in north county.

10 We didn't voluntarily get involved. We happen to
11 be geographically sitting at a point that makes it very
12 practical for the solid waste in the north county to come to
13 and through our city.

14 The majority of the trucks delivering trash come
15 through our city and yet our constituency has been willing
16 to continue to put up with the problems of the trash issue.

17 The vertical expansion has gotten to a point of
18 being very critical to the needs of all of us in north
19 county and as the Supervisor has pointed out, not only all
20 the north county cities support the expansion of the
21 project, but the entire County of San Diego supports the
22 expansion of this project, primarily because the alternate
23 would only have a very expensive and a very serious
24 environmental impact on not only our own immediate region,
25 but the entire county.

1 We respectfully request that you support your
2 staff's recommendations and the County's application for a
3 vertical expansion.

4 Thank you.

5 COMMITTEE CHAIRMAN HUFF: Thank you.

6 MR. MacDONALD: It's my pleasure to introduce a
7 member of the City Council of the City of Vista, Jeannette
8 Smith.

9 MS. SMITH: Thank you, Chairman, Board members.

10 Vista is the neighboring city to San Marcos.

11 I wanted to come here today to give you my support
12 also.

13 A couple of facts that maybe have only been
14 briefly mentioned.

15 If the San Marcos Landfill closes, all of north
16 county's trash will have to be transported to a much more
17 remote landfill.

18 This will either require long hauls by collection
19 vehicles or the set up of a transfer system.

20 Either method would be very costly to our
21 residents.

22 In addition, either method would significantly
23 increase the amount of air pollution generated. Up to 60
24 additional tons of pollutants per year according to another
25 supervisor, Bilbray.

1 If the San Marcos Landfill were closed now, it
2 would expedite the premature closing of the other landfills
3 in the county.

4 In addition, Vista, San Marcos, and the other
5 north county cities were ahead of the State mandates in
6 instituting curbside recycling. I think we have done our
7 bit. We have been very aware of the landfill problems and
8 have been ahead of the curve in that.

9 In summary, it's important not only to north
10 county but to all of San Diego County that this expansion be
11 approved.

12 Thank you.

13 MR. MacDONALD: In closing I just want to mention
14 one more thing.

15 It might sound like the County of San Diego has
16 come to a point where we haven't looked into the future, but
17 we've been searching for a new landfill site now since 1982.
18 We have had a second search which will culminate in about 11
19 months and we will identify a new landfill site.

20 This expansion will give us the time to site, we
21 hope, unless we have more regulations coming down from
22 federal government like the one we just heard about, which
23 was shell shocking.

24 We will have another landfill so we will not have
25 to continue expanding this landfill beyond this point.

1 We ask again that you act favorably on this issue.

2 COMMITTEE CHAIRMAN HUFF: Thank you.

3 Any questions?

4 Thank you.

5 MR. JANSSEN: And finally, Mr. Chairman, I'd like
6 to ask Jack McDermott, who is the president of the San Diego
7 County Disposal Association, representing the industry, to
8 make a few comments.

9 MR. McDERMOTT: Chairman Huff, Mr. Relis,
10 Mr. Egigian, I'm Jack McDermott. I represent Escondido
11 Disposal and I also represent the San Diego County Disposal
12 Association of which I am the current president.

13 As an association we are vitally concerned about
14 the availability of landfill capacity in the region of San
15 Diego.

16 With San Marcos Landfill reaching its capacity,
17 without the approval of the extension it's going to have
18 significant effects, particularly on the members of our --
19 the haulers who serve the north communities.

20 They're going to be forced to drive 80 to 100
21 miles with each round trip with each truckload of refuse
22 collected in those areas, and take them down to the most
23 southern and eastern areas of the county.

24 This will also have a significant impact with
25 these hundreds of vehicles on the freeways and with the

1 congestion and they're already very congested on the
2 freeways, and it will have significant impact of the air
3 quality of the area in an adverse way.

4 Additionally, because it would be required to
5 provide new equipment, new personnel, and increased
6 operating coats to provide these services, it will result in
7 significantly higher trash rates for the commercial and
8 residential customers.

9 So ultimately the people are the ones who will pay
10 for not having landfill capacity.

11 We know that the local governments in the area
12 support the expansion of the landfill. We think the County
13 has done an excellent job in providing the environmental
14 documentation that has been required.

15 And we strongly request that you support the
16 recommendation for the expansion of the landfill.

17 COMMITTEE CHAIRMAN HUFF: Questions?

18 MR. McDERMOTT: I also have copies of some letters
19 that we have written to the Committee and at various members
20 of the haulers' association. I'd like to leave them for
21 your consideration.

22 COMMITTEE CHAIRMAN HUFF: Thank you.

23 MR. JANSSEN: Mr. Chairman, I would only add that
24 the cities of San Diego and Chula Vista are represented
25 here. They've agreed to forego their time as well.

1 That completes our presentation. Thank you very
2 much for your patience.

3 We would be happy to answer any other questions
4 that the Board may have.

5 COMMITTEE CHAIRMAN HUFF: Any other questions?

6 COMMITTEE MEMBER RELIS: No.

7 COMMITTEE CHAIRMAN HUFF: I have a question.

8 And I asked a question of Dr. Huntley.

9 I didn't ask it of -- well, I think I should ask
10 it, I guess, of Mr. Philips, Mr. Bambard.

11 It's a water question.

12 Again, all of the testimony really was about the
13 old landfill and what's going on or may not be going on
14 underneath it.

15 What impact does the expansion have on that
16 discussion?

17 I heard from Dr. Huntley that whatever isn't
18 happening will happen less with the expansion on top of it.

19 MR. WORRELL: I think the appropriate would be
20 Mr. Bambard.

21 MR. BAMBARD: Skip Bambard.

22 To address that we refer back to the models that
23 we did, the HELP models.

24 Essentially by putting the cap in the intervening
25 layers and the clay liner, we essentially cover, shield, and

1 protect the existing refuse mass.

2 Whatever is presently under refuse mass by putting
3 the vertical expansion on top of it we essentially layer
4 with a more complete system than exists at present.

5 COMMITTEE CHAIRMAN HUFF: So ain't nothing going
6 to get through?

7 MR. BAMBARD: In short, that's what all of our
8 computer modeling shows and it can only get better.

9 COMMITTEE CHAIRMAN HUFF: Thank you.

10 No other questions?

11 Tell you what I want to do.

12 That concludes the proponents.

13 We have not yet heard from the opponents.

14 We have also entered into the lunch hour.

15 I would like to observe that and begin anew at
16 1:15 with the opponents, unless the opponents have some
17 striking objection to that course of action. I don't want
18 to put them at any perceived disadvantage, including flight
19 schedules I don't know about, or anything of that sort.

20 So if that's agreeable -- you're raising your
21 hand. You're going to have to talk.

22 MS. NEWTON: I'm not going to put anybody to sleep
23 and I won't be that long. I don't think it's a long list of
24 opponents. I think I'm the only one.

25 COMMITTEE CHAIRMAN HUFF: You can wrap it up

1 quickly you say?

2 MS. NEWTON: Fairly. I'm not going to put you to
3 sleep. I won't be that long.

4 COMMITTEE CHAIRMAN HUFF: What be the pleasure of
5 the Committee?

6 COMMITTEE MEMBER RELIS: Keep going.

7 COMMITTEE CHAIRMAN HUFF: Ten minute break. Five
8 minute break.

9 COMMITTEE MEMBER EGIGIAN: Five minute break.

10 COMMITTEE CHAIRMAN HUFF: And that will allow you
11 to put paper in your machine.

12 And then we'll hear the opponents and then we'll
13 take lunch.

14 (Thereupon a short recess was taken.)

15 COMMITTEE CHAIRMAN HUFF: Okay. Quorum is still
16 present.

17 Mr. Wallace, I understand you have a couple of
18 communications on this issue, one in support and one in
19 opposition.

20 DEPUTY EXECUTIVE DIRECTOR WALLACE: That's
21 correct.

22 Yes, Mr. Chairman, I have a letter of support from
23 the City of Chula Vista, Mayor pro Tem Jerry Rindone, that
24 I'd just like to report for the record. We do have that
25 letter of support.

1 And in opposition we have received a letter from
2 the Questhaven Municipal Water District from Stephen Isaac,
3 the director. So just for the record I'd like to --

4 COMMITTEE CHAIRMAN HUFF: Now, the letter in
5 opposition actually asked that it be read into the record;
6 does it not?

7 DEPUTY EXECUTIVE DIRECTOR WALLACE: Yes; it did.

8 COMMITTEE CHAIRMAN HUFF: Would you care to do
9 that?

10 DEPUTY EXECUTIVE DIRECTOR WALLACE: Thank you.

11 Michael Frost, that's who the letter is addressed
12 to.

13 "Dear Mr. Frost:

14 "This is to reassert the opposition
15 of the Questhaven Municipal Water
16 District to the proposed expansion of
17 the San Marcos Landfill. I personally
18 appeared before the Board's Permitting
19 and Enforcement Committee at its
20 September meeting in Fullerton. Our
21 principal concern is the increased risk
22 of pollution to the ground water posed
23 by such an expansion. Expert
24 consultants representing our district
25 (Geothermal Surveys, Inc., South

1 Pasadena) have testified before meetings
2 of the California Regional Water Quality
3 Control Board, San Diego Region, that
4 the fracturing in the rock structure
5 underlying the landfill is so chaotic
6 and profuse, there is no way to
7 guarantee the safety of the water in our
8 wells which lie approximately two miles
9 east of the landfill. Expanding the
10 landfill only increases the forces
11 endangering our sole source of water.

12 "Furthermore, the track record of
13 the San Diego County in carrying out its
14 responsibilities in engineering such an
15 expansion is seriously flawed and
16 compounds the problem. We strongly urge
17 your Board and its Permitting and
18 Enforcement Committee to deny the permit
19 for expansion.

20 "We also respectfully request that
21 your Executive Director, Ralph Chandler,
22 read this letter into the record at the
23 meetings scheduled for January 20 and
24 27, 1993.

25 "Yours respectfully,

1 "Stephen Isaac, Director."

2 COMMITTEE CHAIRMAN HUFF: Thank you.

3 COMMITTEE MEMBER EGIGIAN: Do we have to have
4 Ralph read it to us?

5 COMMITTEE CHAIRMAN HUFF: Ralph's delegation of
6 authority to Mr. Wallace extends to reading letters.

7 DEPUTY EXECUTIVE DIRECTOR WALLACE: I think even
8 Mr. Thrasher wouldn't question that.

9 COMMITTEE CHAIRMAN HUFF: Don't tempt him.

10 That's an in joke, which we won't explain.

11 If we could have the opposition now, please.

12 MS. NEWTON: Thank you. My name is Patty Newton
13 and I represent the Elephant Forest Coalition.

14 Before I start, I'd like to say that we did send a
15 letter via fax to your office last week.

16 COMMITTEE CHAIRMAN HUFF: We received it. It was
17 distributed.

18 MS. NEWTON: Okay. I'd like to point out that I
19 feel like I've walked into a pit of snakes, to tell you the
20 truth. I think I'm the only person in this room who is
21 actually opposed to this project. I've been with it, as you
22 know, virtually since the inception about two and a half
23 years ago.

24 I'd also like to point out that I'm not being paid
25 to be here. I've never been paid to speak on this. My

1 expenses are not being paid. They are incurred personally
2 and it isn't without great sacrifice, because my husband and
3 I are not wealthy people.

4 Contrary to what you hear about these
5 million-dollar estate homes in Elephant Forest, that's a bit
6 of an exaggeration. The only one approaching a million
7 happen to have been owned and then bought by county counsel,
8 which is another matter altogether.

9 Initially, when I was recruited onto this project
10 I didn't really much care. I figured, well, what's 200
11 feet. And my neighbors sort of tried to get me involved in
12 the project and I thought, well, it sounds like a good idea.
13 At that time it did. I might not be not so readily
14 available next time.

15 But the problem is that the deeper I got into it,
16 the more I looked at it, the more I learned about it, not
17 only from an environmental standpoint but from a procedural
18 standpoint, from a political standpoint, that is what
19 motivated me to continue with this project.

20 It was initially not a real strong feeling with
21 me. I didn't feel that I would truly be affected by it, but
22 given the performance of the County, given the performance
23 of public officials, I was more than prepared to continue no
24 matter how far this went.

25 And I have dedicated myself to not quitting until

1 it's over.

2 And I have not accepted work because of my time
3 commitment to this project. And I have spent a great deal
4 of time and a great deal of money that I would surely have
5 loved to have spent on something else like upgrading my
6 home, which I'm not glad I didn't because it's not worth a
7 whole lot given the potential of this project.

8 I'd like to point out -- I'd actually like to ask
9 all the public officials in this room to raise their hands.

10 I knew they wouldn't do it.

11 COMMITTEE CHAIRMAN HUFF: There's some.

12 MS. NEWTON: There's a great number of public
13 officials in this room.

14 What bothers me is why they're here. Are they
15 here prepared to discuss the environmental merits of this
16 project? Are they here to discuss their concerns with the
17 procedural infractions and the environment infractions that
18 have occurred over the life of this project peddling by the
19 County?

20 I don't think so.

21 So they're here to talk about the politics of it.

22 You're very aware and I'm very aware, maybe by
23 even discussing it I'm showing my political naivete, but the
24 fact that this has become so politically charged, to me, is
25 disgusting.

1 And I have not read your mandate, but I'll bet you
2 there isn't a clause in there that tells you that you have
3 to be concerned with the political climate of a project or
4 that you have to have your arms twisted politically.

5 I would hope that you're above that and I would
6 hope that your concerns are related strictly to
7 environmental and procedural concerns.

8 The best analogy that I can come up with is if
9 you're going to buy a Corvair, you talk to the manufacturer,
10 but you also -- you don't talk only to the manufacturer, and
11 you don't talk only to the people hired by the manufacturer
12 to tell you what a marvelous car the Corvair is.

13 Talk to Ralph Nader about the Corvair. You
14 probably won't buy it.

15 Talk to the opponents about the San Marcos
16 Landfill project. I'm hoping you won't buy that either.

17 The people have mentioned that you've had numerous
18 meetings with the proponents and you've had numerous
19 meetings and conference calls with people who have an
20 interest in this project.

21 Those people are the DPW, the LEA, and NCRRA, they
22 all stand to gain money.

23 The County is not collecting garbage out of the
24 goodness of their hearts. There's a lot of money in
25 garbage, it's clear.

1 NCRRA has walked off with the brass ring, as far
2 as I'm concerned, with that MRF project.

3 And I hate to even call it a MRF. I hate to
4 dignify it by calling it a MRF when, in fact, it's a front
5 end of a trash incinerator.

6 They all stand to gain. They all make money.

7 The opponents don't make money, but the opponents
8 aren't involved in the conference calls.

9 Everything I've -- I've feverishly scratched notes
10 down as these people talk because for every marvel of this
11 project that they put forth for you, I can tell you why it
12 isn't marvelous.

13 And I'm not technical either, but we have done
14 what we could given the limited resources that we have had
15 to talk to people who know.

16 And the County, despite the numerous problems they
17 have had over this two and a half year period in presenting
18 information to the Integrated Waste Management Board has
19 consistently said nothing is wrong, nothing is a problem,
20 everything is lovely in the garden. We can fix everything.

21 They keep throwing more money at it. They keep
22 throwing more time at it.

23 I can't do that. I don't have money.

24 But I can bet if Mr. Philips, who is so fond of
25 his statistics, were working for me, they'd look a lot

1 different in presenting them to you. That's not a secret.
2 Statistics can be manipulated and people want to work for
3 people who are going to pay them.

4 So if I wanted Mr. Philips to work for me and I
5 promise him to work some more, then he'd probably come up
6 with what I want to hear.

7 Dr. Huntley, too, proposes that another 200 feet
8 of garbage is going to make the problem better. To me
9 that's laughable. I hope you're laughing too. I know
10 you're too professional to do it outwardly, but I hope you
11 laugh in the back room about some of these comments that are
12 being made. It's ridiculous.

13 And they pooh-pooh any previous contamination
14 that's been in the EIR.

15 It's what they're not telling you that I'm
16 concerned about. And I'm hoping that you're doing that
17 homework on your own and for yourselves, because it's not
18 insignificant.

19 950 feet of trash is a big problem, a big
20 technical problem.

21 And look what they tried to pass off to the
22 Regional Water Quality Control Board the first time they
23 presented information. And they proudly tell you how much
24 money they have spent in addressing these problems and that
25 they have never said no to any agency.

1 Well, they weren't in a position to say no on
2 anything. If they said no, then the project goes away and
3 they go home.

4 That, to me, just doesn't wash.

5 I wouldn't buy a used car from Mr. Philips,
6 Dr. Huntley, or anybody else who is involved with this
7 project.

8 If you want to put this into the environmental
9 arena where it belongs, I think we can compete with the
10 County.

11 If it remains in the political arena, we can't
12 compete with that. It's really clear.

13 The numbers are startling. When you've got 17
14 cities in support of a project, I'd like you to quiz all
15 these people who support it about the environmental merits
16 and why they think it's a good sound technical feasibility.

17 I'm not going to bore you with statistical things.
18 We have presented plenty of information to the Regional
19 Water Quality Control Board. We have presented information
20 to you. I'll give you more information that we have since
21 come up with.

22 And I just have been continually disappointed why
23 these things never go anywhere and the reluctance of these
24 agencies to cite each other with violations and why they
25 have not been fined for serious infractions of requirements.

1 As we have stated to you before, and I won't go
2 into detail, all the permits that were originally granted
3 for this project and subsequently granted for this project,
4 had not been complied with.

5 If there are 20 requirements, they didn't comply
6 with 17 or 18 in several instances.

7 I don't think it's -- you won't hear this from the
8 County or certainly they didn't trot this out in front of
9 you, why is the grand jury investigating this solid waste
10 management division of the Department of Public Works and
11 why did all the cities request a financial and management
12 audit of the cities?

13 To me it shows that there's a definite lack of
14 confidence in the County.

15 And the audit, the Ernst and Young audit, was
16 scathing between the lines, but very cautiously and
17 carefully written.

18 But I hope that you give it the attention that it
19 deserves because there's a lot of information that I think
20 weighs very heavily in your decision on this project.

21 And why do the cities want to defect from the
22 County system of solid waste management? They're still
23 actively looking at alternatives. That should tell you
24 something as well.

25 Among the many infractions cited in the financial

1 audit was the illegal loan, interest free, of enterprise
2 funds to the sheriff's department.

3 That is clearly a violation and given short shrift
4 by those who know better.

5 When I asked Mr. Morrell why they chose to go with
6 a vertical expansion before going with a more common
7 horizontal expansion, he told me that he thought it would be
8 easier.

9 I find that hard to believe, given the technical
10 requirements of a vertical expansion.

11 It scares me that he thought that this project
12 would be easier than the more common and tried and not so
13 true lateral expansion.

14 Everybody talks about the air pollution and the
15 diversion of trash as being a major problem with this
16 project.

17 It's a short-term problem. It's not a major
18 problem. You institute a transfer station, you cut down on
19 the number of vehicles, you divert the trash. That was
20 always part of the County solid waste management plan until
21 it became politically unpalatable to Supervisor Bilbray, who
22 very vociferously shouted against that. But that had never
23 been a problem.

24 If you weigh that against the long-term impact of
25 a 950-foot vertical expansion and all the problems that you

1 can predict and all the ones you have yet to learn about, I
2 don't think there's any question which way to go.

3 Nobody has talked about the cost of the life span
4 of the expansion.

5 50 to 60 million dollars, which is what they'll
6 tell you. I'll bet it's going to be a whole lot more after
7 we're done with this. But 50 to 60 million dollars to buy
8 you two or seven years of capacity?

9 I know their numbers haven't been great, but this
10 is outrageous to me. It doesn't work as far as I'm
11 concerned.

12 The County budget crisis, there's an IOU in the
13 General Fund, but the Department of Public Works always has
14 plenty of money to throw at bringing officials up to
15 Sacramento or to throwing more money at the project. They
16 have a bottomless pit.

