

BEFORE THE PERMITTING AND ENFORCEMENT COMMITTEE
OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF)
AGENDA ITEMS NOS.)
1 THROUGH 10)

Public Hearing

COPY

TRANSCRIPT OF PROCEEDINGS

Wednesday, September 15, 1993

Whittier City Council Chambers
13230 Penn Street
Whittier, California 90602

Reported by: Diane Ledbetter

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1 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
2 Permitting and Enforcement Committee
3 September 15, 1993
4 10:00 a.m.

5

6

- - P R O C E E D I N G S - -

7

8 CHAIRMAN HUFF: Good morning. This is the
9 Permitting and Enforcement Committee of the California
10 Integrated Waste Management Board. We are glad to be here
11 in Whittier, the place that we selected so that we could
12 maximize input from those interested in the items before
13 this committee today, and I hope that we are successful in
14 obtaining that input.

15 We are going to proceed with the agenda in
16 numerical order, 1 through 8. And before we do that, before
17 we take up the first item, I'd just like to, one, thank the
18 City of Whittier for making this facility available to us,
19 express our appreciation and, two, ask my committee members
20 whether they have any disclosures to make of ex parte
21 conversations that may have occurred this morning or
22 sometime that they haven't had time to file written ex
23 parte.

24 Mr. Egigian.

25 BOARDMEMBER EGIGIAN: Mr. Chairman, I talked to

1 quite a few of the people that are here today. They are in
2 the waste business and my background is in the waste
3 business, so I just greeted them, I didn't promise them
4 anything.

5 CHAIRMAN HUFF: Your greetings were probably
6 more social --

7 BOARDMEMBER EGIGIAN: Correct.

8 CHAIRMAN HUFF: -- than anything else. And
9 such greetings really are outside of the requirements of
10 law, but I appreciate you acknowledging your acquaintances.
11 I'm sure they appreciate it too.

12 Okay, let's go to the first item.

13 THE CLERK: Would you like to call roll?

14 CHAIRMAN HUFF: Yes, thank you. We'll call
15 roll to establish a quorum.

16 THE CLERK: Boardmember Egigian.

17 BOARDMEMBER EGIGIAN: Here.

18 THE CLERK: Relis.

19 BOARDMEMBER RELIS: Here.

20 THE CLERK: Chairman Huff.

21 CHAIRMAN HUFF: Here. The quorum is present.

22 Mr. Dier.

23 MR. DIER: Mr. Chairman, Don Dier, manager of
24 the permits branch.

25 Item No. 1 is consideration of concurrence in

1 the issuance of a revised permit for Sunset Environmental
2 Material Recovery Facility/Transfer Station in Orange
3 County. Georgianne Anderson of the permits branch will make
4 the presentation.

5 MS. ANDERSON: Good morning, Mr. Chairman and
6 Members of the Committee. Agenda Item No. 1 regards
7 consideration of the concurrence in the issuance of a
8 revised Solid Waste Facility Permit for the Sunset
9 Environmental Recovery and Transfer Station which is located
10 in Orange County.

11 The permit revision will update the 1985 Solid
12 Waste Facility Permit to allow several changes. The changes
13 will include an increase in waste removal frequency from the
14 24 hours to 48 hours, an increase in baling stack height
15 from 12 feet to 14 feet, a partial enclosure of the transfer
16 station building, an installation of two sorting lines, a
17 final destination of waste will be at the Bowerman Landfill
18 instead of Coyote Canyon, an increase in maximum tonnage to
19 1,700 tons per day instead of 900 tons per day, and a change
20 in operating hours.

21 The facility is located at 16122 Construction
22 Circle West in Irvine, California, in an IBC industrial zone
23 which is a 123-acre heavy industrial zoned area in the City
24 of Irvine. The facility will receive up to 1,700 tons per
25 day of Class III residential, commercial and industrial

1 solid wastes. The material recovery operations will recover
2 newspaper, glass, metal, cardboard, plastic, wood, green
3 waste, and aluminum.

4 A typical operation cycle begins with the
5 refuse collection trucks entering the site from the
6 Construction Circle road, weigh in at the scale and proceed
7 to the tipping area to unload. Trucks are directed where to
8 unload by the traffic director according to the type of
9 load. Source-separated loads will tip proximal to the baler
10 and will be baled with no further handling. Loads with high
11 percentage of recyclable material or those earmarked for
12 recycling by contract are directed to the tipping areas near
13 to sorting lines.

14 The waste is loaded onto the sorting lines
15 where recyclables are hand separated. Residual waste will
16 then be deposited on the other side of the sorting line
17 where a wheeled loader retrieves the waste and moves it to
18 the loading area. Loads with relatively low percentage of
19 recyclable materials are tipped near the transfer loading
20 area. At the point that all waste is at the loading area, a
21 wheeled loader loads the residual from the loading area into
22 the transfer trailer where it will be transported to
23 Bowerman Landfill.

24 Environmental control measures for impacts of
25 potential problems for dust, vector, storm water run-off,

1 liter, noise, odor associated with the operations of the
2 facility have been addressed. In particular, dust emission
3 from the facility will be minimal due to the partial wall
4 transfer station ability which allows fresh air into the
5 sorting and tipping areas. Spray nozzles will be used to
6 wet down potentially dusty loads before and during the
7 tipping.

8 On August 9, 1993, board staff's compliance
9 branch accompanied by the LEA conducted a pre-permit
10 inspection of Sunset Environmental Transfer Station. Two
11 violations were noted, station security and cleaning. The
12 LEA went back out on September 7th and found the facility to
13 be in complete compliance with state minimum standards.

14 Before I begin listing the determinations, I
15 would like to state that a more recent version of the Solid
16 Waste Facility Permit should be in the agenda item. A new
17 version includes a small change in operational hours. The
18 latest version will be in the full board's agenda package.

19 The LEA and board staff made the following
20 determinations: The facility is in concurrence with the
21 Orange County Solid Waste Management Plan, the facility is
22 consistent with the Orange County General Plan, the
23 facility -- the project is consistent with the diversion
24 goals of AB 939, and CEQA requirements have been satisfied.
25 Staff have reviewed the proposed permit and found suitable

1 for the Board's consideration. Board staff therefore
2 recommend the Board adopt Permit Decision 93-104 concurring
3 in the issuance of the Solid Waste Facility Permit
4 No. 30-AA-0336.

5 Representatives of the owner, operator and
6 local enforcement agency are here to answer any questions.
7 And this concludes my presentation at this time.

8 CHAIRMAN HUFF: Thank you.

9 Any questions of the staff presentation?

10 BOARDMEMBER RELIS: Yes, and this will carry to
11 the next item as well.

12 As you know, I've repeatedly brought up the
13 issue of dust controls in the MRF facilities and in
14 yesterday's briefing on this matter I brought it up again.
15 And I'm looking forward to our resolution somewhere soon on
16 some sort of standard for dust control so that we can
17 evaluate each of these MRFs on somewhat more of a uniform
18 basis. I continue to believe that that is a very crucial
19 issue, and I wondered if, Mr. Chandler, do you have any
20 update on our work in that regard?

21 MR. CHANDLER: Let me just remind the committee
22 and, Don, I will ask if you have any further input, we have
23 an interagency agreement that's funded from previous fiscal
24 years with the new Office of Health Hazard Assessment which
25 is under the umbrella of the new Cal EPA. And that

1 interagency agreement has recently brought several projects
2 forward that will be funded by this board. High on that
3 list is the analysis of looking at the health concerns
4 relative to employees that work in these transfer stations
5 at these material recovery facilities relative to dust.

6 And given your concern, given the staff's
7 concerns, we have elevated that individual project to be one
8 of the first along with the effects of methane gas migration
9 of landfills on -- potential impacts from health effects, to
10 be one of the first two that the office will take on for us
11 this year. We have a schedule of completion for later in
12 the fiscal year, so I'm confident that we'll see some
13 standards start to be developed that could be integrated
14 into some of our work as we go forward. But there's been
15 very little to date as you know, so we're kind of starting
16 at ground zero on this.

17 BOARDMEMBER RELIS: Not knowing where we'll
18 come out on that of course, if we should find that in the
19 past some of our permits have not been adequate in this
20 regard, what would we do in that case?

21 MR. CHANDLER: Well, I think I'd want to bring
22 it back to the Board and have the Board look at the
23 implications of making kind of retroactive changes or have
24 kind of some options laid forward. I'm not prepared now,
25 not knowing what the results are going to be, to imply that

1 there would be a need for revisions. But should it be
2 significant --

3 BOARDMEMBER RELIS: I'm not saying there will
4 be, but there is a possibility that will be the case.

5 MR. CHANDLER: We'll want to look at that.
6 Absolutely.

7 BOARDMEMBER RELIS: Okay.

8 CHAIRMAN HUFF: Let's follow up on your dust
9 question a little bit further with staff. Like you, I was
10 also briefed relative to this item, and am I correct in that
11 the nature of the waste that is collected and brought to
12 this particular transfer station is of a nature that it
13 probably doesn't generate as much dust as other types of
14 waste?

15 MS. ANDERSON: This particular facility will be
16 taking solid waste. There is an item that Terry will bring
17 up that is specifically going to deal with items that don't
18 have dust. This does have potential for dust and --

19 CHAIRMAN HUFF: I've got the wrong item? No,
20 this is the mixed waste, I've got the wrong one, okay.

21 MS. ANDERSON: They have an open facility where
22 the transfer station is only enclosed on the top so that
23 dozers can go in and out and that produces a really good air
24 flow through the facility. And the site is paved, they've
25 got hydrants that are hooked up to spray nozzles to spray

1 down loads as they unload. And they do provide dust masks
2 and encourage all their employees to wear those.

3 If you have any other questions on the
4 procedures?

5 BOARDMEMBER RELIS: Well, I'll just comment
6 again on an observation of the range of permits that we've
7 seen, ranging from dust control systems of very high
8 sophistication to ones very low and informal. Now, it's
9 difficult in that framework to say, well, what's
10 appropriate, given the conditions. And so I just make that
11 observation because now we have two of our five permits are
12 MRFs and literally in the coming months we might see half
13 our permits in this area. So that's where I'm coming from.

14 CHAIRMAN HUFF: Mr. Egigian.

15 BOARDMEMBER EGIGIAN: Yes. Mr. Chairman, I'd
16 like to remind Mr. Relis that we're dealing with trash here.
17 And when the trash hauler goes to collect trash he picks up
18 these containers not knowing what's in there and they
19 automatically dump them into the hopper of their truck.
20 Now, if we're concerned about dust to that extent we should
21 pass a law that nobody can create dust and put it in the
22 rubbish hopper, okay.

23 And most of these transfer stations that I've
24 observed and seen, just like the landfills, when the loads
25 are dumped there is going to be dust. And what's done with

1 the dust after it's dumped is the important thing. And most
2 of these people are wetting it down and they're wearing
3 masks to help the people that work there. So I don't think
4 that such an issue should be made of something unless there
5 is a criteria set on dust and who is responsible for it and
6 what do we do about it.

7 BOARDMEMBER RELIS: And that's precisely what
8 I'm pushing for for this board to do.

9 BOARDMEMBER EGIGIAN: So then it has nothing to
10 do with this permit?

11 BOARDMEMBER RELIS: No, no.

12 BOARDMEMBER EGIGIAN: Okay.

13 BOARDMEMBER RELIS: It's a comment on that
14 particular problem that speaks to a larger general issue
15 that we need to address about what our standards are.

16 CHAIRMAN HUFF: Okay.

17 Well, then at this point let me call on the LEA
18 to see if the LEA has anything further to add.

19 LEA, a representative of LEA?

20 MR. GOETZINGER: Chairman Huff and Committee
21 Members, my name is Jack Goetzinger and I am with Orange
22 County's LEA which is the environmental health department.

23 You're interested in my observation at the
24 transfer station, is that --

25 CHAIRMAN HUFF: Well, you've heard the staff

1 report.

2 MR. GOETZINGER: Yes, yes, I concur with the
3 staff report. The station was quite clean on my
4 reinspection and just in general I think it's in pretty good
5 shape.

6 CHAIRMAN HUFF: Okay, any questions?

7 (No response)

8 CHAIRMAN HUFF: I have one request to address
9 this item from a member of the public and I am having
10 difficulty with the name. The first name --

11 MS. ARAKELIAN: Madelene Arakelian.

12 CHAIRMAN HUFF: You've got it. Hi.

13 MS. ARAKELIAN: Madelene Arakelian, owner of
14 South Coast Refuse and Integrated Recycling Systems.

15 I spent almost an hour yesterday in Santa
16 Ana -- well, it was longer than that, it was three hours --
17 with an issue of directing haulers, and I'm the largest
18 independent nonfranchised hauler in Orange County. I have
19 been addressing this particular facility for a very long
20 time with Chris Deitrich and the LEA, Patty Henshaw. I have
21 some very deep concerns. This facility is not in any way or
22 shape what a so-called material recovery facility is in
23 comparison if you compare it to CVT and CR&R, Rainbow
24 Disposal or Orange Disposal.

25 We have a concern, one of them is that who

1 truly owns this land -- because of the resource codes it's a
2 nontransferable permit that has to be reissued to a new
3 owner -- if truly Waste Management owns it. We're not able
4 to find out if they truly own it. They're claiming it as a
5 subsidiary of Waste Management of North America. I'm not
6 aware that Art Kazarian still does not own it, okay, because
7 he solicits -- I don't know if he does it for Waste
8 Management, but he has sent a letter out to us and to other
9 cities claiming that this is a facility that presumably he
10 still owns.

11 We need to have that clarified because at this
12 particular facility right now just through SRREs that were
13 issued through the County of Orange, tonnage was
14 calculated -- and I was not going to be the one that was
15 going to present this. The person that was going to do it
16 was much better prepared, unfortunately they couldn't be
17 here.

18 Tonnage right now, if you just take residential
19 from all the cities that Waste Management of North America
20 takes to that particular facility under the premise that
21 it's a MRF and it's being recycled, comes to probably just
22 the residential alone in a quick calculation over 1,300
23 tons. That's not even encompassing all of the commercial
24 that they do. They take into that facility refuse, trash,
25 commercial construction debris from Costa Mesa, from Irvine,

1 Laguna Beach, City of Laguna Hills. They take trash from
2 Newport Beach, they take it from all the incorporated areas
3 of Orange County. They take it from Tustin, North Tustin.

4 The tonnages on here don't jibe with -- they
5 have a 950 ton I believe permit, and all the time in Orange
6 County in every presentation we've been told that this is a
7 facility that's doing material recovery and has been doing
8 it, have gotten franchise monopolistic contracts on that
9 basis. And we have tried to clarify it with LEA. We know
10 that that permit should have been renewed every five years
11 or inspected. It was not.

12 And we have a deep concern as to you're talking
13 about dust, we're concerned about the dust, we're concerned
14 about the presence of that facility, where it is. We call
15 it a hell hole because it's nothing that -- I tried to get a
16 permit to open a MRF, one very close and similar in a small
17 scale in an enclosed building in Orange County, wasn't able
18 to do so because we couldn't get land approval. This is a
19 transfer station, it is not recycling in the sense that
20 we're being directed to recycle in Orange County.

21 I don't believe that anyone truly has gone out
22 there and done a proper investigation. I cannot find anyone
23 that does it. And Jack does go out, he is the one.
24 Barbara -- I mean Patty Henshaw is also another one. But it
25 is not regularly inspected. A document is given to them.

1 And if you go by, the drainage from that property from when
2 they wash down runs very readily and fluently down the
3 gutters. I think we need to seriously look at this kind of
4 so-called material recovery facility, especially with the
5 amount of tonnage that's going into it.

6 CHAIRMAN HUFF: Any questions of the witness?

7 BOARDMEMBER RELIS: I wondered if we could just
8 quickly get a staff response to some of the points raised
9 there.

10 MR. DIER: Well, the one point that I would
11 like to respond to is with regard to the status of the
12 permit. Permits are issued to operators. The permit does
13 reflect the change of ownership, indicating that the company
14 is a wholly owned subsidiary of Waste Management
15 Incorporated. But to our knowledge, and our records and all
16 the information before us indicates that the operator in
17 fact has not changed.

18 CHAIRMAN HUFF: But the ownership has changed?

19 MR. DIER: The ownership has changed, yes.

20 CHAIRMAN HUFF: Counselor, do you know of any
21 reason why someone would claim to own a facility if in fact
22 they didn't own it?

23 MR. CONHEIM: Mr. Chairman, the liabilities are
24 so great, unless you want to be in that business I can't
25 imagine a reason why you would claim ownership unless you

1 did own it. And I've looked at the permit and I've looked
2 at the work of staff and I've talked to the lawyers at Waste
3 Management, and I understand the reference to both owner and
4 operator to be what both Sunset Environmental and Waste
5 Management want it to be. And they have made an application
6 and that application, having gone through all of the
7 analysis that both the LEA and our staff goes through, we
8 have not come up with any problem with this type of
9 ownership and operation. It is in fact common where a
10 larger company buys a smaller company.

11 CHAIRMAN HUFF: And they retain the operator.

12 MR. CONHEIM: And they retain the operator,
13 yes.

14 CHAIRMAN HUFF: Okay.

15 Any further questions on ownership?

16 BOARDMEMBER RELIS: Well, the concern was
17 raised -- no, not on ownership.

18 CHAIRMAN HUFF: Okay, I'd like to go through, I
19 made some notes, okay, because I do wish to get responses.
20 So I made a note that there was a question about ownership,
21 a question about tonnage and a question about whether this
22 facility is a MRF or a transfer station and also a question
23 about inspection adequacy. So let's go to the tonnage
24 question.

25 MR. DIER: I'm not sure what the issue is.

1 This is a revision of the permit in order to allow an
2 increase from 900 tons previously to 1,700 tons per day.

3 CHAIRMAN HUFF: Does staff have any indication
4 that this facility will be violating that 1,700 tons?

5 MS. ANDERSON: No, I don't. Currently state
6 inspection just indicated that the facility was taking 700
7 and I think 70 tons per day with a peak of a little bit over
8 900. I'm not quite sure where the 1,300 is coming from.

9 CHAIRMAN HUFF: Do they have a scale at the
10 place?

11 MS. ANDERSON: Yes, they do.

12 CHAIRMAN HUFF: And so unless they are running
13 loads in the back door and not passing them over the scale?

14 MS. ANDERSON: That's correct.

15 BOARDMEMBER EGIGIAN: We better find out if
16 there is a back door.

17 MS. ARAKELIAN: Can I --

18 CHAIRMAN HUFF: Yes, we'll get back to you in
19 just a second, but I want to go down list.

20 Anything further then on the tonnage?

21 MS. ANDERSON: Yes, they do have a separate
22 facility that takes curbside recycling only. Some of those
23 tonnages might be included in the 1,300. Of course, that's
24 not part of the transfer station.

25 CHAIRMAN HUFF: Okay, the MRF/transfer station

1 issue, is there an issue there?

2 MS. ANDERSON: Currently they're recycling 12
3 percent, I think the law says 15 percent would be a MRF, and
4 they're proposing to recycle up to 25 percent with the new
5 sorting lines and the increase in tonnage. And this
6 facility is classified as a transfer station/MRF. So, you
7 know, in the permit they are considered a transfer station
8 and MRF.

9 CHAIRMAN HUFF: Okay, any question about that?

10 BOARDMEMBER RELIS: I guess the slash means to
11 be a MRF, right?

12 MR. DIER: Well, it is.

13 CHAIRMAN HUFF: Counselor?

14 MS. ANDERSON: They are separating through
15 source-separating. It's just they haven't reached the 15
16 percent yet which classifies them as a MRF solely.

17 MR. CONHEIM: As a matter of the permitting
18 requirements, the environmental requirements for issuing a
19 permit to this facility, that distinction is not as
20 important as it is for purposes of complying with planning
21 sections of the law, and in this case this facility was in
22 conformance with the old county solid waste management plan
23 so even that distinction wouldn't be specifically important
24 for today's proceeding, although maximizing recycling and
25 diversion is of course our goal and the goal of the local

1 government.

2 CHAIRMAN HUFF: And then the final question was
3 the adequacy of the inspection, that's at least my shorthand
4 for what the witness said.

5 MS. ANDERSON: Well, I was an inspector for
6 three years and I did go down to the facility to take a
7 look, and I was very pleased with the way this facility has
8 shaped up. I know that they had some compliance problems in
9 the past, and I think since Waste Management has taken them
10 over I think they have done a very, very good job in
11 complying. In fact in the last six months they haven't had
12 any violations at all.

13 CHAIRMAN HUFF: Okay, Ms. Arakelian, do you
14 wish to add anything, take another shot at it?

15 MS. ARAKELIAN: Yes, sure do. You know, it's
16 interesting that the comment is made that this is not in
17 essence really a MRF that's going to recycle. In Orange
18 County in all those cities that I named, the presentation --
19 and recently Tustin's contract was reissued on the premise
20 that Waste Management made a public presentation that that
21 is a MRF, and it was objected to by the mayor of that
22 particular city, that is absolutely, positively a MRF. They
23 do recycle all the trash from the city of Tustin which is
24 the presentation that was presented throughout all of Orange
25 County.

1 All these franchise contracts have been given
2 on the premise that they take the trash, construction,
3 commercial and every bit of trash from all these cities that
4 they have franchise contracts in and that they recycle 25
5 percent or whatever the percentage is. In the city of
6 Tustin -- well, I'm not going to quote the figures, but they
7 were ludicrous because they're never going to meet the 25
8 percent diversion according to -- and I have that in my
9 office.

10 We're presenting this as being a material
11 recovery facility primarily, not a transfer station, and
12 that it is doing the recycling job of Orange County. That's
13 a falsehood and I'll challenge it in any kind of court or
14 anywhere else. It's being presented as a material recovery
15 facility which it is not. It can't recycle as a material
16 recovery facility the tonnage that they take in there. And,
17 you know, this is what we're all about. We're supposed to
18 be building these facilities to take supposedly the 100
19 percent of trash and divert 25 percent of that trash by
20 1995.

21 Well, we're not going to be doing it and we're
22 going to challenge this continually because these contracts
23 have been given on that premise. And that really galls me
24 because I am an independent hauler and I know that it's been
25 presented to you that it's sour grapes that I don't have a

1 franchise contract. I couldn't care less, even if I had an
2 opportunity I think it's unconstitutional.

3 I'm not up here to challenge a franchise
4 contract, I'm up here to tell you it's what's being
5 presented in Orange County in this particular facility as
6 being a material -- they just got Santa Ana, all right,
7 they're looking to build a larger MRF there. It's being
8 challenged because the citizens don't want it. And all of
9 that trash from that city has been going and is going to go,
10 and that was the three- and four-hour meeting we had
11 yesterday because they're directing me to take what trash I
12 have to a material recovery facility. This is one of them,
13 and they're not going to recycle my loads, we know that.
14 They go in 22-ton rigs at 7:00 o'clock in the morning, I see
15 them just hauling like crazy going down the freeway to Sand
16 Canyon from each and every one of those Orange County ones
17 except CVT, they don't go there. And I'm challenging it
18 because it should not be considered a material recovery
19 facility in the sense that that's what it is. It's a mickey
20 mouse, it's a joke.

21 CHAIRMAN HUFF: Thank you.

22 MS. ARAKELIAN: And here is the tonnage
23 material, I'll leave it with you.

24 CHAIRMAN HUFF: Thank you.

25 Okay, I'm not sure that all of this really

1 constitutes a permit issue in that I do not believe the
2 presentations made to various cities are really attached to
3 our permit. I'm sure that in the competitive marketplace a
4 lot of representations are made as to how good any one is.
5 And if we had to judge those in a permit proceeding we'd
6 have a lot longer meetings.

7 We've heard the response on the ownership, the
8 tonnage, whether it's a MRF or a transfer station seems to
9 be covered, and consistent with the law it is a matter of
10 percentage and numbers coming in and how it's separated
11 anyway and the permit is written to cover both aspects. So
12 unless there's any further matters, Counselor?

13 MR. CONHEIM: There was one other issue
14 concerning the propriety of the location of this facility.
15 And that, Mr. Huff, as we have spoken often is completely a
16 land use decision. And I just want to state for the record
17 that when we see an operating permit before you and before
18 the Board, the location or the appropriateness of the land
19 use is not before the committee. That's a local decision.

20 CHAIRMAN HUFF: That is exactly correct. Is
21 this in county territory or is it in --

22 MS. ARAKELIAN: The City of Irvine.

23 CHAIRMAN HUFF: It's within the boundaries of
24 the City of Irvine?

25 MS. ANDERSON: It is within the City of

1 Irvine.

2 CHAIRMAN HUFF: So it was City of Irvine that
3 approved the land use?

4 MS. ANDERSON: They were lead agency, yes.

5 CHAIRMAN HUFF: They made that decision that it
6 was okay to have this facility where it is.

7 MS. ANDERSON: Yes, it's in a 123-acre
8 industrial area. There are cement crushing plants next to
9 it. It's very heavy industry.

10 CHAIRMAN HUFF: I do not think it's appropriate
11 for people from Sacramento to question what the City of
12 Irvine has decided relative to their land use.

13 Counselor?

14 MR. CONHEIM: On another, back to the planning
15 and the diversion aspect, as you are aware, this item before
16 you has documented that our staff has taken a look at the
17 role of this facility in the overall diversion of waste in
18 Orange County, and staff has concluded based on the research
19 that planning staff has done that this facility would not
20 impair the achievement of the 939 diversion goals.

21 And as Mr. Chandler just observed to me, no one
22 facility, under our law no one facility must meet 25 or 50
23 percent. It is the cities' and the counties' systems as a
24 whole which must achieve the goals of 25 and 50 percent, so
25 that no one facility is required to meet any particular

1 number.

2 CHAIRMAN HUFF: Understood. Thank you.

3 Anything further?

4 (No response)

5 CHAIRMAN HUFF: I'm ready for a motion.

6 {MOTION} BOARDMEMBER RELIS: I'll move concurrence. I
7 hope to stop by and see this facility between now and the
8 board meeting. But if there is someone here from the
9 company I'd like to arrange that.

10 MR. DIER: I think there is.

11 CHAIRMAN HUFF: Okay, it's been moved.

12 BOARDMEMBER EGIGIAN: Second it.

13 CHAIRMAN HUFF: Roll call.

14 THE CLERK: Boardmember Egigian.

15 BOARDMEMBER EGIGIAN: Aye.

16 THE CLERK: Relis.

17 BOARDMEMBER RELIS: Aye.

18 THE CLERK: Chairman Huff.

19 CHAIRMAN HUFF: Aye.

20 Motion carries three to zero. This will not be
21 consent, we had someone testify in opposition to the item,
22 so we will not put it on the consent calender for the Board.

