

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, CA 95826
(916) 255-2200

Wednesday, September 10, 1997
9:30 a.m.

meeting of the

LOCAL ASSISTANCE AND PLANNING COMMITTEE

Wesley Chesbro, Chairman
Robert C. Frazee, Member
Janet Gotch, Member

AGENDA

- Note:
- o Agenda items may be taken out of order.
 - o If written comments are submitted, please provide 15 two-sided copies in advance of the Committee meeting and include on the first page of the document the date, the name of the committee, the agenda item number, and the name of the person submitting the document.
 - o Unless otherwise indicated, Committee meetings will be held in the CIWMB Hearing Room, 8800 Cal Center Drive, Sacramento, CA.
 - o Any information included with this agenda is disseminated as a public service only, and is intended to reduce the volume and costs of separate mailings. This information does not necessarily reflect the opinions, views, or policies of the CIWMB.
 - o To request special accommodations for those persons with disabilities, please contact the Committee Secretary at (916) 255-2172.

Important Notice: The Board intends that Committee Meetings will constitute the time and place where the major discussion and deliberation of a listed matter will be initiated. After consideration by the Committee, matters requiring Board action will be placed on an upcoming Board Meeting Agenda. Discussion of matters on Board Meeting Agendas may be limited if the matters are placed on the Board's Consent Agenda by the Committee. Persons interested in commenting on an item being considered by a Board Committee or the full Board are advised to make comments at the Committee meeting where the matter is considered.

Some of the items listed below may be removed from the agenda prior to the Committee meeting. To verify whether an item will be heard, please call Kathy Marsh, Committee Secretary, at (916) 255-2172.

1. REPORT FROM DIVERSION, PLANNING AND LOCAL ASSISTANCE DIVISION (ORAL REPORT)
2. REPORT ON WASTE PREVENTION ACTIVITIES OF THE WASTE PREVENTION AND MARKET DEVELOPMENT DIVISION (ORAL REPORT)
3. CONSIDERATION OF CONSENT AGENDA ITEMS
4. CONSIDERATION OF STAFF RECOMMENDATION TO CORRECT THE 1990 BASE-YEAR GENERATION TONNAGE FOR THE PREVIOUSLY APPROVED SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF BRENTWOOD, CONTRA COSTA COUNTY 1
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- 15. CONSIDERATION OF STAFF RECOMMENDATION ON THE PETITION FOR REDUCTION OF THE 2000 GOAL FOR THE CITY OF KING, MONTEREY COUNTY
- 16. CONSIDERATION OF STAFF RECOMMENDATION ON THE TWO-YEAR TIME EXTENSION FOR MEETING THE DIVERSION REQUIREMENT OF THE INTEGRATED WASTE MANAGEMENT ACT OF 1989 FOR THE CITY OF SOLEDAD, MONTEREY COUNTY
- 17. CONSIDERATION OF STAFF RECOMMENDATION ON THE PETITION FOR REDUCTION OF THE 2000 GOAL FOR THE CITY OF SOLEDAD, MONTEREY COUNTY
- 18. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT, AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF SOLEDAD, MONTEREY COUNTY
- 19. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE AMENDMENT TO THE NONDISPOSAL FACILITY ELEMENT FOR THE UNINCORPORATED AREA OF ORANGE COUNTY
- 20. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF SOLVANG, SANTA BARBARA COUNTY
- 21. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT, AND NONDISPOSAL FACILITY ELEMENT; AND FOR TIME EXTENSIONS AND GOAL REDUCTIONS FOR THE SISKIYOU COUNTY REGIONAL AGENCY
- 22. CONSIDERATION OF STAFF RECOMMENDATION ON THE PETITION FOR REDUCTION IN PLANNING REQUIREMENTS FOR THE SISKIYOU COUNTY REGIONAL AGENCY
- 23. CONSIDERATION OF STAFF RECOMMENDATION ON THE ADEQUACY OF THE TEHAMA MULTI-JURISDICTIONAL SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT, AND NONDISPOSAL FACILITY ELEMENT; AND FOR THE PETITION FOR TIME EXTENSION FOR THE CITIES OF CORNING, RED BLUFF, TEHAMA, AND UNINCORPORATED TEHAMA COUNTY
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- 26. ADJOURNMENT