17 But the audit will tell you that the bottomless
18 pit is soon looking like it's bottoming out.

19 So where are they going to keep throwing the money
20 to maintain this vertical expansion with this technical
21 design that is unprecedented, very difficult, and if they
22 can't keep throwing money at it, then what are they going to
23 do?

24 The other thing is the cost of diverting trash.
25 It's going to triple or quadruple the trash rates.

1 Well, the audit will tell you that in the next
2 five years they're going to have to triple the host -- or
3 the tipping fees anyway.

4 So it's a moot point as far as we are concerned.

5 The County has mandated recycling over the last
6 couple of years. All the curbside programs. Given the MRF
7 and the design of the MRF, they're going to have to ask the
8 cities to drop their curbside recycling programs because the
9 MRF is not designed to take highly separated trash.

10 Alternatives. A station would be up and running
11 in several months at San Marcos.

12 Bill Morrell will tell that. He's told us that.

13 You can do a tradeoff of capacity at other county
14 landfills. X number of space traded off for X number of
15 space later on down the line. It's not the crisis that
16 they're telling you it is.

17 And I think reevaluating the County policy of
18 keeping the trash landfilled as close to the place of
19 generation needs some consideration as well.

20 I think it's also worthy of note that the EIR, the
21 more problems that the County incurred with the EIR, the
22 less circulation it got. That's interesting.

23 They never have enough time to do projects right,
24 but they seem to have plenty of time to do them over.

25 And that has been a problem all along.

1 The social and financial implications of what they
2 have done, I won't bore you with that, because really that
3 is -- should be of no concern to you.

4 But suffice to say, that they have already begun
5 the process of unraveling the social fabric of our community
6 simply through the establishment of separate tiers. You've
7 got people in Tier 1, Tier 2, Tier 3, and you got me with
8 tears, with t-e-a-r-s, because I'm on the other side of the
9 line with no hope of anything but devaluation of my
10 property.

11 So everybody's motivation is a little bit
12 different.

13 Or anybody who vociferously opposed this project
14 has fallen away by now, because they're tired, they want to
15 get on with their lives, they want to get the money and see
16 if they can pick up somewhere else.

17 So that's been a problem for us in even opposing
18 this project. They have effectively started to unravel the
19 group.

20 Not to mention that the potential devastation of
21 the community for the future.

22 31 homes the County may own and already they have
23 wanted to put a hospice on the edge of the landfill and they
24 have already talked about renting it to the contractor who
25 is building the MRF. If that's what they're going to do

1 with the first two, I got to get out of there. I'm scared
2 to death what they're going to do with the rest of them.

3 In your staff report you talk about that they've
4 resolved the outstanding matters.

5 I say you haven't looked at enough of the matters,
6 because I got a whole lot of outstanding matters, technical,
7 procedural, and social.

8 And the audit again comes into play here. The
9 money worries me.

10 Down under site history you say that it needs to
11 blend with the surrounding topographic.

12 If you have ever been at the site, that's not
13 blending. That thing stands like a monolith and it's very
14 evident from miles and miles away.

15 And it says a controlled measures for noise,
16 odors, litter, dust, vectors, and adverse weather conditions
17 are in place at the site.

18 Have I got pictures for you. And I took them
19 January 9th, January 12th.

20 And if this is the best they can do and if this is
21 in place, maybe you should see them. Well, you will see
22 them, so we won't let you get away without it.

23 You talk about in the report under resource
24 recovery the loads of green waste are sent to another
25 location at the landfill for shredding and that it's offered

1 free and they have markets for this stuff.

2 I have pictures, only not with me today
3 unfortunately, of trucks dumping, landfilling green waste.
4 That is not exactly in keeping with the spirit of what
5 they're telling you or what you're asking them to do.

6 I don't have multiple copies of this report. I
7 didn't have time to make copies. I'm going to leave that up
8 to you and hope that you do look at it.

9 It's 16 pages, it's very readable, of
10 documentation that we provided for the grand jury relative
11 to County's performance over the years that are of
12 significance.

13 And I'll give you that.

14 I've also made hard copies of the fax transmission
15 I sent to you the other day, which I'll leave with you as
16 well.

17 And I want to make sure that you see the
18 photographs here. And these I'd like to leave for the
19 record.

20 The mud on the road that extends all the way out
21 to Rancho Santa Fe Road, that's better than a mile. An
22 accident occurred less than a week ago. A car going around
23 this curve with the mud and the slime on it lost control,
24 went on the other side of the road.

25 I've got pictures of erosion fissures taken on

1 January 9th. There's a gaping hole here. There are
2 fissures there.

3 I have problems with thinking of 200 more feet
4 that's going to make the problem better.

5 There's ponded water evident at the landfill as
6 well, another violation that went unnoticed.

7 Various pictures of air quality problems.

8 Trash all over the sides and face of the landfill.

9 Seagulls are a regular feature, despite their
10 attempts at seagull control, which have put us all into
11 Chinese water torture mode and the seagulls seem completely
12 unaffected by it.

13 These were taken the other day. Note the
14 seagulls.

15 And also what I want to point out to you is the
16 size of the rock they're using for cover materials. These
17 are six to eight inch gauge rocks. To me, at best this is
18 poor planning. It's not what you would want.

19 And the California codes are vague. They say best
20 available material. Well, if this is the best they could
21 plan for during the rainy season, then I suggest that they
22 need to do some more careful planning.

23 I just want to review some of the notes that I
24 wrote so I don't forget anything.

25 I'd just like to reiterate that the history of

1 minimization of problems on the part of the DPW has not
2 served them or us well. They always rely on the best case
3 scenario. They never look at anything possibly going wrong.

4 The seven-year drought, we don't hear much about a
5 drought and when we talk about monitoring wells and water
6 quality and also the fact that the historical data is not
7 tremendously valuable in establishing trends since it was
8 not properly imposed to begin with, the wells were
9 inadequate.

10 And just for the record that they obliterated an
11 archeological site when they expanded the dump about two
12 years ago and there was no repercussions from that for them
13 as well.

14 What we're asking is that you deny this project,
15 you deny this permit, and that you insist on immediate
16 closure of the dump, and you also take into consideration
17 everything we have said about the historical nonperformance
18 and noncompliance.

19 And what I'd also like to request is a conference
20 call with the opponents and our attorneys and any experts
21 that we have amassed to date so that we can talk to you
22 about what you're not hearing from the County.

23 Thank you.

24 COMMITTEE CHAIRMAN HUFF: Any questions?

25 COMMITTEE MEMBER EGIGIAN: I don't have any

1 questions, but I'm glad I'm not a scientist or a technical
2 man. You were unloaded on.

3 MS. NEWTON: They're used to it. I don't scare
4 them anymore.

5 COMMITTEE CHAIRMAN HUFF: Thank you.

6 Any other questions on this matter?

7 COMMITTEE MEMBER RELIS: Of staff or -- well, I
8 would, looking ahead to the full Board hearing this matter,
9 and listening to the testimony this morning, the technical
10 testimony on the groundwater related issues, I would like
11 staff to particularly note their report on page 202,
12 effectiveness of proposed liner leachate recovery system,
13 and the statement therein that says it will retard but not
14 prevent the vertical migration within the landfill.

15 "However, staff's analysis of
16 landfill performance does not rely on
17 prevention of such vertical migration
18 since the expansion of the landfill was
19 accepted by the Regional Water Quality
20 Control Board even though," and make
21 special note, "even though the existing
22 landfill is leaking."

23 Would you please update or interpret this comment
24 for our full Board meeting, because that has real importance
25 to me. Okay.

1 COMMITTEE CHAIRMAN HUFF: This you are expecting
2 relative to the item on agenda next week?

3 COMMITTEE MEMBER RELIS: Correct. Correct.

4 COMMITTEE CHAIRMAN HUFF: Okay.

5 MS. VAZQUEZ: Next week?

6 COMMITTEE MEMBER RELIS: Yes. Next week.

7 I would have appreciated, actually, more
8 information of the like that I heard today having -- if it
9 had arrived. I know that we concentrated and the Board
10 directed staff to focus primarily on the wall or the
11 retaining wall issue, which I think has been very fully
12 dealt with at this point.

13 COMMITTEE CHAIRMAN HUFF: Okay. Thank you.

14 And also it seems an appropriate time, let me say
15 that I'm very pleased with staff work relative to the issues
16 that were raised, seemingly long time ago now, relative to
17 the wall and the slope stability.

18 I think that staff did a very good job. They did
19 raise questions.

20 As a result of the raising of those questions, the
21 County, the proponents, sat down with staff, considered the
22 circumstances, came to the conclusion that changes in what
23 had been originally proposed were appropriate.

24 I think that that speaks well of the thoroughness
25 of the work of our staff and the questioning that they

1 subjected the project to.

2 And I'd like to commend them for that.

3 The matter is before us.

4 Mr. Egigian, would you like to move it?

5 COMMITTEE MEMBER EGIGIAN: I'd like to move that
6 we concur on the staff recommendations for concurring on
7 this permit.

8 COMMITTEE CHAIRMAN HUFF: Okay. Roll call.

9 COMMITTEE SECRETARY KELLY: Board Member Egigian.

10 COMMITTEE MEMBER EGIGIAN: Aye.

11 COMMITTEE SECRETARY KELLY: Relis.

12 COMMITTEE MEMBER RELIS: I'll abstain and wait for
13 this information next week.

14 COMMITTEE SECRETARY KELLY: Chairman Huff.

15 COMMITTEE CHAIRMAN HUFF: Aye.

16 Motion is two to zero that this will go to the
17 Board next week in Oroville with the recommendation to
18 concur.

19 We will break for lunch. We will be back in an
20 hour.

21 (Thereupon the lunch recess was taken.)
22
23
24
25

A F T E R N O O N S E S S I O N

1
2 COMMITTEE CHAIRMAN HUFF: Meeting will come to
3 order.

4 We'll have a roll call to reestablish the quorum

5 COMMITTEE SECRETARY KELLY: Board Member Egigian.

6 COMMITTEE CHAIRMAN HUFF: He'll be here shortly,
7 but he isn't here yet.

8 COMMITTEE SECRETARY KELLY: Relis.

9 COMMITTEE MEMBER RELIS: Here.

10 COMMITTEE SECRETARY KELLY: Chairman Huff.

11 COMMITTEE CHAIRMAN HUFF: Here.

12 Quorum is present.

13 We're going to go into green waste composting
14 regs. I understand that some people have flights to catch,
15 so we'll go right to that, and then we'll catch up on some
16 of the others items when we finish this one.

17 Staff, do you wish to start?

18 MR. DIER: Yes, Mr. Chairman.

19 This item is back before you after concluding a
20 15-day comment period last Friday on green waste composing
21 regs, the revisions to Chapter 5 permitting regulations.

22 Scott Humpert from the Standards Section and
23 Suzanne Talams of the Permit Section are here to make the
24 presentation.

25 MR. HUMPERT: Thank you, Don.

1 COMMITTEE CHAIRMAN HUFF: Excuse me.

2 Let the record reflect that Mr. Egigian is also
3 with us now.

4 Continue.

5 MR. HUMPERT: As Don indicated, we just finished
6 our second 15-day public comment period and during that time
7 we received 25 sets of comments, the majority of the
8 comments were on Chapter 3.1 staff revisions, but there were
9 a number of comments on Chapter 5.

10 I'll be focusing in on the Chapter 3.1 comments
11 and Suzanne will be focusing in on the Chapter 5 comments.

12 The majority of comments related to composting
13 were directed to three main issues.

14 The first issue was the State Water Board's
15 suggested language regarding leachate collection systems.

16 Within this area the important comments were,
17 first, many commenters felt that a liner permeability, the
18 requirement of ten to the minus six was too onerous and
19 costly.

20 Secondly, some commenters felt that the
21 requirement that storm water leachate cannot be held for
22 greater than ten days was not workable. Greater period of
23 time was recommended on this requirement.

24 The last in this major issue was that a number of
25 commenters believed that in general the leachate collection

1 system requirements are not appropriate for green material
2 composting facilities.

3 Other issues that received a majority of the
4 attention are exemptions and definitions.

5 We've talked about exemptions in the past at some
6 length and I'm not sure if we want to go in to any detail
7 here.

8 Additionally, what was commented on was beyond the
9 scope of this second three-day public comment period -- I
10 mean 15-day public comment period.

11 It was not double underlined and -- but the
12 commenters decided that this was an important issue and they
13 went ahead and made a comment.

14 Lastly, there were a number of comments on
15 definitions. In particular, the definitions of active
16 compost, that received the most comments, amendments,
17 additives, and pathogens.

18 And that's pretty much it for the Chapter 3.1.
19 Those are the issues that received the majority of comments.

20 There were some other comments that were
21 important, but they were basically editorial comments.

22 So at this point if the Committee wishes, I'll go
23 ahead and go over the staff's recommended language changes
24 for the major issues.

25 COMMITTEE CHAIRMAN HUFF: Well, before you do

1 that, I've seen a list of the comments. You provided it to
2 me. You made the editorial changes that you felt were
3 appropriate?

4 MR. HUMPERT: yes.

5 COMMITTEE CHAIRMAN HUFF: The main issue here then
6 is the permeability; isn't it?

7 MR. HUMPERT: The leachate collection system --
8 liner permeability.

9 COMMITTEE CHAIRMAN HUFF: Roll it all into one,
10 but that's it.

11 MR. HUMPERT: Right.

12 COMMITTEE CHAIRMAN HUFF: I tend to agree with the
13 commenters that the requirement is excessive, but that's
14 what the Water Board has told us.

15 MR. HUMPERT: This is the Water Board's
16 recommended language, but I think if you take a look farther
17 down on that page you'll see that they did offer flexibility
18 for the other -- for the general permeability requirement
19 for the facilities that have green waste.

20 COMMITTEE CHAIRMAN HUFF: What page are we on?

21 COMMITTEE MEMBER RELIS: What page?

22 MR. HUMPERT: This would be on page 31 in the
23 agenda package. It's on page 11 in the draft regulations.
24 Take a look at lines 29 through 31 -- or actually 27 through
25 31. Right at the end you'll see that there is that

1 additional flexibility.

2 The Water Board has bought off on this.

3 And what we are recommending is that this same
4 language or similar language be applied to the two areas of
5 major concern, the ten-day requirement and then also the
6 liner permeability requirement.

7 COMMITTEE CHAIRMAN HUFF: Now, the potential risk,
8 if we do anything other than that, is what? What posture
9 might the Water Board adopt then?

10 MR. HUMPERT: If we don't make the changes, I
11 believe the Water Board would go ahead and approve what we
12 have.

13 COMMITTEE CHAIRMAN HUFF: No. I'm saying what if
14 we go beyond these changes, what if we anger the Water
15 Board, to be blunt?

16 MR. HUMPERT: I think if we anger the Water Board
17 there is a chance that we wouldn't have the integrated
18 permit approach. Though --

19 COMMITTEE CHAIRMAN HUFF: What does that mean for
20 permittees?

21 MR. HUMPERT: Well, in terms --

22 COMMITTEE CHAIRMAN HUFF: Permittees.

23 MR. HUMPERT: Permittees.

24 In terms of time, this is going to be additional
25 time and possibly additional money. They will have to go to

1 the Water Board and get the required documents, possibly
2 waste discharge requirements.

3 If the Water Board agrees and signs off on this,
4 this has the potential to save time. You're only going
5 to -- instead of going to two agencies, you'll be going to
6 one agency and you have a chance to save time and money.

7 COMMITTEE MEMBER RELIS: It seems that -- or we
8 did make the change in the green waste only. This is
9 addressing the additive area and there, you know, I think we
10 would be hard pressed to make an argument that there's no
11 threat to groundwater contamination at that point.

12 So it seems to me and that that is not an
13 unreasonable concern in the Water Board.

14 On the additive issue only, not the --

15 MR. DIER: And the suggested language that staff
16 will be making here momentarily, I don't think really
17 dilutes the effect of the regulations much. It provides a
18 little flexibility for regional boards to specify other
19 conditions.

20 COMMITTEE MEMBER RELIS: That's right.

21 But, I mean, I don't think we can ignore that
22 issue. It's a legitimate.

23 I mean, the other areas, the ten-day and I
24 agree --

25 COMMITTEE CHAIRMAN HUFF: Yeah. Now, is the

1 ten-day reasonable or not?

2 MR. HUMPERT: Well, a lot of comments that we
3 received indicated that it was not reasonable and the reason
4 is that during the winter periods when you do have a lot of
5 rainfall, the windrows themselves will be saturated or get
6 very wet.

7 And so the operators don't want to put additional
8 moisture leachate, in the form of a leachate, back on to the
9 windrows.

10 But they need some device, either be a holding
11 pond or tank or sewage connection, to either dispose or
12 handle the leachate and storm water.

13 COMMITTEE CHAIRMAN HUFF: Didn't it rain in the
14 Bay Area before midnight last night? So the Bay Area now
15 has had 15 consecutive days of rain, measurable rain, on
16 each and every day of the 15 days.

17 MR. HUMPERT: Correct.

18 COMMITTEE CHAIRMAN HUFF: They're getting it
19 today, so it's now 16.

20 MR. HUMPERT: Yeah. Hydrologically speaking, I
21 think maybe a 25-year 24-hour event could be significant, a
22 significant amount of water.

23 I come from the Napa and Napa is normally not that
24 wet. I think we get something like about 21 inches of rain
25 a year.

1 Back in '86, I think they got 19 inches of rain in
2 a 24-hour period. So I'm sure that's not a 25-year 24-hour
3 event but even --

4 COMMITTEE CHAIRMAN HUFF: You're not old enough to
5 prove it.

6 MR. HUMPERT: But I think, say, like maybe four or
7 five inches over maybe 20 acres or so, that is a sizable
8 amount of water and it could be a concern, I think, in terms
9 of disposal or just handling.

10 COMMITTEE CHAIRMAN HUFF: What are these people
11 going to do with the water if they can't hold it for more
12 than ten days?

13 MR. HUMPERT: That I don't have an answer to that.
14 That is why we're recommending that the Regional Board have
15 the ability to make that change if they so deem.

16 COMMITTEE MEMBER RELIS: Now, if you hold the
17 water for ten days or no longer than, the view would be that
18 this water would then be used up on the pile but, you know,
19 if the pile is moist you're not -- can't practically do
20 that.

21 COMMITTEE CHAIRMAN HUFF: If you have had a
22 condition just like what we have had for the last three
23 weeks, this doesn't work.

24 MR. HUMPERT: Correct.

25 COMMITTEE MEMBER RELIS: Okay. We know it doesn't

1 work, then. So that's the intent then?

2 COMMITTEE CHAIRMAN HUFF: I'm wondering if this
3 shouldn't be the one thing that we go back to the Water
4 Board and say look outside your window.

5 MR. HUMPERT: What I've been told by the Water
6 Board that if it's held for longer than ten days that a
7 waste discharge requirement will be required, unless
8 specifically waived.

9 So this is a Waste Board requirement. This is not
10 staff's language, but this is the Waste -- I mean, the Water
11 Board's requirement.

12 COMMITTEE CHAIRMAN HUFF: But it doesn't work
13 today.

14 MR. HUMPERT: It doesn't work for our purpose.

15 COMMITTEE CHAIRMAN HUFF: Yeah.

16 COMMITTEE MEMBER EGIGIAN: Mr. Chairman, what are
17 people doing that have these piles now and it's been raining
18 for three weeks? Are they holding the water or are they
19 letting it run off? What's happening?

20 MR. FINCH: Michael Finch with the Waste Board
21 staff.

22 I have observed some piles and usually they -- it
23 tends to just drain off the back and into storm drains or
24 ditches, creeks, culverts.

25 COMMITTEE MEMBER EGIGIAN: What's wrong with

1 letting the same thing happen every time we get a big rain?

2 MR. FINCH: Well, it comes down to the issue of
3 what your base and groundwater concerns are to ground and
4 surface water.

5 Leachate from these composting facilities has been
6 documented to contain at least nitrates that we know, TDS,
7 that is dissolved salts we've also observed.

8 And there is possibility for organic pesticides.
9 That we're not sure of because I don't think we have enough
10 data to support or deny that.