23 Mr. Dier, No. 2.

24 MR. DIER: Mr. Chairman, Item No. 2 is a new
25 permit for another material recovery facility, Haig's

1 Disposal Company, and this is in Los Angeles County. Terry
2 Smith will make the staff presentation.

3 MR. SMITH: Good morning, Mr. Chairman, Members
4 of the Committee. This proposed project site is located in
5 an unincorporated area of Los Angeles County on 357 West
6 Compton Boulevard. The site's boundary encompasses a total
7 of 2.38 acres in an area zoned for heavy industry. The
8 properties adjacent to the east and west are occupied by
9 heavy manufacturing. The northern boundary is next to a
10 vacant parcel and the southern boundary is occupied by
11 several different commercial warehouses.

12 If this proposed permit is concurred in by the
13 Board, it will allow the Haig's material recovery facility
14 to accept and process 500 tons of municipal solid waste per
15 operating day. The tonnage will gradually increase from 100
16 to the projected 500 tons per day as personnel gain
17 experience and service demands grow. Haig's plans to
18 salvage 60 percent of its incoming material. Materials
19 expected to be recovered at the site include corrugated
20 paper, high-grade office paper, mixed paper, ferrous and
21 nonferrous metal, glass, wood and plastics.

22 At the tipping floor on the sorting line all
23 incoming material will be screened for household hazardous
24 waste by trained personnel. If such waste is detected it
25 will be stored at the north end of the processing building

1 in a temporary containment area. Waste materials arriving
2 at the facility will be loaded onto the tipping floor. The
3 waste, depending on its nature, will be either pushed
4 directly onto the baler conveyor belt or onto an inclined
5 conveyor belt that feeds a sorting line.

6 Pickers on the sorting line will manually
7 remove salvageable items from the waste stream and place
8 them in containers positioned below each picking station.
9 Once these containers are full they will be emptied into the
10 baler conveyor belt, baled, stored, until sufficient
11 quantities are accumulated before transport to their point
12 of sale. Residual wastes will continue on to the end of the
13 sorting line where they will be compacted and hauled to a
14 landfill.

15 Potential significant environmental effects are
16 mitigated through project design and regulatory requirements
17 and are incorporated into the Conditional Use Permit. After
18 reviewing this project, the LEA and board staff have
19 determined the following: The facility is in conformance
20 with the Los Angeles County Solid Waste Management Plan.
21 The facility is consistent with Los Angeles County's General
22 Plan. The project is consistent with the diversion goals of
23 AB 939. The project's design and plans of operation are in
24 compliance with state minimum standards. And the California
25 Environmental Quality Act requirements have been satisfied.

1 Staff have analyzed the proposed permit and supporting
2 documentation and found them to be acceptable.

3 In conclusion, staff recommend that the Board
4 adopt Decision No. 93-103, concurring in the issuance of
5 Solid Waste Facilities Permit No. 19-AA-857. Owner/operator
6 and local enforcement agency representatives are present and
7 available to answer questions you may have. This concludes
8 staff presentation.

9 CHAIRMAN HUFF: Questions of staff?

10 BOARDMEMBER RELIS: No, just I'll echo my
11 earlier comment without elaborating on it. And I just note
12 in the, I think in page 47 of the permit that you've -- and
13 I assume this is true of the others --

14 BOARDMEMBER EGIGIAN: Paul, will you talk
15 closer to the mike. They can't hear you.

16 BOARDMEMBER RELIS: Can you hear now?

17 Okay, I just referred to item 9 in the, page
18 47, the LEA reserves the right to require the operator to
19 provide more controls on dust if necessary.

20 MR. SMITH: Uh-huh.

21 BOARDMEMBER RELIS: And that's sort of pro
22 forma I take it in most of our permits on these?

23 MR. SMITH: Yes, I think this works pretty
24 well. It's up to the LEA, they can inspect the site and
25 then determine whether the appropriate dust prevention

1 measures are being taken.

2 BOARDMEMBER RELIS: Well, I hope you'll work
3 closely with the LEA on this. And thank you.

4 CHAIRMAN HUFF: Now, is this the one that I
5 thought was the last one?

6 MR. SMITH: This is the one that has the
7 controlled waste stream, so they don't expect to have much
8 dust.

9 CHAIRMAN HUFF: So the waste stream itself
10 doesn't generate that much dust.

11 BOARDMEMBER RELIS: It's commercial.

12 CHAIRMAN HUFF: Yes, okay.

13 So any further questions of staff?

14 BOARDMEMBER EGIGIAN: I'll make a motion.

15 CHAIRMAN HUFF: Well, let's let the LEA get a
16 chance to justify being here.

17 Do you have anything to add?

18 MR. MANASJAN: Good morning. Well, I want to
19 justify myself for making this trip. My name is Paul
20 Manasjan, L.A. County Health Department, Solid Waste
21 Management Program. And I just want to address, we added
22 this section in the permit to address concerns regarding
23 dust.

24 CHAIRMAN HUFF: So this was your invention idea?

25 MR. MANASJAN: Yes, working with board staff we

1 came about it to make this statement here. I mean, we
2 understand it's under minimum standards for us to regulate
3 dust, but we added this section to make it, to underline the
4 issue that if we do see there is a problem we do reserve
5 that right to request more stringent --

6 BOARDMEMBER RELIS: I appreciate that.

7 CHAIRMAN HUFF: So this is L.A. County's
8 improvement --

9 BOARDMEMBER RELIS: This is initiative.

10 MR. MANASJAN: Yes. But it was working with
11 board staff closely I must add.

12 But I might just add a comment as an LEA
13 regarding these issues. It is my feeling that these issues
14 are really, we're concerned here about employee health,
15 employees working there. And I think we should count upon
16 OSHA to ask them to come in to evaluate these sites.
17 Because frankly we lack the technical expertise to be able
18 to make these judgments. And there are definite standards
19 with regards to particulate levels in indoor air quality
20 which is regulated by OSHA. So I think ideally if we could
21 have OSHA come in, evaluate and give us some recommendations
22 with regards to what control measures might be most
23 appropriate.

24 BOARDMEMBER RELIS: I think you're right on
25 that point.

1 MR. CHANDLER: And, Mr. Relis, the analysis
2 that OEHHA is doing for us does include the time with some
3 OSHA staff to incorporate their expertise and their existing
4 standards on what would be appropriate for setting any more
5 definite statement of standards.

6 BOARDMEMBER RELIS: Good, that's just where I
7 want to go.

8 MR. MANASJAN: But I just want to add, we will
9 be monitoring this and other type of MRF activities closely
10 for dust and we'll provide any information necessary to the
11 Board to help evaluate this issue, whether or not it really
12 is a concern or not.

13 BOARDMEMBER RELIS: Thank you.

14 MR. MANASJAN: Thank you.

15 CHAIRMAN HUFF: Any other questions?

16 (No response)

17 CHAIRMAN HUFF: Does the operator have anything
18 to add to their discussion?

19 (No response)

20 CHAIRMAN HUFF: I'm ready for a motion.

21 BOARDMEMBER EGIGIAN: I move --

22 (MOTION) BOARDMEMBER RELIS: I move concurrence.

23 CHAIRMAN HUFF: It's been moved. Without

24 objection we'll substitute the prior roll call. The ayes
25 are three, the nos are none. The motion carries. This is

1 consent, so this will be on the consent calendar next week.

2 Item 3. It is next week, isn't it?

3 MR. DIER: Yes.

4 CHAIRMAN HUFF: Okay.

5 MR. DIER: Before embarking on Item No. 3 I'd
6 like to step back and just acknowledge staff for Item No. 1.
7 I meant to but I failed to recognize Georgianne as making
8 her first presentation before the committee, and I would
9 like to acknowledge that her excellent presentation and her
10 mention of her enforcement background, I think her responses
11 to your questions indicated a level of understanding of
12 these facilities that is of value to us in the permitting
13 program.

14 CHAIRMAN HUFF: Yes, you're exactly correct and
15 that was a good presentation. Normally we give the first
16 time a real hard time.

17 MR. DIER: Maybe that's why I didn't say it up
18 front.

19 Mr. Chairman, Item No. 3 and Item No. 4 are
20 closely related in that they are covering the same issues.
21 Item No. 3 is a revised permit for Calabasas Landfill in Los
22 Angeles County, and Item 4 is for Spadra Landfill in Los
23 Angeles County.

24 Tadese Gebre-Hawariat from the permit staff
25 will make the presentation for both of these items, and

1 Item No. 5 is related but then I will handle that item
2 separately.

3 CHAIRMAN HUFF: Okay, thank you.

4 MR. GEBRE-HAWARIAT: Good morning. My name is
5 Tadese Gebre-Hawariat of the permits branch. This item
6 regards the consideration of concurrence in the issuance of
7 revised Solid Waste Facilities Permit for the Calabasas
8 Sanitary Landfill in Los Angeles County.

9 The operation of this landfill is a cooperative
10 effort between the County of Los Angeles and the Sanitation
11 Districts of Los Angeles County. The operator of the
12 landfill is the Sanitation Districts of Los Angeles County,
13 and Mr. Charles Carry is the chief engineer and general
14 manager.

15 The proposed permit is for the following: One,
16 to allow the use of shredded green waste as daily cover
17 material under conditions specified by the Board. Second is
18 to incorporate operational programs for tire recovery and
19 shredding and the removal of large metal appliances,
20 commonly known as white goods, from the waste stream and the
21 recovery of refrigerants from these appliances.

22 The LEA and board staff have determined that
23 all the required findings have been made. This existing
24 landfill is consistent with the General Plan of the County
25 of Los Angeles.

1 The existing landfill is in conformance with
2 the county's solid waste management plan. It is described
3 as an existing landfill on Table 6.1 of page 6-5 of the most
4 recent version of the waste management plan of the county.

5 The design and operation of the Calabasas
6 Sanitary Landfill, as described in the Report of Disposal
7 Site Information dated August 1989 and addenda thereto are
8 in compliance with all local and state standards for solid
9 waste handling and disposal.

10 CEQA has been complied with.

11 Staff and the Board's local assistance branch
12 have determined that the issuance of the proposed permit
13 would not prevent or substantially impair nor contribute
14 towards the achievement of the waste diversion requirements
15 of AB 939.

16 Staff have reviewed the proposed permit and
17 supporting documentation and find them acceptable.
18 Therefore, staff is recommending that the Board adopt Permit
19 Decision No. 93-99, concurring in the issuance of Solid
20 Waste Facilities Permit No. 19-AA-0056.

21 Mr. Paul Manasjan is here representing the LEA,
22 and Mr. Steve Maguin is here representing the operator to
23 answer any questions that the committee members may have.

24 CHAIRMAN HUFF: Okay, questions of the staff
25 presentation?

1 BOARDMEMBER RELIS: No, of the operator.

2 BOARDMEMBER EGIGIAN: Yes.

3 CHAIRMAN HUFF: All right, let's let Sam.

4 Mr. Egigian.

5 BOARDMEMBER EGIGIAN: I want to ask staff once
6 again, have they met their minimum requirements on this?

7 MR. GEBRE-HAWARIAT: Minimum requirements?

8 BOARDMEMBER EGIGIAN: Yes.

9 MR. GEBRE-HAWARIAT: Which requirements? All
10 the required findings have been made. The facility is in
11 compliance with state standards.

12 BOARDMEMBER EGIGIAN: That's what I want to
13 know, yes.

14 MR. GEBRE-HAWARIAT: Yes. LEA and state
15 inspections indicated that the facility was in compliance
16 with minimum standards.

17 BOARDMEMBER EGIGIAN: Thank you.

18 CHAIRMAN HUFF: Okay, let me follow up now.
19 With regard to cover material, they have been conducting a
20 demonstration of this?

21 MR. GEBRE-HAWARIAT: That's correct. The six-
22 month long pilot project, under the purview of the LEA a
23 pilot study was conducted and the data was collected for the
24 six month and then submitted to the Board's RTD, the
25 Research and Technology Division, and the data showed that

1 the shredded green waste would behave or is acceptable as a
2 daily cover material at the Calabasas Landfill.

3 CHAIRMAN HUFF: So RTDD came to the conclusion
4 that shredded green waste controls odors, vectors, fire and
5 dust?

6 MR. GEBRE-HAWARIAT: Precisely.

7 CHAIRMAN HUFF: Which is what cover is supposed
8 to do.

9 MR. GEBRE-HAWARIAT: Yes.

10 CHAIRMAN HUFF: So they've been doing this, the
11 six-month pilot. Were they doing this before the pilot was
12 initiated?

13 MR. GEBRE-HAWARIAT: I understand -- Mr. Maguin
14 can probably tell us more, but I understand this started
15 long before the six months. The six month is only because
16 you made an application per state law and then the LEA
17 commits its program to do the inspection under Title 14,
18 1768. The LEA conducted that. But I understand that
19 they've been doing this for a long time now.

20 CHAIRMAN HUFF: Then I'll direct a question to
21 Mr. Maguin at the proper type.

22 Is it your understanding that should this
23 committee recommend approval, or concurrence, and the full
24 board in fact concur in the issuance of this permit, is it
25 your understanding that given that there was a pilot being

1 conducted that this will in fact not create a situation
2 where any more green waste is being used than is currently
3 being used for cover material?

4 MR. GEBRE-HAWARIAT: The proposed permit
5 specifies how much of that substance will be applied on a
6 daily basis. The operations of the sanitation district
7 historically in their Report of Disposal Site Information
8 state that they applied soil, when soil was applied, between
9 9 and 12 inches. The proposed permit stipulates that the
10 green waste when applied in lieu of soil will not exceed 12
11 inches.

12 CHAIRMAN HUFF: Very good.

13 Any other questions?

14 BOARDMEMBER RELIS: Mr. Chair, I have an
15 observation to make on page 78 under your waste diversion
16 requirement discussion. I was pleased to see the statement
17 at the bottom of that:

18 "Based on this review staff have
19 determined that the proposed permit
20 revision for Calabasas Landfill should not
21 prevent or substantially impair nor
22 contribute towards the achievement of the
23 waste diversion requirements of AB 939,"
24 underscoring "nor contribute" because I note first of all
25 the Board has not made a policy on whether -- a decision on

1 whether green material will count towards diversion.

2 And I note that the City of Hidden Hills, the
3 City of Agoura and the City of Westlake Village, all of
4 which are large generators of green waste, have relatively
5 low diversion figures as of this date. And I would just
6 like to enter that for the record as an observation that
7 this material could be necessary for them to meet their
8 diversion mandates, depending on the policy approach taken
9 by the Board, and I just want to note that at this time.

10 MR. GEBRE-HAWARIAT: It's very possible. But I
11 think we have Ms. Judy Friedman from the local assistance
12 branch, you could probably discuss this better with Judy
13 than I.

14 CHAIRMAN HUFF: Well, I'm not sure that it's
15 necessary to get into that conversation.

16 I think, Mr. Relis, your contribution to our
17 discussion is to note that staff have not gotten up in front
18 of the Board.

19 BOARDMEMBER RELIS: That's right.

20 CHAIRMAN HUFF: Okay, thank you for your
21 contribution.

22 Any other questions?

23 BOARDMEMBER RELIS: I have an operational
24 question when we have time.

25 CHAIRMAN HUFF: An operational question?

1 BOARDMEMBER RELIS: For Mr. Maguin.

2 CHAIRMAN HUFF: Oh, okay, we'll get to that. I
3 had a question and I lost it.

4 Okay, so let's go on now to the LEA. Is there
5 anything that the LEA, where are you, Paul?

6 MR. MANASJAN: I would just like to add that
7 beyond the six-month study, the LEA has been evaluating the
8 use of green waste at district sites since their
9 application. I believe it was April of '90 that they
10 started diverting and utilizing green waste at Calabasas.
11 And through our monthly inspections and through performance
12 standards monitoring over that time period we have been
13 evaluating its use and we have no reservations in stating
14 that we feel that it certainly meets the functional criteria
15 set forth in Title 14 for cover material.

16 I'd also like to add that it is being applied
17 at the same depth as soil is currently being applied at the
18 san districts, that is 9 to 12. And our permit has it such
19 that it shall be laid down at approximately 12 inches.

20 CHAIRMAN HUFF: Okay. I have a question.

21 MR. MANASJAN: Okay.

22 CHAIRMAN HUFF: As you are aware this board
23 approved the use of shredded green as alternative daily
24 cover in Scholl Canyon last month.

25 MR. MANASJAN: Yes.

1 CHAIRMAN HUFF: Is there anything with regard
2 to this site and this permit that should cause either you or
3 us to distinguish between that use of material at Scholl
4 Canyon and the use proposed here? Is there anything
5 different?

6 MR. MANASJAN: No, and I can make that finding
7 on the fact that we have, we evaluated all four sites and
8 with regards to functional criteria and at all four sites
9 they behaved in a similar manner that was acceptable.

10 Also the mode of operation at all the four
11 sites is identical because they're all the same operator --

12 CHAIRMAN HUFF: The same operator.

13 MR. MANASJAN: So we found no distinction
14 between sites with regards to --

15 CHAIRMAN HUFF: Shredded green in Agoura is
16 similar enough to shredded green in other places in the
17 county.

18 MR. MANASJAN: Even with regards to analysis of
19 the material, moisture content, it's very similar between
20 the four sites. And all this was demonstrated in the
21 six-month study that was performed by the sanitation
22 districts.

23 CHAIRMAN HUFF: Okay, very good, thank you.

24 MR. MANASJAN: Thank you.

25 CHAIRMAN HUFF: Any other questions?

1 (No response)

2 CHAIRMAN HUFF: Operator.

3 MR. MAGUIN: Chairman Huff, Members Egigian and
4 Relis, my name is Steve Maguin representing the sanitation
5 districts, and I'd be pleased to answer any of the
6 committee's questions.

7 BOARDMEMBER RELIS: I have an operational
8 question.

9 CHAIRMAN HUFF: Well, Mr. Relis has an
10 operational question.

11 BOARDMEMBER RELIS: Yes, I'm trying to
12 understand when you're mining or excavating for a landfill
13 and then we're going to substitute green cover for that, how
14 do you deal with the relative balances of soil and green
15 waste? Where do you put the material? If you're
16 substituting green waste as cover for soil then what happens
17 to the soil?

18 MR. MAGUIN: Well, a number of things and that
19 can change landfill to landfill and at various points in the
20 lifetime of a landfill. Our first priority in all of these
21 programs is to offset any need for importation of soil so
22 that we can avoid the emissions and the traffic impact of
23 importation of soil. Secondly would be to offset any
24 excavation that is outside the ultimate fill volume so that
25 no permanent scars are left uncovered.

1 Beyond that, you then play the balance of
2 offsetting excavations within the fill volume and actually
3 reducing fill volume, and we have not had to face that. All
4 four of our sites where we're applying this are at a mature
5 point in their life where we're offsetting one of the first
6 two, import material or excavation that would have been
7 outside the final fill contours.

8 BOARDMEMBER RELIS: So you have been importing
9 in some of these cases?

10 MR. MAGUIN: Yes.

11 CHAIRMAN HUFF: Hauling dirt in from somewhere
12 else, good virgin California dirt.

13 MR. MAGUIN: Good virgin uncontaminated
14 California dirt.

15 CHAIRMAN HUFF: And putting it into a landfill?

16 MR. MAGUIN: Yes, sir.

17 CHAIRMAN HUFF: Okay.

18 Any other questions?

19 (No response)

20 CHAIRMAN HUFF: Okay, I have a request to speak
21 on this item from George Settlemyer.

22 MR. SETTLEMYER: Chairman Huff, Mr. Egigian,
23 Mr. Relis, my name is George Settlemyer, Great Beneficial
24 Stacks Limited, and I speak to this item, to Item 4 and to
25 that portion of Item 5 which is relevant to the disposition

1 of organic materials as alternate daily cover. Because the
2 removal of the inert cover material will increase the total
3 organic fraction in a landfill and when we add more back in
4 a concentrated form, we've increased many problems that have
5 not yet been addressed and should be addressed.

6 Production of landfill gas, methane and CO2
7 will increase. In fact, I heard it was stated last week in
8 your meeting that one operator has been able to do quite
9 well in this character. We're increasing the gas potential
10 by adding water to the green organic land alternate daily
11 cover to protect it from fire. The permeability of this
12 material is such that landfill gases can migrate and the
13 actual face itself becomes a chimney to draw this gas
14 through the landfill.

15 Our current existing landfill gas recovery
16 systems actually capture about 50 percent of the gas
17 produced and the balance escapes to the atmosphere. And
18 some of these are not necessarily the best things for our
19 atmosphere. But if we were to take a 12,000-ton-a-day
20 landfill, put the most modern equipment on it, it will
21 capture somewhere in the neighborhood of 12 million cubic
22 feet of gas. That means an additional 12 million cubic feet
23 of methane and a combination of CO2 has been released to the
24 atmosphere.

25 If we were to put a wall around this and a cap

1 on the top of it we'd get about seven feet of gas over a 40-
2 acre area of ground and I venture we wouldn't want to walk
3 through it. The porosity of the landfill with the removal
4 of soils as a cover material will allow oxygen to be drawn
5 down into the landfill, increasing the instability of the
6 materials and increasing the ability of an aerobic and not
7 an anaerobic decomposition of materials and potentially
8 increasing the fire danger not even to the point that -- I
9 believe there was a fire here in a landfill in Monterey Park
10 that burned for over 12 years.

11 Putting organics into the landfill says, are we
12 doing it, are we making it according to the code
13 environmentally safe? Are we protecting our air and water
14 quality? Are we controlling the subsurface migration of the
15 gas? And are we taking the necessary actions to protect
16 human health? I do not feel that ADC from green waste meets
17 that criterion.

18 I feel also that this is a direct conflict with
19 AB 939, and there is no way that I would approve or even
20 allow you to think approval because I'll take every means
21 possible to consider allowing ADC material to be called
22 diversion credit under any circumstance. And as you've
23 pointed out, Mr. Relis, the comment in the permit, "nor." I
24 believe it's an impossibility unless you want to call it
25 smoke, bells and whistles to change the name of organic

1 material to ADC and say we diverted something from a
2 landfill.

3 If we put it in the landfill it's there for a
4 purpose. And if that purpose is to produce gas, we're going
5 to get a lot of it. If it's there to produce a proper
6 cover, I would ask why did landfills use earth for so many
7 years? Why is it only in the last three years that we found
8 it an appropriate cover for a landfill?

9 My experience is not immediate, I go back a
10 ways. A few landfills have been closed over a period of
11 time. But I was speaking with the management of one of
12 those landfills in the City of Los Angeles and they still
13 have gas problems and the landfill has been closed for some
14 15 years. So I do not believe and I do not recommend to you
15 that ADC be permitted as a diversion credit or as a proper
16 cover for a landfill. Thank you.

17 CHAIRMAN HUFF: You understand though that we
18 aren't talking today about diversion credits? That issue is
19 not --

20 MR. SETTLEMYER: I fully understand that you
21 are not talking about diversion credit, but I want it on the
22 record that no matter how green waste is approached it
23 should not ever be considered as having been diverted from
24 any place as long as it ends up where it's been going since
25 I've been in the Los Angeles County for more than 30 years.

1 CHAIRMAN HUFF: Okay. The issue of whether it
2 should be counted as diversion credit is before the Board,
3 is before other committees, not this committee. No decision
4 has been made. Regardless of the decision here on this,
5 that decision will apply to this facility and to every
6 facility in the state when it is made, however it is made.

7 The decision we have before us today is then I
8 think rather narrow in terms of whether each one of these
9 sites, there are three, is permitted to continue to use
10 alternative daily cover, having gone through the
11 demonstration that they have gone through.

12 MR. SETTLEMYER: Understood.

13 CHAIRMAN HUFF: Okay, I wanted to make sure we
14 have the issues.

15 Let me throw a break into the process here. By
16 one of the slips that speakers fill out I am made aware that
17 Assemblymember Hilda Solis is present and I gather wishing
18 to address us relative to the Puente Hills item. Now, that
19 isn't up right now, but understanding that assembly members
20 have busy calenders, Ms. Solis, if you wish to?

21 MS. SOLIS: Thank you for allowing me the
22 opportunity to speak before you, Mr. Chairman and Members.
23 My name is Assemblywoman Hilda Solis.

24 CHAIRMAN HUFF: I'm sorry for the
25 mispronunciation.

1 MS. SOLIS: That's okay, it happens quite
2 often.

3 My district does include among other areas the
4 community of Hacienda Heights and for this reason I am here
5 before you today. The reason the sanitation districts are
6 forced to come to this committee and later to the full board
7 for an emergency permit to allow them to keep operating
8 Puente Hills Landfill is that they have consistently in my
9 opinion failed in their relationship with the neighboring
10 community of Hacienda Heights in coming to some agreements
11 with them.

12 The poor relationship over the years has lead
13 to delays that bring the district here today with their
14 request in my opinion. Since the beginning of the debate
15 over expanding Puente Hills, the sanitation districts, while
16 going through all the legal motions and holding public
17 hearings, have proceeded with indifference. This has
18 fostered a process which is substantially more contentious
19 than is needed.

20 From the beginning, the neighbors of the
21 Hacienda Heights Improvement Association, individuals that
22 actually came to me early on last year regarding this issue,
23 have refused to act like just another NIMBY group, and I'm
24 sure you are well aware of the acronym. First of all, the
25 Puente Hills Landfill has already been in their backyards

1 for several years. And when they discovered that the
2 sanitation districts wanted to expand the already huge
3 facility right up to their back fences, they did not react
4 with placards and wide-eyed protest.

5 They recognize that expansion of the Puente
6 Hills Landfill was a necessary part of an integrated waste
7 management process. Instead of opposing expansion of any
8 kind, they tried to work with the sanitation districts to
9 ensure that the continued operation and expansion of Puente
10 Hills made environmentally and economic sense, caused the
11 least possible impact to their beloved canyons and to the
12 quality of their life. The HHIA has consistently shown that
13 they are willing to be a constructive partner in this
14 process.

15 When the sanitation districts refused to listen
16 when Hacienda Heights residents asked for a reasonable
17 buffer zone between the landfill operations and their back
18 fences, and this includes the back fence of a middle school,
19 they turned to the legislature to intervene. They didn't
20 ask for legislation which prohibited the expansion or which
21 placed subtle restrictions which would have accomplished the
22 same thing. A piece of legislation was created which
23 provides for a workable buffer zone and at the same time
24 allows for the expansion requested by the districts.

25 My bill, AB 1751, received bipartisan support

1 in both houses of the legislature and is currently sitting
2 before the governor at this time. And I'd like to also
3 mention that at one point during this process I was told by
4 the sanitation district manager that my bill would die in
5 the senate. And I'm here to tell you that it made it out of
6 the senate and it does have support beyond just the
7 residents of the Hacienda Heights Improvement Association,
8 far more than they would like you to believe.

9 In addition, the HHIA has developed an
10 alternative expansion design which I believe accomplishes
11 what the sanitation districts and the board of supervisors
12 wanted in terms of 10 more years of capacity. This design
13 was developed by a trained engineer and merits serious
14 consideration by either the sanitation districts' staff or
15 by the independent waste board staff. So far the sanitation
16 districts have refused to give this alternative a fair
17 analysis.