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(Item available closer to meeting date)

Notice:

The Board or the Committee may hold a closed session to discuss the following: confidential tax returns, trade secrets, or other confidential or proprietary information of which public disclosure is prohibited by law; the appointment or employment of public employees, or litigation under authority of Government Code Sections 11126 (a) (1), (c) (3), (15), and (e), respectively.

For further information or copies of agenda items, please contact:

INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, CA 95826

Patti Bertram (916) 255-2563
FAX (916) 255-2602

NOTE: BOARD AND COMMITTEE AGENDAS ARE AVAILABLE ON THE INTERNET. THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S HOME PAGE IS AS FOLLOWS:
[HTTP://WWW.CIWMB.CA.GOV/](http://www.ciwmb.ca.gov/)

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LOCAL ASSISTANCE AND PLANNING COMMITTEE

Wesley Chesbro, Chairman
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CONSENT AGENDA

On June 29, 1994, the Board authorized the Local Assistance and Planning Committee to utilize a consent agenda for the approval of planning elements due to the large number of documents that the Committee will have to consider. The following items have been reviewed by Board staff and have been recommended to the Committee for consent. The Committee will be asked to approve these items at one time without discussion. At the beginning of the meeting, the Chair of the Committee will ask Committee members or other interested parties or staff who wish to address an item on the Consent Agenda to state their names and the items they wish to address for the record. The Chair or an individual Committee Member may request that an item be removed from the Consent Calendar for full hearing. [Items removed from the Consent Calendar will be heard in the originally scheduled order.]

NOTE: An asterisk indicates that not all planning elements for that jurisdiction are on the consent agenda.

4. CONSIDERATION OF STAFF RECOMMENDATION TO CORRECT THE 1990 BASE-YEAR GENERATION TONNAGE FOR THE PREVIOUSLY APPROVED SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF BRENTWOOD, CONTRA COSTA COUNTY
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LOCAL PLANNING DOCUMENTS

In consideration of the in-house waste prevention policy, the September 10, 1997 Local Assistance and Planning Committee Agenda Items 4 - 13 and 18 - 20 will not be included in the Board packet.

Please retain the above items for inclusion in the September 30, 1997 Board packet.

If you have questions or need to obtain copies of the above items, please contact Patti Bertram, the Board's Administrative Assistant, at (916) 255-2156.

In Board Packet

9/24/97

WJH

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Local Assistance and Planning Committee
September 10, 1997

AGENDA ITEM 14

ITEM: CONSIDERATION OF STAFF RECOMMENDATION ON THE TWO-YEAR TIME EXTENSION FOR MEETING THE DIVERSION REQUIREMENTS OF THE INTEGRATED WASTE MANAGEMENT ACT OF 1989 FOR THE CITY OF KING, MONTEREY COUNTY

I. SUMMARY:

The City of King has requested the California Integrated Waste Management Board (Board) consider a petition for a two-year extension to allow the rural city to meet the Integrated Waste Management Act of 1989 (IWMA) diversion requirements, as allowed under Public Resources Code (PRC) Section 41787.4.

II. PREVIOUS COMMITTEE ACTION:

No previous Committee or Board action has occurred on this item.

III. OPTIONS FOR THE COMMITTEE:

Committee members may decide to:

1. Forward staff's recommendation, approval of the requested extension, to the full Board for consideration.
2. Modify staff's recommendation and forward that to the full Board for consideration.
3. Direct staff to reevaluate the agenda item to include or address additional information as determined by the Committee and bring the item back before the Committee at a future time.