11 COMMITTEE CHAIRMAN HUFF: The problem is, Sam, the
12 Water Board takes a dim view of it.

13 And if someone is going to have a permit and if
14 we're going to try to make the permit one stop, we suddenly
15 get our fingerprints on that which the Water Board takes a
16 dim view of.

17 Now, we're doing all this in the name of one-stop
18 permit.

19 Okay. We're doing this ten to the minus six,
20 we're doing this leachate collection, we're doing all of
21 this in the name of one-stop permit, so that people can just
22 come visit us and Water Board knows that we've got in
23 regulation that which makes them happy and they can go then
24 compost.

25 The problem is that what we're putting our

1 fingerprints on is we have some degree of concern about.

2 And some of us, more than others.

3 But when it comes to the ten day business of
4 holding the water, and certainly the issue here is the Water
5 Board doesn't want the water to go down the drain, they want
6 them to hold it for ten days and no more than ten days,
7 apparently.

8 The question is is in an effort to get people
9 permitted and in an effort to live in the real world, will
10 they be happy that it isn't going down the drain to such a
11 degree that they could look at 15 days?

12 That's the issue.

13 And I don't know the answer.

14 MR. HUMPERT: Neither do I.

15 COMMITTEE CHAIRMAN HUFF: Yeah. We ought to test
16 it, I think.

17 MR. HUMPERT: I think the language that we'll be
18 recommending will give us the flexibility to test that or
19 actually wouldn't necessarily be us that would be testing
20 it, it would be the Regional Water Quality Control Boards.
21 They would had the choice to increase this period of time.

22 COMMITTEE CHAIRMAN HUFF: I'm wondering if we
23 shouldn't increase it and see what they say.

24 MR. HUMPERT: That is an option.

25 COMMITTEE CHAIRMAN HUFF: It's a mild fine tuning

1 of what they have suggested to us.

2 MR. HUMPERT: But what I understand is that it is
3 a requirement. If they go beyond ten days it's a
4 requirement that they issue the waste discharge requirement.

5 COMMITTEE CHAIRMAN HUFF: How is this requirement
6 spelled out?

7 MR. HUMPERT: I don't know at this point in time.

8 COMMITTEE CHAIRMAN HUFF: Is it a regulation?

9 MR. FINCH: If I may, Chairman Huff, I believe
10 it's a policy.

11 COMMITTEE CHAIRMAN HUFF: What's the difference
12 between policy and regulation?

13 MR. FINCH: Regulations --

14 COMMITTEE CHAIRMAN HUFF: Legal counsel maybe
15 should answer that.

16 Policy is an underground regulation; isn't it?

17 MR. BLOCK: I hesitate to make that
18 characterization.

19 Policy, presumably, would be easier to change than
20 a regulation, obviously, depending on exactly what form it
21 takes that would dictate what would be required
22 procedurally.

23 I'm not familiar with this specific
24 policy/regulation, so I can't answer it specifically.

25 MR. HUMPERT: If this is the case, and it is

1 policy, then if we do change it, then it may just mean that
2 we will have more discussions with the Water Board and that
3 we wouldn't be necessarily going against statute or
4 regulation. So it could possibly work out.

5 COMMITTEE CHAIRMAN HUFF: All right. Here's the
6 instruction then.

7 I think that we're all pretty well agreed that ten
8 days.

9 COMMITTEE MEMBER RELIS: Yeah.

10 COMMITTEE CHAIRMAN HUFF: Okay. You have that
11 conversation. And before you write the regulation to go out
12 for circulation, okay, you have that conversation. And then
13 you write it when it goes back out for circulation at --
14 what's a reasonable length of time, 15 days, 20?

15 MR. HUMPERT: There was no indication in the
16 comments about a specific length of time.

17 COMMITTEE CHAIRMAN HUFF: Any commenter out there
18 have a suggestion? Don't say 60.

19 Now, any commenter?

20 There was a hand out there I didn't mean to scare
21 you away. Yeah.

22 Bill.

23 MR. YEATES: I was going to say 60, so you
24 rejected mine.

25 45, 30. I mean maybe you want me to come and

1 testify. I'll discuss the whole issue.

2 Like you said, it doesn't necessarily make much
3 sense in the wintertime.

4 COMMITTEE MEMBER RELIS: I mean, isn't the --

5 MR. YEATES: I don't think a single regulation in
6 Chapter 15 dealing with the question of 10, 20, 30, 120 day
7 holding period. This is a unique issue that's being brought
8 to this Board by the Water Board staff and yet the Water
9 Board itself doesn't address this issue in its own
10 regulation, so your choice.

11 COMMITTEE CHAIRMAN HUFF: Okay. Incidentally, for
12 the steno, that's Bill Yeates.

13 MR. UNSELL: Tom Unsell, manager of the Standards
14 Branch.

15 In discussion with the Water Board staff on this
16 issue on the ten days, I did raise the question of why not
17 15 or 20 days.

18 The response was that there are a number of
19 regions which will go along with the majority of
20 applications for composting as the one-stop permitting shop
21 type approach provided that the ten days limitation on
22 surface impoundment would be written into the regulations.

23 COMMITTEE CHAIRMAN HUFF: How do they know that?

24 MR. UNSELL: Evidently, the regions that they
25 discussed with indicated that the ten days, in their view,

1 would be the cutoff point in time which they would consider
2 it a surface impoundment and potentially waste discharge
3 requirements.

4 But we can further explore that with you.

5 COMMITTEE CHAIRMAN HUFF: I think it deserves
6 further exploration, because just -- I mean, you just look
7 out the window. That doesn't work. What are these guys
8 supposed to do with the water on day 11?

9 I know what they will do with it. Okay. I mean,
10 they'll show an empty pond.

11 The Water Board doesn't want that. They got to
12 get in the real world. Okay. I mean, it rains sometimes.

13 COMMITTEE MEMBER RELIS: And we are, after all,
14 we're talking about the water that is generated strictly in
15 the compost area, so any water invading that area is a
16 drainage issue so, you know, I just -- we're clear on that,
17 right? This is not going to be taking on any additional
18 burden outside the compost area?

19 MR. FINCH: That's correct.

20 COMMITTEE CHAIRMAN HUFF: Okay. In view of what
21 you said and, Bill, I'm sorry, but can't go 60, let's try
22 20.

23 Tell Water -- and do it this way. Tell them the
24 Committee instructed you to do 20, but instructed you to
25 call them and give them a heads up on that to solicit their

1 reaction to that before our next meeting. Okay. And see if
2 they go ballistic. Anything less than ballistic means
3 they'll buy it.

4 Find that amusing, Mr. Conheim?

5 I'm much more fun after lunch than I am before
6 lunch.

7 MR. DIER: Mr. Chairman, for clarification, what
8 staff was going to recommend was where the regulation
9 specified ten days, we were going to recommend the
10 additional language to say "or other time period as
11 determined by the" --

12 COMMITTEE CHAIRMAN HUFF: We can do that with 20.

13 MR. DIER: 20.

14 And still have that language?

15 COMMITTEE CHAIRMAN HUFF: Yeah. And then the
16 fallback then is, okay, if they go ballistic, then we fall
17 back to ten, but we already have trucked in that language.

18 MR. DIER: The 20 plus additional.

19 COMMITTEE CHAIRMAN HUFF: The flexibility
20 language. Okay.

21 So you truck that part in without really any
22 conversation.

23 COMMITTEE MEMBER RELIS: You have a
24 ballistic-ometer?

25 COMMITTEE CHAIRMAN HUFF: You know, I'm thinking,

1 Mike Frost has advised me, he says, you never give as your
2 opening position where you want to end up and I'm wondering
3 about that. No.

4 I think this is -- that would argue we go to 60.
5 But, no, we'll do 20.

6 Okay. Now, you can do what you planned.

7 When is your airplane?

8 FROM THE AUDIENCE: 3:00 o'clock.

9 COMMITTEE CHAIRMAN HUFF: What did he say?

10 3:00 o'clock. Piece of cake.

11 Go ahead. He'll miss it easy.

12 MR. HUMPERT: At this point I'm one-third through
13 the staff's major recommended changes.

14 The next change that we're recommending is
15 starting on line 22 through 26 and what we're proposing
16 again to provide additional flexibility to the permeability
17 requirement for the leachate liner. Just to put in the same
18 language.

19 COMMITTEE CHAIRMAN HUFF: Do so.

20 MR. HUMPERT: That would come beginning on line
21 26.

22 COMMITTEE CHAIRMAN HUFF: Yeah.

23 MR. HUMPERT: The last change that we are
24 recommending other than editorial changes is on page 38 of
25 the package, page 18 of the draft regulations, Section

1 17883(a). The very first paragraph.

2 We're proposing that this paragraph be deleted.

3 We feel that it is redundant. It's stating --

4 COMMITTEE CHAIRMAN HUFF: Stating the obvious.

5 MR. HUMPERT: The obvious at this point.

6 So we're recommending that this be deleted.

7 COMMITTEE CHAIRMAN HUFF: Take it right on out.

8 MR. HUMPERT: And besides that, it's just, like
9 I've been saying, probably about six or seven editorial
10 changes and that is it.

11 COMMITTEE CHAIRMAN HUFF: Okay. Super.

12 We'll have public comment.

13 Let me do it again. I've done it this way before.

14 It helps me and I think it helps the Committee members. May
15 or may not help the testifiers.

16 Let's comment first on Chapter 3.1.

17 Then we'll comment on Chapter 5, because we're
18 going to resolve the Chapter 5 issues here today, I hope,
19 and I want to put 3.1 to bed and then really focus on
20 Chapter 5.

21 So if we could bifurcate the question once again
22 and comment on 3.1. Anyone who wishes to testify.

23 I've got a whole list here. Maguin wants to be
24 first so he can catch his airplane.

25 COMMITTEE MEMBER RELIS: He's on 5.

1 COMMITTEE CHAIRMAN HUFF: He's on Chapter 5.
2 Chuck, are you on Chapter 5 or are you on 3.1
3 also?

4 MR. WHITE: I've got both.

5 COMMITTEE CHAIRMAN HUFF: Fine. Come on up.

6 MR. WHITE: Chuck White representing Waste
7 Management North America.

8 We have two concerns about the Chapter 3.1
9 composting regulations, one of which was discussed, and that
10 has to do with the mandate that if any amount of additives
11 or amendments are mixed with green waste, it would mandate
12 ten to the minus six centimeters per second, or other
13 standard and approved in writing for the Board.

14 I think we would probably agree that a large
15 percentage of additives and amendments should trigger a
16 higher permeability requirement, but it seems to me that
17 there should be some threshold of amendments or additives
18 that would be added that would not necessarily have to
19 trigger that ten to the minus six.

20 And what we suggest is 20 percent additives, not
21 simply set it at zero. Set it at 20 percent additives and
22 if you go above that level, then you would have to
23 presumably go to ten to the minus six or other standard
24 allowed in writing by the Board.

25 And I think the argument could be made along the

1 same lines as that 10 versus 20 days. What's the threshold
2 that's going to trigger the Board?

3 Now, I'm not privy to as detailed conversations
4 and perhaps your staff had has with Water Board, but there's
5 never any guarantee that you're going to achieve one-stop
6 permitting anyways, regardless.

7 The Water Boards always have independent authority
8 to write waste discharge requirements on any composting
9 facility and these regulations won't stop that.

10 So the question is how much are you going to be
11 able to put into a writing to alleviate their concerns so
12 they won't have to step into the process and write another
13 dual permit.

14 And I'm quite frankly not in a good position to be
15 able to guess whether that zero to 20 is suddenly going to
16 trigger all of the Water Boards wanting to step in and write
17 waste discharge requirements for all those facilities that
18 are adding from zero to 20 percent additives.

19 My guess would be that if you were to do that, you
20 might get a couple facilities that are located in maybe
21 worst groundwater locations where the Water Board would then
22 step in and probably want to write WDRs on top of that.

23 I would guess, simply a guess, that for the
24 majority of facilities, the Water Board would look at the
25 regulations you've got and say, well, it's not worth our

1 while to get involved in writing a WDRs and up to 20 percent
2 additives would be okay.

3 Now, why 20 versus 18 versus -- it's just a number
4 that we think is a reasonable amount exactly.

5 But we think it would provide more flexibility, be
6 able to bring more composting facilities on line in a
7 quicker fashion to meet the AB 939 goals that are mandated
8 by legislation supported by the industry and your Board.

9 The second comment that we have is related to the
10 exemptions. We brought this comment up before. I recognize
11 it's not open for review.

12 The exemptions you've carved are not particularly
13 onerous for green waste composting facilities. It just
14 raises the question about from where the authority derives
15 to grant any exemptions for any solid waste facilities
16 whatsoever, because, as I pointed out to you in the past,
17 the Public Resources Code prohibits anybody from operating a
18 solid waste facility unless it's pursuant to a permit issued
19 by the enforcement agency.

20 So it's kind of a generalized concern, one which
21 maybe not is best addressed through regulations, but perhaps
22 by reviewing the Public Resource Code at some other time in
23 the future.

24 COMMITTEE CHAIRMAN HUFF: Yeah. Well, no, after
25 you made that comment -- no, let me tell you. After you

1 made the comment, we did engage staff counsel in
2 conversations, staff counsel is of the opinion that we can
3 do that. Okay.

4 It may simply be a situation where the counsel
5 available to you studied law at a different school than the
6 counsel available to us. That happens.

7 MR. WHITE: Well, I'm just raising that as a
8 question more than anything else at this point in time.

9 COMMITTEE CHAIRMAN HUFF: Okay.

10 MR. WHITE: Thank you.

11 COMMITTEE CHAIRMAN HUFF: Now, on your 20 percent,
12 that's cute. I kind of like that. It's a fair question.

13 I mean, we're talking about green waste composting
14 here. What kicks in the ten to the minus six? I mean, if
15 someone's yard -- someone who owns a dog puts their yard
16 clippings in the compost pile, do they have to go to ten to
17 minus six, do they have additives?

18 MR. HUMPERT: If it's detected probably.

19 COMMITTEE CHAIRMAN HUFF: Detected?

20 MR. HUMPERT: If it's detected. I know that --

21 COMMITTEE MEMBER RELIS: Mr. Chairman, we had a
22 technical panel that was involved in the review here and I
23 wonder if we can ask staff what their view was on this
24 issue.

25 MR. FINCH: Yes. If I can.

1 We currently allow only up to 20 percent additives
2 or amendments with the exception of manures. So we're --
3 right. We can -- you can have an additional 30 percent
4 manure added and that was allowed because of statutory
5 exemptions.

6 But you're correct. The reason where we came up
7 with the 20 percent was based on, in part, input from our
8 technical panel of experts that we've put together, plus our
9 review of other standards, the Solid Waste Composting
10 Council's -- or now it's the Composting Council's
11 recommendations, and other sources.

12 COMMITTEE MEMBER RELIS: My fear here is that if
13 we start -- if we open up that question it's not easily
14 closed and it begs the question, well, why, with all respect
15 to Mr. White, where do we go with that?

16 There are real and historical problems with
17 compost operations leaching into groundwater.

18 And I think that's where the Water Board is coming
19 from.

20 I've indicated at earlier meetings I have no
21 problems with the green waste only side, but once we start
22 with the additives, we're in a different ballgame, and we
23 have to protect the groundwater there.

24 And I know of no other way.

25 COMMITTEE CHAIRMAN HUFF: Well, I'm concerned -- I

1 won't buy Mr. White's 20 percent. That's what I thought was
2 the cute part.

3 But I can see a need for at least saying the
4 threshold, because here we do have a two system here; right?
5 We have --

6 MR. HUMPERT: We do have a two system, but it's
7 really the issue is the permeability. That's basically the
8 only reason why we're distinguishing between the green
9 material with amendments and additives and green material
10 without.

11 At this point it's the permeability requirement.

12 We do have flexibility within that permeability
13 requirement and so if need be --

14 COMMITTEE CHAIRMAN HUFF: We just created that.

15 MR. HUMPERT: The other issue is that if we do
16 start allowing certain percentage, I think it could create
17 enforcement problems. Who is to say that you can measure 20
18 percent? Would they be using 30 percent and getting away
19 with that? Would this create nitrate problems, possibly,
20 and groundwater problems that the Water Board is very
21 concerned about?

22 We may not be so concerned about that issue of
23 groundwater contamination, not nearly as much as the Water
24 Board, but I think that that should be -- we should think
25 about that before we continue.

1 COMMITTEE CHAIRMAN HUFF: Well, I'm concerned
2 about the enforceability, also, but I can see enforceability
3 from the side that I sit. I mean, what is an additive?
4 What about accidental additives?

5 MR. FINCH: If I may, I think through our
6 statement of reasons we can clarify the issue as far as, you
7 know, is it one percent, anything greater than one percent,
8 is it something greater than three, four percent that
9 triggers this particular standard?

10 I mean, obviously, if there is some manure that's
11 mixed in and we're talking a very very limited amount --

12 COMMITTEE CHAIRMAN HUFF: And that's where I'm
13 coming from.

14 MR. FINCH: Right.

15 I think that is an issue that can be very
16 adequately dealt with through the statement of reasons,
17 because obviously we're not trying to come out and be so
18 nitpicky that if one little bit of manure is found you then
19 say, well, there's additives and so therefore you need the
20 permeability requirement.

21 I think it comes down to first of all intent. You
22 have a specified manure source, steer manure let's say,
23 that's being mixed in with the green waste source.

24 And those two source separated -- independent
25 sources for feed stock then comes down to a matter of

1 intent, rather than a matter so much of minimal or minuscule
2 amount mixed in with the ordinary pickup that may be
3 occurring on site specific basis.

4 I think the source can adequately deal with this.

5 This technical issue did come up in our technical
6 panel. I remember we had one physician on the panel and his
7 big concern was pet manures and the diseases that they can
8 carry.

9 But we showed through our process of pathogen
10 reduction -- and he was very satisfied that that would kill
11 these sorts of pathogens and other diseases that could
12 eventually find their way to human contact.

13 So I think we've already dealt with this issue.

14 It really comes down to source separation in this
15 case.

16 And if there is a minuscule amount of manures, you
17 know, inadvertently mixed in, in our statement of reasons we
18 can spell out what our intent was here.

19 But clearly if you're bringing in steer manure
20 from another source separated location, even if it is only,
21 let's say, five percent, then immediately you start
22 triggering the Water Board's concerns for nitrates and
23 that's where a permeability or other standard allowed by the
24 Regional Board would be in order.

25 COMMITTEE CHAIRMAN HUFF: Okay. Okay. Well, then

1 we can deal with that.

2 MR. DIER: It's staff's recommendation to keep it
3 as it's currently written, with no additives.

4 And in the context that we're looking at these
5 regulations as a first shot, there's a lot of information we
6 want to develop over the next couple of years in
7 implementing the regulations on monitoring and a lot of
8 requirements we're imposing.

9 If there is room for some change in the
10 regulations in the next year or two, we'd be certainly happy
11 to open this back up.

12 But right now the enforceability is the main
13 concern.

14 COMMITTEE CHAIRMAN HUFF: I would be concerned
15 about the incidental additives, though.

16 MR. DIER: That's always a situation any time
17 you're trying to interpret and enforce any of our standards.
18 There's a certain degree of evaluation involved as to
19 whether something is a violation of that standard or not.
20 This situation would be no different.

21 COMMITTEE CHAIRMAN HUFF: Okay. Brian Matthews.

22 MR. MATTHEWS: My name is Brian Matthews with
23 Gilton Resource Recovery in Modesto, California.

24 We are a permitted facility. We're permitted by
25 the Board last September.

1 And I find that some of these regs will come in
2 and cost us quite a bit of money to retrofit to ten to the
3 minus six permeability and things like that.

4 I don't feel I can refute Michael's technical
5 panel of experts, but I provided Board staff with some
6 research done by Tom Richards of Cornell University that
7 suggests that higher permeability soils are better for
8 composting facility because soil migration eliminates
9 phenols and BOD and that the issue of nitrates is best dealt
10 with by the proper carbon to nitrogen ratio mixture.