18 In the context of your consideration of
19 extending the permit, I ask that you obtain a commitment
20 from the sanitation districts to publicly consider the HHIA
21 design alternative. Short of this, I ask that you direct
22 the waste board staff to conduct their own analysis. These
23 are not in my opinion unreasonable requests. Extending the
24 permit without some assurances that the sanitation districts
25 are willing to sit down and constructively consider the

1 needs of their neighbors is unwarranted. Simply granting
2 the permit extension will allow the sanitation districts to
3 continue to stonewall the interests of those residents in
4 the Hacienda Heights area. Thank you.

5 CHAIRMAN HUFF: Thank you. First, I don't know
6 if you are aware of my history, but I once worked for Bill
7 Campbell who first made me aware of the public relations
8 inadequacies of L.A. San, and as a former resident of
9 Hacienda Heights had some distinct opinions about these
10 matters. So I have been aware of Puente Hills for a lot
11 longer than I have been a member of this board. My
12 awareness of Puente Hills extends back to 1982, something
13 like that. No, earlier than that.

14 Secondly, Boardmember Relis does raise a
15 question and a comment to me as to whether consideration of
16 this alternative is an issue that has been raised in the
17 litigation over the EIR.

18 MS. SOLIS: I am not sure that that has.

19 MR. YANN: I can answer that for you. My name
20 is Jeff Yann, I'll be speaking later. But it has been
21 raised in the litigation. It was discussed yesterday at the
22 hearing.

23 CHAIRMAN HUFF: So that matter is in fact in
24 front of the world and particularly in front of the court.

25 Are there any other questions of the

1 assemblymember?

2 MS. SOLIS: No, except that I would strongly
3 urge you to consider what I have just stated before you and
4 thank you.

5 CHAIRMAN HUFF: I can assure you that we will
6 and we appreciate you coming to our meeting.

7 MS. SOLIS: Thank you for allowing me to speak.

8 CHAIRMAN HUFF: And if you wish to stay and
9 watch our proceedings, feel free.

10 MS. SOLIS: Thank you, thank you very much.

11 CHAIRMAN HUFF: Okay, how is the paper in your
12 machine going? Is it time for a break on the paper?

13 THE COURT REPORTER: I'm fine.

14 CHAIRMAN HUFF: Do we all think that she needs
15 a break? Oh, you need a break to change the paper in your
16 machine, a five-minute paper break.

17 (Recess)

18 CHAIRMAN HUFF: We're back.

19 Now, we were discussing Calabasas originally,
20 so let's go back to Calabasas. We had heard from
21 Mr. Settlemyer who raised several questions. I don't know
22 if committee members had any questions of Mr. Settlemyer.

23 BOARDMEMBER RELIS: Well, I have an ex parte to
24 report over the break.

25 CHAIRMAN HUFF: Oh, that happens.

1 BOARDMEMBER RELIS: I was handed a report by
2 Mr. -- I don't see your name on here again.

3 CHAIRMAN HUFF: Oh, that's Newland.

4 BOARDMEMBER RELIS: Mr. Newland, I'm sorry.

5 CHAIRMAN HUFF: I recognize the type.

6 BOARDMEMBER RELIS: He talked to me at the
7 break about the landfill gas and potential of green waste as
8 a cover.

9 CHAIRMAN HUFF: Okay, very good.

10 Staff, if there are no questions of
11 Mr. Settlemyer, perhaps we can address some of the issues
12 that he raised. I think that would be useful for committee
13 members. He raised a lot of questions in my shorthand notes
14 here about gas.

15 MR. DIER: The response I have is similar to
16 the response I had last month when we considered Scholl
17 Canyon and that is that this material was evaluated under
18 the criteria of our standards in Title 14 and the policy for
19 alternative daily cover performance.

20 CHAIRMAN HUFF: Okay, let's go slowly through
21 this then. What you are saying is that we the Board have
22 established in regulation criteria, standards; we have told
23 the regulated community the process and method by which we
24 will come to some conclusion about the adequacy of shredded
25 green and other materials as alternative daily cover; is

1 that correct?

2 MR. DIER: That's correct.

3 CHAIRMAN HUFF: And having told the regulated
4 community, spelled if out, bared our soul in these
5 regulations, what you are saying is then that we did do
6 exactly that relative to this site?

7 MR. DIER: Yes.

8 CHAIRMAN HUFF: And this application?

9 MR. DIER: Yes, we did this site and the other
10 three sanitation districts' sites with regard to regulations
11 and with regard to the policy that was adopted by the Board
12 in 1990 for evaluating this material or any other material
13 an operator may propose to use as daily cover.

14 CHAIRMAN HUFF: Is the generation of gas a
15 concern?

16 MR. DIER: It was not identified by either our
17 staff or the staff of the LEA as a concern separate from
18 generation of gas that occurs in a landfill anyway.

19 CHAIRMAN HUFF: Why is it not a concern?

20 MR. DIER: It's not a concern because the
21 amount of material, the fact that it is only being -- it's
22 not being used to cover the entire cell. It is only the
23 incline portion. Therefore, the horizontal portion of the
24 cell and the slide slopes are still soil, and therefore as
25 the landfill is filled and the lifts go up, there is the

1 same separation with soil.

2 But we don't -- I mean, we're not making an
3 evaluation of the ability of green waste to impede the
4 migration of gas any more than the use of daily cover.
5 Daily cover, soil as daily cover has its own drawbacks.
6 Again we need to bear in mind the main function of cover
7 material on a daily basis, soil or any material, and that is
8 the control of vectors and odors and litter.

9 BOARDMEMBER EGIGIAN: Mr. Chairman.

10 CHAIRMAN HUFF: Mr. Egigian.

11 BOARDMEMBER EGIGIAN: I have been connected
12 with the waste industry now for many, many years, sometimes
13 a lot longer than I want to think about it. However, green
14 waste represents, and somebody can correct me, about 30
15 percent of the waste that is going into these landfills and
16 they have been for year in and year out for all these years.

17 Now, if suddenly now that we found a use for it
18 other than to just to dump it in the landfill, we're trying
19 to find all the problems and all of the reasons why we
20 shouldn't, like somebody came before us at our last meeting
21 and said that once you put grass in a plastic bag in about
22 nine minute it turns to acid and it really destroys
23 everything.

24 Now, I'm having a hard time believing
25 everything I'm hearing from the various people that talk

1 about these problems that we're generating, and would
2 certainly like to found out actually what's going on and how
3 harmful this is going to be. So I just make that statement
4 knowing that up until this time we have been dumping it in
5 the landfill anyhow. So why is it different now that it's
6 going into a landfill under different conditions? That's
7 all I have, Mr. Chairman.

8 BOARDMEMBER RELIS: Mr. Chair.

9 CHAIRMAN HUFF: Yes, Mr. Relis.

10 BOARDMEMBER RELIS: In pursuing what
11 Mr. Egigian said, it seems like the question that is being
12 raised is that somehow is it the fact that you're layering
13 green waste, is that somehow creating a different
14 characteristic in dynamic in the landfill that even though
15 the green waste is already in the landfill that would cause
16 us any concern? You've looked at whether gas would migrate
17 in a different way or whether there would be a greater
18 generation of gas as a result. That was part of our
19 analysis.

20 MR. DIER: No, it wasn't.

21 BOARDMEMBER RELIS: It was not?

22 MR. DIER: It was not. That is not a factor
23 that is controlled by daily cover, whether it be soil or any
24 other material. And it's not a part of the evaluation
25 procedure embodied in the policy adopted by the Board.

1 CHAIRMAN HUFF: The reason we require daily
2 cover to begin with is to control odor, vectors, litter and
3 dust.

4 MR. DIER: Correct.

5 CHAIRMAN HUFF: So if you establish then a
6 program to demonstrate the adequacy of some other material
7 other than dirt as daily cover, you look at its ability to
8 control odor, vectors, litter and dust, which is what we've
9 done here; is that right?

10 MR. DIER: Correct.

11 CHAIRMAN HUFF: Now, beyond that we have heard
12 testimony that really in a sense that our regulation is
13 shortsighted because we failed to write into that
14 regulation, according to I would think the testimony that
15 we've heard, we failed to write into that regulation the
16 awareness that somehow additional gas is produced. And I'm
17 not quite sure I understand how additional gas is produced
18 or whether it's simply the gas is produced more quickly.
19 Because it seems to me, correct me if I am wrong, but it
20 seems to me that there is a maximum amount of gas that can
21 be produced by a known quantity of green waste. And after
22 that green waste completely goes through whatever process it
23 goes through to produce gas, it's done; is that correct?

24 MR. DIER: That's my understanding.

25 CHAIRMAN HUFF: It's chemistry. You can't get

1 gold out of lead, you can't get more gas out of lawn
2 clippings than the carbon and the nitrogen and the oxygen
3 allow.

4 MR. DIER: Correct. The generation rate and
5 amount should be the same whether it's in the landfill or on
6 the surface of the waste.

7 CHAIRMAN HUFF: Okay. See, that's the issue
8 that has been presented to us, that people are saying, a
9 person has said here today that it isn't.

10 MR. DIER: But, again, that's personal opinion,
11 that's not something that we've evaluated.

12 CHAIRMAN HUFF: I understand that.

13 MR. DIER: I can't present you facts and
14 figures to support that.

15 CHAIRMAN HUFF: But how long have you worked
16 for us?

17 MR. DIER: Ten years.

18 CHAIRMAN HUFF: Ten years.

19 MR. DIER: I was tempted to say something else,
20 but --

21 (Laughter)

22 BOARDMEMBER EGIGIAN: Too long.

23 CHAIRMAN HUFF: And you've crawled over a lot
24 of landfills.

25 MR. DIER: Yes, sir.

1 CHAIRMAN HUFF: And have some expertise and
2 knowledge of the overall dynamics of a landfill.

3 MR. DIER: I'd like to think so.

4 CHAIRMAN HUFF: I would like to think so too.
5 I hope so.

6 BOARDMEMBER RELIS: Just again to extend that,
7 since the statement was made earlier by Mr. Settlemyer
8 regarding is this -- we're not doing anything inadvertent
9 here that would affect the environmental health and safety
10 of the landfill operations. Is that what I heard? I mean,
11 even though that, the study was treated for the factors just
12 described, the list, we went through those points,
13 inadvertently in doing this I guess the question that has
14 been raised is are we doing anything that would affect the
15 environmental health and safety, that integrity question, in
16 landfills?

17 MR. DIER: Not that we're aware of. In fact,
18 from a worker safety, from an environmental perspective
19 there may be some actual benefits to be gained, particularly
20 in the area of dust and odors. This material performs as
21 well or probably in some regards in those areas better than
22 soil.

23 BOARDMEMBER EGIGIAN: There you are, Paul, a
24 solution to your dust situation.

25 BOARDMEMBER RELIS: Yes, a very indirect one I

1 think.

2 CHAIRMAN HUFF: Okay, the question of the
3 amount of water applied was raised by the speaker. Do you
4 have any thoughts on that?

5 MR. DIER: The amount of water that's being
6 applied is only that amount to maintain the moisture content
7 at a point that was recommended by the Los Angeles County
8 Fire Agency to keep it above that level which would have
9 cause for fire. So there's not an excessive amount of water
10 that's being added, and there is a wetting agent that's
11 included so that the moisture that is introduced will be
12 absorbed by the material.

13 CHAIRMAN HUFF: When people use soil as daily
14 coverage, do they sometimes buy water to do that, to control
15 the dust?

16 MR. DIER: At times if the conditions warrant
17 it, if there are windy conditions or extremely dry
18 conditions for an extended period that would be a
19 possibility.

20 CHAIRMAN HUFF: Then there was also a reference
21 made to the porosity of the material. I know that we
22 addressed that last time --

23 MR. DIER: Yes.

24 CHAIRMAN HUFF: -- we came to this issue. But
25 I think since the question was raised it bears repeating.

1 What is your response relative to concerns raised about the
2 porosity of shredded green as an alternative daily cover?

3 MR. DIER: The permeability?

4 CHAIRMAN HUFF: Yes.

5 MR. DIER: That again is something that we
6 looked at extensively subsequent to the June approval from
7 Research Technology Development Division. And upon
8 evaluation of our standards and just looking at the criteria
9 and requirements for daily cover, it was determined by staff
10 that that was not an issue that we had a basis to deny the
11 use of this material.

12 CHAIRMAN HUFF: Thank you.

13 Any other questions?

14 BOARDMEMBER RELIS: Just an intriguing
15 statement was made earlier I think also by Mr. Settlemyer.
16 He said, well, we really haven't seen this subject of
17 alternate daily cover with green waste until very recently,
18 I mean other than in the experimental basis. And
19 historically we looked at the big step with sanitary
20 landfill was daily cover. What's the explanation for the
21 change?

22 MR. DIER: I think I'd defer that answer to
23 Mr. Maguin. It's the operator's choice to use the material.

24 BOARDMEMBER RELIS: I'd just like to hear it.

25 MR. MAGUIN: Mr. Relis, quite simply we

1 embarked on this program in the spirit of market
2 development. We identified green waste as a large component
3 of the waste stream that we would prefer not occupy our
4 precious landfill capacity. And so we embarked on a
5 mechanism to find a market for the material, and landfill
6 cover is a large volume market for the material that does
7 not occupy landfill capacity and preserves that capacity for
8 other components of the waste stream. It occupies the
9 capacity that would have been occupied by cover soil.

10 BOARDMEMBER RELIS: Okay. So from a market
11 reason that's what you're looking at?

12 MR. MAGUIN: Absolutely. We've been working
13 for a long, long time to get cities in particular to collect
14 yard waste separately so it would be available for some of
15 diversion. The roadblock we continually ran into is those
16 cities could not find a market for yard wastes so why should
17 they collect it separately? We eliminated that excuse by
18 creating a market for the material. Now, if they choose to
19 after they collect it to take it to a composter as many
20 have, terrific. But there is no excuse that you shouldn't
21 collect it because there is no market to take it to.

22 BOARDMEMBER RELIS: So just to pursue that a
23 second then, so you're saying, Steve, that it's for a market
24 reason, not so much for a technical or -- it's obviously a
25 substitute issue, but since the issue of a market for

1 diversion is not the issue before us today but as alternate
2 daily cover pure and simple without extending that to the
3 question of whether diversion will be allowed, it still has
4 value to you for that reason.

5 MR. MAGUIN: Absolutely. In terms of the
6 business of running landfills, landfills consume
7 commodities. One of the commodities they need to consume
8 large quantities of is cover material. We wanted to
9 displace the virgin material, soil, with a secondary
10 material and extract it from the waste stream for that
11 purpose. That was the --

12 BOARDMEMBER RELIS: And that creates air space?

13 MR. MAGUIN: By taking it out of the --
14 landfills are filled by a number of things. One thing they
15 are filled by is the waste capacity. They're filled by
16 cover volume. They're filled by environmental control
17 features and other mitigations. We want to minimize the
18 amount of material that has to occupy the landfill capacity
19 portion by pulling the yard waste out of the waste stream.
20 The waste stream now occupying the waste capacity is smaller
21 and therefore there is room for more waste capacity,
22 allowing the landfills to -- if you have a smaller waste
23 stream landfills will last longer. And insert it into one
24 of the other components of landfills that is not waste
25 capacity, in this case the cover volume.

1 BOARDMEMBER RELIS: So it has intrinsic value
2 to you for its capacity purposes, independent of any
3 diversion purposes.

4 MR. MAGUIN: It has a value to the entire
5 county by preserving landfill capacity. It has an economic
6 value to us because we've integrated into the economics in
7 the business sense of running a landfill. And the pricing
8 structure has been dictated by those economics of the
9 business of running a landfill.

10 CHAIRMAN HUFF: And those economics of running
11 a landfill include the ability to not have to go out and buy
12 soil.

13 MR. MAGUIN: Yes.

14 CHAIRMAN HUFF: From outside.

15 MR. MAGUIN: And whatever is necessary to get
16 the soil there.

17 CHAIRMAN HUFF: And cost of the transportation.
18 You don't have to do all that.

19 MR. MAGUIN: Yes.

20 BOARDMEMBER RELIS: Now, just one further point
21 since we're on it. If that's the case, since we've been in
22 a capacity problem for quite a while, certainly not in the
23 last few years, why wouldn't this have surfaced say 10 years
24 ago as an issue? Has something changed?

25 MR. MAGUIN: Well, you know the history.

1 After the elimination of waste energy in this
2 county which had been depended on for 50 percent capacity,
3 when that was eliminated in the mid to late 1980s we
4 embarked on a whole new aggressive program to find even
5 newer and better and more innovative ways to divert material
6 away from our waste capacity. This program came out of that
7 effort in the late eighties. We began this program in 1988,
8 shortly after the policy decision to terminate pursuing
9 waste energy.

10 BOARDMEMBER RELIS: Thank you.

11 CHAIRMAN HUFF: I have no other slips
12 indicating a desire to speak on this item. I don't think we
13 have any other questions, so the item is before us. Anyone
14 care to make a motion?

15 (MOTION) BOARDMEMBER EGIGIAN: Mr. Chairman, I move that
16 we concur with staff recommendation on this.

17 CHAIRMAN HUFF: The motion is to concur.

18 BOARDMEMBER RELIS: I'll second that but I'll
19 qualify mine by, I don't want anyone construing this to be a
20 statement of the intent on the diversion credit issue. So
21 I'll separate the two again very cleanly.

22 CHAIRMAN HUFF: Very well. Without objection
23 we'll substitute the prior roll call. The ayes are three,
24 the nos are none. The motion carries. This had a speaker
25 appear against it so therefore we will not include it on the

1 consent, so it will be heard by the full board.

2 Item 4.

3 MR. GEBRE-HAWARIAT: Mr. Chairman, Item No. 4
4 is regarding the consideration of concurrence in the
5 issuance of a revised Solid Waste Facilities Permit for the
6 Spadra Sanitary Landfill, Los Angeles County.

7 This permit item is also the same as the
8 previous one. All the required findings have been made.
9 CEQA has been complied with. Inspection reports by both the
10 LEA and board staff found that the site is in compliance
11 with state standards.

12 Therefore, staff is recommending that the Board
13 adopt Permit Decision No. 93-98, concurring in the issuance
14 of Solid Waste Facilities Permit. And we are ready to
15 answer any questions committee members may have, and the LEA
16 and operator of course are here also.

17 CHAIRMAN HUFF: Questions? Questions on staff
18 presentation?

19 BOARDMEMBER RELIS: No, it's pretty much.

20 CHAIRMAN HUFF: Is there anything different
21 about Spadra from Calabasas or Scholl Canyon?

22 MR. GEBRE-HAWARIAT: Nothing on the scope of
23 the proposed permit.

24 CHAIRMAN HUFF: They have been doing this since
25 nineteen?

1 MR. GEBRE-HAWARIAT: Eighty-eight.

2 CHAIRMAN HUFF: Eighty-eight.

3 MR. GEBRE-HAWARIAT: Thereabouts.

4 CHAIRMAN HUFF: They've gone through the
5 demonstration phase?

6 MR. GEBRE-HAWARIAT: That's correct.

7 CHAIRMAN HUFF: Does the LEA have anything to
8 add?

9 MR. MANASJAN: Nothing of issue.

10 CHAIRMAN HUFF: Mr. Settlemyer, you indicated
11 you wished to speak on this one. Are you here?

12 (No response)

13 BOARDMEMBER EGIGIAN: I think when he spoke he
14 said that it would relate to this one as well.

15 CHAIRMAN HUFF: Okay, I just wanted to make
16 sure I didn't deny anyone the chance.

17 Is there a motion?

18 BOARDMEMBER RELIS: Just a question of
19 Mr. Maguin again.

20 Is this another case where we're importing soil
21 here as well to Spadra?

22 MR. MAGUIN: Well, yes, we do accept cover,
23 imported cover material to supplement the on-site material.

24 BOARDMEMBER RELIS: Okay, thank you.

25 CHAIRMAN HUFF: Ready for a motion.

1 (MOTION) BOARDMEMBER EGIGIAN: I so move.

2 BOARDMEMBER RELIS: Second.

3 CHAIRMAN HUFF: The staff recommendation has
4 been moved. Without objection we'll substitute the prior
5 roll call. The ayes are three, the nos are none. The
6 motion carries. If the last one wasn't consent this one
7 isn't either. It's the same issue, they go together.

8 Okay, that takes us to Item 5 and a ponder.
9 It's a quarter of 12:00. It would be my preference once we
10 get started in Item 5 to carry it through to conclusion.
11 That could take us well through the lunch hour if I know how
12 to anticipate things. The alternative is to break now and
13 take that after the lunch hour. I frankly don't care.

14 BOARDMEMBER EGIGIAN: I suggest we do take a
15 break.

16 CHAIRMAN HUFF: Now, I have one committee
17 member that wants to break. But I don't want to have anyone
18 in the audience feel that we've pushed them in terms of they
19 are not being able to be here in the afternoon or anything
20 of that sort. I have six people who wish to speak on this
21 item by these slips of paper. You all know who you are, so
22 if there is anyone here who is going to be inconvenienced
23 who is unable to be back here say at 1:15 for this item,
24 could you indicate to me so that I would know.

25 Ah, yes, you wouldn't be able to do that?

1 MS. PLAMBECK: Well, if you're going to break
2 for lunch, I run my own business, I would very much
3 appreciate being able to speak on the item and being able to
4 leave.

5 CHAIRMAN HUFF: Well, I'm pleased to be able to
6 do that. I have no preference as to what order people
7 speak, and if you wish because of your time constraints I'll
8 afford you the same courtesy that I afforded Assemblymember
9 Solis in terms of just being able to go out of order if
10 that's all right, okay? I mean, we came all the way down
11 here in order to get input from people. If we didn't want
12 input we'd stay up in Sacramento and dare you all to come,
13 okay, and we didn't do that. We want the input and I don't
14 want to conduct business here in a way that discourages it.
15 If we can break for lunch, I didn't have much of a breakfast
16 you see. I caught this airplane at 6:30 in the morning. If
17 we can break for lunch, is that all right with you?

18 BOARDMEMBER RELIS: That's fine.

19 CHAIRMAN HUFF: Okay, we will do that. We will
20 be back here at 1:15.

21 BOARDMEMBER EGIGIAN: I think she wants to
22 speak now.

23 CHAIRMAN HUFF: Oh, do you want to speak now
24 though?

25 MS. PLAMBECK: Could I?

1 CHAIRMAN HUFF: All right, I misunderstood.
2 Yes, speak now, speak now, go ahead. I'm sorry.

3 MS. PLAMBECK: Thank you. I thought you were
4 going to give me that big --

5 CHAIRMAN HUFF: I thought you wanted to be
6 first at 1:15.

7 MS. PLAMBECK: -- political thing about how
8 wonderful it is to accommodate people and then you were
9 going to go to lunch.

10 CHAIRMAN HUFF: No, I misunderstood. I thought
11 you wanted to be first at 1:15.

12 MS. PLAMBECK: No, I wanted to speak really
13 quickly now so I can get back to my business and I very much
14 appreciate that. I'm here representing LASER which stands
15 for Landfill Alternatives Save Environmental Resources, and
16 we are a countywide group that opposes landfills and
17 landfill expansions within urban areas, and we support rail
18 haul and material recoveries facilities very strongly.

19 CHAIRMAN HUFF: Did you say your name for the
20 record?

21 MS. PLAMBECK: Lynne Plambeck. I am their
22 chair. I just wanted to -- my statement is very brief that
23 we would just like to say that the whole group which is a
24 coalition has voted to oppose the Puente Hills expansion and
25 the permitting process before you and we wish that you would

1 take a moment before you go ahead and permit them, if that's
2 what you intend to do, to seriously review the citizens'
3 plan because they have offered before the county and to the
4 sanitation districts a comprehensive plan that might be
5 workable and would be more acceptable to the community. And
6 we feel that it wasn't really given enough weight through
7 the process and that it would solve some of the concerns of
8 the community in water pollution.

9 And our concern with landfills is that if
10 landfill capacity is extended beyond the 15 years that is
11 required in AB 939 by permitting all these landfills that
12 are up for expansion or new permits that you will
13 effectively discourage diversion from landfills by allowing
14 landfills to continue to exist. You can't turn an economy
15 around until you stop allowing an economy to exist, and it
16 has to be phased out slowly. And it would be very helpful
17 if smaller permits were given and diversion was increased.
18 I have a written statement to that effect which I'd like to
19 submit.

20 And I also have comments, we've been conversing
21 with you through letters about green waste as cover, and our
22 concerns were also a generation of gas and how completely it
23 would compact to -- we understand that gas is diverted off
24 the landfill and you compact the top and then you are able
25 to get the gas from other areas or divert it into areas

1 where it can be used for cogeneration or collection or
2 whatever. And we were concerned that putting the cover on
3 the top would reduce this availability for collection and
4 also that of course the product would then not be available
5 for diversion.

6 And I have some extensive comments for Agenda
7 Item 7 about alternative daily cover. We do support
8 alternative daily cover as a use, as a means of reducing --
9 of extending landfill life and we think it's really neat
10 that you're exploring other areas and that the industry is
11 exploring other areas. However, we are in high hopes that
12 alternative covers that may be diverted from the landfill
13 will not be allowed for use as that because then you will
14 discourage any recycling from those items.

15 And I just am submitting, also I have submitted
16 correspondence on Item 7 and on Puente Hills and I also
17 would like to submit to the committee some articles from
18 Audubon because perhaps you don't normally read Audubon the
19 way I don't normally read waste industry publications, but
20 we both should read each other's publications, I think it
21 would help a lot. And it's about green waste and the need
22 for it in other areas, for instance as farm topsoil, et
23 cetera. So thank you very much for allowing me to do this
24 and have a good lunch.

25 CHAIRMAN HUFF: Thank you. First of all I'd

1 like to say on behalf of my colleague, Mr. Relis not only
2 reads those publications, he memorizes them.

3 BOARDMEMBER RELIS: Thank you, Mr. Huff, I
4 really appreciate the accolade there.

5 I have a question just to help me understand
6 the view of LASER. You're saying that as a philosophy or an
7 approach LASER does not want the expansion of landfills near
8 at hand but is in favor of --

9 MS. PLAMBECK: In urban areas. We feel that
10 what you're going to do is eventually, I mean, perhaps you
11 may be able to engineer a solution to avoid groundwater
12 pollution in the beginning, but 20 to 50 years down the line
13 the liners may begin to leak and then you have a large
14 amount of population and area with no groundwater, with no
15 good drinking water supplies. And the north of California
16 cannot continue to support it, it's extremely expensive.

17 And we feel that we need to look at alternative
18 sites that don't have the potential for polluting
19 groundwater. And I don't mean in 20 years, I mean in 30
20 years or 50 years or a hundred years. I think we need to
21 start considering that there is more than just us and know
22 we may not be around after 30 years or whatever, that our
23 children are.

24 BOARDMEMBER RELIS: I just wanted to just
25 comment on, just offer an observation because I think there

1 is a debate environmentally about this whole issue of
2 near --

3 MS. PLAMBECK: And far.

4 BOARDMEMBER RELIS: Near versus further.

5 MS. PLAMBECK: Yes. Well, the other, our other
6 reason for doing that is that urban open space is in such
7 demand for other purposes that it seems a waste to use it
8 for landfills. And of course with Eagle Mountain, we feel
9 that's already environmentally damaged and I believe the
10 Amboy project doesn't have groundwater under it. We were
11 just examining the final EIR on that protect so I really
12 can't make a statement on that one right now.