IV. STAFF RECOMMENDATION:

Staff recommends option one, approval of a two-year time extension for meeting the 1995 diversion requirement of the IWMA for the City of King.

V. ANALYSIS:

Background

The City of King has requested the Board consider the City's petition for a two-year extension for meeting the Integrated Waste Management Act of 1989 (IWMA) diversion requirement for 1995.

PRC Section 41787.4 states that "...notwithstanding Section 41820, the Board may grant a two-year time extension from the diversion requirements of Section 41780 to a rural city, rural county, or rural regional agency if all of the following conditions are met:

(a) The board adopts written findings, based on substantial evidence in the record, that adverse market or economic conditions beyond the control of the rural city, rural county, or rural regional agency prevent the rural city, rural county, or rural regional agency from meeting the diversion requirements;

(b) The rural city, rural county, or rural regional agency submits a plan of correction that demonstrates how it will meet the diversion requirements before the time extension expires, which includes the source reduction, recycling, and composting programs it will implement and states how those programs will be funded;

(c) The rural city, rural county or rural regional agency demonstrates that it is achieving the maximum feasible amount of source reduction, recycling, or composting of solid waste within its jurisdiction.

PRC Section 40183 defines "rural city" as:

(a) An incorporated city which has a geographic area of less than three square miles, has a waste generation rate of less than 100 cubic yards per day, or 60 tons per day, and which is located in a rural area.

(b) An incorporated city which has a population density of less than 1,500 people per square mile, has a waste generation rate of less than 100 cubic yards per day, or 60 tons per day, which is located in a rural area.

If the time extension request were approved, the extended goal date year for the City to meet the diversion requirement for the short term would be 1997.

Planning Status

In November of 1995, the City of King submitted to the Board a Petition for Reduction in the 1995 goal, as well as the City's final SRRE, HHWE, and NDFE. The City's SRRE did not project to meet 25% diversion by 1995 or 50% diversion by the year 2000. The City's SRRE planned projections based on receiving reductions in the 1995 and 2000 diversion goals. Because the Board adopted a policy not to grant retroactive Petitions for Reductions and the SRRE did not project to meet the 25% and 50% diversion goals, the City requested that the Petition for Reduction be withdrawn and the SRRE be temporarily withdrawn until a Petition for Extension could be prepared for 1995 and a Petition for Reduction prepared for 2000.

On February 27, 1996, the Board approved King City's HHWE and NDFE.

City Characteristics

King City is located in the heart of the Salinas Valley in Monterey County. The Gabilan Mountain Range borders the valley on the east, and the Santa Lucia Mountain Range lies to the west. Vast expanses of agricultural lands surround King City. State Highway 101 passes through the southern portion of King City, connecting it to its closest communities: Greenfield, 10 miles northeast, and San Lucas, nine miles southeast. The City of King has an agricultural-based economy. The agriculturally related land uses include cattle, agricultural commodities, food packaging, and food-processing plants.

King City had a population of approximately 9,800 people in 1995 (Department of Finance, Demographic Research Unit). The median family income is \$28,750 per the 1990 census. This compares to the State average median family income of \$40,559. The City's population is 70% Hispanic, and there is a large seasonal employment base due to the City's agricultural setting. At times the City's unemployment exceeds 15%. These factors affect the City's ability to effectively communicate with its population.

King City meets the criteria to petition the Board for an extension in meeting the diversion requirements of PRC Section 41780. King City has an area of 2.8 square miles, and a waste generation rate of 22.9 tons per day. Using this generation figure, the City of King contributes approximately .022% of the State of California's waste stream.

Solid Waste Collection and Disposal

Waste collection service is mandatory in King City and is provided by King City Disposal Service. King City Disposal is a private company operating under a franchise from the City. Waste disposed from King City goes directly to the Jolon Road Landfill, which is operated by King City Disposal

under a contract from the Public Works Department of Monterey County. Currently, there is no separation of compost materials occurring at the Jolon Road Landfill.