11 If you don't have a nitrogen rich feed stock, then
12 nitrates aren't going to be produced.

13 In the operation standards, carbon to nitrogen
14 ratios aren't even addressed, which would be a way of
15 mitigating the development of nitrates.

16 If you are using purely manure, you're going to
17 get nitrates because you're very high in nitrogen compounds.

18 But if you adjust your carbon to nitrogen ratio,
19 which is elemental, I mean, it's the most significant part
20 of composting is that you have the right carbon to nitrogen
21 ratios so the organisms can grow, you can create the
22 temperatures you need, things like that, you're not going to
23 be producing the nitrates that are so commonly fearful of or
24 that are setting off the alarm bells.

25 Now, I went to the Board, the Regional Water

1 Quality Control Board, and we have amendments as part of our
2 feed stock and they didn't have a problem with it. They
3 didn't suggest waste discharge requirements.

4 We have manures, chicken manures, cattle manures,
5 cannery feed, cannery waste, grass clippings, all these
6 things which could potentially be nitrate sources are
7 mitigated by the proper use of carbon to nitrogen ratios to
8 eliminate that being produced.

9 And so I see the ten to the minus six
10 permeability, one, being counterproductive, because it
11 creates more BOD and phenol runoff where research has shown
12 that higher permeability soils aren't necessary and the
13 carbon to nitrogen ratio issue hasn't even been addressed
14 anywhere in these standards, which eliminates the production
15 of nitrates.

16 And, I mean, I feel like I'm a little fish in a
17 big ocean here and I'm coming against the school of all
18 these technical experts, but, you know, I'm just a little
19 guy and I got the research. I was able to get access to
20 this information to produce in my permit and demonstrate
21 that a properly managed and operated facility, you know, is
22 not going to produce the nitrates.

23 And the Board, Regional Water Quality Control
24 Board, they both signed off on it.

25 Now I'm in a position where I have to go back to

1 the Regional Water Quality Control Board, ask them if they
2 can adjust to this standard.

3 You say that we want to do one-stop shopping -- or
4 one-stop permitting, and, but still on your laundry list you
5 say that a complete package includes a letter from the
6 Board. You know, so we're still having to go to the Board
7 to get some kind of buy-off on our projects.

8 So it's not really one stop. It's a whole laundry
9 list of stops, including them and buying off on everybody's
10 project.

11 So that's all I got.

12 COMMITTEE CHAIRMAN HUFF: Well, no, you raised
13 some interesting points.

14 Again, we are doing this. I'm not going to argue
15 on the technicals. The chaps out at Cornell do some good
16 stuff. Okay. Generally speaking anyway.

17 Problem is that we are trying to do one-stop
18 shopping and we're talking the State Board.

19 Now, I don't know if the State Board has read the
20 stuff from Cornell or if they believe it.

21 MR. MATTHEWS: They have.

22 COMMITTEE CHAIRMAN HUFF: They apparently don't
23 believe it.

24 MR. MATTHEWS: Well, I don't know which members of
25 the Board you're talking about. When we talked to Ken

1 Lendow of our region, I mean, he okayed our permit. And so
2 I don't know if it's they're not talking within themselves
3 or --

4 COMMITTEE CHAIRMAN HUFF: That's possible. Well
5 within their range.

6 MR. MATTHEWS: Or we're talking to -- I mean, I
7 found a problem that when we started talking to them, we
8 were talking to the landfill guy over there and he said,
9 hey, you need, you know, a geotech style layer in there and
10 then when we finally got to the right guy, he said, look,
11 this stuff has happened next to every stream and river in
12 California and it's producing leachate every time it rains
13 and it's going into surface waters and I don't see a green
14 composting facility producing any more than what's happening
15 next to every lake and stream.

16 I mean, we're doing surface impounds --

17 COMMITTEE CHAIRMAN HUFF: Except that there it's
18 called wetlands and here it's called composting.

19 Any comments from staff?

20 MR. FINCH: One comment I might make.

21 It sounds as if he's already met our requirements
22 by getting an alternate write-off by the Regional Board. I
23 don't think that -- it doesn't appear to be anything further
24 that needs to be done.

25 COMMITTEE CHAIRMAN HUFF: Well, the flexibility

1 language certainly would cover.

2 MR. FINCH: That's right.

3 COMMITTEE CHAIRMAN HUFF: And by making it at line
4 26 that makes sure. Okay.

5 So the change that we just instructed staff to
6 make today relative to ten to the minus six, which allows
7 the Regional Board to say something else.

8 MR. MATTHEWS: Or do they have to say ten to the
9 minus five or ten to the minus four or do they just have to
10 say buy off on your project?

11 COMMITTEE CHAIRMAN HUFF: They can say vio con
12 dios.

13 MR. FINCH: It's entirely at the discretion of the
14 Regional Board.

15 Keep in mind, there are local basin concerns and
16 it may be that the particular basin that a particular
17 facility is being sited has no nitrate problems whereas
18 another proposed facility may be an area that's already very
19 heavily impacted by nitrates.

20 So it has to be taken on a case by case basis.

21 These regulations have a perspective of statewide
22 standards.

23 And also wherever possible we try to reduce the
24 amount of monitoring and not -- and give performance
25 standards wherever possible and stay away from proscriptive

1 standards, you know, proscribing carbon nitrogen ratios.

2 Staff is well aware of carbon nitrogen ratios, but
3 we fell we would rather let the composting industry find
4 where they want to go as far as carbon nitrogen ratios and
5 not be proscriptive and saying you have to go out and test
6 your feed stocks and you have to test this.

7 I think our testing requirements are already quite
8 extensive. I would not necessarily want to extend those any
9 further.

10 COMMITTEE CHAIRMAN HUFF: Okay. John Bernard.

11 MR. BERNARD: Chapter 5.

12 COMMITTEE CHAIRMAN HUFF: Chapter 5. You're
13 right. That's what it says.

14 Bill Yeates.

15 MR. YEATES: Thank you, Mr. Chairman, Mr. Relis,
16 Mr. Egigian.

17 I just want to clarify some of the statements that
18 were made about this permeability standard as to whether it
19 applies to the green waste composting only or the additives,
20 because I don't think it's clear in the regs.

21 And if I understand your concern is that you want
22 the permeability only to apply to the additive.

23 COMMITTEE CHAIRMAN HUFF: Correct.

24 MR. YEATES: The last time we discussed this thing
25 I raised the issue of compost leachate being considered an

1 additive. That was taken out in the first page of the
2 amendments and we certainly appreciate that.

3 And then to my client's surprise, King County
4 Waste Management Authority, was the addition of -- we
5 eliminate one thing and we get another page of State Water
6 Board recommended language.

7 But this permeability issue of -- simply speaks to
8 the active composting area shall have a compost leachate
9 management control system. It is not limited to essentially
10 the additive leachate. It applies --

11 COMMITTEE CHAIRMAN HUFF: Show him where we
12 take --

13 COMMITTEE MEMBER RELIS: Yeah. Where is the
14 reference?

15 MR. HUMPERT: Mr. Yeates is correct.

16 The permeability requirement for the leachate
17 holding ponds is ten to the minus six and that applies to
18 both green material only and green material with additives.

19 COMMITTEE MEMBER RELIS: So your point is if you
20 have got green material, what's the leachate?

21 MR. YEATES: We're going to put this stuff in the
22 soil anyway. I mean --

23 COMMITTEE MEMBER RELIS: That's a good point. We
24 did make that distinction so we should be consistent.

25 What's the Water Board's concern?

1 COMMITTEE CHAIRMAN HUFF: It's the holding pond
2 question.

3 MR. FINCH: If I may, the State Water Resources
4 Control Board concerns was that you would get leaching of
5 pesticides out of the green waste and then escape from the
6 holding ponds.

7 And I think once we get adequate data to show that
8 in green waste composting that there is negligible amount of
9 things such as organophosphates, then we can look at perhaps
10 removing --

11 COMMITTEE MEMBER RELIS: And there's no historical
12 literature on that that's sufficient to deal with that
13 question?

14 MR. FINCH: There is extensive literature on the
15 quality of end products and feed stocks, but there is
16 limited data on the leachate itself. There is some that's
17 available, but the State Water Resources Control Board was
18 not convinced with the data that we gave them for that
19 particular aspect.

20 COMMITTEE MEMBER RELIS: Does anyone have any
21 better data?

22 MR. YEATES: I mean, that is discussed as if the
23 State Water Control Board has made a decision. They have
24 not. There is no regulation that the Board has adopted on
25 this issue at all.

1 So therefore we're dealing primarily with staff
2 and their recommendations and what they may be essentially
3 through your staff recommending to you to adopt, which their
4 Board has not. Has never been presented to them. They've
5 not chosen to regulate.

6 In the case of Kings County, we're going to have a
7 15 acre area which we're going to put out in windrows and in
8 this kind of weather they're going to get wet and they're
9 going to drain.

10 COMMITTEE CHAIRMAN HUFF: Even in Kings County?

11 MR. YEATES: Even in Kings County, which has been
12 really dry, they're getting rain today.

13 And it's going to get wet.

14 And, I mean, this may be almost blasphemy for me
15 to say, but let's go into the broader context.

16 Before I went into private California practice, I
17 used to work for the California Coastal Commission and we
18 regulated language issues in the coastal zone. And we were
19 criticized severely for a lot that we regulated.

20 The Legislature took it upon themselves and said
21 wait a minute, we don't need you to regulate single-family
22 homes. After all, an urbanized area, what is really the
23 coastal issue?

24 So they told us to exempt single-family homes.

25 And I went to all the regional -- because that was

1 my job as a lobbyist to go and implement these things and I
2 went and tried to exclude all these areas.

3 And I met with staff in areas like Los Angeles and
4 Venice and places and said these are pretty urbanized, don't
5 they meet the requirements of the law, shouldn't we exempt
6 them?

7 And the reality was, well, wait a minute, they may
8 want to put an additional story on this house or they may
9 want to paint it a different color or they may want to do
10 all sorts of things to the outside of the house which we
11 think is ugly.

12 It's, like, is that a coastal issue? No. It's a
13 local issue of grave concern. It may be a neighborhood
14 issue.

15 But the Legislature really said it's not your
16 issue.

17 And as difficult as it was for us to let go of
18 that, we did because the Legislature told us to.

19 But that's my feeling here is I'm dealing with
20 State Water Board. They don't want to let go.

21 What are we talking about? We're talking about
22 green compost facilities that everybody does today and all
23 of a sudden because of your laws and things that you have to
24 be concerned about, we're beginning to regulate it but how
25 reasonable?

1 Just as you were surprised to find out that you
2 might be regulating backyard compost and your political
3 intent was we don't even want to see the first article that
4 makes that suggestion, so we'll eliminate that.

5 How far do we want to go to require additional
6 costs to what is essentially a really good form of recycling
7 waste?

8 And in the case of Kings County, this is going to
9 go back in the very soil. Leachate and all is going to be
10 done, it's going to be composted, it's going to be carted
11 off and put back in the fields of Kings County.

12 And so now we have to do a ten to the minus six
13 holding pond for rainy days like this? I mean, I don't
14 think -- there is no --

15 COMMITTEE MEMBER RELIS: I don't have a problem
16 with what you're saying on green waste only.

17 The minute we get additives, would you agree
18 that's a different or are we going -- because I don't want
19 to visit that issue.

20 MR. YEATES: I don't have -- my client hasn't
21 given me any data to suggest what is or isn't going to
22 happen when you have certain additives in it and if that is
23 an issue that the State Water Board may want to address,
24 fine.

25 COMMITTEE MEMBER RELIS: Well, they will address

1 it because they have to.

2 MR. YEATES: The reality is they have no
3 regulations in place now that requires the Regional Boards
4 or the State Board to regulate this.

5 My concern is my client is going to have a green
6 compost facility only. No additives, no interest in doing
7 that. They're going to sit out in windrows and rain is
8 going to affect them.

9 COMMITTEE MEMBER RELIS: Mr. Chair, I would push
10 the test.

11 COMMITTEE CHAIRMAN HUFF: I would too.

12 COMMITTEE MEMBER RELIS: It's additive.

13 COMMITTEE CHAIRMAN HUFF: React.

14 MR. FINCH: To be specific, the Water Board does
15 contend that their Title 23 regs are applicable to
16 composting facilities because composting facilities are
17 treatment facilities and Title 23 also addresses storage
18 facilities as well.

19 So I don't think that the argument that Chapter 15
20 requirements are not applicable is valid. There are
21 regulations out there right now.

22 COMMITTEE MEMBER RELIS: Push.

23 COMMITTEE CHAIRMAN HUFF: Push on it. I like
24 Bill's point.

25 But I buy Paul's corollary. Green only.

1 Have holding ponds for these people who put
2 additives in.

3 COMMITTEE MEMBER RELIS: I mean, after all, what's
4 the relative risk? We've got trees fall over, lawns are
5 mowed, we're concentrating that in a given area, admittedly.

6 But in terms of the risks that we're dealing with,
7 the relative risk issue, I think it's minor or
8 insignificant.

9 MR. HUMPERT: I think the only issue that they may
10 be concerned with definitely wouldn't be nitrates because
11 nitrates wouldn't exist in green material only. But I think
12 they are still concerned with pesticides as they have
13 indicated in requesting that --

14 COMMITTEE MEMBER RELIS: The pesticides are
15 still -- I mean, they're in the lawn -- if you're doing your
16 lawn. The pesticides are there.

17 If you don't compost it --

18 MR. HUMPERT: Correct. They would be in the lawn
19 and if that goes to a green material composting facility
20 then there may be --

21 COMMITTEE MEMBER RELIS: Until the biological
22 breakdown begins to occur, there's some exposure there. But
23 once -- we're actually going to clean up a problem through
24 composting.

25 MR. FINCH: Just if I could play devil's advocate.

1 COMMITTEE MEMBER RELIS: Pollution prevention
2 activity.

3 MR. FINCH: The Water Board is concerned that
4 there would be a leaching of the pesticide from the compost
5 piles.

6 COMMITTEE MEMBER RELIS: Before it's composted?

7 MR. FINCH: Yeah. And that you'd get an
8 accumulation within the holding ponds and at which time your
9 holding ponds would become anaerobic. In other words, the
10 pesticides if they were still on the pile itself, they would
11 be breaking down by biological action.

12 COMMITTEE MEMBER RELIS: Could you make the
13 holding pond aerobic? Could you put a little bubbler in
14 it?

15 MR. FINCH: That would be treatment technology,
16 something that we do allow in certain cases.

17 COMMITTEE MEMBER RELIS: May be a lot cheaper
18 that --

19 MR. FINCH: It may actually be more expensive in
20 the long run. Thinking of air stripping towers and such.

21 It may not even be necessary.

22 Like I say, what we're looking at right now are
23 principally the organophosphates, which are the types of
24 pesticides that we would expect to find coming out of green
25 waste composting facilities.

1 But staff would be happy to remove this
2 requirement.

3 COMMITTEE MEMBER RELIS: I don't want to engage --

4 COMMITTEE CHAIRMAN HUFF: Here's what you do.

5 Call up the contact person in the Water Board.

6 Tell them that the Committee was outraged. Make
7 that morally outraged that green composted, pure green, is
8 facing such onerous burdens when all this stuff in one form
9 or another is either going to be left in somebody's backyard
10 or is going to go back in the fields anyway.

11 Bill Yeates' argument here.

12 And that the Committee instruction was to, with
13 regard to green composting, delete the withholding pond.

14 But that they wanted to get Water Board reaction
15 to that position. Okay.

16 And go high enough up the food chain that, you
17 know, don't go to the usual contact. Go to that person's
18 superior.

19 Would it be useful for Paul to talk to Jim
20 Stubchair about this?

21 They're seat mates on this little airplane that he
22 flies on to go to Santa Barbara, you understand.

23 It would be useful?

24 COMMITTEE MEMBER RELIS: We can discuss this.

25 MR. FINCH: Sure.

1 COMMITTEE CHAIRMAN HUFF: Do it.

2 Coordinate. Let him make the call first.

3 And then he'll talk to Stubchair, okay.

4 And then he'll tell you that he's done this and
5 then you can call this person and say I'm following up with
6 you, the conversation that was between Paul Relis and Jim
7 Stubchair.

8 MR. DIER: Help us a little further, though.

9 To get on the track to bring --

10 COMMITTEE CHAIRMAN HUFF: F-16.

11 MR. DIER: To bring back in February we're going
12 to have to get these back out to 15-day notice within the
13 next week.

14 COMMITTEE CHAIRMAN HUFF: Yeah.

15 MR. DIER: In light of your earlier comment, I
16 don't want you to reveal your final answer, but I would like
17 some help on knowing what if their answer is they're morally
18 outraged, absolutely no? Do we keep it in or do we pull it
19 out?

20 COMMITTEE CHAIRMAN HUFF: We keep it in.

21 But I don't want to say that publicly. No.

22 MR. DIER: I didn't think you did.

23 MR. BLOCK: We'll keep it private.

24 COMMITTEE CHAIRMAN HUFF: Keep it private.

25 Talk to me in the morning and see how happy I am.

1 MR. HUMPERT: Can we go to the language change on
2 page 31?

3 COMMITTEE CHAIRMAN HUFF: We might talk about
4 middle ground then.

5 MR. DIER: I think that would be appropriate.

6 COMMITTEE CHAIRMAN HUFF: If they choke at taking
7 it out, we may seek middle ground, because I agree with
8 Bill.

9 MR. YEATES: Mr. Chairman, so if I'm going to
10 understand, on page 11 the subdivision, capital B, that runs
11 through lines 9 through 21, dealing with the whole question
12 of compost leachate control and this whole thing, that would
13 apply only to those facilities that use amendments or
14 additives; right?

15 COMMITTEE CHAIRMAN HUFF: That's our opening
16 position.

17 MR. YEATES: And then we could move that down and
18 create a separate section for this two-tiered approach to
19 green compost.

20 COMMITTEE CHAIRMAN HUFF: I think that's our
21 opening position; isn't it?

22 MR. HUMPERT: I think the permeability that we're
23 talking about is under C, rather than under B.

24 So if you're only talking about permeability,
25 that's I think where the change would be made.

1 Under B it talks about volumes and the disposition
2 of the water that is captured.

3 MR. YEATES: It has a ten-day period.

4 COMMITTEE CHAIRMAN HUFF: Well, the ten-day
5 period, we're making it 20.

6 MR. YEATES: Applied to the active -- to those
7 that have additives and others, not to the green only;
8 right?

9 MR. HUMPERT: Right now it's applying to both
10 green only and --

11 COMMITTEE MEMBER RELIS: You're saying there would
12 be no holding for --

13 MR. HUMPERT: This is going beyond, I think, what
14 you were originally talking about.

15 COMMITTEE MEMBER RELIS: I had to link this back
16 to the holding pond question.

17 I suppose -- I think that's consistent actually.
18 Why would you need --

19 MR. YEATES: All this stuff came as a result of I
20 was trying to change the ten to the minus six for additives
21 only.

22 MR. DIER: I think we would be comfortable in
23 making that argument with the Water Board.

24 COMMITTEE CHAIRMAN HUFF: I think we should.
25 Okay.

1 MR. YEATES: Thank you.

2 COMMITTEE CHAIRMAN HUFF: Okay. We'll sort it out
3 to make sure that we're all on the same page, but we think
4 we are. That's important. Okay.

5 Robert Epler.

6 MR. EPLER: Chairman Huff, members of the
7 Committee, my name is Robert Epler. I'm the assistant
8 director of the Waste Management Department of the City of
9 San Diego.

10 Unfortunately, I wasn't able to be at your earlier
11 sessions where you first went through this so I hope my
12 question doesn't sound too dumb as to missing why.

13 The first thing that hit me, and I've only had
14 today to read the regs in the current form that they are,
15 what was the loss of mulching from the definitions and from
16 the exemptions? And since our current practice at the City
17 of San Diego's landfill is merely to grind the greens
18 materials that we have segregated and then use it as a mulch
19 material and also our park and recreation department does
20 extensive mulching and then putting the material back into
21 the park system, does this now bring them into the
22 regulated --

23 COMMITTEE MEMBER RELIS: No.

24 COMMITTEE CHAIRMAN HUFF: Keep on doing it.

25 MR. EPLER: That's good.

1 The second one is I'd like the idea that has been
2 talked about about a two-tier section here where you really
3 would get a permit that says I'm a greens only composter and
4 really facility that as going through and those who want to
5 use additives have that stricter sense to it, since that
6 seems to be where the difficulties are lying.