13 BOARDMEMBER RELIS: Thank you.

14 MS. PLAMBECK: Thank you.

15 CHAIRMAN HUFF: Any other questions?

16 (No response)

17 CHAIRMAN HUFF: Thank you for your input. You
18 raise a number of interesting points as a matter of fact and
19 we will review your materials.

20 Are we ready for lunch?

21 BOARDMEMBER RELIS: I think so.

22 CHAIRMAN HUFF: Okay, I hope, I think, 1:15.

23

24 (WHEREUPON, at the hour of 11:55 a.m., a
25 luncheon recess was taken until 1:15 p.m.)

1 course of the conversation, it may not, but I'm going to do
2 this anyway. The purpose of this hearing is for this
3 committee to review and consider a revised Solid Waste
4 Facilities Permit for the Puente Hills Landfill.

5 Before the committee proceeds it is important
6 to review the role of the Integrated Waste Management
7 Board. When the laws setting up this board were written,
8 the legislature took particular care to leave local land use
9 decisions with the local governments that have traditionally
10 exercised such power. The law very clearly gives the
11 Integrated Waste Management Board the authority to consider
12 permits as they relate to statewide concerns about
13 procedural requirements and the state's minimum standards
14 for operation. The legislation didn't want us to be
15 duplicating or second-guessing local government.

16 Thus, under state law this committee and the
17 board of which it is a part may not review the Conditional
18 Use Permit recently approved by local government for this
19 facility. That was a local land use decision. Some of you
20 may have come to this meeting wanting to give testimony and
21 argument on the use permit. I'm not going to stop you from
22 testifying on that. But neither this committee nor the
23 Board may make their own decisions, base our decisions upon
24 whether the use permit was wisely or properly granted. In
25 other words, the elimination of the date in the old use

1 permit requiring the closure of the landfills by November 1,
2 1993, is not subject to review by the California Integrated
3 Waste Management Board. That was a decision made at the
4 local level.

5 State law requires that the operator of a
6 landfill apply to the local enforcement agency for a
7 modification or a revision of its Solid Waste Facilities
8 Permit when underlying documents, like the Conditional Use
9 Permit, are changed. In addition, when operational changes
10 are made such as the use of green waste as daily cover, the
11 operator is required to apply for a modified or revised
12 permit. And already this morning we have dealt with several
13 modifications to permits. The operator, having done this,
14 the LEA is required to draft the modified or revised permit
15 and to submit it to this board for concurrence or objection.

16 The Board considers two level of criteria in
17 its deliberations on whether to concur or object to a
18 permit. The first is whether procedural requirements have
19 been met and any substantive requirements that the LEA or
20 any other local government body has approved have in fact
21 been complied with. The Board generally does not exercise
22 discretion in this area, it's a factual question. The
23 second is substantive requirements on which this board is
24 charged to exercise its independent judgment discretion.

25 That part of the Puente Hills permit which is

1 proposed to be modified by the addition of a reference to
2 the new Conditional Use Permit falls into the procedural
3 category. The part of the permit proposing to revise it to
4 incorporate conditions and specifications for the use of
5 green waste as cover is in the substantive category. State
6 law provides that the Board has 60 days to concur with or
7 object to the issuance of a Solid Waste Facilities Permit by
8 a local enforcement agency. If the Board does not act
9 within the 60-day period, the law deems the permit as
10 concurred in. It is therefore appropriate for this
11 committee to hear this item and the full board to consider
12 it in a timely manner.

13 Furthermore, in many circumstances pending
14 litigation involving other parties does not prevent the
15 Board from acting on a permit. We are of course aware that
16 there is pending litigation challenging both the use permit
17 and the underlying environmental document, and we are aware
18 that court proceedings took place yesterday relative to the
19 environmental document. At this time I will call on the
20 Board's counsel to inquire whether he is aware of any court
21 order invalidating the use permit or the environmental
22 document or preventing their use, temporarily or
23 permanently.

24 Counselor?

25 MR. CONHEIM: In a word, I am not aware, no.

1 And in the absence of a court order invalidating the
2 environmental document, law governing the California
3 Environmental Quality Act and the regulations adopted
4 pursuant to that law require that this committee and the
5 Board, which is a responsible agency under the environmental
6 quality law, presume the validity of the environmental
7 document for purposes of your and then next week the Board's
8 decision making.

9 CHAIRMAN HUFF: That's an important point and I
10 want you to repeat it. It's not a decision that we make, is
11 it, Counselor?

12 MR. CONHEIM: In addition to your statements
13 about not having independent discretion and authority to
14 revisit the use permit, at this point in time you also don't
15 have the legal requirement or the authority to decide
16 whether the environmental document is valid. You must
17 presume that it is valid in the absence of a final
18 determination by a court that it is not valid. And as of
19 this moment, I am not aware of any such order that would
20 invalidate that document. And I don't need to cite the law
21 for the record, but at some point if you want that
22 referenced I can.

23 CHAIRMAN HUFF: At some point if it becomes
24 necessary we'll come back to you for code citations.

25 With that introduction, may we have the staff

1 presentation, Mr. Dier.

2 MR. DIER: Mr. Chairman, staff's presentation
3 will be fairly brief. The permit revision before you for
4 Puente Hills in most respects is the same as the two that
5 preceded it. The revision is to allow shredded green waste
6 as daily cover material, to incorporate programs for tire
7 recovery and shredding, metal appliances recovery, and
8 recovery of refrigerants from those appliances.

9 The one feature of this permit as you have
10 mentioned that is unique is the removal of the November 1,
11 1993 closure date which was imposed 10 years ago when the
12 CUP was issued. This permit revision does not incorporate
13 any reference or allow any operation in the expansion
14 areas. This permit revision would merely remove the
15 November 1 closure date that was the subject of the July
16 20th action on the CUP.

17 And staff have reviewed this proposal and as
18 with the other two items preceding it have found that all of
19 the requirements of state statute and regulation have been
20 met, and staff recommends that the committee approve Permit
21 Decision No. 19-AA-0053 and Resolution No. 93-93.

22 CHAIRMAN HUFF: Questions?

23 (No response)

24 CHAIRMAN HUFF: Is there anything relative to
25 the use of alternative daily cover that distinguishes this

1 site from the other two that we heard this morning or the
2 Scholl Canyon project which we heard last month?

3 MR. DIER: The only distinguishing feature
4 would be the amount. This site is permitted to take 13,200
5 tons of refuse a day which is substantially bigger than the
6 other sites and there is a concern at the amount of green
7 waste, a larger amount of green waste. But that's the only
8 distinguishing feature.

9 CHAIRMAN HUFF: But that larger amount of green
10 waste is simply because there are more cells to cover, not
11 because they're covering them to a deeper thickness?

12 MR. DIER: No. The same criteria, the same
13 conditions for application of the green waste as the other
14 two sites.

15 CHAIRMAN HUFF: Counselor?

16 MR. CONHEIM: Mr. Chairman and Members,
17 Mr. Dier has already mentioned it but it really does bear
18 repeating. The CUP included many things, including
19 permission to expand the operation. It is very important
20 for the record to repeat that this permit before you today
21 does not include any application to operate in a new or
22 expanded area; is that correct, Mr. Dier?

23 MR. DIER: Yes, and to that point I would
24 direct the committee to page 145 of the packet,
25 specifications No. 5 and 6 on the last page of the permit

1 which were crafted by the local enforcement agency to make
2 it very clear that this permit does not authorize placement
3 of refuse outside the boundaries shown on the plot plan
4 contained in the RDSI of June of 1989. That describes the
5 existing footprint, the existing approved operations area.
6 It does not go beyond into the expansion area.

7 CHAIRMAN HUFF: And then read the next sentence
8 also.

9 MR. DIER: No. 6?

10 CHAIRMAN HUFF: No, No. 5, "An additional."

11 MR. DIER: "An additional permit revision
12 will be required to allow refuse placement
13 according to the new CUP No. 92-250-(4)
14 plot plan."

15 MR. CONHEIM: Mr. Dier, and then assuming that
16 that CUP remained valid, then the operator would have to
17 apply to the LEA for a permit for operation in the expansion
18 area, and that newer permit, that different permit
19 application would come before this committee and the Board
20 at a later date?

21 MR. DIER: At a later date, once they have
22 secured all other required permits.

23 CHAIRMAN HUFF: So for people who don't follow
24 the jargon completely, an RDSI is a Report of Disposal Site
25 Information. It's a very comprehensive and thick volume

1 that is required of operators to describe precisely what
2 they're doing and where.

3 BOARDMEMBER RELIS: Just a clarification, the
4 point of the litigation and the dispute on the EIR, the EIR
5 both speaks to the area that we're considering today and the
6 expansion area? Is that why there is a connection?

7 MR. CONHEIM: The, the --

8 BOARDMEMBER RELIS: Because otherwise we're
9 just dealing with the existing footprint, correct?

10 MR. CONHEIM: The EIR speaks to many things,
11 and I think somebody who has read that in detail can say
12 that. But the EIR speaks to the issues before us today, the
13 extension of time, and many other things as well as the
14 expansion area. So it is a document that you've heard is
15 appropriate for our use in making today's decisions as well,
16 but also it speaks to the later project or the subsequent
17 part of the project, the expansion of the land area, the
18 building of a MRF facility which has not been applied for
19 today.

20 BOARDMEMBER RELIS: Right. And has not come
21 before.

22 MR. CONHEIM: Not before us as a permit
23 application.

24 BOARDMEMBER RELIS: Right. Thank you.

25 CHAIRMAN HUFF: Before we go further, let me

1 also say, you people may have heard us say several times now
2 that the law tells us to do something or precludes us from
3 doing something. I don't want people to gain the impression
4 that this is bureaucrat speak, that we're looking to dodge
5 an issue. The law was crafted by a legislature and signed
6 by a governor who were very concerned that a state board
7 take on to itself local government functions and roles, and
8 they did not want to see that sort of duplication and
9 overlap. So the law was very careful to spell out what our
10 area of authority is and where it stops and where the local
11 area of authority is and where it stops. And so that's the
12 reason why we have a state board who finds that they do not
13 have jurisdiction over local land use decisions.

14 With that, does the LEA have any matters to add
15 to this conversation?

16 MR. MANASJAN: I would just like to make an
17 additional comment to reiterate the point that the LEA
18 wanted to make it very clear that this permit revision
19 addresses operation in the existing site only, and that's
20 why we place these two specifications in there that it
21 allows for continued operation in the existing site
22 following the specifications in the 1989 Report of Disposal
23 Site Information, and that includes the limitations set not
24 only on lateral expansion but also on topographical
25 contours. As point No. 6 states that:

1 "filling shall only be allowed such
2 that fill contours are in substantial
3 conformance with the plot plan contained
4 in the June of 1989 RDSI."

5 So we wanted to make it very clear on here and
6 I think we have.

7 MR. CONHEIM: Mr. Chairman, the reason that I
8 have, and I'm not going to speak for the chairman, the
9 reason that I have made these statements about the process
10 and the application is that I think that the committee and
11 the Board want the opponents to the project to know what
12 will be decided today and also that both proponents and
13 opponents of the project will have ample opportunity again
14 before this committee and board to discuss the other aspects
15 of the project which are not now before the committee and
16 the Board next week. So that people will have an
17 opportunity to address whatever is in the next permit that
18 might come before this board. Nobody will be denied an
19 opportunity to speak on issues of this project as it
20 develops.

21 CHAIRMAN HUFF: And as it develops, should
22 there be a further permit in our future relative to
23 expansion, this committee will come back down to Southern
24 California, either here in Whittier or if we wear out our
25 welcome here somewhere else in this area, to again hear

1 whatever the local community wishes to offer us as input.

2 Are you through?

3 MR. MANASJAN: Yes, thank you.

4 CHAIRMAN HUFF: All right, let's go to the
5 operator.

6 MR. MAGUIN: Chairman Huff, Members Relis and
7 Egigian, all of my previous comments on the alternative
8 daily cover stand. This is the classic case where we will
9 be displacing imported cover soil and so I don't want to
10 repeat all those other issues.

11 Relative to the permit issue, your staff has
12 done an excellent job of making the issue particularly
13 clear. The 1983 Conditional Use Permit issued by the County
14 of Los Angeles limited the operation in two ways, by
15 defining a fill volume and a drop dead date of November 1,
16 1993. November 1, 1993 will come first. There is remaining
17 room within the fill volume that was in that permit so that
18 by removing the November 1, 1993 deadline in recognition of
19 the new CUP, it would allow us to continue to operate in the
20 formerly permitted area. I'll be glad to answer any
21 questions the committee may have.

22 CHAIRMAN HUFF: Any questions of the operator?

23 MR. MAGUIN: We will be back. As you know, we
24 are completing the rest of the permitting process, and when
25 we have all other permits we'll be back to this board for

1 the bigger issue of the expansion.

2 CHAIRMAN HUFF: Okay.

3 I have two slips of paper from proponents. I
4 don't know if you've organized yourselves or not, but they
5 are Kelly Astor and Richard King, whichever of you feels
6 compelled to go first.

7 MR. KING: Honorable Chairman, other Members of
8 the Board, my name is Richard King and I'm here representing
9 the City of Commerce. The City of Commerce is a small city
10 with a waste energy facility. We'd like to say up front
11 that we support the use of green waste as alternative daily
12 cover. We do this because we feel that what -- and by the
13 way, we support the revision of the permit. We support the
14 use of daily cover because we think it's good for cities.
15 It gives them an option.

16 We at the City shred our green waste and pre-
17 process it. We give it to the lowest bidder. The landfill
18 provides a good option for us. We also take it to other
19 facilities, but we wouldn't want to be required to do so.
20 Like anything else, it's based on our costs. If the
21 landfill is cheaper, we take it up there, if the composter
22 down the street is cheaper, we take it to him,
23 transportation, handling costs and all of those things
24 considered.

25 We think it's good for us, we think it's good

1 for the haulers, we think it's good for the landfill
2 operators. We think it's good for the waste energy facility
3 because it happens to be one component of the waste stream
4 that we can remove without any impact to the operation of
5 the waste energy facility. Indeed, pulling waste that is
6 wet from that waste stream allows that facility to burn at
7 higher efficiency.

8 In closing, I would just like to ask one
9 question of your counsel if I may.

10 CHAIRMAN HUFF: If he is willing to answer.
11 Direct it through the Chair.

12 MR. KING: Mr. Conheim, would you please state
13 me the regulation that says if you change landfill cover you
14 automatically have to revise your permit. And how would you
15 determine a significant change?

16 MR. CONHEIM: Mr. King, you and I go back a
17 long way.

18 MR. KING: That's exactly why I asked you this
19 question.

20 MR. CONHEIM: And I cannot concisely give you
21 the formula for determining a significant change. That is
22 more a program decision than a legal one. You know the
23 statute that requires changes in permits when there is a
24 significant change, but that is a significant issue that
25 this board has worked with and local governments worked with

1 for years.

2 MR. KING: Would you say it is a policy
3 decision of the Board?

4 MR. CONHEIM: The Board has the requirement to
5 implement its statutes, and it must make policy regarding
6 the significant aspects of statutory implementation.

7 MR. KING: My point is that once daily cover
8 has been -- once any alternative daily cover has been
9 determined through scientific research to be suitable as a
10 use of daily cover, the issue of whether or not to go on
11 performance standards, the issue of whether or not to revise
12 a permit is a policy decision by the Board. This body need
13 not be convened for any of this discussion.

14 With that, thank you very much.

15 CHAIRMAN HUFF: Any questions?

16 (No response)

17 CHAIRMAN HUFF: Mr. Astor.

18 MR. ASTOR: Thank you, Mr. Chairman and
19 Members. I'm Kelly Astor appearing before you today on
20 behalf the California Disposal Association. The CDA is a
21 local trade association comprised of solid waste enterprises
22 which is the acronym or the new term of art for refuse
23 haulers. We are the customers of the Puente Hills Landfill
24 facility. We serve hundreds of thousands and I suspect
25 millions of people in the Basin. We are well acquainted

1 with the facility and its features; we find it to be a
2 particularly environmentally sound facility from what we
3 know of the requirements. We're perfectly satisfied that
4 it's met all that is required of it.

5 It's a very necessary facility. If you know
6 anything about refuse collection and disposal in Los Angeles
7 County, you know that we have or we've been characterized as
8 having a disposal capacity crisis, near term and long term.
9 I appreciate that you're not getting into the expansion
10 issue today and we'll certainly be back when you do have
11 that issue before you to ask or to seek your support for
12 that effort as well.

13 But based upon Mr. Maguin's comments that there
14 is this existing capacity, we see that as a very necessary
15 alternative for us because in the absence of Puente Hills
16 operating, even through the limits of its existing permit,
17 our people are going to be placed at a distinct hardship in
18 terms of access to facilities. All of that means additional
19 wait time. Not just inconvenience, we're talking about
20 significant dollars. That in turn results in increases in
21 terms of rates and so forth to the ratepayer. So we're very
22 much interested in seeing anything positive in terms of the
23 continued operation of the Puente Hills facility happen
24 today, and for that reason we're here to testify in support
25 of your concurring in the revised permit.

1 I'm available for any questions if you have
2 any.

3 CHAIRMAN HUFF: Questions of the witness?

4 (No response)

5 MR. ASTOR: Thank you.

6 CHAIRMAN HUFF: That completes I believe
7 everyone who indicated that they wanted to speak in support.
8 Are you speaking in support?

9 MR. GRAY: Yes.

10 CHAIRMAN HUFF: I must have missed one.

11 MR. GRAY: That's all right, you were talking
12 earlier about everybody getting organized, and I was
13 organized but apparently you were someplace else, Jess,
14 getting your paper replaced maybe.

15 My name is Charles R. Gray and I'm a resident
16 of the community of Hacienda Heights. I'm a past president
17 of the La Puente Valley Chamber of Commerce and a past
18 president and a life member of the Hacienda Heights
19 Improvement Association.

20 Puente Hills provides a low-cost,
21 environmentally sound solution for all our waste disposal.
22 As a 37-year resident of Hacienda Heights, it is important
23 to me and others during these tough economic times to
24 control our costs, and refuse collection is one of those
25 costs. Puente Hills is a low price leader and keeps a lid

1 on the private disposal sites in the county. I understand
2 the trucks in Portland, Oregon must go 150 miles to remove
3 their trash, and the trucks in Seattle have to go 300 miles
4 to empty their loads. I can imagine the cost to the
5 Hacienda Heights residents if that were the case in this
6 area.

7 The environmental record is very good and they
8 are leading the way for the industry in landfill and
9 management. If the Puente Hills is closed even temporarily
10 we would have a crisis of unprecedented proportions with all
11 our population growth and the need to replace refuse and
12 landfills until other alternates are fully functional. This
13 landfill is important to all cities in the County of Los
14 Angeles to make sure that we are providing a safe and
15 sanitary method of refuse disposal.

16 The Puente Hills should be approved for
17 operation under this current solid waste permit until a new
18 permit for expansion is acted on. To do otherwise would
19 just make -- not make sense and would strike another blow to
20 small businesses in Los Angeles County.

21 In closing, I would like to leave two
22 resolutions with your secretary here, one from the City of
23 Artesia Chamber of Commerce and the other one from the
24 Paramount Chamber of Commerce. And in their first line they
25 say that, "I would like to express our full support of the

1 continued operation of the Puente Hills Landfill," and that
2 certainly is my objective too. Thank you very much.

3 CHAIRMAN HUFF: Any questions?

4 (No response)

5 CHAIRMAN HUFF: Are there any other proponents
6 that I might have missed?

7 (No response)

8 CHAIRMAN HUFF: The opponents now. I assume
9 that using this time you have derived an order of speakers.
10 I hope so.

11 MR. YANN: We have not necessarily organized an
12 order other than the two HHIA speakers.

13 CHAIRMAN HUFF: Okay.

14 MR. YANN: Thank you, Mr. Chairman and Members
15 of the Board. My name is Jeff Yann, I am currently
16 president of the Hacienda Heights Improvement Association,
17 an unincorporated homeowners association. I was going to
18 emphasize that HHIA was not simply formed to oppose the
19 activities at Puente Hills, but I think Charlie Gray has
20 just done that for me. Actually, HHIA has represented the
21 entire community of Hacienda Heights on matters affecting
22 our residents since the 1940s, long before there was a
23 landfill in the Puente Hills.

24 I also represent HHIA on the Puente Hills
25 Landfill Citizens Advisory Committee and serve as the

1 chairman of that group. I am a licensed civil engineer in
2 California and have both a personal and professional
3 background in solid waste issues. I am currently project
4 engineer for Southern California Edison Company in the
5 development of a unique waste-to-energy gasification
6 technology which can be operated in the Los Angeles Basin.
7 The technology has been favorably received both by AQMD and
8 by the Integrated Waste Management Board staff.

9 It is not our intent today to go into the
10 issues involved in the Puente Hills Landfill expansion. We
11 will be presenting two speakers to address points pertinent
12 to the permit extension request. During our presentation
13 though, it will be necessary to discuss the approval process
14 for the expansion, since actions by the sanitation districts
15 during this process are the direct reason why the permit
16 extension is required and also the reason we believe this
17 request should not be granted. The sanitation districts are
18 appearing before you to request an extension of the permit
19 for the Puente Hills Landfill. This may sound like a fairly
20 routine request, but in fact it is not.

21 We urge you to carefully evaluate answers to
22 the following questions before you reach your decision.
23 Number one, what are the circumstances and violations of
24 California guidelines and requirements which have caused the
25 districts to be unable to get their permit on time? Will

1 simply extending this permit have far greater ramifications
2 by allowing the districts to continue these practices and to
3 damage portions of the site that are now under dispute?
4 Does the evidence support the claims of impending trash
5 crises if their permit is allowed to expire temporarily?

6 We will review these questions with you and
7 provide answers which may differ substantially from input
8 you are receiving from them. The record in this matter will
9 strongly support the fact that we have consistently
10 throughout this process suggested alternatives which could
11 resolve the issues at hand. The districts' action in
12 ignoring our input and attempting to override our legitimate
13 concerns through the force of their substantially greater
14 political power is what has brought them to this position.

15 As you have heard, our state legislators have
16 observed how we have been treated and sponsored legislation
17 which can help resolve our concerns. This state board
18 should not allow itself to be forced into submission by a
19 time crisis imposed solely by the districts. We urge you to
20 use your technical staff and your resources to assure that
21 all aspects of this decision are thoroughly evaluated. By
22 denying this permit extension you will assure that the
23 districts will not be allowed to continue stonewalling the
24 process and making a mockery of California laws which are
25 supposed to govern their conduct.

1 The Puente Hills Landfill Citizens Advisory
2 Committee includes representation from all communities
3 bordering their landfill. It was established in 1981 and
4 has met with the district staffs' on a regular basis --
5 generally every other month -- since that time. In fact, we
6 met with them last night. The purpose of this committee is
7 to advise them on matters of interest to our residents as
8 they affect current or planned operations at the landfill.
9 In 1991, as they prepared their current EIR, they chose not
10 to inform the CAC. You must remember the very reason the
11 CAC was formed in the first place was to provide community
12 input to the EIR development the last time landfill
13 expansion was proposed 10 years ago.

14 Last year when we discovered that the current
15 EIR was in progress, we insisted on involvement at three
16 special meetings. We recommended five alternatives for
17 expansion of the landfill and alternatives for development
18 and operation of the materials recovery facility. None of
19 these alternatives were included in the EIR, although they
20 all met the districts' project objectives and all were
21 implementable. All of them offered substantially greater
22 protection to our community than the single alternative that
23 has consistently been promoted by the districts throughout
24 this process. While they have offered slight variations in
25 configuration of this one alternative, none of these

1 variations is significantly different and none were
2 recommended by us or were similar to those we recommended.

3 When Los Angeles County recommended a 37-
4 million-ton expansion, the districts drew up a plan which
5 caused all the same damage and community impacts as their
6 75-million-ton proposal. They even ignored one 61-million-
7 ton alternative they themselves had inserted in the Final
8 EIR which had far less impacts. The districts' 37-million-
9 ton proposal totally ignored all of the input received from
10 HHIA and from the CAC during the EIR review process.

11 To demonstrate that the county's 37-million-ton
12 authorization could be implemented with far fewer on- and
13 offsite impacts, I prepared an expansion alternative of this
14 size on behalf of HHIA. This plan was prepared on my own
15 time as a vitally interested citizen and I did not receive
16 any reimbursement for it. The plan does not change the CUP
17 authorization, merely its configuration.

18 Although our alternative will still cause
19 unacceptable impacts in our community, it was prepared to
20 show that the worst impacts of the districts' plan could be
21 almost totally mitigated. Its key features are that it
22 maximizes use of onsite areas already disturbed, it
23 preserves all natural ridgelines and maintains a full
24 2,000-foot buffer zone between the landfill and Hacienda
25 Heights. Most importantly, the canyon directly up-wind of

1 Orange Grove Middle School is not disturbed in any way.

2 This concept was first suggested to them at a
3 CAC meeting in the summer of 1992, long before the EIR was
4 completed or certified. It was also reiterated in my formal
5 comments on the Draft EIR submitted a year ago. I should
6 like to emphasize that their current CUP does still allow
7 them to excavate cover soil from the ridge between canyons
8 four and five. This area is under dispute between their
9 plan and ours. Even if you grant the extension, I urge you
10 to strongly encourage the districts to make use of other
11 available borrow areas during this interim to assure that
12 your action does not prejudice the loss of this area.

13 As a project engineer myself I am always
14 pleased to obtain comments from the public that can be
15 incorporated into the project design and minimize
16 opposition. In the long run all sides benefit from such
17 discussions. The districts have chosen instead an all-or-
18 nothing approach on the assumption that they have the power
19 to manipulate the administrative process and that we, their
20 opponents, do not have the resolve to fully pursue our
21 rightful remedies. This arrogant approach is a tremendous
22 gamble on their part and does not represent a responsible
23 approach to the project approval process.

24 The districts have ignored our input throughout
25 the process because it does not suit their overall master

1 plan. Their plan is to destroy the features we have been
2 trying to preserve as quickly as possible. When this is
3 accomplished the issue will be decided once and for all,
4 nothing will be left to fight for. This approach to
5 maximize landfilling ignores both the mandates of current
6 state law and the effect state requirements will have on
7 their business over the next 10 years. The Integrated Waste
8 Management Board should be able to see through this thinly
9 veiled disregard of AB 939 and take steps to assure that Los
10 Angeles County does not use its power to steamroll over the
11 state the same way they have attempted to steamroller over
12 Hacienda Heights.