Base Year Diversion Programs

Base year diversion programs identified by the City include:

- Thrift stores and charitable contributions;
- AB 2020 centers.

The City currently has two AB 2020 buy-back centers. The first receives glass, aluminum, batteries, tires and newspapers. The second accepts mainly glass and aluminum. In 1990, the City recycled 2.9 percent of its total waste stream.

Based on the information collected by Monterey County staff for the 1990 Monterey County SWGS, it was estimated that residential, commercial, and industrial generators located within King City diverted approximately 245 tons of residential waste. Since 1990, several industries and commercial operators have begun recycling programs. These include: Safeway, Payless Drugs, Basic Vegetable, Cal Compack, and Casey Printing. Because these programs are not City operated or directed, diversion quantities are not quantified.

Current Diversion Programs

All base year diversion programs are currently operating.

In conjunction with the other three South Monterey County cities (Gonzales, Soledad, Greenfield), a public outreach program was initiated November 1, 1995, which includes monthly advertising in English and Spanish newspapers regarding source reduction. This was made possible through a grant awarded by the League of California Cities and the CIWMB.

Other activities which the City of King participates in include: CIWMB Household Hazardous Waste Grant funded "HHW Disposal Day"; community awareness programs promoted by the Boy Scouts; Countywide used oil recycling activities; and media outreach via articles for publication in local papers.

Proposed Diversion

Although the City's SRRE did not project to meet 25% by 1995, it does project to meet a 27.4% diversion rate by the year 1997 through implementation of the following programs:

Source Reduction:

- Backyard composting;
- Source reduction education for residential, commercial, and industrial generators;
- Governmental waste reduction and procurement policies;
- Variable can rates and other rate structure changes to provide an economic incentive for all types of generators to reduce waste generation rates;
- Tipping fee differential that makes landfill disposal fees higher than recycling and composting fees in order to create an economic incentive to recycle and compost;
- Program monitoring and evaluation.

Recycling:

- Commercial, industrial, governmental, and school recycling programs which emphasize source-separated collection;
- Drop-off and/or buy-back centers;
- Public area recycling in which separate recycling receptacles are provided in high traffic public areas and during special events;
- Market development activities to increase the use of recyclable and recycled products and to create an economic climate that attracts industries that use recycled-content feedstock. To this end, Monterey County has been designated as a State-sponsored Recycling Market Development Zone;
- Single family curbside recycling (medium term)
- Program monitoring and evaluation.

Composting:

- Tipping fee incentives to encourage source separation (included as part of the tipping fee differential for source reduction programs)
- Consumer education efforts to support source-separation efforts and to promote the use of compost
- Market development activities, including promoting agricultural compost markets and governmental procurement policies to promote use of compost products by public agencies and contractors
- Green waste collection and processing (medium-term as a contingency)
- Program monitoring and evaluation

City Staff, Funding, and Economy

Since the passage of AB 939, the City has not increased its staffing levels. In fact, at the time the Petition for Reduction was prepared, the Planning Department consisted of one full-time employee. The small size of the

Planning Department had a direct effect on the City's ability to have adequate staff time to devote to implementing effective reduction strategies. Since the preparation of the Petition for Reduction, the City lost its only Planning Department employee and does not plan to replace that person. Currently AB 939 implementation responsibility falls on the City Manager. The management time required to meet the diversion goals is being added to a staff person who is already overburdened and a budget that is meeting the bare minimum in operating costs.

The City does not budget funds for solid waste functions. All elements of the City's refuse collection and disposal operation are conducted by the private sector. Outside of a further collection fee or direct tax increase, the City does not have a revenue stream to use or expand to generate the revenue needed to subsidize AB 939.

There are major issues driving up general refuse costs besides AB 939 compliance. The City's targeted revenue raising source is the refuse collection fee. That fee faced two (2) major increases:

1. Doubling of tipping fees on 9/27/94 to meet increased landfill operational requirements.
2. Further increase in landfill disposal costs as the County removes operational subsidies and rates are further increased to accumulate money to meet closure and post closure requirements.