7 I know a number of us, at least in the local
8 governments, as compared to the private industry composting
9 groups, are not going to be pursuing seeking additives to
10 come in, but merely to enhance landfill diversion by
11 requiring the segregation of greens materials before they
12 come into the system and then composting them or mulching
13 them to keep them out.

14 And anything that we can do to not have to spend
15 extensive amounts of money in the permitting and processing
16 and testing, that would be appreciated.

17 Thank you.

18 COMMITTEE CHAIRMAN HUFF: Thank you.

19 Steve Santa Croce. I butcher your name every
20 time.

21 MR. SANTA CROCE: Hello. I'm Steve Santa Croce
22 with the sanitation districts of LA County.

23 We had some comments on Chapter 3.1 regarding this
24 drainage and leachate collection system, that whole section,
25 and we feel they've been adequately addressed by the staff

1 changes that have been made.

2 So we have no comment now.

3 COMMITTEE CHAIRMAN HUFF: Okay. He talks to the
4 Water Board first. He volunteered.

5 COMMITTEE MEMBER RELIS: Huh?

6 COMMITTEE CHAIRMAN HUFF: You volunteered. Okay.

7 That takes care of 3.1.

8 Looks pretty good.

9 Chapter 5.

10 Staff has done their thing already, so let's go
11 back to people who want to make comments about Chapter 5.

12 MS. TALAMS: I didn't say anything yet.

13 COMMITTEE CHAIRMAN HUFF: Sorry.

14 MS. TALAMS: I'm Suzanne Talams from the Permits
15 Branch and I just have a few things to say.

16 Scott mentioned that there were 25 total
17 commenters. Of those commenters there were six commenters
18 on Chapter 5.

19 And for the record I'd like to mention that of
20 those six commenters there were no LEAs that had any written
21 comments on the permit process in general.

22 The majority of the comments were for Section
23 18201(d), which is known as the laundry list.

24 There were five comments on the laundry list.
25 Most of them were questioning certain items on the list and

1 the authority that the Board has to put them on the list.

2 There was one comment on Section G of that --
3 Subsection G of the same section, 18201, which was new
4 during the last 15-day comment period, and it's the section
5 that allowed for concurrent review.

6 One -- actually that commenter thought that it
7 should be struck.

8 There was a comment on the exemptions which was in
9 favor of previous language that we decided to take out,
10 because we decided not to address the exemptions in this
11 round.

12 There was a clarification on Article 3.2, which is
13 also known as the reported facility information.

14 There were a few general comments on the permit
15 process, that it's not streamlined and it's duplicative.

16 And there was a comment on the way the Chapter 5
17 changes had been noticed in the past.

18 Of the general comments on the not streamlined and
19 duplicative, none of those comments were from our LEAs.

20 At this time staff doesn't -- is not making any
21 recommendations for changes unless directed to do so by the
22 Chair.

23 COMMITTEE CHAIRMAN HUFF: Okay. Question?

24 This came up in previous.

25 Thinking of a green facility, if they're complying

1 with our regs and therefore not having to go to the Regional
2 Board, is it superfluous or repetitive or contradictory,
3 even, to have the Regional Board in the laundry list?

4 MS. TALAMS: Well, the laundry list applies to all
5 solid waste facilities so we would be using -- I think we
6 would be using if applicable and --

7 COMMITTEE CHAIRMAN HUFF: If applicable escape
8 clause?

9 MS. TALAMS: Yes. So that wouldn't be applicable.

10 COMMITTEE CHAIRMAN HUFF: It wouldn't be
11 applicable?

12 MS. TALAMS: For that particular type of facility.

13 COMMITTEE CHAIRMAN HUFF: Okay. I heard some
14 people suggest that the if applicable language might be
15 improved upon.

16 So if anyone wishes to comment on that I would
17 invite comments. Okay.

18 Then we ought to have some testimony.

19 Steve, now?

20 MR. MAGUIN: Chairman Huff, Mr. Relis and
21 Mr. Egigian, I'm not morally outraged. I have some concerns
22 about Chapter 5 and let me express them very briefly.

23 First, I start with the premise that there is a
24 perceived problem, at least in parts of the state, with the
25 current approval process by the LEAs of the applications for

1 solid waste facility permit.

2 As I look at it, that problem, if it exists, could
3 be created by either, one, expectations by this organization
4 in terms of what ought to be done before that approval is
5 granted and that those may be correct or incorrect.

6 Or, secondly, improper approval by LEAs of
7 inadequate packages.

8 I don't think the solution to either of those
9 problems is to create a new duplicative process by this
10 agency of an existing process already occurring at the LEA
11 level.

12 I think if there's a problem, fix the problem, not
13 create an entire new process to just kind of cover it.

14 One of those solutions might be to have a better
15 set of ground rules, more explicit, so that those LEAs that
16 are not processing permits as you would have them do so, be
17 brought back into the line.

18 That brings me to my second comment.

19 One of those ground rules might be the laundry
20 list that was just mentioned.

21 I have some concerns about that laundry list. I
22 don't take great comfort in the words "if applicable." I'm
23 one of those who would like to see a much more wide open
24 door in terms of those permits that you don't need to have
25 in front of you when this process comes to you, let alone

1 way back in the process when the LEA deems the package
2 complete.

3 I would like to see some further discussions,
4 hopefully involving operators who have the most at risk in
5 the situation and LEAs and your staff in terms of what lists
6 of -- what items should be included in this laundry list
7 before the permit application even leaves the local
8 enforcement agency.

9 And my last comment, I think I'm the one that made
10 the comment about the notice issue on this package, I
11 believe that the agenda for this meeting was the first time
12 that you publicly noticed anyone that Chapter 5 was being
13 considered for amendments. I believe in all previous
14 notices it spoke only to the green material composting
15 regulations and never mentioned Chapter 5.

16 I mention that because as we were discussing with
17 other operators throughout the state this week, we found
18 many who had no idea what we were talking about and may be
19 one of the reasons the number of comments are down.

20 You might want to give some consideration to
21 letting more people know that the permit rules are being
22 considered for change.

23 Thank you.

24 COMMITTEE CHAIRMAN HUFF: Any questions of
25 Mr. Maguin?

1 COMMITTEE MEMBER EGIGIAN: Let him get to his
2 airplane.

3 COMMITTEE CHAIRMAN HUFF: He's already missed it.

4 MR. MAGUIN: I have lots of time now.

5 COMMITTEE CHAIRMAN HUFF: What are you on, the
6 6:30?

7 MR. MAGUIN: That's the only alternative.

8 By the way, Mr. White had to leave. I didn't get
9 a chance to speak to Mr. White and my dear friends at Waste
10 Management. And we did compare notes, and many of his
11 comments -- I can't speak to all of his comments, but
12 several of his did parallel mine that I just presented to
13 you.

14 COMMITTEE CHAIRMAN HUFF: Okay. Very well. Okay.
15 John Barnard.

16 MR. BLOCK: Just a moment, Chairman Huff. I
17 probably respond to the issue on notice just briefly.

18 COMMITTEE CHAIRMAN HUFF: Yes. Please.

19 MR. BLOCK: To indicate that the only actual
20 change that we made on agenda item here was to specifically
21 cite the sections involved with permitting, but, in fact,
22 the previous notices indicated that permitting regulations
23 were part of what was being considered.

24 COMMITTEE CHAIRMAN HUFF: And they did so and how,
25 what manner?

1 The verbal language, the words?

2 MR. BLOCK: Yes. I mean, on the agenda items and
3 also the initial statement of notice went out specifically
4 indicated the permitting regulations were involved and the
5 changes.

6 COMMITTEE CHAIRMAN HUFF: Okay. Okay. Well,
7 apparently at least one person didn't quite catch that,
8 which is possible.

9 MR. BARNARD: Thank you, Mr. Chairman, members of
10 the Committee.

11 John Barnard representing Norcal Waste Systems.

12 I have some comments about Section 18201.

13 I'd like to thank the staff for their efforts to
14 clarify this section. It has been one that we've gone
15 around and around with and I appreciate the efforts made to
16 provide citations and clarification.

17 Since it seems like there may be another comment
18 period, I'd like to make just one recommendation for
19 changing. I don't know if you'll have to then go to a
20 triple underline.

21 But under the Regional Water Quality Control
22 Board, you have a number one is waste discharge
23 requirements.

24 My understanding is that that is a requirement for
25 disposal sites only, so you may want to consider moving that

1 up to Subsection 2, which would be additional standards for
2 disposal sites or with the "if applicable" language that
3 could also drop out.

4 Just for clarity sake, you may want to consider
5 that.

6 Another just general concern about that section is
7 that if there is a permit or document which is not required
8 and may fit into the "if applicable" wiggle room, I just
9 want to clarify if there's no existing permit process, let's
10 say, for instance for fire district compliance, let's say,
11 for instance there's no applicable fire permitting process,
12 that the applicant will not have to demonstrate compliance,
13 say, by working out something with the local fire district,
14 that there could be something which could just say this is
15 not applicable or we are in compliance, but not have to
16 actually go to that agency if there's not a permit process
17 already in place.

18 On Section 18203, you've got another sort of an
19 editorial comment or suggestion for change.

20 It says in 18203(a) that the application package
21 shall be accepted.

22 Previously this had said the application package
23 will be reviewed for completeness.

24 But it now says "shall be accepted," whereas in
25 18203(c) it says "the enforcement agency shall either accept

1 or reject the application."

2 So in this section you actually have two different
3 places where you were accepting the application, where the
4 LEA is accepting the application. That's a little confusing
5 so I would recommend going to a different language in
6 18203(a).

7 MS. TALAMS: Can I ask a question?

8 MR. BARNARD: Sure.

9 MS. TALAMS: Just for clarification, what line are
10 you on for in (a)?

11 Do you have a copy?

12 MR. BARNARD: Yes; I have a copy.

13 MS. TALAMS: 37, is that where you are?

14 MR. BARNARD: Yeah. Line 37 says the application
15 shall be accepted and stamped with the date and time of
16 acceptance.

17 And down in (c), the enforcement agency shall
18 either accept or reject within 30 days.

19 Under 18203(a) on line 37, this is within five
20 days you have to accept and then within 30 days you have to
21 accept again.

22 MS. TALAMS: Thank you for pointing that out. I
23 think that's a mistake.

24 MR. BARNARD: Along with that, in some of the time
25 lines there, I'm finding it a little confusing with the

1 different parameters of the permit review process.

2 And, Suzanne, I believe it was you that a few
3 meetings back had a time line that you put up.

4 I was wondering that if possible it would really
5 facilitate our understanding of that if that could be
6 included in the regulatory packet if it does indeed go out
7 for another comment period. If it's possible to include
8 that, that would certainly help.

9 In terms of Section 18203(g), which allows for
10 concurrent permitting, we actually went on record in our
11 written comments saying that we liked that section.

12 You mentioned that there was one commenter on that
13 and they did not like it and recommended it be pulled.

14 I want the record to show that we actually do like
15 that section and appreciate the staff including that.

16 We do have a concern that some of the other
17 regulatory agencies which are involved in reviewing permits
18 may not be able to complete their review of permits within
19 the 180 days' time limit that is set up for the review of
20 these incomplete permit applications.

21 This actually could force an applicant to withdraw
22 their permit application.

23 But we do feel that having this section in there
24 is a great improvement and we appreciate it.

25 Regarding Section 18215, and this is also

1 addressing comments previously made by Denise Delmatier of
2 the Gualco Group, representing Norcal, we understand that
3 the language has been changed to reflect the existing
4 regulations.

5 Therefore as they are forwarded to OAL -- they
6 will not be forwarded to OAL, because they are the existing
7 regulations and so there will be no action within this.

8 COMMITTEE CHAIRMAN HUFF: It's sort of like when
9 you do a bill in the legislative process, you see them here
10 now because we're showing that we're putting them back to
11 status quo.

12 The next time we turn them around, you won't see
13 them. Right? Right.

14 MR. BARNARD: I understand that and I appreciate
15 that.

16 That completes my testimony.

17 Are there any questions of me?

18 COMMITTEE CHAIRMAN HUFF: Questions?

19 MR. BARNARD: Thank you for your time.

20 MS. TALAMS: Actually, I have one comment.

21 I think that in (a), there was a statement that if
22 the application meets the requirements of Section 18201 it
23 could be accepted, but then over here it's clarifying how to
24 do that. But I'll look into it to make sure that it's
25 clear.

1 MR. BARNARD: Is that Section 18203(a) and (c)?

2 MS. TALAMS: Yes. I'll check it out again.

3 MR. BARNARD: Previously it said something to the
4 effect that the application would be reviewed for
5 completeness and then there was discussion of what
6 completeness meant. So that was pulled.

7 I know I'm telling what you already discussed.

8 Thank you.

9 COMMITTEE CHAIRMAN HUFF: Okay. Jack Michael.

10 If it rains much more, Jack, you can just float
11 back to Modesto. We'll have one big holding pond between
12 here and Modesto.

13 MR. MICHAEL: Thank you, Mr. Chairman, members of
14 the Committee.

15 I'm Jack Michael representing Los Angeles County.

16 I saw Sam earlier today and accused him of
17 bringing this rain up here. It was dry in Modesto when I
18 left and I won't attribute this weather to LA, but I will
19 attribute my comments to concerns of LA County.

20 And I'll follow on a little bit to what Steve
21 Maguin said, but maybe from a little different perspective,
22 and I do recognize the most recent comment here that some of
23 these changes that we see in writing returns this process to
24 the status quo in terms of regulations.

25 My concern, however, is that there isn't anything

1 in these changes or in this effort that goes to eliminating
2 duplication of effort, which I understand is a subject of a
3 study that is ongoing and I've -- and I'm involved in that
4 with Department of Finance and others.

5 I'm aware of an executive order which suggesting
6 permit streamlining.

7 What I'm really concerned about is that the need
8 to eliminate duplication from the standpoint of providing
9 the resources to pay for the duplication.

10 One of my primary responsibilities is to recommend
11 to my board of supervisors funding necessary to pay for all
12 these programs, while at the same time recommending to the
13 board of supervisors that rates have to be increased for
14 what you're doing. And they get a little bit confused as to
15 why they're paying for both, in essence, because they're the
16 ones that have to make the decision on raising the rates.

17 So our concern is that if we're going to have a
18 local enforcement program, we're going to have locals
19 responsible for something, and we certainly had to raise our
20 rates and our fees to pay for the very expensive new
21 requirements, the strengthening of local enforcement, that
22 we just went through in the certification of the LEAs, then
23 that process ought to be the primary process with oversight
24 from this Board, but not a duplication again of
25 micro-managing and second guessing what that local process

1 has accomplished.

2 And I see in this process continuing migration to
3 the point of either the State wanting to assume that
4 permitting and enforcement responsibility or at the least a
5 duplication of it.

6 And I think that all of us in government certainly
7 need to find the ways that we eliminate duplication to try
8 to reduce costs, to try to live within the limited resources
9 we have.

10 And I think since this other process is ongoing,
11 which under AB 3448 was directed more specifically at a
12 different duplication by part of this process, that any
13 further action on Chapter 5 should simply be deferred until
14 the results of that study and more discussions to try to
15 assure that we're not simply duplicating efforts and
16 expending resources in a duplicative fashion.

17 Thank you.

18 COMMITTEE CHAIRMAN HUFF: Any questions?

19 None.

20 Anyone else wishing to share their thoughts with
21 us?

22 MR. YEATES: Bill Yeates, again, on behalf of
23 Kings County Waste Management Authority.

24 Kings County also sent a letter on the 14th. Just
25 simply raises some concerns about this Section 18201.

1 I think the "if applicable" language deals with
2 the concern.

3 I think their reaction was, gee, we have to have
4 all these permits before we come before and get our solid
5 waste facilities permits, some of which are operating
6 permits, so therefore we can't get them, so we're kind of in
7 a catch 22.

8 But it's your interpretation that "if applicable"
9 would say some of these things are not going to fall out,
10 for example, for the green compost facility.

11 COMMITTEE MEMBER RELIS: Yeah.

12 MR. YEATES: I would suggest maybe more
13 specificity in the "if applicable," recommending strike "if
14 applicable" and use "unless an item is inappropriate for the
15 facility."

16 Therefore, if we do have a green compost facility,
17 then the Regional Board permit may not apply.

18 And it's little clear.

19 Like you said, Mr. Chairman, "if applicable" can
20 be -- kind of a glib phrase, could be used in many different
21 ways.

22 I think that takes care of my client's concern.

23 COMMITTEE CHAIRMAN HUFF: We are sometimes accused
24 of flipness.

25 MR. YEATES: Thank you.

1 COMMITTEE CHAIRMAN HUFF: Okay. Any other
2 testimony?

3 We've been sitting here for two hours.

4 Your machine must be almost out of paper so we're
5 going to take about a ten minute break.

6 (Thereupon a short recess was taken.)

7 COMMITTEE CHAIRMAN HUFF: Steve still here?
8 Maguin. Did he leave?

9 FROM THE AUDIENCE: He left in hopes that his
10 plane wasn't as late as he was.

11 COMMITTEE CHAIRMAN HUFF: I see.

12 Do you have his proxy, Jack?

13 FROM THE AUDIENCE: Yes.

14 COMMITTEE CHAIRMAN HUFF: John Barnard, are you
15 still here?

16 He cut out too.

17 FROM THE AUDIENCE: I think he is but I think he's
18 over visiting some other people.

19 COMMITTEE CHAIRMAN HUFF: Visiting who? Speak up,
20 John.

21 FROM THE AUDIENCE: I think he's still in the
22 building. He's talking to some people on the staff about
23 something else. I'll track him down, if you'd like.

24 COMMITTEE CHAIRMAN HUFF: If you don't mind.

25 We won't say anything significant while you're

1 out.

2 Those -- I asked about those people, because they
3 specifically commented on Chapter 5.

4 Anyone else with Chapter 5 comments, too, please
5 turn up your hearing aid.

6 It strikes me that there are two options on
7 Chapter 5, given the fact that the Board, various Board
8 members, have expressed to me concern about the application
9 and concurrence process, concern about having to make
10 decisions with incomplete information, having things sent to
11 the State Board containing incomplete or incorrect
12 information.

13 Members of this Board have continually asked me
14 about that.

15 Members of this Committee have continually
16 experienced it.

17 Strikes me that given some of the objections to
18 our proposals on Chapter 5 -- and let me say every time I go
19 talk to a group of LEAs or environmental health directors I
20 get told about micro-management -- that we have two courses
21 of action.

22 And I just want to hear your reactions to either.
23 I'm not going to guarantee that we're going to follow either
24 one, but I'd like to hear your reactions, and I'd like you
25 to at least phrase your reactions knowledgeable of the sorts

1 of things I'm hearing on this Committee and from my
2 colleagues on the Board.

3 Option one is to drop Section 18201. We call that
4 the laundry list. Drop it.

5 Option two, the --

6 MS. TALAMS: The whole list or the whole section?

7 COMMITTEE CHAIRMAN HUFF: The list.

8 Option two is to drop any change to 18203, which
9 means I call it the hammer. Our ability to determine that
10 an application is incomplete.

11 Option three is to take it as written here.

12 So there are three options.

13 And I already know that anyone out there
14 commenting is not going to like option three.

15 So Jack and anyone else, if you could comment on
16 option one and option two, I'd be interested in your
17 thoughts.

18 MR. ZAMORA: Chairman Huff, members, Brian Zamora,
19 director of environmental health, San Mateo County.

20 I didn't really come to testify on green
21 composting, but, Chairman Huff, since you asked.

22 You're holding all the cards.

23 I would say option two. If you don't feel like
24 you're getting adequate information from the LEA, you've got
25 the authority to yank the LEA certification.