13 So now the districts have come crying to you
14 because their tactics did not work and they have run out of
15 time. You should remember that they chose the timing for
16 beginning the permitting process. Since they were their own
17 lead agency they also chose their tactics. Fortunately the
18 permit process includes public hearings and appeals for
19 those parties whose input is otherwise ignored. The
20 districts chose a short permit time in hopes that they could
21 fully bully their way to obtaining their permit on time.
22 These tactics have resulted in up to now five and a half
23 months of extra delay in contested hearings and in appeals
24 that would not have been required if they had chosen to
25 openly discuss alternatives with us from the beginning.

1 It has also lead to the filing of five separate
2 lawsuits against their illegal activities which will likely
3 cause further permitting delays outside the administrative
4 process. I am sure part of the reason they have chosen
5 their tactics is their smugness in believing that this board
6 would let them off the hook if they got into a timing
7 problem. A permit extension will only play into their hands
8 and will allow them to continue their disregard for public
9 input and the laws of this state.

10 I believe this board has a bigger role to play
11 in this proceeding than merely bowing to their selfish
12 desires. Throughout this process the districts have labeled
13 HHIA as a group of NIMBYs fighting to oppose their expansion
14 in any form and close down their landfill. Our review of
15 the record will show this not to be the case. Although we
16 have protested the excessive impacts which will occur in
17 their ultimate plan, we have also consistently recognized
18 that a modest expansion of the landfill may be possible
19 without undue burdens.

20 Until the districts understand that they must
21 reach agreement with their neighbors to stay in business
22 there can be no discussion of positions and the conflict
23 will continue. By denying this extension you can assure
24 that discussions take place which can resolve this dispute
25 in a way that all sides win something.

1 A key element in all of this is the real impact
2 of allowing the current CUP to expire without extension on
3 October 31st. There has been substantial debate on this
4 issue in the hearings and in the press over the last year or
5 so with the general conclusions that things will not be as
6 bad as the districts and their allies would have you
7 believe. Carol Mauceri of our organization has been
8 following this aspect of the issue throughout the permit
9 process. I would like now to introduce her and have her
10 address the landfill crisis and provide concluding remarks
11 on HHIA's behalf.

12 MS. MAUCERI: Thank You. My name is Carol
13 Mauceri. I reside at 1435 South Eagle Park Road in Hacienda
14 Heights. I am a former director of the Hacienda Heights
15 Improvement Association and I have been actively involved in
16 land use, landfill and solid waste issues for the past 10
17 years.

18 The sanitation district and proponents, some of
19 the proponents are asking you for an extension of their
20 current permit from its expiration date of 10/31/93 to
21 February of '95, and they put forth a number of reasons for
22 that extension. Now, they say that they need more time to
23 complete the permit process for their new permit and we
24 don't wonder that they need more time. The sanitation
25 districts chose to begin the permitting process at the end

1 of June 1992 when they circulated the DEIR for the new
2 permit.

3 Members of the sanitation districts' staff have
4 regularly testified throughout the hearings on the EIR and
5 the CUP request that it takes up to three years to complete
6 the permitting needed -- to complete the permitting process.
7 Indeed, one of the reasons that they give for needing as
8 long a permit as possible in the future is the time it takes
9 them to acquire new permits. If they knew all of that, why
10 did they wait until 16 months before the expiration date of
11 their permit to begin the process of seeking a new permit
12 and why should they be rewarded by you by being given a free
13 ride?

14 They should be held to the same standards as
15 any other applicant. The failure to complete the process is
16 not the result of those opposed to the new permit causing
17 unreasonable or unexpected delays. The failure rests
18 entirely in the decision to wait until 16 months before this
19 permit expiration date before seeking a new permit.

20 Next they say that it's necessary for them to
21 have this permit in order to avoid the long-heralded, long-
22 promised but never materialized trash crisis. The
23 sanitation districts in concert with their partner, the
24 County Department of Public Works, have long-threatened this
25 county and all the supervisors with trash in the streets if

1 they do not get to continue dumping trash for as long as
2 they like without any regard for the environmental issues
3 involved. They stated over and over that the closing of
4 Puente Hills or any other landfill or the refusal to permit
5 siting of new urban landfills will definitely result in
6 trash in the streets.

7 For years, such scare tactics have resulted in
8 the county board of supervisors giving them whatever they
9 wanted. No supervisor wants to be associated with trash in
10 the streets. The County, through its Department of Public
11 Works, has been predicting this crisis for more than a
12 decade. In the meantime, several landfills have closed, no
13 new ones have opened, yet the dreaded trash crisis has never
14 materialized. On February 17th of this year Jack Michael of
15 Public Works testified before the Regional Planning
16 Commission that the trash crisis was once again looming on
17 the horizon if a new permit was not granted to the
18 sanitation districts to continue dumping trash at Puente
19 Hills for another 20 years.

20 Never mind that he had also had to explain why
21 the trash crises of 1991 and 1992 had not yet occurred.
22 Trust him, this time it would happen. Even though it had
23 not happened after the closure of Azusa Western, Sunshine
24 Canyon and Mission Canyon, Jack Chicken Little Michael
25 assured the commission that if Puente Hills closes, this

1 time the long-awaited crisis is at hand. But is there
2 really a crisis? The facts say no. For whatever reason,
3 solid waste disposal totals in Los Angeles County have been
4 dropping over the last several years and continue to do so.
5 Where is the crisis?

6 Back to the story of Jack Chicken Little
7 Michael and his saga of the looming trash crisis. You will
8 remember that in the last chapter I told you he testified in
9 February of this year that the crisis would occur if Puente
10 Hills was closed. Guess what? On June 24th of this year
11 Jack testified before the Los Angeles County board of
12 supervisors that even if Puente Hills were to close on
13 November 1, 1993, the county would have an excess capacity
14 of 3,000 tons per day in the system. What crisis?

15 A recent article in the business section of the
16 Los Angeles Times noted that not only was there no landfill
17 crisis, there was in fact a landfill glut which was hurting
18 profits for private landfill operators. Orange County has
19 been openly soliciting waste from adjoining counties for
20 their landfills. Riverside County is reserving tonnage in
21 their El Sobrante Landfill for out-of-county users. What
22 crisis? The only serious crisis will be to the sanitation
23 district and their employees.

24 And in an effort to avert the impact to the
25 employees and because we had concern for the economic losses

1 the employees would suffer, Jeff Yann and I met with their
2 union leaders in June of this year. We easily were able to
3 agree with union leaders on a landfill expansion design
4 which the residents of Hacienda Heights could likely live
5 with and which would save their jobs at Puente Hills for
6 another 10 years. The only reason we cannot reach such
7 amicable agreements with the districts is that their
8 management will not even enter into discussions regarding
9 other ways to expand the landfill.

10 Whether or not the discussions and any
11 solutions to these problems would be in the best interests
12 of the people of Hacienda Heights, the people of the county
13 or the employees of the district does not matter; the
14 districts will never seriously discuss anything unless they
15 are forced to the table. Giving them an additional one or
16 two years to play with only exacerbates the problem. Now is
17 the time to insist that this public entity stop its
18 outrageous and arrogant behavior and act like a responsible
19 public agency, not like a rogue run amuck.

20 The sanitation districts' behavior as it asks
21 you to give it what it cannot earn on its own brings to mind
22 the old story of the boy who killed both his parents and
23 then threw himself on the mercy of the court on the grounds
24 that he was an orphan. I do not think this orphan merits
25 such compassion.

1 You may find this a hard choice and a difficult
2 one to make. There is one circumstance by which HHIA, while
3 continuing to oppose this temporary permit extension, might
4 agree that it's in everyone's best interest. We've already
5 briefly informed you of alternatives we've repeatedly
6 submitted to the district to resolve the matter. We've also
7 informed you that the district has been unwilling to
8 consider any alternative that doesn't guarantee them 20 more
9 years of disposal near our homes and schools. The only
10 thing that has deterred them so far has been action by the
11 state legislature in enacting Assembly Bill 1751, the Puente
12 Hills buffer zone bill.

13 Now, this bill requires all landfill-related
14 facilities and activities take place at least 2,000 feet
15 from the property line of a school, hospital or residence.
16 The bill was developed and passed as a true bipartisan
17 effort, developed by our Assemblywoman Hilda L. Solis with
18 our input and support and sponsored in the senate by our
19 state senator, Art Torres. These two democratic legislators
20 worked hard on behalf of their predominantly republican
21 constituency near the landfill because they recognized the
22 validity of the issues we raised.

23 If the Integrated Waste Management Board were
24 to give a permit extension, then it could and it should
25 thoroughly investigate all of these concerns by using that

1 extension time to perform a complete staff review of our
2 proposals. We would welcome the opportunity to present our
3 materials and proposal to the staff in sufficient detail to
4 ensure their understanding of the economic and technical
5 issues involved. We're confident that the Board's technical
6 staff can resolve the issues fairly if removed from the
7 relentless time pressure the districts have tried to
8 maintain throughout this process.

9 We also request an opportunity to review the
10 staff's findings and provide our comments for their
11 resolution. This is something that has not happened at any
12 other time during this process. If the Board does elect to
13 extend the landfill permit to allow such time for review, we
14 would understand and accept that reason. We would, however,
15 recommend that the extension be conditional, and we are
16 really unhappy with this 16-month extension. But we would
17 recommend that the extension be conditional as operations
18 that are carried on over the next six months or so could
19 cause substantial damage to site areas we are trying to
20 protect.

21 Filings should be confined to the existing
22 disposal area -- excuse me, fillings should be confined to
23 the existing disposal area and excavation must not be
24 allowed south of the canyon four riparian area. Now, even
25 though the current permit allows such excavation, the

1 riparian habitat in this canyon and the oak trees on the
2 ridge should not be disturbed. HHIA's 37-million-ton
3 expansion does not require destruction of this area, and
4 allowing their destruction while the issue is being debated
5 would not be a fair use of the extension time.

6 The extended permit should allow approval of
7 all excavations and disposal plans by the Landfill Citizens
8 Advisory Committee to ensure that areas of interest to us
9 will not be damaged before the final conclusion of the
10 permitting process. We also request that the daily tonnage
11 be changed to 8,000 tons per day to begin the reduction in
12 reliance on this site and encourage the development of
13 alternatives. Under those circumstances, we're confident
14 that the best interests of all parties can be served and
15 that a solution equitable to all can be developed. Thank
16 you.

17 CHAIRMAN HUFF: Any questions of this witness?

18 BOARDMEMBER RELIS: I'll wait until we're done
19 and then I have a number of questions.

20 CHAIRMAN HUFF: Okay, very well.

21 It must be Marlana Fox.

22 MS. FOX: Yes, how are you? My name is Marlana
23 Fox. I am an attorney. My office address is 2031 Orchard
24 Drive, Santa Ana Heights. I don't have a very long
25 presentation, mostly I have some questions I'd like to ask.

1 I seem to be getting it both barrels this week. Much to the
2 delight of the sanitation districts and their attorneys, I
3 participated or I tried to at any rate in that litigation
4 yesterday. We have filed three of the five lawsuits that
5 you have heard about. And while the CEQA case which is
6 challenging the Environmental Impact Report for the Puente
7 Hills Solid Waste Management Facilities was supposed to go
8 to trial yesterday, the court decided that all the documents
9 they've had on our behalf from starting last December and
10 through March of this year, that she didn't have those
11 documents long enough.

12 But anyway, I wasn't allowed to participate, so
13 everybody was very happy. I sat at counsel table and I
14 listened just as I understand your attorney was there. And
15 we're going back on the 28th I suppose, I don't know, I
16 can't figure out for the life of me what this judge is
17 doing. I don't know that anybody can.

18 CHAIRMAN HUFF: Obviously not a common sense
19 George Deukmejian judge.

20 MS. FOX: Well, I think I'll let that one go,
21 Mr. Chairman. As tempting as it is I'm in enough trouble
22 right now in that courtroom because just last week I took
23 that judge to the appellate court. And we don't have a
24 ruling yet on the merits, we asked for some extraordinary
25 relief, that was denied. But we don't have a judgment on

1 the merits. And we also -- I also filed another paper that
2 nobody in the room is aware about challenging, using my
3 peremptory challenge on her for another lawsuit. So she was
4 not happy with me when I went in yesterday and she
5 demonstrated that clearly.

6 But at any rate, what I did bring you today --
7 am I too close to this thing? I can't tell.

8 CHAIRMAN HUFF: I hear you just fine.

9 MS. FOX: Okay. What I did bring you is a copy
10 of the tentative ruling. I would have to concur with your
11 counsel that there is no existing court order of which
12 anyone is aware, although the judge did indicate that she
13 would probably issue some sort of a ruling today. I
14 question in my mind how she can do that, but like I said,
15 I'm not going to make too many more comments about that
16 judge.

17 Anyway, I would like to submit into the record
18 a copy of this tentative ruling. And I would caution you,
19 Mr. Chairman, and I'll save your counsel the trouble, it is
20 tentative. It says tentative at the top. It was issued
21 before she heard any argument, and witnessing what all of
22 those of us witnessed in the courtroom yesterday, your guess
23 is as good as ours where she will go at this point. But you
24 might be interested in some of the language in this. So if
25 I may, with your permission, Mr. Chairman, I'll hand this to

1 the lady on my left and submit it into the record.

2 CHAIRMAN HUFF: Sure. I think you've
3 appropriately caveated it, thereby turning a noun into a
4 verb.

5 MS. FOX: I guess a lot of people that are here
6 know in advance who I am, but I think, Mr. Chairman, it
7 would be more appropriate on the record since it's a new
8 year and a new time that I should say that I represent RR&C
9 Development Company. My client has the Crossroads Business
10 Park.

11 The significance and the reason my client has
12 involvement in this is we share in some instances a common
13 property line with the Puente Hills Landfill. Part of our
14 property is on the opposite side of the 60 freeway, but some
15 of it is on the same side as the landfill is. And when you
16 walk outside of some of the smaller buildings, office
17 professional buildings into their parking lot, you stand as
18 close as 30, 40 feet away from the Puente Hills Landfill
19 property line, the common property line that we share.

20 We have had a number of concerns, and I'm not
21 going to -- trying to keep in mind your preliminary comments
22 and so that I stick with the point of what's before this
23 board today, I won't go into all of our comments. But I
24 would like to incorporate in the interest of time and
25 because we share so many of the same concerns as the

1 Hacienda Heights Improvement Association, I'm going to
2 incorporate their comments into our presentation and tell
3 you that we concur with their observations and the research
4 and the statements that they made here this morning.

5 I have a number of questions and, Mr. Chairman,
6 since you are such a gracious chairman and this is such a
7 nice, pleasant change for me after what I went through
8 yesterday and then again last night at another hearing, I
9 would like to take advantage of your good nature and ask
10 some questions if I may. And if these questions are out of
11 order I am sure that you will tell me.

12 CHAIRMAN HUFF: We will try to answer them
13 accurately or at least dodge them artfully.

14 MS. FOX: I appreciate that. You also have an
15 invitation if those questions can't be answered now, I would
16 be interested in receiving answers to those questions after
17 this proceeding, although I would like as much as can be
18 answered to be answered on the record.

19 I understood your counsel to advise you that
20 under the California Environmental Quality Act that you are
21 a responsible agency with regard to the Puente Hills Waste
22 Management Facility's project which would be the expansion
23 of the landfill, the continuation of the landfill beyond
24 November 1, 1993, and construction of the material recovery
25 and rail loading facility. I understand that, and if that

1 is the statement that was made I concur with that. Is that
2 the position today of this committee and of the Integrated
3 Waste Management Board?

4 CHAIRMAN HUFF: Counselor, now understand, and
5 of course you're an attorney, you know how you like to give
6 quick answers.

7 MS. FOX: Oh, Mr. Conheim never shoots from the
8 hip. I've known Mr. Conheim since 1985. He does his
9 homework.

10 MR. CONHEIM: Ms. Fox, the answer is a
11 qualified yes, we are. But we only have the authority with
12 regard to permitting that we have. We don't have any more
13 authority. So we are a responsible agency but not for
14 everything that involves that project. Some things we do
15 not permit, we do not regulate.

16 And if I -- if I know where you're going, I
17 need to reiterate --

18 MS. FOX: I don't think you do. You need to
19 hear more.

20 MR. CONHEIM: I don't? Okay. Well, but I
21 won't get to the point where I say that we have authority
22 over the November 1 extension date because I don't believe
23 that we do. We have authority over many other aspects of
24 this project but not that.

25 MS. FOX: Okay, now I'm confused because,

1 Mr. Chairman, I would ask you. I thought that the purpose
2 of being here today before this committee was twofold, one,
3 that the applicant which is the -- or the operator, the
4 sanitation district makes applications to the LEA and what
5 they're seeking before this committee today is a revised
6 permit to use green waste as an alternative cover. And then
7 along with that they are seeking to extend the time during
8 which they can operate within the fill design approved, not
9 the new CUP by the county but the currently valid CUP that
10 goes through November 1, 1993. Am I, am I that far off the
11 mark that I don't understand why we're here today?

12 MR. CONHEIM: That's exactly correct, and I'll
13 let you go on. That is correct.

14 MS. FOX: Okay. Now, my next question is to
15 ask this committee to make a recommendation to the
16 Integrated Waste Management Board for a continuation of that
17 date to allow continued fill within the fill line that's
18 currently valid, are you a responsible agency for that
19 decision?

20 MR. CONHEIM: No. We are -- the reason that is
21 in this modified permit, Ms. Fox, is that the Solid Waste
22 Facilities Permit is the last permit issued. It must
23 incorporate by reference all the other permits. To the
24 extent that it did so back in '83, four, it incorporated a
25 use permit which was the only source of the 10/31 or

1 November 1, 1993 date. That November 1, 1993 date was not a
2 date that sprung from any authority that the LEA has, that
3 the local enforcement agency has under the integrated waste
4 law. It was solely a creature of the land use decision
5 rendered by the County of Los Angeles.

6 But it became fixed in the permit, again,
7 solely as a creature of the CUP issued in 1983. And thereby
8 it, as a separate source of authority, controls the
9 operational date of that landfill. But it is incorporated
10 by reference into our permit because many permits are, water
11 and air permits are also incorporated by reference. A Solid
12 Waste Facilities Permit is the operational permit,
13 operational and design permit that prescribes standards and
14 prescribes conditions that emanate from solid waste law and
15 recognizes the multiple authority of other regulatory
16 agencies and thereby incorporates their permits.

17 So we have a permit before us today which
18 eliminates, only eliminates that date and does so because
19 there is now a new Conditional Use Permit which eliminates
20 that date. It is not eliminated, that date was not in the
21 permit to begin with nor is it eliminated now as a matter of
22 discretion on the part of the LEA implementing integrated
23 waste law, nor is it considered by this board as an element
24 of the standards that this board and its LEAs are charged
25 with implementing and enforcing.

1 MS. FOX: Then why is it part of this
2 application today? I'm trying to follow what you're saying.
3 If this board has no discretion about that and it's
4 incorporating only what the County of Los Angeles approved,
5 why is it even before this board today? Why does the
6 sanitation district feel that they need some sort of
7 approval from this committee and a recommendation to the
8 Integrated Waste Management Board?

9 MR. CONHEIM: Because as a long-standing
10 implementation of the integrated waste management law and
11 its predecessors, Solid Waste Facilities Permits incorporate
12 by reference all of the other regulatory approvals that are
13 required. And as a matter of completeness, as the last
14 stop, so that a facility knows under what conditions it may
15 operate, the Solid Waste Facilities Permit incorporates
16 that, the CUP. And it is a part of this application because
17 the Solid Waste Facilities Permit must be in this case
18 modified to incorporate the new Conditional Use Permit. It
19 must be revised to incorporate changes in design and
20 operation such as the green waste to cover issue.

21 MS. FOX: But I understood you were not dealing
22 today with the new CUP, that in order for them to come back
23 to the Board -- I'm, you know, I'm only asking questions,
24 I'm trying to understand. I understood that and I
25 understood -- and I should tell you that Mr. Conheim has

1 been very gracious. We have talked on the phone prior to
2 this when I first learned about this and in August I placed
3 a call.

4 What I think I just heard you say was that you
5 come to the Integrated Waste Management Board last after all
6 the other permits, and I understood that to be the process.
7 So now that the sanitation districts have an approved
8 Conditional Use Permit that operates 10 years for the
9 landfill and 30 years for the proposed material recovery/
10 rail loading facility, they now have to obtain their permits
11 from the Regional Water Quality Control Board, their waste
12 discharge requirements, and their Permit to Operate from
13 South Coast Air Quality Management District, and then after
14 they obtain all of those they come to the Integrated Waste
15 Management Board last.

16 But I'm still trying to find out if that's the
17 case why we're here today. Green waste I understand. But
18 what about the time? Because you're telling me two
19 different things here. Either it comes before you now or it
20 comes before you at the end of the process. So where are
21 we? Why is that part of this revised permit application
22 that's before this committee today?

23 MR. CONHEIM: The reason we're here primarily
24 today is for the alternative daily cover. The old permit
25 that was -- well, there is a permit here dated 1991, but it

1 is essentially the old permit.

2 MS. FOX: Excuse me, I don't mean to interrupt,
3 Mr. Chairman, and I don't mean to not do this properly. Am
4 I supposed to direct my questions first to you?

5 But anyway, would you identify what that permit
6 is.

7 CHAIRMAN HUFF: That's the way the legislature
8 operates, and I learned in the legislature, but I also
9 learned to be flexible in the legislature.

10 MS. FOX: Thank you.

11 MR. CONHEIM: And I assume, Ms. Fox, that since
12 this conversation has been going on between us that the
13 Chairman would stop me, and I keep looking at him waiting
14 for a sign.

15 MS. FOX: Would you identify the permit you
16 just referred to. Are you talking about a county permit or
17 an Integrated Waste Management Board permit?

18 MR. CONHEIM: The existing permit, not the one
19 that's before us today, is the Solid Waste Facilities Permit
20 dated September 17, 1991. There was a permit that was
21 modified at that point, and it does include as one of its
22 conditions a specific provision that this permit will expire
23 concurrently with the Conditional Use Permit with a number,
24 dated on November 1, 1993.

25 So let me just, let me go back and answer the

1 question you started asking in this round, and that is if
2 the purpose for us to be here is alternative daily cover
3 then why are we considering the use permit? The applicant
4 controls what portions of the project it wants to apply for
5 permits to implement. The use permit contains aspects of
6 the project that are this big (indicating). The applicant
7 has asked for portions of the project also governed by
8 the use permit that are smaller, that are this big
9 (indicating).

10 So an aspect of the project that the applicant
11 has asked for at this time, not the expansion, is the
12 continuation of existing operations beyond a date that is no
13 longer a county requirement but is still in this permit and
14 only in this permit as referenced to the old use permit
15 which no longer exists.

16 The condition that I read to you in the
17 September 1991 permit on page 9, Condition 17, says that the
18 permit will expire and references concurrently with that old
19 use permit on November 1st. Since that is not anymore a
20 condition of the use permit and since I have told you that
21 it is my understanding that that date does not have any
22 regulatory significance to the LEA and hence to us as a
23 matter of integrated waste law, the applicant has asked us
24 and has the right to ask us to eliminate a date which no
25 longer has -- no longer is in the land use law from which it

1 sprung and didn't have any regulatory significance to us.

2 MS. FOX: Okay, Mr. Chairman, to move on and
3 not waste your time with my inability to understand all of
4 this --

5 CHAIRMAN HUFF: You sell yourself short. Let
6 me say one thing too.

7 Mr. Conheim, it might be useful to reiterate I
8 think something that we all know but that is that we concur
9 or object to the issuance of a permit. We don't issue the
10 permit. It's a local permit reflecting the fact that it's a
11 local decision.

12 MR. CONHEIM: As I said, Mr. Chairman, that the
13 applicant controls what it applies for. The LEA controls
14 what it thinks the applicant applied for and what it sends
15 to us. We do not draft permits. We receive a permit from
16 the LEA, who prepares the permit based on an application
17 from the applicant. So we are -- we only get to see what is
18 brought before us. We don't get to say what has to be.

19 CHAIRMAN HUFF: We don't dream this stuff up.

20 MR. CONHEIM: No.

21 MS. FOX: I guess what I'm really trying to
22 understand is, as a responsible agency what environmental
23 document do you rely on today to make a recommendation to
24 the Board? Are you relying on the environmental document
25 that was certified by the sanitation districts in November

1 1992, the one that's the subject matter of the litigation,
2 or are you relying on something that I saw in the
3 application for today that refers to a 1989 Negative
4 Declaration for the use of the green waste as the cover
5 soil? Or are you in fact relying on two different ones? On
6 both? Or has there been any environmental review of any
7 aspect of the matter that's before you today?

8 CHAIRMAN HUFF: I think that's not a question
9 of you, Mr. Conheim.

10 MR. CONHEIM: No, it's the question that --

11 MS. FOX: No, Mr. Chairman, that's my question
12 to the committee.

13 MR. CONHEIM: Mr. Dier may be able to -- he
14 wants to, Mr. Chairman, he wants to talk to you first.

15 CHAIRMAN HUFF: Very well.

16 Let's take a paper break for your machine.

17 (Recess)

18 CHAIRMAN HUFF: Okay, there's paper in the
19 machines now, both of them I guess, huh, Beth?

20 All right, Counselor, are you prepared to
21 respond --

22 MR. CONHEIM: Yes.

23 CHAIRMAN HUFF: -- together with Mr. Dier
24 perhaps to the question that was posed to you?

25 MR. CONHEIM: Yes. Mr. Chairman and Members

1 and Ms. Fox, the environmental documents used in the review
2 of the permit that is before this board as submitted by the
3 LEA are those environmental documents that are referenced on
4 page 2 of 6 of the permit, with specific reference to a
5 Negative Declaration for the green waste cover program dated
6 March 1989 and an Environmental Impact Report dated January
7 1983 for the continued operations of the landfill.

8 MS. FOX: So the Board, in order to address
9 these issues, and your staff prior to today reviewed a
10 10-year-old environmental document, a report, and a
11 4-year-old Negative Declaration that said there wouldn't be
12 any significant impacts?

13 Where do we get a copy of this 1989, this
14 4-year-old Negative Declaration and what does that apply to?
15 Does that apply to the green waste?

16 MR. CONHEIM: The green waste cover program as
17 it was begun, the environmental document was used to begin
18 that project, yes.

19 MS. FOX: How long has green waste been used at
20 Puente Hills, Mr. Chairman, for alternative cover?

21 CHAIRMAN HUFF: I think that's a question of
22 the operator. It's my understanding since the late
23 eighties. And I understand that from testimony that the
24 operator gave earlier today.

25 MS. FOX: Well, I guess it's my -- again, I'm

1 having a little trouble understanding. If in fact Puente
2 Hills has been using green waste as alternative cover since
3 the late eighties, why is a revised permit before the
4 committee today for consideration and why will it be before
5 the Board on the 22nd in 1993? I mean, it's a fait
6 accompli. It's four years later. Why is this agency
7 looking at a revised permit for something that's been going
8 on for years?

9 CHAIRMAN HUFF: Well, again --

10 MS. FOX: What am I missing in the puzzle?

11 CHAIRMAN HUFF: Well, I don't know that you're
12 missing anything. I think that all the pieces are right
13 here in front of us. We are reacting to a permit that has
14 been presented to us from the LEA pursuant to an application
15 by the operator.