Despite these increases, the City receives no revenue from Jolon Road. When these dramatic increases are combined with the full costs necessary to meet the diversion mandates of AB 939; the public will face a significant tax increase.

As noted previously, the City of King is an agricultural-based city with a relatively high fluctuation in population due to seasonal farm workers. This has also posed a problem for the City in targeting participation in diversion programs by this population.

In the City, the private market is handling the more cost-effective recyclable materials, such as aluminum and cardboard. The City does not have a large newspaper percentage. The largest category of waste is organic material. Running a full scale composting operation is too expensive for the City to maintain at this time, but current plans call for utilization of a full scale composting operation by the end of the medium term. The City's efforts to implement successful diversion programs and achieve 25% diversion by 1995 have been hindered by the City's limited funding, staff, undeveloped markets in the region, and the nature of being a small, rural city.

Conclusion

In April 1996, the Board voted to deny retroactive Petitions for Reductions for the 25% diversion requirement of 1995 and consider issuing a two-year time extension as allowed by PRC Section 41787.4.

ATTACHMENT

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION No. 97-391

FOR CONSIDERATION OF APPROVAL OF A TWO YEAR TIME EXTENSION FOR MEETING THE AB 939 MANDATED DIVERSION REQUIREMENT FOR 1995 FOR THE CITY OF KING, MONTEREY COUNTY

WHEREAS, Public Resources Code (PRC) Sections 41787.4, et seq., allows the board to grant a two year time extension from the diversion requirements of PRC Section 41780 to rural cities, rural counties, and rural regional agencies if all of the following conditions are met:

- (a) The board adopts written findings, based on substantial evidence in the record, that adverse market or economic conditions beyond the control of the rural city, rural county, or rural regional agency prevent the rural city, rural county, or rural regional agency from meeting the diversion requirements.
- (b) The rural city, rural county, or rural regional agency submits a plan of correction that demonstrates how it will meet the diversion requirements before the time extension expires, which includes the source reduction, recycling, and composting programs it will implement and states how those programs will be funded.
- (c) The rural city, rural county, or rural regional agency demonstrates that it is achieving the maximum feasible amount of source reduction, recycling, or composting of solid waste within its jurisdiction; and,

WHEREAS, PRC Section 40183 defines a rural city as either of the following:

- (a) An incorporated city which has a geographic area of less than three square miles, has a waste generation rate of less than 100 cubic yards per day, or 60 tons per day, and which is located in a rural area; or,
- (b) An incorporated city which has a population density of less than 1,500 people per square mile, has a waste generation rate of less than 100 cubic yards per day, or 60 tons per day, which is located in a rural area; and,

WHEREAS, Title 14 of the California Code of Regulations (CCR) Section 18774.5 allows for qualifying jurisdictions to petition the Board for extensions in the planning and diversion requirements and specifies the procedure for requesting and granting extensions; and,

WHEREAS, the Board received a Petition for Extension in the diversion requirements from the City of King; and,

WHEREAS, the City of King qualifies based on small geographic size and small quantity of solid waste generated within the City; and,

WHEREAS, the City has complied with Title 14 of the CCR Section 18774.5; and,

WHEREAS, the Board finds that the request for a two-year extension in

the diversion requirements to allow the City of King to achieve 25% by 1997 is reasonable; and,

WHEREAS, based on review of the requested time extension, Board staff found that all of the foregoing requirements have been satisfied and that the request for the extension substantially complies with PRC 41787.4, et seq., and recommends its approval;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves a two-year time extension for the City of King, Monterey County. The City is required to meet the diversion goals of the Integrated Waste Management Act of 1989 for the short-term by 1997.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on September 30, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Local Assistance and Planning Committee
September 10, 1997

AGENDA ITEM 15

ITEM: CONSIDERATION OF STAFF RECOMMENDATION ON THE PETITION FOR REDUCTION OF THE 2000 GOAL FOR THE CITY OF KING, MONTEREY COUNTY

I. SUMMARY

Public Resources Code Section 41787 allows rural cities and counties to petition the California Integrated Waste Management Board (Board) for a reduction in the diversion requirements under specific conditions. The City of King has petitioned for a reduction in the year 2000 diversion requirements.