1 You know, if we're sending you insufficient data,
2 incomplete work and you're not happy with us, bring us
3 forward and evaluate the program.

4 But to have a concurrent process, I think it's
5 frustrating everybody.

6 Now, I'm only speaking for myself. I'm not
7 speaking for the Directors' Conference.

8 But try it.

9 COMMITTEE CHAIRMAN HUFF: You see, I'm
10 understanding, but it seems to me that yanking an LEA's
11 certification is something we really don't want to do that.
12 For us it's almost a non-option. We don't want to go out
13 and yank someone's certification.

14 If on some application somewhere, single
15 application sometime, we spot a problem, we don't want to go
16 to the drastic step of yanking the certification.

17 MR. ZAMORA: Well, I would hope that wouldn't be
18 the only reason, but if it's a symptom of a problem, then
19 you're not only -- I mean, if you've got a LEA that isn't
20 functioning, you're going to see it in a number of elements,
21 not just the application you receive and when your staff
22 does the compliance checks on our landfills, you're going to
23 see it there. It's going to be a symptom of a bigger
24 problem.

25 I would hope that -- I mean, we make mistakes. If

1 we send something in your staff would call us up and say,
2 hey, where is Appendix F, I didn't get it. There might be a
3 simple explanation for it.

4 But, you know, I run 17 programs in San Mateo
5 County and all my colleagues run that many programs and in
6 every one of those programs we've got performance measures
7 we got somebody looking over our shoulder saying, yes, no,
8 maybe, foul, no play, violation. We're used to being held
9 accountable for the work we do.

10 And, I mean, if I'm screwing up, you need to tell
11 me.

12 I hope from San Mateo County you don't see that
13 kind of work. I doubt you're seeing that kind of work.

14 But, I mean, this is life in a regulatory
15 framework where there's going to be less funding, we're not
16 going to have the resources to continue to trip up after one
17 another, and we're going to have to put some kinds of
18 controls that are in the form of performance measures and
19 audits where you have to develop the systems to check our
20 work when you don't have the staff to send them out in the
21 field and eye witness everything that we do.

22 I'd be happy to answer any questions.

23 As I said, I didn't prepare to say that, but
24 since --

25 COMMITTEE CHAIRMAN HUFF: Well, I'm glad you did.

1 Seriously, we want the input. We're something in a
2 quandary, because I've heard from industry, I've heard from
3 the LEAs, I've heard from staff, I've heard from my
4 colleagues, trying to fashion something that is reasonable
5 here.

6 We don't have this problem every day. We don't
7 have this problem on the majority of the permits that we
8 have.

9 We have it on the occasional and the question is
10 what do we do about that.

11 And our options are either to take this as
12 written, to get far more specific in our regulations as to
13 what an application is and then let you do the job, or to
14 review the application before the clocks start running.

15 Those are our three options.

16 MR. ZAMORA: Regardless of specificity, I think
17 you should hold the LEA responsible for the work that you
18 receive.

19 And we would say that it will be reasonable,
20 because we have to in turn turn to the permittee and say
21 produce this stuff, because if you don't produce it I can't
22 get you to the Committee to get approved.

23 We end up being the turnstile and we look and say,
24 all right, do it.

25 COMMITTEE MEMBER RELIS: I guess, Mr. Chair, the

1 problem is, as we have discussed in a number of the cases,
2 we don't retain some sort of role there, the permit comes
3 our way, and there we are jammed with making a decision and
4 you may say, well, we should. It's too bad we didn't get
5 the information, but we have to make the decision.

6 And then often that comes down to a few days.

7 And I'm real uncomfortable making important
8 decisions on that basis, a few days lead time.

9 And that's the occasional. It's not --

10 MR. ZAMORA: Pick a few LEAs, a few counties, and
11 try it. You know, north, south, middle, central, north.
12 Pick four or five of them and use those as a model programs
13 testing and see if it will work. That way you're not giving
14 up all your authority, but you're testing a change of way of
15 doing business without throwing everybody in the bushel
16 basket.

17 COMMITTEE CHAIRMAN HUFF: Okay.

18 MR. ZAMORA: I appreciate what you say, Member
19 Relis.

20 I was in Santa Barbara, I was on the subdivision
21 committee and that work came to me and, gosh, I was left
22 holding the bag if it wasn't complete. However, I had to
23 hold somebody accountable.

24 I mean, I want you to hold me accountable for the
25 work you get.

1 COMMITTEE CHAIRMAN HUFF: Okay. Very good. Thank
2 you.

3 Jack.

4 MR. MICHAEL: Within the three options, none of
5 which are very satisfactory, I'd have to agree that I'd go
6 with option two.

7 The problem with then retaining this whole laundry
8 list is simply extending the length of time that it takes to
9 permit facilities, which was one of our great difficulties.

10 As I suggested earlier in my comments, maybe you'd
11 consider adding a fourth option, and that is to see whether
12 out of the study that's going on there's any independent
13 objective recommendations that might be forthcoming on
14 eliminating some of either the problem you have or the
15 duplication that exists.

16 In going back to remarks that you just made, I
17 think one of the concerns that we always have is that we
18 understand it's not in every single case that you have
19 difficulty. It's only in certain cases and maybe only in
20 certain areas, yet everybody in the state then has to suffer
21 because of that.

22 And I believe that that's unfortunate.

23 I'll make another comment that maybe I shouldn't
24 make, but I've seen in observing the Board on permit issues,
25 where many times the Board members, individual Board

1 members, become, I believe, overly concerned about areas and
2 concerns that are not directly their responsibility.

3 The statute was written with some general language
4 that said this Board is responsible in protect air,
5 groundwater.

6 But there are other sections of the code that give
7 very precise and specific responsibilities to agencies to
8 take care of those individual elements.

9 Many times, the members of this Board, looking at
10 that overriding general responsibility, say, well, you know,
11 I understand we don't have maybe a direct responsibility and
12 there are these other processes going on where there's
13 appeals from a Regional Board to a State Board or whatever
14 it might be, but all of a sudden that becomes then a concern
15 of your Board, your direct comfort is with your own staff,
16 and that bogs the system down.

17 At some point there's got to be delegation of
18 responsibility, diversification of assignment, and we all
19 work for the same people. Local government, state
20 government, work for the same people.

21 And I think as was just expressed, if those at
22 local government, having gone through a very rigorous
23 certification process that was developed by you, can't do
24 the job, then the decision has to be made.

25 And maybe that job isn't done to perfection in

1 some of your views, but you've heard testimony since you all
2 got here that there's a lot of technical experts out there
3 that certainly don't always agree, come up with the same
4 answer on the same issue.

5 But what we have here is that the local LEAs are
6 trying to do what they think is best, what their technical
7 expertise tells them.

8 There's another layer of technical expertise here
9 that doesn't agree and certainly you're going to listen to
10 that layer that's closest to you.

11 Well, if we can afford that duplication, fine.

12 But I don't believe we can.

13 My board doesn't believe we can.

14 And it may be that you have to rely on those local
15 experts, based on the fact that they have the staffing that
16 you set forth and they have the training that you provide
17 and set forth. They conduct things the way you train them
18 to do things. You have to rely on them.

19 Now, we all make mistakes now and then. You might
20 have to live with a mistake here and there.

21 But the fact that your staff is closest to you
22 doesn't mean that they're always right either.

23 And so my concern is that these responsibilities
24 have to be split up, we can't simply all do the same thing.
25 We couldn't afford to do that.

1 So I will still suggest the fourth option that
2 maybe since I believe at least in the initial draft of this
3 study is due out very soon and I believe the law requires
4 the report to be to the Legislature by March 1, that any
5 further consideration of Chapter 5 simply be deferred until
6 maybe there's some input from that other objective look.

7 COMMITTEE CHAIRMAN HUFF: Okay.

8 Any questions?

9 MS. VAZQUEZ: I have a comment.

10 There's been some discussions as to how many
11 permits, what percentage of the permits are actually
12 efficient or inadequate.

13 In checking with permit staff, we have a pretty
14 good number of, I suppose, since we receive a number of
15 proposed permits that are placed on a list and have to be
16 removed later because an applicant withdraws the permit and
17 the LEA does as well.

18 And it's 50 to 75 percent of the permits that we
19 receive are deficient.

20 There is, I suppose, a fourth or fifth option and
21 that would be that the application packages that we receive
22 be considered complete and that proponents not be allowed to
23 continue to add.

24 Right now what happens is that we receive an
25 application, we advise a proponent and LEA that there are

1 pieces missing, and then waive time, and continue to submit
2 the additional requirements.

3 If staff had a way of closing the door and saying
4 this application that you've submitted is finished and we
5 will not be taking anything in the next 60 days, which you
6 have, exactly what we'll take to the Board, that would
7 assist us greatly.

8 COMMITTEE CHAIRMAN HUFF: You'd also recommend the
9 rejection or nonconcurrency a lot more.

10 MS. VAZQUEZ: 50 to 75 percent of the time.

11 COMMITTEE MEMBER RELIS: That's the hazard.

12 COMMITTEE CHAIRMAN HUFF: The option of
13 decertifying LEAs, to me, is a non-option. Okay. It's
14 going to have to be a very drastic circumstance which would
15 prompt me to try to decertify an LEA.

16 The politics of the situation also are that we're
17 going to have to have very substantial reason to reject
18 permits, and paperwork reasons don't work. Okay.

19 So that, too, is really a non-option.

20 So what we're left with, then, we the Board, have
21 certain time lines and we get jammed on them. Whether it's
22 50 percent of the applications are incomplete or not, we
23 don't get jammed 50 percent of the time, but we do get
24 jammed some percent of the time and we have 50 percent of
25 the applications coming in at least at the get go needing

1 something else.

2 And so just trying to find a way to sort through
3 this without using the most drastic actions, which is either
4 rejection of a permit or even more drastic decertification
5 of the LEA, trying to make a smoother process.

6 MR. CONHEIM: Mr. Huff, to amplify what
7 Ms. Vazquez has said, the deficiencies in most cases are not
8 exactly paperwork deficiencies. What they are are paperwork
9 deficiencies which cause the record of the permit
10 application not to support the required findings that the
11 Board must make. That it complies with standards, that it
12 has CEQA compliance, that it doesn't violate, impede or
13 impair.

14 So that while when one might characterize them as
15 paperwork violations, they end up going to the inability of
16 the staff to make the legally required to recommend that
17 you're able to make the legally required findings.

18 Now, to add to that, the withdrawal mechanism,
19 extensions of time, are legal creations which derive from
20 our authority to make decisions and to accept applications.

21 They're not anywhere expressed specifically in the
22 law.

23 If we're going to return to the law, one of the
24 options is truly no withdrawals, no time extensions, the
25 gate shuts at 60 days.

1 And when you're looking at an application that is
2 woefully incomplete on a paperwork basis, if you cannot make
3 the findings, then you have a legally insufficient
4 application, not just one that's insufficient based on
5 process of format.

6 COMMITTEE CHAIRMAN HUFF: Problem is that may be
7 good government. May be the medicine that's needed. But
8 the person is giving the medicine is going to give a hell of
9 a lot of flack.

10 MS. VAZQUEZ: The problem in that, too, is that
11 the proponents are the ones that are penalized if an LEA
12 doesn't catch it. LEA misses some of the requirements and
13 we don't learn of it until six months later, that sets the
14 proponent back six months when they could have known it.

15 COMMITTEE MEMBER RELIS: It's been my observation
16 that the way we're going is slowing things down, not
17 speeding things up. That's the problem. I mean, when
18 you -- we get into sort of negotiated -- a negotiated
19 concurrence or rejection or -- it comes right at the end and
20 we've had a number of cases that have gone back and we
21 haven't seen the project for three or four months or more,
22 so I don't see why the efficient -- it seems to me the
23 current system is inefficient from getting projects
24 processed. That's --

25 COMMITTEE MEMBER EGIGIAN: Isn't the LEA

1 responsible for the application? If we've certified these
2 LEAs and they supposedly know what they're doing, we can't
3 penalize the person that's trying to get this permit.

4 But the inadequacy of the LEA enters into and we
5 throw it out, that's not fair.

6 MS. VAZQUEZ: But at the same time, I don't think
7 we're interested in de-designating LEAs because they missed
8 a few points. We want to work in partnership with them to
9 get complete applications and to get permits through the
10 process as quickly as possible.

11 MR. MICHAEL: One of the things I believe that is
12 absent in this discussion is the issue of which expert is
13 right, which expert is most expert?

14 We run into that in CEQA continually.

15 Who is the lead agency?

16 The law says who the lead agency is. Responsible
17 agencies have an opportunity to challenge what a lead agency
18 does within a period of time.

19 But there are responsible agencies that still
20 aren't satisfied who will question what the experts or what
21 the people that were the lead agency did.

22 So we're talking about who is the most expert.

23 What I'm suggesting is that that is a duplication
24 and if you're going to delegate responsibility, then you
25 have to do that. You can't second guess the responsibility

1 after it's been delegated.

2 But I will add to that that we just -- on your
3 agenda I believe are final certifications of LEAs.

4 We went through only in a three-year period a
5 process of strengthening the ability, the capability and the
6 role of the LEAs.

7 I would suggest that three years simply isn't
8 enough time to expect in your mind absolute perfection from
9 those agencies in all cases.

10 Yet you're not talking about anything other than
11 your experts have one opinion of what's satisfactory to meet
12 the law and other experts have another opinion.

13 So I think you have to look at -- not suggesting
14 what the right answer is -- I'm suggesting that in your
15 discussion you need to assess how it is you delegate the
16 responsibility to accomplish your job.

17 And without delegating it, you're right, Paul, the
18 process gets bogged down and it's extended. It's exactly
19 why we're having the difficulties we're having.

20 MR. CONHEIM: Mr. Huff.

21 COMMITTEE CHAIRMAN HUFF: Mr. Conheim.

22 MR. CONHEIM: I feel constrained to clarify what I
23 for the Board and for the public, one aspect of law, in
24 regard to Mr. Michael's comment about competing experts.

25 I don't think that's a situation at all.

1 From a legal standpoint the Integrated Waste Board
2 has independent separate authority and responsibility to
3 independently assess a solid waste facility application and
4 project and must make specific findings and it must rely on
5 its staff to do that, because it has separate authority from
6 those of LEAs.

7 So notwithstanding, I just think that's an
8 incorrect legal characterization of our relationship.

9 COMMITTEE CHAIRMAN HUFF: Okay. Suggestions from
10 Committee members?

11 I'm leaning toward option two. I may be the only
12 one here.

13 COMMITTEE MEMBER RELIS: I'm not prepared to
14 support that today.

15 COMMITTEE CHAIRMAN HUFF: Mr. Egigian, are you?

16 COMMITTEE MEMBER EGIGIAN: Well, I like hearing
17 what Jack and Steve have said and I'd like to resolve this
18 situation in a fair manner.

19 And I agree with a lot of the arguments set forth
20 here.

21 And in my mind, it's a question of the LEA doing
22 his job correctly.

23 Now, what does that involve from that point on is
24 what I'm concerned about.

25 COMMITTEE MEMBER RELIS: Well, I realize that

1 there's a desire to move this issue on, but given the
2 importance of it, I think that we should all have the
3 benefit of clearly understanding what the implications of
4 this would be and how it would affect the concerns.

5 We have a number of perspectives. We have the LEA
6 perspective, we have the industry perspective, we have the
7 Board perspective, the problem the Board members are facing,
8 the decisions.

9 And I don't know that I can -- if we were to act
10 on this right now that I would understand what sufficiently
11 the implications to be comfortable with making a decision.

12 COMMITTEE MEMBER EGIGIAN: What's the problem with
13 not making any changes?

14 COMMITTEE MEMBER RELIS: You mean going as we are?

15 COMMITTEE MEMBER EGIGIAN: Going as we are and
16 revisiting this thing. Is this something --

17 COMMITTEE CHAIRMAN HUFF: I'm not sure you're
18 talking the same language.

19 Going as we are meaning no change --

20 COMMITTEE MEMBER EGIGIAN: No change.

21 COMMITTEE MEMBER RELIS: No 5, I guess.

22 COMMITTEE CHAIRMAN HUFF: Yeah. See --

23 COMMITTEE MEMBER RELIS: Status quo.

24 COMMITTEE CHAIRMAN HUFF: I'm not going to buy
25 status quo. Okay.

1 I would buy including the laundry list, including
2 the concept that the enforcement agency forwards the
3 application package to us, which is to say 18203(a),
4 18203(b), 18203(c), 18203 (d).

5 Eliminate 18203(e).

6 Eliminate 18203(f).

7 Keeping small (g), which may have to be revised.

8 It may not.

9 And (h), I guess, that can be revised or kept too.

10 I think that's my minimum.

11 COMMITTEE MEMBER RELIS: You seeking a motion?

12 COMMITTEE CHAIRMAN HUFF: Yeah. Because we've
13 done this -- we were going to finish compost by the end of
14 the year.

15 If we don't do this and send this out to 15 days,
16 today being the 20th of January, it's going to go over to
17 our February meeting.

18 It doesn't get to -- it's still going to go over,
19 but we're going -- it will be March. Right?

20 If we don't do it today, that puts -- doing
21 something today, deciding something today, puts it on the
22 February Board.

23 Not deciding today puts it on to the March Board.

24 I'm getting tired of it.

25 COMMITTEE MEMBER RELIS: I think --

1 COMMITTEE CHAIRMAN HUFF: We're holding up green
2 composting over this now, because we finished green
3 composting. I mean, for all intents and purposes. With the
4 changes we made today, we finished green composting.

5 This has now become an impediment.

6 MR. MICHAEL: Do you need to hold up green waste
7 because of this? Can't this section be eliminated or those
8 portions?

9 COMMITTEE CHAIRMAN HUFF: We don't want to start
10 over. We do have a problem, Jack.

11 Just finding the correct solution.

12 COMMITTEE MEMBER EGIGIAN: Mr. Chairman, if we go
13 along with the changes you suggested and our Board meeting
14 it doesn't fly, where does that put us?

15 COMMITTEE CHAIRMAN HUFF: It will fly.

16 COMMITTEE MEMBER EGIGIAN: It will fly?

17 COMMITTEE MEMBER RELIS: Well, I'm still of the
18 position that I'd like to think about this a week, so if
19 Mr. Egigian wants to move it, that's his prerogative.

20 COMMITTEE CHAIRMAN HUFF: Has the notice gone out
21 on San Diego?

22 That's not really enough time though; is it?

23 When is the February meeting? Board meeting is
24 the 26th.

25 COMMITTEE SECRETARY KELLY: There's also one on

1 the 17th. There's one on the 17th also. 10th and the 17th
2 of February.

3 COMMITTEE CHAIRMAN HUFF: See, I'm trying not to
4 go to March.

5 I tell you what we're going to do.

6 Absent a motion I'm going to move on to other
7 business and we'll go back to this item at the end of the
8 meeting.

9 Other business.

10 And Item 1.

11 We're going to get rid of some items.

12 Item 1. Contracts.

13 MS. VAZQUEZ: Item 1 regards the consideration and
14 approval of the scope of work to procure a contractor to
15 provide technical training underground landfill fires. The
16 training is to provide information on landfill gas
17 production, landfill properties that relate to subsurface
18 fires, detection, investigation, techniques of fire
19 suppression, and health aspects regarding landfill fires.