16 Counselor?

17 MR. CONHEIM: And with some more specificity to
18 your question about green waste and the cover, the use of
19 green waste as cover is at this point in time ready to be
20 incorporated into a permit. Up to this time the use of
21 green waste as cover was the subject of standards being
22 developed by the Board and a pilot study required by this
23 board which the san district complied with.

24 And so it is at this time after that study has
25 been done and in accordance with a protocol for the use of

1 alternative covers that the san district has completed the
2 pilot study, the findings have been made and reviewed by the
3 san district, the LEA and the waste board, and it is at this
4 point that it is appropriate for green waste as cover to be
5 incorporated as a permit condition.

6 And that's why, that's been going on for a
7 number of years, from the establishment of the policy
8 regarding alternative covers to the districts' participation
9 in a pilot study to the review of the study to the writing
10 of the permit and its submission to the Board. And that's
11 where we are today. So those are the pieces of that puzzle.

12 MS. FOX: So then there has been by staff and
13 this committee with regard to this action that's before --
14 that's on today's agenda, there has been no independent
15 evaluation of the 1992 Environmental Impact Report that was
16 certified by the sanitation districts in November 1992 in
17 connection with this matter. And you're not relying on that
18 document for any decision or recommendation you would make
19 today?

20 MR. CONHEIM: The answer is in your statement,
21 the answer is that's correct.

22 MS. FOX: Okay, thank you.

23 I would like to know, Mr. Chairman, there's
24 been a lot of publicity in the San Gabriel Valley and it's
25 been raised at a number of hearings, but in that it affects

1 the viability of the continuation of the Puente Hills
2 Landfill and the credibility of any documents that are
3 submitted by the operator and by the LEA I might add and the
4 County of Los Angeles, I would like to know whether or not
5 this committee has had before it or is aware of a document
6 that is a June 1993 document called the Stetson Engineering
7 Report, Investigation of Puente Hills Landfill?

8 CHAIRMAN HUFF: Staff has seen it?

9 BOARDMEMBER RELIS: The Board --

10 MR. DIER: Yes, staff became aware of the
11 report at a hearing conducted by Assemblywoman Solis.

12 MS. FOX: Oh, is that the August 6, 1993
13 Assembly Select Committee hearing in the City of El Monte on
14 landfill leakage and groundwater contamination?

15 MR. DIER: Yes.

16 MS. FOX: Is the committee -- Mr. Chairman, I'm
17 not trying to put the committee on the spot and I really
18 don't want to be out of order because I think we're going to
19 be spending lots of time together and I'd really rather
20 continue to be more comfortable here than I am in that
21 courtroom. I would like to know if the committee
22 independently has any information about that Stetson report
23 or has it just been to the staff level at this point?

24 CHAIRMAN HUFF: That would be a question really
25 directed to three individuals on this committee and --

1 BOARDMEMBER RELIS: I have not seen it.

2 CHAIRMAN HUFF: I am not aware of having seen
3 it myself.

4 MS. FOX: Mr. Chairman, we would ask on behalf
5 of my client that before you make any further decisions or
6 recommendations on Puente Hills that you become familiar
7 with that report. I understand and I know what the
8 sanitation districts, the operator's representatives will
9 say this morning because I've heard it. I've heard the
10 party in a number of proceedings. And I did not attend the
11 August 6th hearing, but for the benefit of your staff I will
12 advise you that I do have the verbatim court reporter
13 transcripts from the entire day. Unfortunately I don't
14 have those with me today.

15 However, we feel that on behalf of my client
16 that this is information that you need before you in order
17 to make any sort of informed decision, and I don't care
18 whether it has to do with an extension of time or the use of
19 green waste as alternative cover. Any decision you make
20 affecting any continued operation, future operation,
21 anything different at all at Puente Hills you need to be
22 aware of this. And let me just, I'm not an engineer, but let
23 me tell you a little bit that I know about the report and I
24 will make sure that each of you receives their own copy of
25 it for your use so you're not totally dependent upon the

1 operator or some opponent or even your own staff. You can
2 take a look at it on your own.

3 But basically there were a number of
4 conclusions reached regarding operations, current operations
5 at the landfill. And there have been comments made by the
6 operator and by representatives of Regional Water Quality
7 Control Board and everybody taking the position that's
8 trying to denigrate the report, that there is nothing new in
9 the report. That may or may not be the case. The position
10 that the rest of us take is that maybe there is nothing new
11 in the report from the monitoring, the monthly monitoring
12 reports that are turned in to Regional Water Quality Control
13 Board and have to do with the waste discharge requirements,
14 but it is new information of which the public was never
15 aware, the 1992 monitoring reports, and it is new
16 information that was not contemplated or addressed during
17 any of the environmental proceedings. And this in fact is a
18 big issue before the court, the decision that we're awaiting
19 at the moment.

20 So from your perspective and the only thing
21 that we could ask that you do as a committee is simply to
22 make yourselves aware of it. You will hear comments made
23 both pro and con, and on the 22nd of September to make sure
24 that we don't find ourselves in the same position that we're
25 in today, we'll provide more technical expertise because we

1 have ourselves retained the services of a geohydrologist who
2 is an expert dealing with landfill problems and leakage,
3 leachate leakage.

4 The only thing I want to bring to your
5 attention today is that I don't see how you can make any
6 decisions involving Puente Hills without having a better
7 handle on all of the current activities and all of the
8 current reports. And this one has become so controversial,
9 it's been written up all over. The sanitation districts in
10 their own newsletter, they've been so concerned about it
11 they in their little monthly environmental news they've
12 printed disclaimers and again denigrated the report itself.

13 So I'll make sure that each of you gets your
14 own copy. I will also provide you with copies of the
15 sanitation districts' comments on the report and the
16 comments by Regional Water Quality Control Board staff and
17 some other independent geohydrologists. But this I believe
18 is information that you would need before you before you
19 could make any kind of a recommendation on this particular
20 facility.

21 Now, if I may, Mr. Chairman, I'd like to ask, I
22 heard a reference to page, I believe it was 163 or 168 of
23 your packet. Is this an agenda packet that is before the
24 committee today? I don't know, I was trying very hard to
25 listen to preliminary comments.

1 MR. CONHEIM: Ms. Fox, the answer is yes. It
2 includes lots of background material including, for
3 instance, the permit. Every page of this packet is
4 renumbered sequentially for packet purposes. It also, most
5 of these pages are documents that you already have in your
6 record.

7 MS. FOX: Is there a staff report that was
8 prepared by staff for today's proceeding?

9 CHAIRMAN HUFF: Yes.

10 MS. FOX: Okay, I asked in writing for a copy
11 of that on the 18th of August, and I offered to pay the cost
12 of that, plus I asked for documents to be transmitted to me
13 by Federal Express on my account number. I have not ever
14 received a copy of that staff report and therefore I stand
15 in front of you and that's part of the reason I can't follow
16 what's going on and I have to ask all these questions. I
17 never received that report. And, Mr. Chairman, I would
18 think then inasmuch as I made the request in writing and my
19 request was acknowledged by the committee, I would think
20 that I should have received a copy of that.

21 THE CLERK: Cathy went to use the phone, but
22 I'll check with her and see.

23 CHAIRMAN HUFF: Okay. It is a public document?

24 THE CLERK: Yes.

25 MR. CHANDLER: Mr. Chairman, I'd like to make

1 one point of clarification. Since Ms. Fox was referencing
2 comments from the Regional Water Board I would remind the
3 committee that we did last at the board meeting review a
4 letter from Dr. Corelli, Executive Director for the Los
5 Angeles Regional Water Quality Control Board, where he
6 endorsed the Scholl Canyon permit relative to the water
7 quality implications for ADC. And at the same time I
8 understand that that same Regional Water Quality Control
9 Board has reviewed the Stetson report. I have not seen
10 Dr. Corelli's comments or his staff's comments on that
11 report, but I would want to refresh your memory that we did
12 have in the record in the file his staff's comments on the
13 Scholl Canyon permit relative to the groundwater issues that
14 ADC may or may not imply for cover.

15 MS. FOX: Thank you.

16 Mr. Chairman, this puts me in a really an
17 untenable position when I send a letter by facsimile on the
18 18th of August and it's entitled formal request for notice
19 and request for documents and addressed to Mr. Chandler with
20 a copy to each one of the board members. I mean, I'm trying
21 to make the best use of my time and the opportunity that you
22 have so graciously afforded us, but if I don't have a copy
23 of the staff report, how can I be prepared? I can't.
24 I don't think you should go any further with
25 this matter today. I don't think it's fair. We're an

1 adjoining property owner. I think you should put this over.
2 I mean, if I hadn't made this request in writing almost a
3 month ago I could understand what happened. But inasmuch as
4 I did and everybody had a copy of it and it was sent by
5 facsimile and it was also sent by United States -- no,
6 excuse me, it was sent by Federal Express as well as by
7 facsimile.

8 I hardly think that that is a fair thing. We
9 are a concerned property owner. We are an adjoining
10 property owner. And I'd like a copy of the staff report,
11 I'd like the opportunity to review it, and I'd like to have
12 the ability to make further comments, and obviously I can't
13 do that today. So I don't know, Mr. Chairman, how do you
14 intend to deal with that?

15 MR. CHANDLER: Mr. Chairman, let me just say
16 that I take very seriously every letter of request for
17 information that comes into my office, and I forward those
18 to Catherine Foreman and ask that my secretary follow up as
19 well to ensure that a copy is addressed.

20 I'll see if that in fact was sent and if not
21 we'll make sure that you have a copy. But I wanted to let
22 you know it was no intent to keep you off the mailing list
23 or not get you a copy. And we'll look at our records and
24 see if in fact it was sent and --

25 MS. FOX: Well, I appreciate the graciousness,

1 but that doesn't solve the problem. This is now the time
2 and the place of the hearing, this is my opportunity to
3 appear for my client and still I don't have a staff report
4 that I asked for a month ago in writing with multiple
5 written requests and offered to pay for and offered to pay
6 the postage or whatever costs that the agency would incur in
7 transmitting it to me. I don't know what further I can do.
8 And while I appreciate apologies, it doesn't solve the
9 problem and the predicament that I'm in.

10 CHAIRMAN HUFF: Well, I think I have a solution
11 to the problem.

12 First of all a question of staff. When did we
13 receive the permit from the LEA?

14 MS. FOX: August 11th.

15 CHAIRMAN HUFF: From my staff please.

16 MR. CHANDLER: I don't know the answer.

17 Don?

18 CHAIRMAN HUFF: Don, when did the 60-day clock
19 start?

20 MR. DIER: We indicate a received date of
21 August 16th, and the 60 days would expire on October 15th.

22 CHAIRMAN HUFF: So a question of counsel, my
23 counsel. If this board, the Board does not act upon this
24 permit prior to the 15th of October in either way, concur or
25 object, the law says what about that permit?

1 MR. CONHEIM: The permit becomes effective by
2 operation of law.

3 CHAIRMAN HUFF: So if we do nothing, if we
4 postpone, if we say, gee, that's interesting, we're going to
5 sit and ponder it for a while, then by operation of law that
6 permit becomes effective October 15th, and the operator can
7 consider that they can continue. That is correct?

8 MR. CONHEIM: Yes, Mr. Chairman.

9 CHAIRMAN HUFF: Now, also a question of you,
10 Counselor. It is the Board, in fact, that decides whether
11 to concur or object, is it not? It's not this committee?
12 In fact, we are but three members of the Board, we're not
13 even a majority.

14 MR. CONHEIM: That's correct. No action of a
15 committee under integrated waste law is final until ratified
16 by the Board unless there is a delegation.

17 CHAIRMAN HUFF: Now, this item -- and in this
18 case there isn't?

19 MR. CONHEIM: There's no delegation, no.

20 CHAIRMAN HUFF: This item is on the Board's
21 agenda for next Wednesday, is it not?

22 MR. CONHEIM: Yes, it is.

23 CHAIRMAN HUFF: The solution is to make sure
24 you have a copy -- here, you can have my copy -- today,
25 right now, so that by next Wednesday you will have ample

1 time.

2 THE CLERK: I think Catherine has some more.

3 MS. FOX: Well, thank you, Mr. Chairman. I'll
4 take a copy before I leave. I think I'm being effectively,
5 you mentioned about artfully dodging, and artful is hardly
6 the word for it. My congratulations.

7 MR. CONHEIM: Ms. Fox, Ms. Fox, Mr. Chandler
8 has stated and represented well the position of the Chairman
9 as well as himself. In this regard, no one intended to
10 deprive you, if in fact you have not received this.

11 MS. FOX: Do you doubt my representation,
12 Mr. Conheim?

13 MR. CONHEIM: No, I do not. But I do doubt and
14 I do challenge --

15 MS. FOX: I just want that clear for the
16 record.

17 MR. CONHEIM: -- your representation of the
18 intent of this committee or of its executive officer. And I
19 will state for the record, since you are making a record,
20 that no one of these men up here intended to deprive you of
21 anything. And we are making every effort to get to you in
22 the very few pages of this staff report which I guarantee
23 you will not present to you information that you have not
24 already heard and which will be of any surprise to you. We
25 are trying to make every effort to get it to you and no one

1 intended to keep it from you.

2 So I understand everything you've said, but
3 I've got to take issue when you start impugning the
4 integrity of the members of this board and the executive
5 officer whom I serve. I take great umbrage at that.

6 MS. FOX: Well, Mr. Conheim, the reference to
7 artful dodging didn't have anything to do with the staff
8 report. It had to do with the question of what action this
9 committee is taking today and do they make a recommendation.
10 And I understood the Chairman to say that they are doing
11 nothing today, that the decision is made by the full board
12 and this is just three individual board members, not even a
13 majority if I heard correct, and that the decision will be
14 made by the full board on the 22nd.

15 So the issue at this point isn't even the staff
16 report, but my concern is you then responded to a question
17 and your answer isn't clear. Is this committee today taking
18 any action even as much as making a recommendation to the
19 full board? Or are they just simply being gracious and kind
20 and listening to all of us today?

21 CHAIRMAN HUFF: That hasn't been decided yet.
22 I would expect that this committee would make a
23 recommendation that is nothing but a recommendation to the
24 full board as we have with the earlier items that we heard
25 on our agenda. However, the range of motions that is

1 available runs the whole gamut from recommending objection
2 to recommending concurrence to making no recommendation.
3 And in any case it is but a recommendation. It is not an
4 action that approves or concurs or objects to the permit.
5 That in fact is the domain of the Board and no one else.

6 MS. FOX: Thank you, that does answer my
7 question and that was the question and I thank you for that.

8 I have one final question, if I may,
9 Mr. Chairman. And again I'm not sure that I understand
10 this. But something, the code requires that an application
11 for a permit revision has to be submitted -- and I may
12 mistake this but it's not intentional, I'm trying to
13 understand -- it has to be submitted 120 days before the
14 revision to the permit would become effective; is that
15 correct?

16 CHAIRMAN HUFF: Counselor?

17 MR. CONHEIM: That's not exactly what the law
18 says. What it says is that no one can operate a site or
19 make changes to the site without at least 120 days before
20 having applied for a permit. That gives all the agencies
21 enough time to review the terms and conditions that may be
22 necessary. All of the agencies can execute and complete
23 their approvals before the 120 days are up, but an operator
24 cannot expect to operate earlier than 120 days. And that's
25 paraphrasing the statute but that's my understanding of the

1 statute.

2 MS. FOX: I guess my only other question is
3 does that 120-day requirement apply as well to a permit
4 revision as well as to a new permit?

5 MR. CONHEIM: Yes, it does.

6 I wanted to make sure that I gave you the right
7 answer, yes.

8 MS. FOX: Has there been 120 days in this
9 instance?

10 CHAIRMAN HUFF: See, there was one more
11 question, when did the 120-day clock start.

12 MS. FOX: That is what gets me in trouble,
13 you're right.

14 CHAIRMAN HUFF: That's different than the
15 60-day clock.

16 MR. CONHEIM: What we're saying is, and we'll
17 try and answer your question, you don't have to wait all 120
18 days. But an operator can't start, can't expect to start --
19 if the agencies need all 120 days they get it. The 120-day
20 rule is for the benefit of the regulatory agencies, and I
21 think we're going to answer your question. It is not a
22 waiting period, it is not a notice or a waiting period.
23 There are notice and waiting periods included within the 120
24 days, but the 120-day period itself is for the benefit of
25 the regulatory agencies. And if they want to shorten that

1 they can. So I don't know the answer to your question.

2 MS. FOX: Well, I guess what I'm saying is
3 isn't it true that this application had to be submitted at
4 least 120 days before the proposed modification is due to
5 take place? And I'm looking at Public Resources Code 44,004
6 subsection B as in boy.

7 And if that's the case and this application was
8 received at this agency on the 16th, the 120 days would not
9 run until after November 1.

10 CHAIRMAN HUFF: The 120 days and the 60-day
11 clocks do not start at the same time.

12 MR. CONHEIM: Ms. Fox, included within the 120
13 days is the Board's mandatory action period of 60 days. If
14 everything proceeds and clips along at a fast pace and the
15 Board receives, this board receives the permit on day 15,
16 then it only has 60 days to render its approval or else the
17 permit on day 75 is deemed approved and the 120 days
18 evaporates.

19 MS. FOX: All right, I understand.

20 MR. CONHEIM: So again, the 120 days is what we
21 tell applicants, it's kind of a permit reform type standard.
22 We're going to act within 120 days and we reserve the right
23 to take all 120 days, the various agencies, but if we don't
24 you may get it before. And that's consistent with the way
25 not only 44,004 but the other laws and regulations that are

1 woven into this work. You don't have to wait all 120 days.

2 MS. FOX: Now I understand.

3 Mr. Chairman, I want to thank you very much for
4 your courtesy and your graciousness and the other committee
5 members. I would also like to if I may without being out of
6 order thank your staff that has been returning phone calls
7 and responding to questions, and I had an opportunity to
8 meet some of them today. They are very gracious people and
9 we appreciate that.

10 If at any time in the proceedings that will
11 continue on Puente Hills when you have a new matter before
12 you, either before the full board on the 22nd or the
13 operator has the opportunity to come back for their new
14 permit after they finish their step-by-step procedure
15 through Water Quality and South Coast Air Quality Management
16 District and we'll be appearing before you, I'll do my best
17 to be better prepared. And we'll follow up on our own. If
18 we don't receive something that we think maybe we should
19 have had we'll call, and in this case I'm sure we didn't,
20 and we should have, so I take part of the responsibility if
21 that wasn't mailed even though I did request it in writing.

22 But I want you to know that your courtesy and
23 your graciousness means a great deal to us. We appreciate
24 this opportunity to participate. If at any time I can
25 respond to any questions I'd be happy to do so. Thank you.

1 CHAIRMAN HUFF: Well, thank you, thank you for
2 an interesting afternoon. And we'll look forward to the
3 next time that you appear before us.

4 MS. FOX: Oh, and, Mr. Chairman, one more
5 thing. If we learn before this proceeding is complete, I
6 will check in, but if we learn that the court has in fact
7 taken that tentative ruling and made that ruling in effect
8 no longer tentative but in fact her ruling on the proceeding
9 that was before her yesterday, I'll make you aware of that.
10 And I would like to know how that will affect any
11 recommendation you make today.

12 In other words, if the court, the superior
13 court of Los Angeles on the CEQA matter from the 1992
14 Environmental Impact Report for the Puente Hills Solid Waste
15 Management Facilities, if that is made a decision that she
16 says that EIR is inadequate for any reason, for one reason
17 or another, and that therefore it must be set aside along
18 with the project approval which would of course invalidate
19 as a matter of law the CUPs approved by the county in July
20 1993, what, how then will this committee view this
21 application under that scenario, under those facts?

22 CHAIRMAN HUFF: I'm not sure because you're
23 asking me to predict two other votes other than mine. And
24 it's hard enough to count in normal circumstances. But I am
25 sure that such information will be of great interest to all

1 three of us. What we do with it is something that we still
2 have to filter through and formulate our own opinions. I
3 don't think that any of us can give you a straight up answer
4 this second on that question.

5 MS. FOX: Okay. You might want to consult
6 privately with your counsel.

7 CHAIRMAN HUFF: Oh, I'm sure we will.

8 MS. FOX: Because there will be legal
9 implications because I think, I certainly wouldn't put words
10 in his mouth, but I think he will tell you that if that --

11 MR. CONHEIM: -- She will anyway.

12 MS. FOX: -- if that EIR is deemed invalid by
13 the court that that will set aside the decision made by the
14 county. Because it has to because they relied on that EIR
15 the same as you will do in the future as a responsible
16 agency.

17 Anyway, again, thank you, I've taken enough
18 time. Thank you for your patience, thank you very much for
19 responding to the questions. I do appreciate it.

20 CHAIRMAN HUFF: Okay.

21 Now, that was not the last person.

22 MR. BROWN: I have a request in, Royall Brown.

23 CHAIRMAN HUFF: Yes, you were the next person.

24 MR. BROWN: Thank you for the opportunity to
25 appear before you at this time.

1 Mr. Relis asked a question a few moments ago of
2 another speaker why some environmentalists were worried
3 about the question of near and far, and you didn't get much
4 of an answer and I'm an engineer and have served this area.
5 I represented the area, including the landfill area, the
6 Hacienda Heights area over to West Covina on the municipal
7 water board for the Valley and was one of the persons who
8 made the resolution that engaged the Stetson report as a
9 result of the failure to disclose in the EIR as proposed by
10 the sanitation district.

11 I myself needed more information, there was
12 allegations going on about lead, other things, and that lead
13 me to make motions for our staff at the district to begin
14 the investigations of the sanitation districts' files. That
15 lead to the now well-quoted Stetson report. And it's these
16 environmental consequences to the local area that are of
17 great concern and why we as the public and you as the
18 overall group looking at the integration of the waste
19 management system in the state of California need to
20 understand why municipal landfills in municipally zoned and
21 developed areas are a great problem.

22 Mother Nature provides out in the desert and on
23 some coastal basins an acceptable environmental atmosphere
24 to collect bad things. That's why out at Trona today we
25 have mines collecting very serious chemicals, many of which

1 would kill you if they were in the drinking water.

2 Similarly with garbage, it is best to place it
3 in the type of places that are similar as designed by Mother
4 Nature. The San Gabriel River Valley is not such a place.
5 The San Gabriel River and the Basin drainage is the major
6 water source for Southern California. It has been long
7 developed. The pioneers made the end of the Santa Fe Trail
8 in the San Gabriel Valley because of this geological
9 situation. In contrast, the pioneers didn't stop out in the
10 middle of the desert and begin communities. They continued
11 on to where it was environmentally acceptable.

12 The criteria for disposal of bad things, I
13 don't care whether it's atomic waste, garbage or other
14 things, it's very clear, and I'm not the author of this, I
15 learned it from Linus Pauling years ago concerning atomic
16 waste and it's the same criteria and the charge he made to
17 the technical community of Southern California years ago.
18 No people, no water. Best to encapsulate it in something
19 that will enclose it properly.

20 Once we have people, once we have water, we
21 shouldn't have chemicals or garbage in the same environment.
22 It's as simple as that. The proper place to put this as
23 selected by Mother Nature is out in the desert or on the
24 coastal basins that discharge this stuff to the sink hole of
25 the world called the ocean where Mother Nature wants those

1 chemicals. She collects them there, stores them there and
2 makes them available there. That's the reason why those of
3 us who understand the consequences of improper disposal, and
4 I don't care whether it's atomic waste or garbage, are so
5 concerned about landfills in the San Gabriel Valley.

6 I would ask you today to bifurcate this
7 question that you have been presented by your staff. Very
8 frankly, the question of green waste is far different than
9 the date of the permit. I think it would be best that all
10 of you board members go on record voting on the things
11 separately. I myself have followed your green waste thing
12 slightly and your predecessor agency's questions about this
13 and have appeared at other meetings of your bodies. That is
14 a separate question, it's a technical question and has
15 impact far different than the Puente Hills Landfill.

16 The Puente Hills Landfill is a very large
17 landfill. The two previous items on this report compared to
18 Puente Hills are very small, and the earlier items on your
19 agenda today were smaller yet. That's the big difference,
20 the volume. Puente Hills Landfill is a 12,000-ton-per-day
21 landfill. It provides much greater exposure than Spadra.
22 And very frankly, I wrote an editorial piece recently that
23 was published, Good Neighbors, Bad Neighbors. And very
24 frankly, the Spadra Landfill and the experiments out there
25 have a much better track record than they do at Puente Hills

1 or some other landfill in the San Gabriel Valley like BKK
2 that has had a much worse record than Puente Hills. But a
3 lot of the problems have to do with size and concentration.

4 Your charge by the legislature under AB 939,
5 the sole oversee the goal as established under that piece of
6 legislation of diversion of 25 percent of the garbage away
7 from landfills. I would suggest to you that this
8 application today if you granted a time change on the
9 expiration date would have a serious impact upon meeting
10 that goal. For 10 years the county asked for serious
11 consideration of alternatives. The only ones the sanitation
12 districts seriously considered was waste to energy. The
13 rest of the country and around the world were using American
14 technology to do other things, to process this garbage and
15 make it environmentally acceptable. We dewater garbage
16 around the world but we don't do it in Southern California.

17 The EPA back in the seventies proved that
18 processing of garbage allows it to be transported for up to
19 a period of six months by railroad train in full exposures
20 of tons and tons of this stuff. After it's processed it
21 makes it environmentally acceptable to transport down our
22 highways and byways to find itself a home. It was referred
23 to a few minutes ago by one of the proponents of this
24 project about the goings on up in Oregon and Washington
25 where they transport this garbage a long ways, interstate.

1 I might add to you that it's competitive business up there.
2 One company that's operating down in Oregon may lose the
3 Seattle contract to a proposal by a major, another company
4 in the state of Washington.

5 There is a big marketplace out there and lots
6 of people to solve the garbage crisis. There's only
7 seemingly a crisis in California because we have not really
8 seriously considered all the processes out there to process
9 this garbage. And I'm merely mentioning up in Oregon there
10 is a firm that will deliver you a demonstration vehicle on
11 18 wheels that has successfully in many places milled this
12 garbage, and it's called fluff used elsewhere.

13 The EPA sponsored and developed and even some
14 bales were baled and buried down in San Diego in the past
15 of baling of garbage, and that technology is sold by major
16 American material handling firms as an expert item and for
17 use in this country. Those are serious alternative
18 consequences that the county planning commission instructed
19 this group, the sanitation district, to consider. They did
20 not. They procrastinated, they didn't listen to their
21 advisory committee and all their suggestions.

22 You have a rogue group here applying to
23 yourself, to you. They have not as public policy listened
24 to either their neighbors, the rest of the industry, or the
25 leadership around the country on this question of garbage

1 disposal. You today in your state oversight and your full
2 commission on the 22nd can provide leadership and force them
3 to change their ways merely by denying them an extension.
4 They can hire that 18-wheeler purchase contract and have it
5 in their parking lot within hours. The EPA back in Kansas
6 has ruled that the output of that process is the equivalent
7 of dirt, and that's the way they treat it back there. Once
8 it's dewatered, cleaned up, we don't have an environmental
9 danger from it unless you add water to it again.