II. PREVIOUS COMMITTEE ACTION

None

III. OPTIONS FOR THE COMMITTEE

The Committee may:

1. Forward staff's recommendation, approval of the requested reduction, to the full Board for consideration.
2. Modify staff's recommendation and forward that to the full Board for consideration.
3. Direct staff to reevaluate the agenda item to include or address additional information as determined by the Committee and bring the item back before the Committee at a future time.

IV. STAFF RECOMMENDATION

Staff recommends Option 1, granting a reduction in the 2000 diversion requirement. Staff also recommends approval of Resolution 97-392.

V. ANALYSIS

Background:

PRC Section 41780 requires that each city and county divert 25 percent of its waste from landfills by 1995 and 50 percent by the year 2000. Source Reduction and Recycling Elements (SRREs) are prepared by the cities and counties as planning guides for meeting the diversion mandates (PRC Section 41000 and 41300). The SRREs describe the

programs that a jurisdiction will use to achieve 25 percent and 50 percent diversion. PRC Section 41787 allows the Board to grant reductions in the diversion requirements to rural cities provided that achievement of the diversion requirements is not feasible due to both of the following conditions:

- (A) The small geographic size or low population density of the rural city; and,
- (B) The small quantity of solid waste generated within the rural city.

PRC Section 41787(a)(3) allows the Board to grant a reduction in the diversion requirements only if the rural city or rural county demonstrates that it has implemented all of the following programs:

- (A) A source reduction and recycling program designed to handle the predominant classes and types of solid waste generated within the rural city or rural county; and,
- (B) A public sector diversion and procurement program; and,
- (C) A public information and education program.

PRC Section 40183 defines "rural city" as:

- (A) An incorporated city which has a geographic area of less than three square miles, has a waste generation rate of less than 100 cubic yards per day, or 60 tons per day, and which is located in a rural area.
- (B) An incorporated city which has a population density of less than 1,500 people per square mile, has a waste generation rate of less than 100 cubic yards per day, or 60 tons per day, which is located in a rural area.

Requested Reductions

The City of King recently submitted a Petition for Reduction in the 2000 diversion requirement to 31.4%. The following table shows the diversion tonnages the City projects to achieve for a 31.4% diversion rate in 2000.

KING CITY	Base-Year			1997			2000		
	Dis.	Div.	Gen.	Dis.	Div.	Gen.	Dis.	Div.	Gen.
Original Claim	8,109	245	8,354	7,677	2,903	10,580	7,662	3,489	11,151
Changes to claimed tonnages:									
Hazardous Waste	(-25)	0	(-25)	(-25)	0	(-25)	(-25)	0	(-25)
Corrected Totals	8,084	245	8,329	7,652	2,903	10,555	7,637	3,489	11,126
Claimed diversion rates		2.9%			27.4%			31.3%	
Corrected diversion rates		2.9%			27.5%			31.4%	

ANALYSIS:

Planning Status

In November of 1995, the City of King submitted to the Board a Petition for Reduction in the 1995 goal, as well as the City's final SRRE, HHWE, and NDFE. The City's SRRE did not project to meet 25% diversion by 1995 or 50% diversion by the year 2000. The City's SRRE planned projections based on receiving reductions in the 1995 and 2000 diversion goals. Because the Board adopted a policy not to grant retroactive Petitions for Reductions and the SRRE did not project to meet the 25% and 50% diversion goals, the City requested that the Petition for Reduction be withdrawn and the SRRE be temporarily withdrawn until a Petition for Extension could be prepared for 1995 and a Petition for Reduction prepared for 2000.