20 COMMITTEE CHAIRMAN HUFF: Does the money come out
21 of the IWEMA?

22 MS. VAZQUEZ: It does.

23 COMMITTEE CHAIRMAN HUFF: It does. Let's do it
24 today.

25 MR. WALLACE: This is just a scope of work.

1 COMMITTEE CHAIRMAN HUFF: It's just scope of work.

2 MS. VAZQUEZ: We want to get everything in order
3 so that in case there is money available we will be ready.

4 COMMITTEE CHAIRMAN HUFF: It's been moved.

5 Roll call.

6 You don't have a three to nothing roll call.

7 COMMITTEE SECRETARY KELLY: Board Member Egigian.

8 COMMITTEE MEMBER EGIGIAN: Aye.

9 COMMITTEE SECRETARY KELLY: Relis.

10 COMMITTEE MEMBER RELIS: Aye.

11 COMMITTEE SECRETARY KELLY: Chairman Huff.

12 COMMITTEE CHAIRMAN HUFF: Aye.

13 Motion carries, three to nothing.

14 COMMITTEE CHAIRMAN HUFF: Scope of work. Okay.

15 Next item is 1-A.

16 MS. VAZQUEZ: It is.

17 COMMITTEE CHAIRMAN HUFF: What's source of money
18 for that one?

19 MS. VAZQUEZ: Tire fund.

20 COMMITTEE CHAIRMAN HUFF: Which one?

21 MS. VAZQUEZ: Tire fund.

22 COMMITTEE CHAIRMAN HUFF: Okay.

23 MS. VAZQUEZ: It is to award a contract for
24 preparation of a manual that would assist us in inspection
25 and teaching LEAs and operators how the waste tire facility

1 should be operated.

2 COMMITTEE CHAIRMAN HUFF: This is actual award of
3 contract?

4 MS. VAZQUEZ: It is. It would also include some
5 discussion of other facilities beyond just tires.

6 COMMITTEE MEMBER RELIS: Point of clarification.

7 What percentage of this money, since we are very
8 tight on money right now and I'm concerned about, could we
9 put this off until the end of the month?

10 COMMITTEE CHAIRMAN HUFF: This is tire money.

11 COMMITTEE MEMBER RELIS: But if we don't get the
12 funding we discussed --

13 COMMITTEE CHAIRMAN HUFF: We can't use this.

14 MR. WALLACE: Mr. Huff, if I might remind you that
15 last month the Board considered the total allocation of tire
16 fund dollars across the board to a variety of programs and
17 specific contracts and this is consistent with that
18 allocation.

19 COMMITTEE MEMBER RELIS: I'll move it.

20 COMMITTEE CHAIRMAN HUFF: It's been moved.

21 Without objection, substitute prior roll call.

22 The ayes three, the noes are none.

23 The motion carries.

24 Nondiscretionary Item 2.

25 Mr. Conheim, will you say your words, or Mr. Dier,

1 whichever.

2 MR. DIER: My words are very brief.

3 These are the nondiscretionary household hazardous
4 waste grants under AB 3348. We now allocate up to \$4
5 million out of the 7 million for nondiscretionary.

6 We had just \$4 million available in the Eastin
7 fund for this account for this purpose.

8 We have 60 applicants who a month ago were very
9 grumpy.

10 We have 60 applicants who as of this day are very
11 happy in that we are recommending that these grants be
12 awarded.

13 COMMITTEE CHAIRMAN HUFF: You might also commend
14 Assemblymember Eastin for her continued interest in this
15 item and for her impressing upon us that the language of her
16 legislation did not preclude us from taking this action
17 today.

18 MR. DIER: Staff recommends adoption of Resolution
19 93-01.

20 COMMITTEE MEMBER RELIS: Motion the option with
21 haste.

22 COMMITTEE CHAIRMAN HUFF: Okay. Without
23 objection, we'll substitute the prior roll call.

24 The ayes are three, the noes are none.

25 The motion carries.

1 This goes to the Board, this goes consent?

2 MR. DIER: Yes.

3 COMMITTEE CHAIRMAN HUFF: 3, we've -- okay.

4 This is Item 5, certification of Lassen as the LEA
5 for the contract jurisdiction consisting of Lassen, Modoc,
6 Plumas and Sierra.

7 MS. VAZQUEZ: Everything is in order there.

8 COMMITTEE CHAIRMAN HUFF: Everything is in order.

9 Is there a motion?

10 COMMITTEE MEMBER EGIGIAN: Move it.

11 COMMITTEE CHAIRMAN HUFF: Without objection, we'll
12 substitute prior roll call.

13 The ayes are three, the noes are none.

14 For the record, you can read -- have the steno
15 include this stuff without reading it now. We'll deem it
16 read. Okay.

17 MS. VAZQUEZ: I believe we skipped Item 4.

18 COMMITTEE CHAIRMAN HUFF: Yes. Did we skip 4?

19 Oh, yes, we did skip 4. Amador.

20 By the way, 5 is consent.

21 Amador, this is certification of Amador.

22 Are the ducks in order?

23 MS. VAZQUEZ: They certainly are.

24 COMMITTEE CHAIRMAN HUFF: We have orderly ducks.

25 Is there a motion?

1 COMMITTEE MEMBER RELIS: Move.

2 COMMITTEE CHAIRMAN HUFF: Without objection, we'll
3 substitute prior roll.

4 The ayes are three, the noes are none.

5 The Committee deems the fact sheet as read and it
6 will be included in the record.

7 This is consent.

8 MR. CONHEIM: Mr. Huff, you might actually take
9 official notice that all the ducks that you might be
10 inquiring about are probably outside either window swimming.

11 COMMITTEE CHAIRMAN HUFF: Swimming right on by.
12 Okay.

13 We're at Item 6, certification of Glenn County as
14 the LEA for contract jurisdiction consisting of Glenn,
15 Trinity and Del Norte.

16 The status was uncertain on the documentation on
17 this.

18 MS. VAZQUEZ: Now all is in order. We just
19 received a fax.

20 COMMITTEE CHAIRMAN HUFF: The ducks just lined up.

21 COMMITTEE MEMBER RELIS: Move it.

22 COMMITTEE CHAIRMAN HUFF: It's been moved.

23 Without objection we'll substitute prior roll
24 call.

25 The ayes are three, the noes are none.

1 This is consent.

2 And the Committee deems as read the fact sheet
3 which will be included in the record. Okay.

4 Item 7, this is certification of Mono County as
5 LEA for contract jurisdiction consisting of Mono and Alpine.

6 The ducks are lined up here?

7 MS. VAZQUEZ: They are.

8 COMMITTEE MEMBER RELIS: Move it.

9 COMMITTEE CHAIRMAN HUFF: Without objection, we'll
10 substitute the prior roll call.

11 The ayes are three, the noes are none.

12 This is consent.

13 And the Committee deems the fact sheet as read and
14 will be included in the record.

15 Item 8, this is certification of San Benito for
16 the contract jurisdiction consisting of San Benito and
17 Mariposa.

18 MS. VAZQUEZ: All is in order with this.

19 COMMITTEE CHAIRMAN HUFF: The ducks are lined up.

20 COMMITTEE MEMBER RELIS: Move.

21 COMMITTEE CHAIRMAN HUFF: Moved.

22 Without objection we'll substitute prior roll
23 call.

24 The ayes are three, the noes are none.

25 This is consent.

1 And the Committee deems as read the fact sheet
2 which will be included in the record.

3 Item 9.

4 MS. VAZQUEZ: All is in order.

5 COMMITTEE CHAIRMAN HUFF: The ducks are lined up.

6 COMMITTEE MEMBER EGIGIAN: Are you sure we're
7 lined up on 9?

8 COMMITTEE CHAIRMAN HUFF: I'm not sure if they're
9 lined up on 9.

10 COMMITTEE MEMBER RELIS: I think they're lined up.

11 COMMITTEE CHAIRMAN HUFF: How much recycling is
12 going on.

13 COMMITTEE MEMBER RELIS: Let's line them up.

14 Move it.

15 COMMITTEE CHAIRMAN HUFF: Okay. It's been moved.
16 Without objection, we'll substitute the prior roll
17 call.

18 The ayes are three, the noes are none.

19 The Committee deems as read the fact sheet which
20 will be included in the record.

21 This is not consent.

22 Item 10.

23 COMMITTEE MEMBER RELIS: Just like to interject
24 here that I had an ex parte communication with Mr. Eugene
25 Sang, representing the City of LA on the LAA matter, so I

1 just wanted to read that into the record.

2 COMMITTEE CHAIRMAN HUFF: Very good.

3 And that's on Item 10, certification and
4 designation of City of Los Angeles as environmental
5 affairs -- as local enforcement agency for the City of Los
6 Angeles.

7 MS. VAZQUEZ: All is well in the city.

8 COMMITTEE CHAIRMAN HUFF: All is well in the city
9 today.

10 Motion.

11 COMMITTEE MEMBER RELIS: Move certification.

12 COMMITTEE CHAIRMAN HUFF: Without objection, we'll
13 substitute prior roll call.

14 The ayes are three, the noes are none.

15 And the Committee deems the fact sheet as read and
16 will be included in the record.

17 This is consent.

18 Item 11.

19 Thank you, Mary.

20 MS. VAZQUEZ: Item 11 regards the consideration of
21 concurrence of the issuance of a new permit for the Lemoore
22 Transfer Station in Kings County.

23 The facility is currently operating under a
24 no-send order that was issued by the LEA that allows the
25 facility to receive up to 30 tons of waste per day.

1 This new permit would allow -- it provides for a
2 change in owner, a change in operator, and an increase in
3 the amount of waste that's received from 21 tons per day to
4 300 tons per day.

5 Staff recommends concurrence.

6 And Chris Deidrick is available to give a complete
7 staff report.

8 COMMITTEE CHAIRMAN HUFF: Any questions?

9 COMMITTEE MEMBER RELIS: No.

10 I was just pleased to note the progress of time
11 table of their diversion program and if they can meet this,
12 they should be commended.

13 COMMITTEE CHAIRMAN HUFF: Very good.

14 Is there a motion?

15 COMMITTEE MEMBER EGIGIAN: Move it.

16 COMMITTEE CHAIRMAN HUFF: Without objection, we'll
17 substitute prior roll call.

18 The ayes are three, the noes are none.

19 This is consent.

20 We have taken care of -- we will skip 12 for a
21 minute. Okay.

22 We'll go to 15.

23 MS. VAZQUEZ: 15 regards the consideration of
24 concurrence with a new postclosure land use activities at
25 Junipero Serra Landfill in San Mateo County.

1 This is the first time this type of item has been
2 heard by the Committee.

3 And Bob Fugii and Albert Johnson will be making
4 the staff report.

5 MR. JOHNSON: Mr. Chairman, members of the
6 Committee, my name is Albert Johnson. I'm an associate
7 engineering geologist with the Board's closure remediation
8 branch.

9 I'd like to present to you today the change of
10 postclosure land use for the Junipero Serra Landfill,
11 located in the town of Colma, San Mateo County. The site
12 location map is provided on the monitor.

13 Junipero Serra Landfill is approximately 8.8 acres
14 in size. It operated from the November of 1956 until July,
15 1983. It accepted commercial and residential waste,
16 demolition and construction waste, and green waste.

17 The disposal of hazardous waste, sewage sludge,
18 liquid waste, food waste and other producible waste was
19 prohibited.

20 After ceasing operations the site closed in
21 accordance with the Regional Water Quality Control Board
22 regulations.

23 Site closure included the placement of a low
24 permeability barrier layer to minimize infiltration of
25 water.

1 The closure has been accepted by the Regional
2 Water Quality Control Board.

3 Conclusions from the solid waste assessment test
4 program indicate that analytical data from the groundwater
5 monitoring wells at the site show that groundwater quality
6 has not been impacted.

7 Additional environmental controls at the site
8 include a gas monitoring probes and a gas extraction system.

9 Bocci/Schneider interests are proposing the
10 construction of 104,540 square foot pile-supported building
11 and a parking structure on the landfill. The building will
12 be used as a Home Depot store.

13 Article 7.8 of Title 14 includes the applicable
14 regulations for a change in postclosure land use.

15 Section 17796(c) requires that the Board and LEA
16 approve any proposed modification or replacement of the
17 barrier layer of the final cover.

18 Additionally, the regulations require that certain
19 design criteria be utilized to mitigate the potential
20 effects of landfill gas.

21 San Mateo County LEA was approved the project.

22 Based on review of the reports and plans submitted
23 for this project, Board staff feel that the appropriate
24 engineering and design elements have been incorporated into
25 the overall design of the structures to fulfill the

1 requirements of the regulations.

2 Seals will be placed around the pile where they
3 penetrate the barrier layer to prevent the infiltration of
4 water and the escaping of landfill gas.

5 To mitigate the effects of landfill gas, a
6 geomembrane will be placed under the floor of the building
7 to prevent gas migration into the structure.

8 Additionally, landfill gas monitoring devices will
9 be placed in and below the building as an added safety
10 precaution.

11 These measures should be sufficient to assure that
12 there will be no impacts to public health and safety or the
13 environment.

14 Staff recommends the Board approve the resolution.

15 I'd be happy to answer any questions you may have
16 regarding this project.

17 COMMITTEE CHAIRMAN HUFF: Any questions?

18 COMMITTEE MEMBER RELIS: You're saying that this
19 pile, the pilings will support -- they'll go through the
20 landfill?

21 MR. JOHNSON: They'll go through the --

22 COMMITTEE MEMBER RELIS: To the base below the --

23 MR. JOHNSON: Into the formation below the
24 landfill. Penetrate approximately five to ten feet.

25 COMMITTEE MEMBER RELIS: Have we had any

1 experience with this type of structure in a -- over a
2 landfill?

3 MR. JOHNSON: Usually larger buildings that are
4 built on landfills are pile supported to mitigate the
5 effects of --

6 COMMITTEE MEMBER RELIS: I'm familiar with golf
7 courses on landfill, but I've yet to encounter this, since
8 I've been here.

9 COMMITTEE CHAIRMAN HUFF: There have been
10 buildings built on landfills.

11 MR. JOHNSON: There have been buildings built on
12 landfills in the past.

13 COMMITTEE CHAIRMAN HUFF: It's the only way to do
14 it.

15 COMMITTEE MEMBER RELIS: No. I realize that.

16 In terms of the -- well, I'm going to -- I want
17 another week on this.

18 Go ahead and move it.

19 COMMITTEE CHAIRMAN HUFF: Go ahead.

20 COMMITTEE MEMBER RELIS: I haven't encountered
21 this type of facility before.

22 COMMITTEE CHAIRMAN HUFF: Okay.

23 COMMITTEE MEMBER RELIS: So I want some more
24 information from staff before I'm ready to vote.

25 Well, we do have a procedure, though, for -- in

1 this you're sure the gas will not migrate up? I know it's a
2 parking lot, so we're not --

3 MR. JOHNSON: Yeah. There's a parking lot and
4 also a single-story Home Depot store will be constructed.

5 I have --

6 COMMITTEE MEMBER RELIS: That would be my concern
7 if you can answer that.

8 MR. JOHNSON: I think that I can alleviate that
9 concern.

10 COMMITTEE MEMBER RELIS: We worry about gas
11 migration external to landfills by schools and other -- why
12 is this going to prevent that?

13 MR. JOHNSON: This is a cross-section of one of
14 the piles in the parking area where it will penetrate the
15 cover of the landfill.

16 As you can see, there's on the -- the sleeve that
17 goes around the pile, there's a high density polyethylene
18 membrane that slides on to the sleeve and it's clamped.

19 This would be a prefabricated item that's made at
20 the factory.

21 And at the barrier layer, bentonite grout will be
22 placed around the pile.

23 Migration of water along the pile should be taken
24 care of by the bentonite and additionally the synthetic
25 membrane.

1 And gas escaping from the site up along the side
2 of the piles should be held in by this, this seal.

3 COMMITTEE MEMBER RELIS: Should be.

4 Will be?

5 MR. JOHNSON: It will be, the best --

6 COMMITTEE CHAIRMAN HUFF: According to every
7 engineering standard you know about?

8 MR. JOHNSON: Yeah. We have the engineers that
9 designed --

10 COMMITTEE MEMBER RELIS: Should doesn't give me
11 the sense of security I need on it.

12 MR. JOHNSON: Well, we have --

13 COMMITTEE MEMBER RELIS: Building over a landfill.

14 MR. JOHNSON: The developer's engineers are here
15 that could possibly elaborate on this issue if you'd like to
16 hear about it.

17 COMMITTEE CHAIRMAN HUFF: I think the answer to
18 the question is according to every engineering standard that
19 is known and these guys can say that.

20 MS. VAZQUEZ: Let me add, that it has been
21 evaluated not only to engineering standards, but our own
22 regulations for what is permissible on old landfills, what
23 is appropriate.

24 COMMITTEE MEMBER RELIS: I'm raising this because
25 I haven't encountered this before as a Board member.

1 COMMITTEE MEMBER EGIGIAN: Are there any gas wells
2 on this property?

3 MR. JOHNSON: Yes. There's nine gas extraction
4 wells. A system that's with the flare.

5 MS. VAZQUEZ: It is designed according to today's
6 standards.

7 COMMITTEE MEMBER RELIS: Okay.

8 COMMITTEE CHAIRMAN HUFF: Okay. You want to move
9 it?

10 COMMITTEE MEMBER EGIGIAN: Let's move it.

11 COMMITTEE CHAIRMAN HUFF: Okay. It's been moved.
12 Without objection, we'll substitute the prior roll
13 call.

14 The ayes are three, the noes are none.

15 Consent.

16 Okay. Item 17.

17 How long will that one take?

18 MS. VAZQUEZ: How long do you want it to take?

19 COMMITTEE CHAIRMAN HUFF: Item 18.

20 We'll come back to it.

21 18 is a slam dunk.

22 MS. VAZQUEZ: 18 is for discussion only. It's the
23 status of the Lukenbill warehouse that is now in compliance.
24 We wanted to let you know how that's worked out.

25 COMMITTEE CHAIRMAN HUFF: So the Lukenbill rocket

1 is now diffused?

2 MS. VAZQUEZ: Yes.

3 Sue Happersberger of the Compliance Branch will
4 give the staff report.

5 COMMITTEE CHAIRMAN HUFF: We know you're on 18.
6 Go ahead.

7 MS. HAPPERSBERGER: Mr. Chairman, I'm Sue
8 Happersberger representing the Compliance Branch.

9 On July 15th the Board was informed by the LEA
10 that the Lukenbill warehouse in Sacramento County that's
11 built over a landfill, they inspected the building and found
12 up to 25 percent methane inside the building and discovered
13 that the operator was welding and also discovered an
14 entrance inside the building and notified the Board and
15 Board staff considered it an emergency situation requiring
16 their emergency response, which the Board did.

17 We inspected the building on July 16th and issued
18 a notice and order to the owner to vacate the building until
19 gas migration levels could be controlled and a continuous
20 gas monitoring system that was inside the building could be
21 repaired.

22 And they have complied now as of December 10th,
23 1992.

24 COMMITTEE CHAIRMAN HUFF: Okay.

25 MS. ANDERSON: I'd like to give a little air time

1 to the Corrective Actions Section and Closure Remediation
2 Branch for providing all the technical information for the
3 gas monitoring system and that aspect of it. We worked well
4 in partnership with them and worked well with Lukenbill
5 after quite some time and got everything together.

6 COMMITTEE CHAIRMAN HUFF: Super. Good job, folks.

7 Any questions?

8 Back to 17.

9 We only have now -- we've done everything except
10 17, John Smith, and Chapter 5; right?

11 Okay. 17.

12 What is this?

13 MR. WALKER: Scott Walker. I represent the
14 Board's Closure and Remediation Branch.

15 The purpose of this item is to briefly present the
16 site investigation process and corrective action solid waste
17 ranking system for assessing closed, illegal and abandoned
18 disposal sites.

19 We'd like to solicit any changes or comments at
20 this time and also plan to periodically update the Committee
21 as to the status and program.

22 Public Resources Code requires the Board to
23 investigate closed, illegal, or abandoned solid waste
24 disposal sites, which are referred to CIA sites, to ensure
25 that public health and safety and the environment are

1 protected.

2 The LEAs are required to investigate CIA sites
3 pursuant to Title 14.

4 With the seemingly overwhelming number of CIA
5 sites, many LEAs have requested technical assistance in
6 directing limited resources to the sites that pose the
7 highest threats.

8 The site investigation process and solid waste
9 ranking system provide for prioritization of the
10 investigations with respect to the threat to public health
11 and safety and the environment, quantitative scoring and
12 ranking of disposal site threat and national bases for
13 closure and remediation requirements and regulatory
14 follow-up and more efficient use of resources of the Board
15 and LEAs.

16 The site investigation process involves three
17 steps, which include site identification, site assessment,
18 and site prioritization.