10 So you have a job. The legislature has said,
11 we want to get 25 percent of this stuff away from the
12 landfills. You can impose that by permit that says this
13 landfill will process a hundred percent through material
14 recovery facilities and remove at least 25 percent if they
15 want an extension and impose upon them a time scale to bring
16 that about. Baling machinery, conveyors or off-the-shelf
17 items today delivered by American manufacturers, you just
18 get up on a phone, they'll quote you off-the-shelf prices,
19 standard specs, they'll give them to you and you can order
20 the stuff. It's nothing unusual. This is not a process to
21 be developed, it's to be bought. And it's processes, not
22 just one. There's competing ones out there.

23 So what I would ask you, to implement intent of
24 the legislature by using this application, just as the
25 county planning commission did 10 years ago in imposing this

1 date that they're running up against now. You have the
2 opportunity to provide leadership. If it's a missed
3 opportunity then clearly the legislature has an interest in
4 this question. Clearly the legislature has passed a series
5 of pieces of legislation concerning garbage in San Gabriel
6 Valley. The legislature knows the importance of the
7 drinking water source to the whole state of San Gabriel
8 Valley. This is a unique water source. There is as much
9 water stored in San Gabriel Valley underground as behind
10 Hoover Dam. It takes 10 years to collect that water behind
11 Hoover Dam and store it before it's used. It has taken
12 thousands of years to collect that water in San Gabriel
13 Valley. That's a big reservoir.

14 It's safe sitting underground unless we as
15 humans dump something on top of it. And for the last 50
16 years that I've known about it we have been making land use
17 problems -- decisions, yes, and you don't have a land use
18 direct consideration. But land use is a local thing by each
19 jurisdiction. But land use on a regional basis is one of
20 the things that the legislature is interested in and it says
21 that the bodies such as yours have the role of looking at
22 things regionally.

23 So I say to you it's time that you too see the
24 direction of the legislature and treat San Gabriel Valley
25 different than you treat let's say an environmentally

1 acceptable place for garbage such as out in the desert.
2 That's a big difference. That's what's unique about this
3 Puente Hills Landfill. It sits beside -- within feet, not
4 miles -- the major flow.

5 The importance of the Stetson Report is he is
6 the engineer with the greatest experience around today with
7 groundwater and the river flows, and he has spent a lifetime
8 studying, being employed by those who use that water. He
9 reviewed their staff materials, their submittals to the
10 state regulatory agencies, and he made recommendations.
11 Those recommendations really have to do with the sanitation
12 district and the regional board directly on an oversight
13 question. But the consequences and impacts on industry like
14 garbage and the chemical industry, it's not only the garbage
15 industry that's got to look at these things. Defense
16 industry has got to look at these things, chemical industry
17 has got to look at these things. It's inappropriate for a
18 homeowner to drop chemicals onto these graveled lands.
19 That's what you as a body need to concern yourself with.

20 I would ask you to use the opportunity to
21 rewrite this permit and to get us realistic movement by this
22 sanitation district to provide diversion at their facilities
23 and in furtherment of the legislature's goal of keeping out
24 25 percent out of this material out of the landfill. Thank
25 you.

1 CHAIRMAN HUFF: Any questions?

2 BOARDMEMBER RELIS: Mr. Chair, just speaking to
3 the diversion question which is not the key question before
4 us today, but I think the Board just for clarification's
5 sake it's important to realize that the landfill and the
6 relationship between the county and the cities and the
7 users, the cities are ultimately on the hook for the
8 diversion requirement. In other words, if decisions are
9 made by them to deposit material in such a way that would
10 cause them not to reach the goals by '95 and 2000, they're
11 on the hook for the fines. I just want to point that out
12 because --

13 MR. BROWN: I understand the business for the
14 fines. But I'm talking about not the legalistic, I'm
15 talking about the moral leadership.

16 BOARDMEMBER RELIS: Well --

17 MR. BROWN: And you're the group appointed by
18 the governor, ratified by the legislature to provide the
19 industry its leadership, all right. And this body is to
20 hear the suggestions from the public. I rise before you
21 today with a suggestion. And in light of that, I'm not
22 asking you to try to change the law, I'm not asking you to
23 take the cities off the hook, I'm suggesting to you that
24 there would be something that would facilitate, that may
25 have a benefit to many of the cities, granted, that if they

1 didn't have to worry about diversion and the sanitation
2 district did worry about diversion the cities would be home
3 free. They'd get a benefit out of it, I grant that. But
4 I'm not here representing the cities. I'm not asking you to
5 give any benefit to the cities. I'm asking you to benefit
6 the environment. That's something different, the general
7 public good.

8 BOARDMEMBER EGIGIAN: Sir, how long have you
9 been in San Gabriel Valley?

10 MR. BROWN: I've lived in San Gabriel Valley 20
11 years.

12 BOARDMEMBER EGIGIAN: Twenty years. Where were
13 people like you 40 years ago when they --

14 MR. BROWN: I, 40 years ago I worked for the
15 water rights board as a hearing officer for the
16 determination of the proper water rights in the state of
17 California, employed in Sacramento.

18 BOARDMEMBER EGIGIAN: Okay, you want to know
19 why San Gabriel Valley has a water problem? I'll tell you.
20 Forty years ago the cities in Irwindale were permitting
21 these tanker trucks to dispose of their liquids into the
22 water, the standing water into these pits. And nobody was
23 standing up and talking about it because for some reason it
24 wasn't important then. But now since the water has been
25 contaminated, all those years -- and I've seen this with my

1 own eyes up there, I've seen them dump into those pits.

2 So suddenly now an operation like Puente that
3 is one of the best in the nation gets blamed for the
4 problems of the San Gabriel Valley water situation. And I
5 don't think that that's fair and I don't think that some of
6 the stories that have been told against this landfill
7 because of reasons unknown to me and people that come before
8 us and call names to people that work for the governmental
9 agencies that are trying to do these things don't impress me
10 very much because suddenly it's become popular that
11 landfills are no good. Well, if everybody will stop putting
12 out this material there will be no use for a landfill, okay.
13 So I just wanted you to know where the problem originated.

14 MR. BROWN: No, no, the problem originated long
15 before that. And I'm well aware of the practices of the
16 U.S. government during World War II and what the physical
17 situation was in San Gabriel Valley. At the upper end of
18 the Azusa area there was a military project, highly
19 classified, like atomic research over in New Mexico, not
20 well known. Today all the rocket research of the United
21 States government, all the stealth aircraft research started
22 in San Gabriel Valley at the headwaters of the San Gabriel
23 River at the canyon entrance.

24 What was the practices then? What was the
25 standard operating procedures then? There were no sewage

1 lines in the area.

2 BOARDMEMBER EGIGIAN: So that development
3 didn't hurt this country any, did it? We've developed
4 rockets that protected us and they did a lot of other good
5 things. And I'm not trying to argue the pros and cons of
6 this, but what happened many years ago caused most of the
7 these problems. We're talking about a landfill that's run
8 properly today.

9 MR. BROWN: I'm talking about responsibility
10 and leadership, just as though there were no sewage lines in
11 Azusa in those times, the sewage was dumped on the ground on
12 the gravel in one pit. The company dropped vinyl chloride
13 in the next pit, dropped another chemical in another pit. A
14 hundred feet down in the groundwater it all came together.
15 That's no longer acceptable. Through the years we've
16 changed the regulations. That's the reality. But that
17 doesn't allow the federal government or the people of the
18 country to get around their responsibility for having
19 originally caused the problem. And no way am I trying to
20 represent today that the Puente Landfill is responsible for
21 the vinyl chloride and the other volatile programs in the
22 Superfund site. I think just the opposite in the finding.

23 BOARDMEMBER EGIGIAN: That's what I'm listening
24 to here.

25 CHAIRMAN HUFF: Gentlemen, we're getting a

1 little bit away from alternative daily cover and November
2 1st.

3 BOARDMEMBER EGIGIAN: You're right.

4 CHAIRMAN HUFF: Although I kind of sense that
5 November 1st is rapidly approaching.

6 Are there any other questions of the witness?

7 (No response)

8 MR. BROWN: Thank you.

9 CHAIRMAN HUFF: Thank you.

10 Is there anyone else?

11 (No response)

12 CHAIRMAN HUFF: Are there any questions
13 committee members have of staff, counsel?

14 BOARDMEMBER RELIS: I have a question that
15 was -- I have two questions, well, one related to a
16 statement made, it might be Mr. Yam? Is it Yam?

17 CHAIRMAN HUFF: Yann.

18 MR. YANN: Yann.

19 BOARDMEMBER RELIS: How do you spell it?

20 MR. YANN: Y-a-n-n.

21 BOARDMEMBER RELIS: I'm sorry.

22 You had mentioned in your statement and I think
23 subsequent to that the person who followed you the concern
24 about the use of the borrow areas in the interim or -- I'm
25 not quite, I want to be clear on that. In the time frame,

1 if this board were to extend the time frame you have a
2 concern that some of the areas in the approved --

3 MR. YANN: Right, unfortunately we don't
4 have --

5 BOARDMEMBER RELIS: I don't know what you mean
6 by that and I'm trying to get it. What is the significance
7 of that?

8 MR. YANN: I believe that is a map of the site,
9 is it not?

10 BOARDMEMBER RELIS: Well, there's the map of
11 the, I think it's the yellowish footprint.

12 MR. YANN: If I could step over here.

13 The area they're currently borrowing in is
14 right here. To acquaint you, this is the major fill area;
15 this is canyon three which branches up here; canyon four;
16 canyon five; canyon six. And the future operations of
17 course are going to extend through all of this area.

18 They're currently working to the north of the
19 streambed area in canyon four. But their current permit
20 allows them to move into this area on the ridge between
21 canyons four and five. If they operate, if this board gives
22 them permission simply to extend their permit, they will be
23 able to begin excavations in this area.

24 BOARDMEMBER RELIS: That isn't how it was
25 explained to me. I thought we could only operate within

1 the --

2 MR. YANN: This is the current working area.
3 But the permit, which they haven't used all of the current
4 permitted capacity, the current permitted areas. They've
5 been able to confine their operations to the area north of
6 the canyon four streambed. What we are saying is our
7 interest is in protecting this ridge for as long as
8 possible. If you merely extend their permit -- in fact,
9 they informed us at the CAC meeting last night that they
10 very well would be forced to begin borrowing on this ridge
11 area under their current permit.

12 As the Citizens Advisory Committee, we
13 encourage them to look to other areas. They have an area
14 they can borrow from over here by their energy-generating
15 facility. They have a possibility of excavating this area
16 deeper potentially. What I'm saying to you is if the permit
17 is simply extended without that restriction, some of the
18 area we are trying to protect could be damaged prior to the
19 issue really coming back in the new CUP.

20 CHAIRMAN HUFF: Okay, now, do you have?

21 BOARDMEMBER RELIS: Well, that's, yes, I'd like
22 to I guess --

23 CHAIRMAN HUFF: I think we need to follow that
24 up.

25 BOARDMEMBER RELIS: -- get a response to that

1 from either Steve or someone. I mean, that seems like --

2 CHAIRMAN HUFF: Well, first a question of
3 staff. First direct it to Mr. Dier.

4 First of all, what we're talking about is part
5 of the existing permit, isn't it? It's still covered by the
6 existing permit?

7 MR. DIER: It is. The area of the existing
8 permitted area is for fill. And again as mentioned earlier,
9 that was predicated upon a 1983 Environmental Impact Report
10 that included the impacts of the borrow areas.

11 CHAIRMAN HUFF: The 1983 EIR then would govern
12 that activity.

13 MR. DIER: Correct. So this is not authorizing
14 any new activity that has not been analyzed previously --

15 BOARDMEMBER RELIS: No, I understand that.

16 CHAIRMAN HUFF: Although the witness
17 understandably doesn't like it to happen.

18 MR. DIER: They would like them to take it from
19 somewhere else.

20 CHAIRMAN HUFF: Yes.

21 MR. DIER: But that's not for us to analyze.

22 CHAIRMAN HUFF: It's not really before us.

23 MR. DIER: No, it is not.

24 BOARDMEMBER RELIS: Well, I know it's not
25 before us, but the extension is before us and I'm just

1 asking a question. Does that represent a problem to the
2 operator? It just seems like a -- I haven't been out to the
3 site.

4 MR. MAGUIN: You have it clear that this borrow
5 area was the subject of a 1983 environmental document and
6 public hearings and a 1983 grading permit by the County of
7 Los Angeles for that area. So it's the end point, we have
8 stayed away from that.

9 They asked of the impacts. I don't know, there
10 is a substantial quantity of dirt there, whether that -- if
11 you took any action to change the 1983 land use whether that
12 would limit the landfill operation, probably -- I'd have to,
13 you know, we'd have to do some analyses on just how much
14 cover material that would lose. Whether alternative cover
15 areas would require new CEQA documents, I just don't know
16 being asked the question here and now. But it would be
17 changing the existing land use --

18 BOARDMEMBER RELIS: Okay, let me just put it in
19 these terms then. I'm expressing what seems to be -- we had
20 a permit not long ago before us, Lopez Canyon, where we had
21 a very good relationship that was resolved between the
22 property owners and the -- after many, many years of not
23 such good relationships. I guess I'm looking at this from
24 that perspective, Steve. Is it possible to accommodate the
25 owners, not from the standpoint of your legal permit, you

1 have -- I mean, that's a legal decision that either you can
2 use it or you can't.

3 MR. MAGUIN: What I'm trying to say, Mr. Relis,
4 it's not an easy answer. We'd have to look at the CEQA
5 implications. Clearly there is going to be a tremendous
6 cost implication, and it may shorten the life of this
7 extension if it steals dirt from a landfill. I don't know
8 the answers to those. Those are three obvious issues that
9 will take extensive study. I just don't have those answers
10 available. It would have a significant impact, no doubt
11 about it. How significant is what I can't give you a direct
12 answer.

13 BOARDMEMBER RELIS: Okay.

14 MR. MAGUIN: I'm sorry, I wish I had that.

15 MR. YANN: If I could be allowed just to make a
16 clarification. We've been well aware that that area is part
17 of the current permit. In fact, we negotiated that with the
18 sanitation districts and were unable to save that area in
19 1983. We've been working with the Citizens Advisory
20 Committee and have determined with the staff that they have
21 enough cover soil to operate to November 1st without using
22 that area. We had assumed that the use of that area, thus,
23 would be saved and the new permit would either be obtained
24 or denied or the use of that area would be obtained or
25 denied by the time the new CUP became effective.

1 That is not the case because they've not been
2 able to get through all of their permitting and through the
3 legal process. So I just wanted to make you aware that your
4 decision could in fact be allowing them to take cover soil
5 from that area. That is still under contention in the CEQA
6 lawsuits, in the issues that we put before the board of
7 supervisors and in our comments to the staff. So I just
8 want to make that clarification.

9 BOARDMEMBER RELIS: Thank you.

10 CHAIRMAN HUFF: Okay. I'd like to ask Ms. Fox
11 to come back to the podium, if you would please.

12 MS. FOX: Yes, sir.

13 CHAIRMAN HUFF: And I understand that your
14 contacts with the court are remarkable and informative and
15 you have some matter to inform us of.

16 MS. FOX: We have been advised by the clerk in
17 Department 86 of Los Angeles County superior court, the
18 clerk to Judge Diane Wayne, that in the consolidated action
19 that was heard yesterday which was the Hacienda/La Puente
20 Unified School District and the Hacienda Heights Improvement
21 Association versus the County Sanitation Districts and then
22 the consolidated action being RR&C Development Company also
23 versus the County Sanitation Districts that the court has
24 granted the petition for writ of mandate declaring that the
25 Environmental Impact Report is inadequate on exactly the

1 same lines.

2 There is no change to the tentative decision,
3 and I submitted into your record earlier a copy the court's
4 tentative decision. Two bases, inadequate information on
5 groundwater impact and inadequate project description for
6 failure to address the entire project, the material recovery
7 and rail loading facility specifically and intermodal
8 facility.

9 So that would mean we will be, Mr. Chairman and
10 Members of the Committee and Mr. Conheim, I cannot speak for
11 the homeowners, I have no authority to do that, but on
12 behalf of RR&C I will be forthwith submitting a letter to
13 the county counsel and to the board of supervisors asking
14 their intent. I know the legal implication for the CUP.
15 Those CUPS are invalid as a matter of law. I'm going to ask
16 them to take a formal action to withdraw those CUPS. If
17 they don't we'll do it for them. I'd prefer not to do that.
18 We do have an action on file. But I think the best
19 expeditious, most expeditious way and the best interests of
20 the public and the taxpayer would be for them to recognize
21 their legal obligation, and we will be asking them to do so.

22 CHAIRMAN HUFF: Okay. Now, Mr. Conheim, I
23 understand that we have not been served with this yet.

24 MR. CONHEIM: Well, we're not a party to this
25 and I'm not sure anybody has been served with it yet.

1 And I don't know, Ms. Fox, you may be able to
2 edify us based on your superior knowledge of civil
3 procedure.

4 MS. FOX: Now, don't be sarcastic. I
5 apologized for before, now be nice.

6 MR. CONHEIM: I don't know what further orders
7 need to come out of this, whether this is the -- if this is
8 the grant of the writ -- and I understand the tentative said
9 that -- and if it's final, in a very near time frame it will
10 have the effect of invalidating the EIR if it doesn't
11 already as of this instant. And I don't know what response
12 the san districts' attorneys are going to have. And by next
13 week the legal situation based on --

14 CHAIRMAN HUFF: It is possible that more
15 motions will be filed by other attorneys.

16 MR. CONHEIM: I suspect that's a possibility.

17 MS. FOX: May I address that please?

18 With regard to the procedure that's involved,
19 once the court issues this ruling, at least as far as the
20 Hacienda Heights Improvement Association and the Hacienda/
21 La Puente Unified School District, the first of two
22 consolidated actions, she has declared the EIR to be invalid
23 and the sanitation districts to set aside their approval of
24 the Puente Hills waste management facilities which would be
25 the expansion of the landfill and the material recovery

1 facility, et cetera.

2 Now, I will represent and I believe Mr. Conheim
3 was in the courtroom yesterday and I know Mr. Maguin was on
4 the behalf of the sanitation districts and also Ms. Chan who
5 was in the back of the room earlier, I think she is still
6 there, but at any rate, Mr. Hyde, the attorney for the
7 sanitation districts, did ask the court to make a ruling
8 about allowing them to go forward and she refused to address
9 it at that time and said, let me make one ruling at a time.
10 My recollection is, and you were there, let me make one
11 ruling at a time. If you think you have authority for that
12 you can bring that back.

13 I should caution you the water is very, very
14 muddy. It's clear that she has found the EIR to be
15 inadequate, but there is still one other action she has to
16 rule on, and we had many more grounds in our petition and in
17 our briefs and in fact we were the ones that brought in all
18 of the expert testimony during the administrative process.
19 We had hired seven different experts addressing groundwater
20 issues and traffic and air emissions and noise and
21 geotechnical concerns.

22 The ruling we saw yesterday addressed
23 groundwater and project description, but I can tell you
24 this, and Mr. Conheim can either respond, I'm sure he will,
25 or check it out for himself. When you look at the CEQA

1 cases, the long line of black letter law in the State of
2 California where you deal with a project or a case and a
3 court finds a project description, which is the sine qua
4 non, that is your whole EIR is based on your project
5 description and all of your impacts, if the court has found
6 the project description to be inadequate there is nothing
7 going to happen with that EIR until they go back to the
8 beginning and start again.

9 And they won't be allowed to go forward because
10 if this judge were foolish enough to allow it, there's no
11 doubt, there's not an element of doubt in my mind that the
12 appellate court is not so foolish. And as I have already
13 demonstrated, I'm quite familiar, I know the way to the
14 appellate court, I was there last week. So that's what will
15 happen. She won't -- but what I don't know is I don't know
16 what's going to happen when she hears our case which is set
17 for a week from Monday. It almost seems superfluous except
18 it raises more issues than were already raised. And nobody
19 seems to know, this judge has her own unique way of going
20 about things, and as anybody that was a witness to the
21 proceeding yesterday could tell you, it was different.

22 CHAIRMAN HUFF: I'm sure though that you're not
23 questioning her wisdom at the moment.

24 MS. FOX: Not as to those two issues anyway.

25 Thank you, Mr. Chairman. We -- oh, by the way,

1 we got this information direct from the clerk in Department
2 86. I have asked my staff to either have the attorney
3 service or a law firm in Los Angeles that we're closely
4 allied with and doing documents with to go over to the
5 courthouse immediately before that department closes to pick
6 up a copy of that order and fax it to my office. And if
7 that happens in the next 20 minutes, 15, 20 minutes, I'll
8 have them fax it to me here and then give it to your
9 counsel.

10 But I think what you're going to find is that
11 if the county wants to grant those conditional use permits
12 they're either going to have to sit back and wait or maybe
13 they're going to have to do their own environmental
14 evaluation which is what they should have done to begin
15 with. Anyway, thank you.

16 CHAIRMAN HUFF: Well, Counselor, it looks like
17 to borrow a phrase that the water is muddy.

18 MR. CONHEIM: Yes, as Ms. Fox eloquently said,
19 you're faced with a conundrum here.

20 CHAIRMAN HUFF: And we thought it was a
21 landfill.

22 MR. CONHEIM: It is now a conundrum.

23 CHAIRMAN HUFF: Well, unless there is any
24 further testimony the matter is before us. I will make a
25 recommendation to the committee that in view of these

1 circumstances and in view of the fluidity of the subject and
2 the uncertainty that is surrounding these muddy waters that
3 the only real course of action that has any recommendation
4 for it is to recommend to the full board "no recommendation"
5 at this time.

6 BOARDMEMBER RELIS: I'll second it.

7 CHAIRMAN HUFF: But that the matter remain on
8 the Board agenda because it can always be pulled from the
9 full board as we approach next week. And there's no sense
10 in removing those options for us.

11 And I think it's also wise when you consider
12 that, given the potential for anything to happen and the
13 fact that law automatically grants this permit on October
14 15th should other things happen, it doesn't look like it now
15 but should other things happen, that we should leave it on
16 the agenda until the last possible moment to pull it off if
17 that becomes our course.

18 MR. CONHEIM: That seems to be the obvious
19 thing that we'd have to do with regard to November 1.
20 However, the green waste as composite as I understand it is
21 really not wrapped up in this litigation or the EIR.
22 However, if you were to grant that next week and November
23 1st came and the landfill couldn't operate, that also would
24 be moot. But you still have the power to act on that even
25 if you do have an invalid EIR, and when I can see it in

1 black and white and when we're told that it's really
2 final --

3 CHAIRMAN HUFF: This is true. But all of it is
4 in one permit.

5 MR. CONHEIM: Yes, at this point.

6 CHAIRMAN HUFF: Yes, at this point.

7 MR. CONHEIM: And we don't have the power --

8 CHAIRMAN HUFF: We don't have the power to
9 bifurcate the issue.

10 MR. CONHEIM: No. The san district as operator
11 and the LEA would have to modify the permit or reform the
12 permit in order to exclude those things that we couldn't do,
13 if indeed there are some things that we can't do.

14 CHAIRMAN HUFF: Yes, okay.

15 MR. CONHEIM: And one other thing, Mr. Huff,
16 that I wanted to say was just to clarify what Ms. Fox said.
17 Judge Wayne in response to attorney Dan Hyde, san districts'
18 attorney, his request that she make a ruling that she would
19 limit the application of her tentative to the future
20 project. She said she would invite -- my understanding is
21 that she would invite that motion after she made this
22 order. So I think that there is no question that that will
23 follow. So that by next week, by the Board's hearing next
24 week I will wager that there will be a slightly different
25 legal status of this project, at least some things will have

1 happened, both motions and counter motions and responses.

2 CHAIRMAN HUFF: I imagine the lawyers are going
3 to busy. Rich, yes. Except the state employed lawyer here
4 who gets the same amount of money regardless of how many
5 motions he makes.

6 Okay, then does someone wish to make the motion
7 that there be no recommendation?

8 (MOTION) BOARDMEMBER RELIS: I'll move that.

9 CHAIRMAN HUFF: But that the matter remain on
10 the Board agenda.

11 BOARDMEMBER RELIS: We'll keep it on the agenda.

12 CHAIRMAN HUFF: Okay. Without objection --

13 BOARDMEMBER EGIGIAN: There is an objection.

14 CHAIRMAN HUFF: Okay, roll call.

15 THE CLERK: Boardmember Egigian.

16 BOARDMEMBER EGIGIAN: No.

17 THE CLERK: Relis.

18 BOARDMEMBER RELIS: Aye.

19 THE CLERK: Chairman Huff.

20 CHAIRMAN HUFF: Aye.

21 Motion carries two to one. That takes care of

22 Item 5.

23 Now, I am aware that some people have a 5:30
24 flight.

25 (Discussion held off the record.)

1 CHAIRMAN HUFF: Item 6.

2 MR. CASTLE: Good afternoon, Chairman Huff,
3 Members of the Committee. My name is Richard Castle, I'm
4 from the Financial Assurances Section and I'm here to
5 present Item 6 today.

6 As you'll see in your committee packet, what
7 Item 6 is is a further discussion of possible straight-line
8 funding formulas to replace the Board's formula that will
9 become effective September 28th of this year which is a
10 doubling formula for the landfills, deposits into the trust
11 funds and enterprise funds. We have three formulas within
12 the packet.

13 The first formula is presented by staff. It's
14 the same one that you saw back in May of this year, and it's
15 based on the governmental accounting standards formula. The
16 second formula is one presented by Norcal Waste which is a
17 similar formula to the staff's formula. They both are based
18 on the capacity used at the landfill. The third formula as
19 a baseline is the formula that EPA uses within the Subtitle
20 D regulations which is based on the expected life of the
21 landfill.

22 The differences between the staff formula and
23 Norcal's formula are basically the staff's formula uses the
24 total capacity of the landfill and you calculate that with
25 the total capacity used of the landfill to get the total

1 percent of the landfill that you've used and you multiply
2 that by the estimate. It's pretty straightforward.

3 Norcal's formula's twist on that is that they
4 use the capacity utilized during the year but they base it
5 on the capacity that was remaining at the beginning of the
6 year. In essence if a detrimental change were to occur,
7 that type of a change to their required deposit would be
8 deferred for one year. And as you'll see in your packet,
9 the change that we've used, the assumptions that we've used
10 are that there will be a 20 percent decrease in capacity and
11 a 20 percent increase in costs in the third year. And the
12 result of that is obviously a significant impact on the
13 ability of the landfill to make its deposit. And you can
14 see the fact that the Norcal formula will defer that until
15 next year so that they can get up to speed with their
16 customers and get the tipping fee increased if necessary to
17 cover those additional costs.

18 What we're actually here at the Board for, we
19 have another glitch in the system is that we, in order to
20 change our regs at all we need to have a response from EPA
21 on how to go with changing our regulations. Our approval
22 under the Subtitle D program, or our tentative approval,
23 it's not final at this point, is based on our two-times
24 formula that is in the current regulations, and any change
25 that we make to that formula obviously can have an effect on

1 our approval under Subtitle D. And we have not been able to
2 get a clear response on how we change any regulations, much
3 less this particular regulation from EPA.

4 So that's one question that we have to consider
5 with this item. The other is that there has been
6 legislation, it's my understanding it's been passed and it's
7 enrolled, waiting for the governor's signature, that will
8 allow operators to not fund at a level greater than those
9 under the federal regulations. There are some questions
10 about that will actually affect our formula by the way that
11 the legislation is actually written. But those are other
12 things that we have to consider that we may be forced down
13 this path, whether we change the regs or not through
14 legislation. And my understanding it's not been signed --
15 excuse me, signed at this point, but it is enrolled.

16 To make the item brief, that's about where
17 we're at. We have the three formulas to look at. We have
18 the other considerations to deal with also about how we
19 actually change regulations.

20 CHAIRMAN HUFF: We have a process question and
21 a substance question.

22 MR. CASTLE: Yes.

23 BOARDMEMBER EGIGIAN: How does this change what
24 we have going for us now?

25 MR. CHANDLER: They're actual proposing some

1 alternatives to what we have now. So what we have before us
2 are three alternatives to what we have, and what's not clear
3 is the impact, if we adopted these alternatives, how the
4 feds would view --

5 BOARDMEMBER RELIS: Or whether we'll get
6 approval.

7 CHAIRMAN HUFF: The process question is what
8 are the feds going to say and how do we approach them. We
9 don't even know how to approach them. The substance
10 question is there are a lot of people out there who under
11 our regulations are going to expend or bank, really it's
12 bank --

13 MR. CASTLE: Yes.

14 CHAIRMAN HUFF: -- more money than the feds at
15 least think that they need to, more money than they think
16 that they need to, particularly given the fact that Subtitle
17 D is going to cost them some money in other areas.

18 MR. CASTLE: Correct.

19 CHAIRMAN HUFF: And it has been at least my
20 commitment to the people who have raised this issue to me
21 that we ought to afford these people some relief from our
22 requirement, particularly given the fact that Subtitle D is
23 going to cost them a penny or two in other areas.

24 That leaves the substance question of which
25 form of relief in my mind, and I suspect that you all are

1 with me, as well as the process question of how do we
2 approach the almighty federal government.

3 MR. CASTLE: Correct.

4 BOARDMEMBER RELIS: Now, is the almighty
5 federal government in this case Region 9?

6 MR. CASTLE: Yes, it is. It's my understanding
7 that it's Region 9 that we have to go to with this
8 question.

9 CHAIRMAN HUFF: You have an in?

10 BOARDMEMBER RELIS: I think so.

11 CHAIRMAN HUFF: Outstanding. I think that's,
12 we're going to have to use all of our mechanisms.

13 BOARDMEMBER RELIS: We have an in. So I think
14 we should, I think we should get to them with these options
15 and see if we can get one to fly sooner than later.

16 What is the critical date again for the
17 investment pay out?

18 CHAIRMAN HUFF: Here is what I would suggest.
19 We get approval on October 9. I don't want to do anything
20 to mess that up. Let's say on October 10, I would want us
21 to pose in no uncertain terms the process question to the
22 feds. I would suggest that we do that via the mechanism of
23 a letter from Mr. Chandler. I had toyed with Frost or even
24 Jim Strock, but let's start with Ralph, a letter from
25 Mr. Chandler to the appropriate counterpart at Region 9.

1 Once we are knowing that that letter has been
2 received, you then have added to my strategy by following
3 that letter up --

4 BOARDMEMBER RELIS: Yes.

5 CHAIRMAN HUFF: -- with, using you and your
6 contacts in Region 9. But I would start with something in
7 writing. And I think the federal government always works
8 best with something in writing. So I would start with
9 something in writing from Mr. Chandler to the feds and then
10 follow that up with whatever personal contacts from any of
11 us --

12 BOARDMEMBER RELIS: Okay.

13 CHAIRMAN HUFF: -- is appropriate. And we'll
14 have to coordinate closely so that we know when that letter
15 is sent, when it's received. My idea is that it's received
16 on October 10th, and that takes care of starting, asking the
17 process question. We still have a substance question.

18 BOARDMEMBER RELIS: Yes.

19 CHAIRMAN HUFF: And that is which of these
20 proposed funding formulas or which new proposed funding
21 formula that gets hatched between now and then do we pursue,
22 okay. And that issue is a substance issue, not a process
23 issue. And I know that Larry Sweetser from Norcal is here
24 to speak to that. And I don't know if anyone else is. I
25 don't have any other pieces of paper, but I'm sure that it

1 is of interest to people.

2 MR. CASTLE: To answer your earlier question,
3 Mr. Relis, September 28th is the change in the funding
4 formula. However, it would be the anniversary date of
5 somebody's mechanism after September 28th, and there aren't
6 that many actually that are going to happen at the time. We
7 had run the number before, I don't have that with me at this
8 time.

9 BOARDMEMBER RELIS: So our time, our challenge
10 is to get this as fast as possible.

11 MR. CASTLE: Yes.

12 CHAIRMAN HUFF: As fast as possible. And then
13 like I said, I mean, ideally it would be to get it in place
14 before September, what?

15 MR. CASTLE: Twenty-eighth.

16 CHAIRMAN HUFF: However, that has the
17 unfortunate aspect of starting to ask questions of the feds
18 on how we change something that they haven't yet approved,
19 and I don't want to do that, okay?

20 Is that okay?

21 We're getting real informal now.

22 MR. CASTLE: Do we have more questions?

23 CHAIRMAN HUFF: Any other questions?

24 (No response)

25 CHAIRMAN HUFF: Larry, do you want to take the

1 podium?

2 MR. SWEETSER: Larry Sweetser with Norcal Waste
3 Systems. One quick note on the timing issue, also the thing
4 to consider is that before somebody gets too concerned on
5 the date, they will have to come before the permit committee
6 which will be meeting after the 11th, I believe -- or the
7 10th. So we have a little bit of flexibility there.

8 CHAIRMAN HUFF: What's that on your tie?

9 MR. SWEETSER: The earth.

10 CHAIRMAN HUFF: Is that the planet?

11 MR. SWEETSER: Multiple planets.

12 CHAIRMAN HUFF: That's your planet earth tie?

13 MR. SWEETSER: Contributing to the cause.

14 I can either get into some details here on a
15 couple points and I'll try to be brief, realizing that it's
16 been quite a long day, a lot of discussions, but the issue
17 of financial assurance for closure, post closure and other
18 issues is pretty near to all of our checkbooks. Our company
19 has experienced that rather dramatically in the last couple
20 of years.

21 And framing the issue, all the parties agree of
22 the need to avoid this doubling issue in front of us by the
23 September 28th deadline. I think we've already talked about
24 that a little bit. Also the need, and it's paramount, not
25 to conflict with Subtitle D, at least until California gets

1 approval and then we can figure out how the best means of
2 addressing those issues are.

3 Despite those, I think we need to have
4 regulations that are going to fit the needs of California,
5 protect the health and safety, environment, and where
6 practical, have regulations where they're practical as well
7 as affordable. Hopefully we can get that in there too.

8 So I want to explain a little bit about our
9 formula and the capacity formula, then briefly about some
10 concerns we had with EPA. As far as the merits of the
11 capacity based, I think it's more reflective of the actual
12 happenings in a landfill. It allows the ability for us to
13 obtain rate recovery. It allows basically a direct
14 one-to-one correlation between the amount collected and the
15 amount in the fund. For every ton that you -- most
16 landfills collect these sort of fees on a per-ton basis, a
17 tip fee coming in the door. So if you have a set amount of
18 money set aside for closure, for every ton coming in you
19 have a known amount of money collected, a known amount of
20 money in the fund. You know exactly what's there, you have
21 some certainty with that.

22 You also have the ability of determination of
23 volumetric capacity. And it's very easy to determine how
24 much capacity you have left. You basically compare two
25 different topo maps from different years and you have a

1 known defendable engineering estimate, and it allows a lot
2 more ability for adjusting for changes in the future. If
3 you look at the graphs in the staff report or in the
4 document that I had, you can easily see that what goes on
5 with the various formulas. And I think the graphs point out
6 very well what happens on the amount of money in the fund
7 but doesn't necessarily reflect what actually happens at the
8 site and the amount of money collected at the time.

9 Our formula essentially as Mr. Castle explained
10 sort of delays an effect of collection for where you have a
11 dramatic increase or decrease in the landfill. The staff
12 formula takes that increase over a short period of time and
13 then drops back down. Ours spreads that out over the
14 remaining life. EPA's is different still, and while the
15 numbers look very attractive there in the spread sheet, keep
16 in mind that it's one extra payment and that's what a lot of
17 that results for the lower amount. Also EPA's requires the
18 cost up front, at the beginning of the year as opposed to an
19 end of year calculation. So you have to put money into an
20 account, not necessarily knowing where that money came
21 from. It's not on the basis of the amount collected, it's
22 only after the fact -- or before the fact.

23 It's nice to know for budgeting purpose that
24 you have a set amount required every year. A lot of us do
25 it on a per-ton basis so we're not going to know the exact

1 amount out there until the end of the year. If we're short
2 in tonnage, which has happened with the recession, if we
3 guessed wrong we may not be having that \$100,000 in the
4 account. It may be substantially less, or it could even be
5 substantially more. We're not going to know with any
6 certainty at any given time. It could be bouncing around in
7 the numbers in the account; whereas the capacity based, both
8 ours and staff's takes that into account. It's however much
9 money you collect goes into the account.

10 The other concern with EPA's is that it's
11 entirely based on the landfill closure date. As we've
12 experienced in a lot of our sites and at others, and you've
13 heard those as well, the actual date of closure is not
14 always known and it can change dramatically rather quickly.
15 EPA's is totally dependent upon that date being set, whereas
16 on a capacity base if you fill up the landfill faster you're
17 funded on the same time line without any changes. If you
18 fill it slower, then it also takes that into account. EPA's
19 does not. It's easier to defend capacity in a landfill than
20 it is to say that it's going to close at this date and time.
21 And once you've set that date, what is going to constitute a
22 change enough to change your permit to change that date?
23 You could either change it every time you have a different
24 estimate or you could wait until near the end of the life
25 and then suddenly find out with surprise that you're

1 inadequately funded. I think that's some of the dangers
2 with EPA's formula.

3 And with that I'll wrap up here with
4 essentially I explained EPA's and ours and the staff's both
5 addressed the issue of capacity funding which is closer to
6 what actually happens at most of our sites and at a lot of
7 others that I know of. Staff requires that peak, which we
8 call rate shock, in there for a short period of time and
9 then it drops down. Ours spreads that over the life. And
10 having been through rate process before, I can tell you
11 that's a lot easier to justify to people than a sudden
12 increase and then decrease.

13 Keeping in mind that this mechanism is only
14 applying to trust funds and enterprise funds which is pretty
15 much for smaller operators and those of us who can't deal
16 with other types of options, not for financial assurance.
17 And we'd encourage the Board not to rush a decision. I
18 think there's time to allow the existing formula to go on
19 until we can get this issue resolved on its merits as well
20 as with EPA on how to approach the issue.

21 And with that, I appreciate your help and
22 especially staff's work with us on this. It's a difficult
23 issue but we appreciate both efforts. And I'm available for
24 questions. Thank you.

25 BOARDMEMBER EGIGIAN: Larry, are you saying

1 that you go along with what Jeff suggested a little while
2 ago on the way this thing is handled?

3 MR. SWEETSER: I think one of the paramount
4 questions is trying to get conformance with Subtitle D. And
5 given the timing between September 28th and the fact that
6 the doubling only takes effect when your permit comes up for
7 renewal, and if your anniversary date is in that time, I
8 think there's very, very few facilities that could be
9 impacted by that in the short weeks that we're talking
10 about, and I think that's the most prudent course, I would
11 agree.

12 CHAIRMAN HUFF: And I would think that when we
13 go to write the regulations we can write them in such a way
14 as to recognize how much money is in the fund. So if
15 someone has put for whatever reason too much money in the
16 fund up front, it's not like they have to live with that
17 forever.

18 MR. SWEETSER: Correct.

19 CHAIRMAN HUFF: I would think that we'd be able
20 to do that.

21 BOARDMEMBER EGIGIAN: So they could, just like
22 always, put money in if they were ahead and come out even.

23 CHAIRMAN HUFF: Yes. We're going to be all
24 right in terms of the mechanics. The real questions are how
25 to resolve the process, and that's something we have to work

1 out in our bureaucratic ways. And then the substantive
2 issue.

3 MR. SWEETSER: Right.

4 CHAIRMAN HUFF: And the question for you,
5 understanding that you prefer your way, and I wouldn't
6 expect it any other way, is the EPA's way better than
7 nothing?

8 MR. SWEETSER: Better than not having put any
9 money aside?

10 CHAIRMAN HUFF: No, better than --- ah, come
11 on.

12 MR. SWEETSER: Sorry.

13 BOARDMEMBER RELIS: It is late, but we're not
14 that tired.

15 CHAIRMAN HUFF: Better than no change?

16 MR. SWEETSER: I need a prompting from the
17 back.

18 CHAIRMAN HUFF: You don't want to sign off on
19 that?

20 MR. SWEETSER: I don't know if I could without
21 running through some of those numbers. I've been assured
22 that the EPA's formula could work, it's not the best for us.

23 CHAIRMAN HUFF: I understand. And I'm not
24 saying that we're going to buy that as a compromise. Some
25 of it may very well depend on the nature of the reaction

1 when we raise the process question. You know, from a
2 strategic point of view let's understand a couple of things.
3 One, that you have from your point of view a better way than
4 what EPA has in Sub D. Two, EPA, gee, how are they going to
5 react now? We don't know that for sure. We know that if
6 they start exhibiting some sort of sensitivity that they'd
7 be hard-pressed not to buy what is written in Sub D. I
8 can't understand the rationale that they would reject us
9 dropping to the Sub D formula. So then the question is, is
10 that an improvement in the situation from what we have in
11 regulation now? That would be sort of the fall-back
12 position.

13 MR. SWEETSER: Probably I would agree in terms
14 of what we have now, what we're faced with with the
15 doubling. From our own personal situation, given our
16 anniversary, most of our anniversary dates are in June, I
17 think we can live EPA's formula. It's not going to impact
18 us. But I would still like the opportunity at the
19 appropriate time to pursue a more appropriate formula, be it
20 ours or another compromise.

21 CHAIRMAN HUFF: Yes, well, I understand that.
22 I'm just saying that the EPA formula represents in my mind
23 the ultimate fall-back position if we can't do anything
24 else. And I want to know then if that truly is a fall-back
25 position if that's worth anything.

1 MR. SWEETSER: I think we can live with it long
2 enough to take a look at it even harder. Our anniversary
3 dates are June, and I don't know what other sites are, but
4 that gives us some time to work with it.

5 CHAIRMAN HUFF: Okay.

6 MR. SWEETSER: Thank you.

7 CHAIRMAN HUFF: Thank you.

8 Doug.

9 MR. LANDEN: Thank you, Chairman Huff and Board
10 Members. Doug Landen from Kern County, also representing
11 Small Legislative Task Force. I understand and appreciate
12 your situation with EPA and don't have a problem with the
13 idea of the way you're suggesting processwise. As far as
14 the formula, I just became aware of Norcal's proposal, and
15 of course we'd want to look at that before we comment on
16 which formula is best.

17 The main comment I wanted to make Mr. Huff
18 already got to just a minute ago is there will be at least a
19 few situations, because the approval of a new formula won't
20 be for a few months apparently, where a facility would get
21 caught -- to get a permit or a revised permit or some permit
22 activity, that would get caught needing to show your board
23 that they'd put the two times in for this year because their
24 anniversary date is in that time frame. And within the
25 regulation change and the formula change we have been able

1 to look at retroactively saying, okay, now that money can
2 either come out or maybe at least that the next year you
3 wouldn't have to put in because it's already put in.
4 Hopefully it could be retroactive to release some of the
5 money that was put into the fund to make use of that this
6 current fiscal year.

7 CHAIRMAN HUFF: I think that there should be
8 some way to accomplish that. Let's say they put \$500,000
9 into it and then we write regulations saying that you didn't
10 need to do that, I don't think that makes sense to make them
11 live with that.

12 MR. LANDEN: Okay. And I just wanted to make
13 sure you were aware of the situation and obviously as you
14 had indicated before I got up here you are, so that was
15 pretty much the only comments I had other than again to
16 thank Mr. Huff and the Board for your attention to this
17 matter and hope we can get it resolved soon. Thank you.

18 CHAIRMAN HUFF: Anything else? Anyone else?

19 (No response)

20 CHAIRMAN HUFF: Item 7 -- oh.

21 MR. CHANDLER: Let me just then clarify,
22 Mr. Huff, then my letter to Felicia Marcus will not
23 reference the individual methodologies that we've heard
24 today --

25 CHAIRMAN HUFF: No.

1 MR. CHANDLER: -- it will just simply pose the
2 process question.

3 CHAIRMAN HUFF: How do we get in a post-
4 approval world when we change our regulations, what are they
5 expecting from us? Do they have to sign off on any, any
6 regulatory change we make? Any regulatory change that
7 differs from the absolute language of Sub D? Any language
8 that differs from the functional equivalent of Sub D? What
9 is it -- when do they want to see something? If we change a
10 comment do they want to see it? I mean, we don't know.

11 MR. CHANDLER: Right. And I just wanted to
12 make sure that --

13 CHAIRMAN HUFF: These guys never adopted the
14 stir rule.

15 MR. CHANDLER: -- that Norcal and others
16 realize that this letter will not address their particular
17 issues but just the larger process, and that's fine.

18 CHAIRMAN HUFF: Because we're going to run up
19 against this on a number of things, a number of things, and
20 we have to get a mechanism in place. It's overdue.

21 Okay, Item 7. This is a slam dunk.

22 MR. WOCHNICK: I'll do the slam dunk
23 presentation then. Mike Wochnick with the Permitting and
24 Enforcement Division. This item was before the committee
25 last month and also the Board and it's been held over for

1 formal approval to this month concerning implementation of
2 alternatives for Sub D. As you are aware, we're in the
3 process of trying to get state approval for the Sub D
4 program. As part of that, emergency regulations were
5 adopted and have been approved by the Office of
6 Administrative Law. Those regulations do include
7 alternatives to prescriptive standards.

8 And what we're asking for today is approval of
9 the Board to delegate approval of these alternatives to the
10 Executive Director except for one alternative which would be
11 the extension of closure for landfills that do not meet the
12 airport location restriction or bird hazard requirement.

13 These have been discussed with some of the
14 LEAs, have been discussed with industry. So far we have not
15 received, no negative comments on the proposal. If you wish
16 I can go into more detail on this item but seeing the
17 hour --

18 CHAIRMAN HUFF: Yes, well, you know, when you
19 briefed me I thought that it would be a good idea to go into
20 more detail so that everyone would understand that we are
21 delegating these things. And I do want that understanding
22 to somehow reach board members because as sure as I'm
23 standing here, someone, somewhere, sometime is going to say
24 what about that issue with landfill XYZ and the birds? And
25 the staff answer is going to be, Ralph approved it last

1 week, and they're going to say, when did we give him that
2 authority? So I want people to be aware that this is what
3 we're doing.

4 MR. WOCHNICK: Yes. And these recommended
5 levels of approval are consistent with existing delegations.
6 A number of them have to do with closure plans, would be
7 part of the closure plan approval process which is already
8 delegated to Mr. Chandler. Part of it has to do with the
9 alternative daily cover process, and the demonstration
10 project is also already delegated to the Executive Director.
11 And a number of them have to do with very short turnarounds
12 which in one case is methane gas release reporting where
13 they have to put in the operating record and report it
14 within seven days or if they want an alternative time
15 schedule for that, seven days is a little hard to get in
16 front of the Board. So a lot of these have to do with very
17 short time lines.

18 But as I said, we did, the working group on
19 this came to an agreement that the one issue that should
20 remain with the Board has to do with extending the closure
21 date for facilities that can't meet the bird hazard criteria
22 since that we thought is a very important one and should
23 remain at the Board level.

24 CHAIRMAN HUFF: Okay.

25 Well, do committee members have any questions

1 or concerns about the concept of delegating, to the level
2 indicated on the summary table, authority over the
3 particular areas that are --

4 BOARDMEMBER RELIS: I'm supportive of this.
5 I'm prepared to move.

6 CHAIRMAN HUFF: So you're comfortable with
7 daily cover going to the branch manager?

8 BOARDMEMBER RELIS: Uh-huh.

9 MR. WOCHNICK: I should mention what the
10 resolution does is that the Board would delegate it to the
11 Executive Director and then allow the Executive Director to
12 subdelegate as necessary or appropriate. But these would be
13 the recommended levels that the working group put forth.

14 CHAIRMAN HUFF: Any questions then?

15 BOARDMEMBER EGIGIAN: No, but I would -- I
16 should say yes. If Paul doesn't have any problem with the
17 branch manager --

18 BOARDMEMBER RELIS: Well, I didn't, you know,
19 initially I thought it was going to be Ralph. It's no
20 reflection on the branch manager.

21 It does go to you, Ralph? You make the call?

22 BOARDMEMBER EGIGIAN: Who is the branch
23 manager?

24 MR. CHANDLER: If you're talking about in the
25 case of the example that was just given, that would be

1 Mr. Dier who has had 10 years, is it, with the Board,
2 Mr. Dier?

3 BOARDMEMBER EGIGIAN: Don, what were you going
4 to tell us that you didn't when we asked you how long had
5 you worked for us?

6 MR. DIER: I'll talk to you about that.

7 MR. WOCHNICK: I can tell you if you want.

8 MR. CHANDLER: But again, the resolution would
9 be with the Executive Director, and I would make the
10 decision as to what further delegation is appropriate.
11 Because the working committee has outlined, and that is the
12 level that they recommended for the issue, and in this case
13 we're talking about something that Don typically sees and
14 makes a recommendation on anyway.

15 BOARDMEMBER EGIGIAN: Well, I don't have any
16 problems unless we run into trouble.

17 BOARDMEMBER RELIS: That's how a delegation
18 always works, right?

19 CHAIRMAN HUFF: Yes. Well, I mean, yes,
20 everyone should understand this is a delegation and there
21 have been questions raised about delegations in the past.

22 BOARDMEMBER RELIS: Yes, there have.

23 CHAIRMAN HUFF: So with that, I'll look for a
24 motion.

25 (MOTION) BOARDMEMBER RELIS: I'll move.

1 BOARDMEMBER EGIGIAN: Second.

2 CHAIRMAN HUFF: It's been moved.

3 Without objection we'll substitute our original
4 roll call. The ayes are three, the nos are none. The
5 motion carries. And we're not going to do consent on this
6 because, again, I want the board members, the other three,
7 to understand that we're doing a delegation, and I don't
8 want to do a delegation on consent. Okay?

9 Item 8. Let me just tell you Mr. Relis wants a
10 farmer on here but he doesn't know any farmers. So if any
11 of you are farmers, here is your chance to get on this
12 compost advisory panel and travel to Sacramento, soak down
13 board coffee and generally not get paid for anything, in
14 order to offer your opinions on compost. Any takers?

15 What can I say, Paul, I tried.

16 THE CLERK: What about Ralph?

17 CHAIRMAN HUFF: Ralph is a farmer.

18 THE CLERK: Ralph is a farmer.

19 BOARDMEMBER RELIS: Ralph, you are.

20 MR. CHANDLER: No.

21 CHAIRMAN HUFF: No, you're a gentleman farmer.

22 Go ahead and give your presentation.

23 MS. FRIEDMAN: I want to make a very brief
24 presentation, considering the hour. Good afternoon,
25 Chairman Huff and Board Members. I am Judy Friedman from

1 the Governmental and Regulatory Affairs Division. I'm going
2 to present this item to you for your consideration and
3 hopefully approval of the membership of the Compost Advisory
4 Panel. Just to remind you, on July 15th of this year OAL
5 approved the regulations concerning green material
6 composting facilities, and currently the Regulations Branch
7 staff are developing regulations addressing food materials,
8 sewage, sludge and mixed solid waste composting facilities.

9 In order to obtain expert assistance concerning
10 the technical aspect of these regulations, the Compost
11 Advisory Panel originally formed in 1992 will be
12 reformulated. This panel will include representatives from
13 the academic, food materials, sewage sludge, municipal solid
14 wastes, state and local government, compost users. The list
15 of proposed members are on pages 185 through 187 of your
16 packets. The panel will discuss issues concerning
17 permitting, operations, design, health and safety,
18 exemptions and compost specifications.

19 Staff anticipates the first panel meeting to be
20 scheduled for some time in mid-November. It is the staff's
21 hope that the expert assistance received from this group
22 will help reduce the number of comments on the draft
23 regulations, thereby facilitating the timely development of
24 the final regulations.

25 In addition to that I wanted to say that I was

1 BOARDMEMBER RELIS: I want to say, you put
2 together, this is a great group. We'll get excellent
3 advice.

4 MS. FRIEDMAN: I'll forward your comment to
5 Dennis Corcoran of the Regulations Branch. I'm sure he'll
6 appreciate that.

7 CHAIRMAN HUFF: Now, the only question that
8 remains is this is on the Board's agenda next week and I'm
9 not sure I understand why. It doesn't need to go to the
10 Board.

11 MS. FRIEDMAN: It was put on as a place holder
12 in the event that you wanted it to be forwarded in order to
13 make the appropriate schedules. It can be pulled.

14 CHAIRMAN HUFF: They'll see our regulations
15 from this group finish as they were. We don't need to
16 bother the Board with this.

17 MS. FRIEDMAN: Okay.

18 CHAIRMAN HUFF: Besides that, we gave them all
19 these things and didn't put any of them on consent today, so
20 let's take one thing off.

21 MS. FRIEDMAN: That concludes my --

22 BOARDMEMBER EGIGIAN: Don't you think we ought
23 to run this by Wesley?

24 CHAIRMAN HUFF: Only if he decides to become a
25 member of this committee again.

1 Okay, without objection we'll adopt the motion
2 that this is a list with the addition of Imperial County.

3 MS. FRIEDMAN: Gerald Quick.

4 CHAIRMAN HUFF: Yes.

5 Motions carries three to nothing. We are --
6 any other business?

7 (No response)

8 CHAIRMAN HUFF: -- adjourned.

9

10 (WHEREUPON, at the hour of 4:25 p.m., the
11 hearing was concluded.)

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CERTIFICATION

STATE OF CALIFORNIA)
)
COUNTY OF VENTURA) ss.

I, DIANE LEDBETTER, hereby certify that the foregoing pages 1 through 192, inclusive, are a true and correct verbatim transcript of the proceedings as reported by me.

WITNESS my hand this 29th day of September, 1993, Ventura, California.


DIANE LEDBETTER