19 The site investigation process could be performed
20 by Board or LEA staff and is being formulated for direct
21 implementation by the LEAs.

22 Site identification involves preliminary site
23 information review, drive-by field reconnaissance, and
24 completion of a site identification form.

25 The site identification step is a screening

1 process to determine whether sites warrant further
2 assessment, emergency response or cleanup and abatement of
3 small illegal dumping sites under local ordinances.

4 Site assessment involves comprehensive review of
5 site information, field investigation, and completion of a
6 four-page site assessment form.

7 The site assessment form is comprised of questions
8 to determine specific threats to public health and safety
9 and the environment.

10 Site prioritization involves establishing
11 prioritization categories with respect to the threat to
12 public health and safety and the environment.

13 And primary category A includes sites with
14 confirmed pollution from landfill gas or leachate.

15 Primary category B includes sites with a release
16 or suspected release of gas or leachate with threat of
17 pollution.

18 Primary categories A and B represent sites with
19 the highest threats to the public health and safety of the
20 environment.

21 Primary category C includes sites with no
22 confirmed release of landfill gas or leachate or no release
23 of landfill gas or leachate with significant threat of
24 pollution.

25 C sites would warrant tracking of postclosure land

1 use to ensure protection of public health and safety and the
2 environment, and minimal actions as needed to prevent
3 contact with wastes.

4 Category D sites would pose no significant threat
5 to public health and safety and the environment.

6 COMMITTEE CHAIRMAN HUFF: Okay. Where do we go
7 from there then?

8 We adopt this?

9 MR. WALKER: Essentially, this is an informational
10 item. These are guidelines for the investigation that we
11 have been developing. We initially presented it at LEA
12 training in August and solicited comments.

13 We hope to transmit this through the LEA
14 certification section, hopefully in February.

15 We have been working with the LEAs out in the
16 field to go over this use to try to make things more
17 efficient on these sites and better utilized resources.

18 MS. VAZQUEZ: I was under the understanding that
19 it is for consideration and approval by the Committee.

20 MS. HERBST: We would appreciate the Committee's
21 consideration and approval on this because it's the way we
22 propose to put all of the CIA sites into some kind of an
23 order so that we can then start working towards remedial
24 action on those sites that are the highest on the list.

25 COMMITTEE MEMBER RELIS: I'll --

1 COMMITTEE CHAIRMAN HUFF: Paul thinks it's great.
2 You want to move it?
3 COMMITTEE MEMBER RELIS: I'll move it.
4 COMMITTEE CHAIRMAN HUFF: Move it. Okay.
5 Now, does this go to the full board, then?
6 MS. VAZQUEZ: Yes; it may.
7 COMMITTEE CHAIRMAN HUFF: Well, what do you mean
8 "may"?
9 MR. WALLACE: Mr. Huff, this is the ranking system
10 that would be used for the allocation of the Eastin fund
11 dollars.
12 COMMITTEE CHAIRMAN HUFF: It really should go to
13 the full Board?
14 MR. WALLACE: I suggest that the full Board
15 concur.
16 COMMITTEE CHAIRMAN HUFF: I suggest it, too.
17 Mr. Cupps, you want to say something?
18 MR. CUPPS: Yes; I would.
19 COMMITTEE CHAIRMAN HUFF: Okay. Say something.
20 MR. CUPPS: My name is John Cupps. I'm an
21 independent consultant.
22 I would just like to point out that the Board --
23 the Committee packets that were distributed to those of us
24 who have signed up and received them, this item was -- it
25 was indicated in the agenda item, in those packets, that

1 this item had been pulled.

2 So it's quite possible, I don't know of anybody in
3 particular who may have an interest in this, but if they got
4 the packet and saw that it was pulled, they would have
5 assumed that it was not being taken up today.

6 COMMITTEE CHAIRMAN HUFF: It might have had a
7 chilling effect?

8 MR. CUPPS: My only point is there may be people
9 who are interested in this who assumed that it was not on
10 today.

11 COMMITTEE CHAIRMAN HUFF: Yeah. Do we lose
12 anything by putting this over a month?

13 MR. CONHEIM: Mr. Huff, the item -- the item was
14 properly legally noticed.

15 COMMITTEE CHAIRMAN HUFF: Understood.

16 MR. CONHEIM: The people who --

17 COMMITTEE CHAIRMAN HUFF: No question.

18 MR. CONHEIM: People who have a contract with us
19 to get an agenda item packet got shorted.

20 There's no reason why this can't be discussed at
21 the Board meeting.

22 And now your question that you just asked has to
23 be answered by staff.

24 COMMITTEE MEMBER RELIS: So if there was --

25 COMMITTEE CHAIRMAN HUFF: Okay.

1 COMMITTEE SECRETARY KELLY: She didn't know --

2 COMMITTEE CHAIRMAN HUFF: It might not even be on
3 the Board agenda.

4 COMMITTEE MEMBER EGIGIAN: We got some calls on it
5 and we didn't respond because we said it was pulled.

6 COMMITTEE CHAIRMAN HUFF: Check it. Can you check
7 right now? We'll leave this one still open.

8 We'll go to John Smith.

9 MS. VAZQUEZ: That would be Item 12.

10 This is for the consideration of concurrence and a
11 new permit and the John Smith Road Landfill in San Benito
12 County.

13 It's an existing landfill. It's been in operation
14 since 1968.

15 The facility is currently operating under a notice
16 and order that was issued by the LEA and the order allows
17 the facility to receive up to 63 tons per day.

18 The new permit would incorporate a change in the
19 facility's operator, the adoption of new waste discharge
20 requirements, increasing tonnage to 250 tons per day, and
21 implementation of a materials recovery program, and change
22 in the days of operation, prohibition of receipt of
23 hazardous waste.

24 This was previously a hazardous waste site.

25 And construction of groundwater monitoring wells,

1 implementation of a hazardous waste inspection screening
2 program.

3 It also reduces the footprint of the facility from
4 56.7 acres to 34 acres.

5 The reduction in the disposal area would make the
6 solid waste facilities permit consistent with the existing
7 WDRs.

8 A SWAT report that was prepared for the facility
9 in 1987 indicated that groundwater contamination has
10 occurred beneath the site and has migrated off-site.

11 As a result of the SWAT report, the Regional Board
12 has issued a cleanup and abatement order requiring the
13 operator to mitigate the unauthorized discharge.

14 So the facility is currently in violation of a
15 State minimum standard, which is leachate control.

16 The US EPA has also been involved with the site
17 and has issued an administrative order to consent. That was
18 issued to the operator in June of 1989.

19 It requires the operator to assess the nature and
20 the extent of groundwater contamination, to identify and
21 evaluate alternatives for corrective action, and to prevent
22 further off-site movement of the contamination plume.

23 Staff had reviewed the US EPA order, the order
24 issued by the Regional Board, and find that the operator is
25 in compliance with those orders.

1 Staff recommends concurrence in the issuance of
2 this permit.

3 Mr. Chris Deidrick of the Permits Branch is
4 present to give a full staff report.

5 MR. DEIDRICK: Mr. Huff, I can give you a full
6 staff report, but Ms. Vazquez covered pretty much everything
7 I have in here with just a little added detail.

8 I would suggest that if you have any questions
9 about the extent and nature of the groundwater contamination
10 that you could possibly direct your questions to the Closure
11 and Remediation Branch staff and also the operator's present
12 to answer any question that you may have.

13 COMMITTEE CHAIRMAN HUFF: My primary question and
14 I know that Mr. Relis has some questions too, if we grant
15 this permit, does this hold any foreseeable potential of
16 aggravating the existing situation at this site with regard
17 to groundwater problems?

18 MS. HERBST: Charlene Herbst, chief of the Closure
19 and Remediation Branch.

20 In a broad sense there's two things that one would
21 be concerned about when adding waste in a system like this.

22 One is that the new waste that you add would
23 contain water or water would come from it, so you would add
24 water to the system.

25 And the second question is the weight of the waste

1 might squeeze additional leachate out from the waste. It's
2 underneath it.

3 The project has got away with dealing with both of
4 those problems by having extraction wells placed within the
5 waste itself to remove any water that is in the waste.

6 They can -- essentially they can control the two
7 issues that would be the main concerns from adding the
8 additional material.

9 They have extraction wells in place.

10 COMMITTEE MEMBER RELIS: Would those go in any
11 case?

12 MS. HERBST: They're already in place.

13 COMMITTEE MEMBER RELIS: Already in place.

14 So the prevention system is in place, it's not to
15 be determined.

16 MS. HERBST: No. The prevention system is in
17 place.

18 COMMITTEE CHAIRMAN HUFF: Okay. So something
19 unforeseen, of course, can always happen anywhere.
20 Lightening can even strike.

21 But you're telling me at least as far as we can
22 foresee with the expertise that we have, we're not going to
23 make things worse with this permit?

24 MR. ANDERSON: My name is Bob Anderson. I'm with
25 the Closure and Remediation Branch, been working on this

1 particular project site for a little over a year now.

2 It turns out the answer to your question is there
3 shouldn't be a foreseeable problem with this site.

4 It's been modeled with a university accepted
5 model called Flow Path, for groundwater flow, for particle
6 tracking, and contaminant plume capture for the extraction
7 wells.

8 There's extraction wells that are at the site.

9 We have another one built outside of the waste
10 prison itself to handle the plume movement, to recapture the
11 plume, if you will, and to control the plume.

12 There are two additional extraction wells that are
13 planned in the interim measures plan for US EPA and this
14 site has capability of being amended as needed.

15 With Flow Path we can take the additional data,
16 come back and remodel the site so that we would have a very
17 good handle of what's going on out there.

18 This shouldn't preclude this from getting a
19 permit. This is one of the better sites that I've seen
20 since I've been here.

21 MS. HERBST: It should be noted that those kinds
22 of extraction wells that Bob is referring to are in addition
23 to the extraction well to control the water within the
24 landfill itself.

25 COMMITTEE MEMBER EGIGIAN: Are we going to see a

1 steady improvement in what's been happening over there?

2 MR. ANDERSON: The question of whether the
3 improvements are linear or non-linear is what I think needs
4 to be brought up here.

5 And it is kind of development. Usually you don't
6 see a linear improvement because of the nature of the
7 removal of the contaminants from the groundwater.

8 However, there will be a definite decline as
9 projected by the computer modeling.

10 And as far as they go, that's what we can see.

11 Now, the proof in the pudding is actually getting
12 the data and analyzing data over the next several years.

13 So to see whether a system really works or not we
14 won't know for several years.

15 But the answer will be yes, we hope to see a
16 significant improvement.

17 MS. HERBST: And that is to clean up the waste
18 that's already in place, the releases from the existing
19 waste at the site.

20 But, yes, we do expect to see a steady improvement
21 in the water quality beneath the site.

22 COMMITTEE MEMBER EGIGIAN: Mr. Chairman,
23 regardless of what we do on this matter, I would like to
24 revisit it in about six to eight months to see what
25 improvement, if any, are being made.

1 COMMITTEE CHAIRMAN HUFF: Okay. Well, this is a
2 permit, of course, so we can have an information item.

3 I'm not sure in six to eight months that we would
4 have anything that we would be able to do to voice any
5 displeasure if that was appropriate, because they'd have
6 their permit.

7 But we certainly can hear information about the
8 sites as often as you wish.

9 COMMITTEE MEMBER EGIGIAN: Yeah. Because normally
10 we would probably not even touch this site unless it was
11 clean.

12 And now we know that there is a problem and we
13 want to go -- I get the feeling we want to go along with it,
14 because the staff tells us it's okay. But --

15 COMMITTEE CHAIRMAN HUFF: And what's more, I
16 understand this is the only place in San Benito County where
17 there is landfill?

18 MS. HERBST: Yes. This is the only landfill in
19 San Benito County.

20 Our estimate is that the nearest landfill is about
21 45 minutes away from this one.

22 COMMITTEE CHAIRMAN HUFF: Okay.

23 MR. BRIDGES: My name is Max Bridges. I'm
24 director of public works, San Benito County.

25 This is our only landfill that serves the needs of

1 our 39,000 people and our 1400 square miles.

2 We would have to go outside of the county if there
3 was closure of this site.

4 COMMITTEE MEMBER RELIS: Sir, I wanted to ask you
5 a question.

6 In the setting it sets surrounding land uses
7 include agricultural and production and some possible future
8 residential uses.

9 What's the latter here, the residential use?

10 MR. BRIDGES: The latter is five-acre rancho type
11 densities that are nearby but not necessarily within sight
12 of the landfill.

13 COMMITTEE CHAIRMAN HUFF: Upstream or downstream?

14 MR. BRIDGES: Both.

15 COMMITTEE CHAIRMAN HUFF: Okay.

16 MR. BRIDGES: We have a video if you're interested
17 in looking at it. I understand you're --

18 COMMITTEE CHAIRMAN HUFF: I was. I was, in fact.
19 I encouraged staff --

20 MR. BRIDGES: It's in your machine. It's here.
21 We'll leave it.

22 COMMITTEE MEMBER RELIS: Will you leave it?

23 COMMITTEE CHAIRMAN HUFF: Do you want to move it?

24 COMMITTEE MEMBER EGIGIAN: Move it.

25 COMMITTEE CHAIRMAN HUFF: Okay. Do you want to

1 abstain?

2 Okay.

3 Call the roll.

4 COMMITTEE SECRETARY KELLY: Board Member Egigian.

5 COMMITTEE MEMBER EGIGIAN: Aye.

6 COMMITTEE SECRETARY KELLY: Relis.

7 COMMITTEE MEMBER RELIS: Abstain.

8 COMMITTEE SECRETARY KELLY: Chairman Huff.

9 COMMITTEE CHAIRMAN HUFF: Aye.

10 Motion carries two to nothing. Okay.

11 I'm informed --

12 MS. VAZQUEZ: Not be on consent?

13 COMMITTEE CHAIRMAN HUFF: Not on consent.

14 I'm informed that Item 17, the site investigation
15 process, is not on the agenda for this month, therefore the
16 appropriate motion is to refer it to the full Board in
17 February.

18 COMMITTEE MEMBER RELIS: So moved.

19 COMMITTEE CHAIRMAN HUFF: Okay. It's been moved.

20 Without objection we'll substitute prior roll
21 call.

22 The ayes three, the noes are none.

23 Motion carries.

24 And we'll recommend it for consent in February.

25 Okay. That takes care of everything except Item

1 3.

2 Those of you who have 5:15 in the pool -- I
3 thought you had 5:00 and I thought he had 5:30.

4 MR. CONHEIM: I have 5:30. He has 5:00.

5 COMMITTEE CHAIRMAN HUFF: 5:15 splits the
6 difference; doesn't it?

7 MR. DIER: Round up.

8 COMMITTEE CHAIRMAN HUFF: Round up. You can have
9 that argument.

10 Mr. Egigian, are you prepared to make a motion,
11 the substance of which would be relative to Chapter 5, first
12 of all, to make the necessary language changes in the phrase
13 "if applicable" to strengthen the impact of that phrase as
14 drafted by staff?

15 Secondly, with regard to Section 18203, retain the
16 proposed language of sub para A.

17 Retain the proposed language of sub para B.

18 Retain the proposed language of sub para C.

19 Retain the proposed language of sub para D, with
20 the addition that when the enforcement agency notifies the
21 Board of its determination it also forwards copy of the
22 application as it stands as of that date.

23 Eliminate sub para E.

24 Eliminate sub para F.

25 And retain sub para G.

1 Retain and revise for conforming changes, if
2 necessary, sub para H.

3 Also with regard to Section 18207, make whatever
4 conforming changes are necessary to be consistent only, with
5 previous.

6 FROM THE AUDIENCE: Will that, in effect, remove
7 the review of incomplete applications?

8 COMMITTEE CHAIRMAN HUFF: In effect.

9 Are you prepared to make that motion?

10 COMMITTEE MEMBER EGIGIAN: So made.

11 COMMITTEE MEMBER RELIS: I'll --

12 COMMITTEE CHAIRMAN HUFF: Mr. Relis will abstain.

13 COMMITTEE MEMBER RELIS: -- mull this thing before
14 I can -- it's too important for me.

15 COMMITTEE CHAIRMAN HUFF: This will come back to
16 Committee.

17 MR. DIER: It's scheduled to come back on February
18 17th.

19 COMMITTEE CHAIRMAN HUFF: February 17th.

20 MR. BARNARD: For clarification, if I may.

21 John Barnard, Norcal Waste Systems.

22 The changes that you're proposing, these will be
23 in the revised draft which goes back out for a 15-day
24 comment period?

25 COMMITTEE CHAIRMAN HUFF: Yes.

1 MR. BARNARD: Then we'll put comments on it then.

2 MR. DIER: That was -- ready to recommend in your
3 direction is to go to 15 days --

4 COMMITTEE CHAIRMAN HUFF: 15 days.

5 MR. DIER: For the changes as just described and
6 as previously described for 3.1.

7 COMMITTEE CHAIRMAN HUFF: That's correct.

8 MR. DIER: And we will be coming back to you on
9 the 17th for adoption.

10 COMMITTEE CHAIRMAN HUFF: That's correct.

11 MR. DIER: And then bringing the package to the
12 Board in February.

13 COMMITTEE CHAIRMAN HUFF: In February. Palm
14 Springs.

15 MR. DIER: At that time we will also be bringing
16 to the Board at that meeting in February an environmental
17 document for certification prior to adoption of the
18 regulations.

19 COMMITTEE CHAIRMAN HUFF: Super. That's good.
20 Okay.

21 Any other questions?

22 COMMITTEE SECRETARY KELLY: Are we voting on this?

23 COMMITTEE CHAIRMAN HUFF: We're going to vote.

24 MR. CUPPS: I'm John Cupps, independent
25 consultant.

1 Will those environmental documents be made
2 available prior to the Board meeting in Palm Spring?

3 MR. DIER: The environmental document will comply
4 with the circulation requirements of CEQA. They will be out
5 for a 30-day notice.

6 COMMITTEE CHAIRMAN HUFF: Okay. Call the roll.

7 COMMITTEE SECRETARY KELLY: Board Member Egigian.

8 COMMITTEE MEMBER EGIGIAN: Aye.

9 COMMITTEE SECRETARY KELLY: Relis.

10 COMMITTEE MEMBER RELIS: Abstain.

11 COMMITTEE SECRETARY KELLY: Chairman Huff.

12 COMMITTEE CHAIRMAN HUFF: Aye.

13 Motion carries two to nothing.

14 It comes back to Committee in February.

15 Does that take care of everything on our agenda?

16 MR. WALLACE: Mr. Huff, I realize we're pressed
17 for time, but the director did ask me to make one comment
18 today and that was to note for the Board that we had several
19 issues today that came before the Board relative to the
20 overlap of the responsibility of the Water Board and
21 ourselves and was raised by Mr. Michael, there is the study
22 being conducted by the Department of Finance.

23 And this Board will be faced with probably some
24 decision relative to whatever the recommendation is by the
25 Department of Finance on resolving that issue.

1 And we just wanted to remind you that it's
2 something to keep in mind because it will be back before
3 you.

4 COMMITTEE CHAIRMAN HUFF: Very good.

5 COMMITTEE MEMBER RELIS: When will it be back
6 before us?

7 MR. WALLACE: The Department of Finance -- well,
8 the deadline is for the first of March to have a document
9 out of here.

10 I think we're looking at mid-February for a
11 document to come before.

12 COMMITTEE MEMBER RELIS: Thank you.

13 COMMITTEE CHAIRMAN HUFF: We stand adjourned.

14 (Thereupon the committee meeting
15 was adjourned at 5:15 p.m.)

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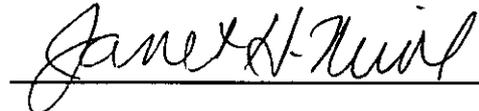
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CERTIFICATE OF SHORTHAND REPORTER

I, JANET H. NICOL, a Certified Shorthand Reporter of the State of California, do hereby certify that I am a disinterested person herein; that I reported the foregoing meeting in shorthand writing; that I thereafter caused my shorthand writing to be transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said meeting, or in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of February 1993.



Janet H. Nicol
Certified Shorthand Reporter
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