On February 27, 1996, the Board approved King City's HHWE and NDFE.

City Characteristics

King City is located in the heart of the Salinas Valley in Monterey County. The Gabilan Mountain Range borders the valley on the east, and the Santa Lucia Mountain Range lies to the west. Vast expanses of agricultural lands surround King City. State Highway 101 passes through the southern portion of King City, connecting it to its closest communities: Greenfield, 10 miles northeast, and San Lucas, nine miles southeast. The City of King has an agricultural-based economy. The agriculturally related land uses include cattle, agricultural commodities, food packaging, and food-processing plants.

King City had a population of approximately 9,800 people in 1995 (Department of Finance, Demographic Research Unit). The median family income is \$28,750

per the 1990 census. This compares to the State average median family income of \$40,559. The City's population is 70% Hispanic, and there is a large seasonal employment base due to the City's agricultural setting. At times the City's unemployment exceeds 15%. These factors affect the City's ability to effectively communicate with its population.

King City meets the criteria to petition the Board for an extension in meeting the diversion requirements of PRC Section 41780. King City has an area of 2.8 square miles, and a waste generation rate of 22.9 tons per day. Using this generation figure, the City of King contributes approximately .022% of the State of California's waste stream.

Solid Waste Collection and Disposal

Waste collection service is mandatory in King City and is provided by King City Disposal Service. King City Disposal is a private company operating under a franchise from the City. Waste disposed from King City goes directly to the Jolon Road Landfill, which is operated by King City Disposal under a contract from the Public Works Department of Monterey County. Currently, there is no separation or compost materials occurring at the Jolon Road Landfill.

Base Year Diversion Programs

Base year diversion programs identified by the City include:

- Thrift stores and charitable contributions;
- AB 2020 centers.

The City currently has two AB 2020 buy-back centers. The first receives glass, aluminum, batteries, tires and newspapers. The second accepts mainly glass and aluminum. In 1990, the City recycled 2.9 percent of its total waste stream.

Based on the information collected by Monterey County staff for the 1990 Monterey County SWGS, it was estimated that residential, commercial, and industrial generators located within King City diverted approximately 245 tons of residential waste. Since 1990, several industries and commercial operators have begun recycling programs, these include: Safeway, Payless Drugs, Basic Vegetable, Cal Compack, and Casey Printing. Because these programs are not City operated or directed, diversion quantities are not quantified.

Current Diversion Programs

All base year diversion programs are currently operating.

In conjunction with the other three South Monterey County cities (Gonzales, Soledad, Greenfield), a public outreach program was initiated November 1, 1995, which includes monthly advertising in English and Spanish newspapers regarding source reduction. This was made possible through a grant awarded by

the League of California Cities and the CIWMB.

Other activities which the City of King participates in include: CIWMB Household Hazardous Waste Grant funded "HHW Disposal Day"; community awareness programs promoted by the Boy Scouts; Countywide used oil recycling activities; and media outreach via articles for publication in local papers.

Proposed Diversion

The City's SRRE projects to meet a 27.5% diversion rate by the year 1997 and 31.4% diversion by the year 2000 through implementation of the following programs:

Source Reduction:

- Backyard composting;
- Source reduction education for residential, commercial, and industrial generators;
- Governmental waste reduction and procurement policies;
- Variable can rates and other rate structure changes to provide an economic incentive for all types of generators to reduce waste generation rates;
- Tipping fee differential that makes landfill disposal fees higher than recycling and composting fees in order to create an economic incentive to recycle and compost;
- Program monitoring and evaluation.

Recycling:

- Commercial, industrial, governmental, and school recycling programs which emphasize source-separated collection;
- Drop-off and/or buy-back centers;
- Public area recycling in which separate recycling receptacles are provided in high traffic public areas and during special events;
- Market development activities to increase the use of recyclable and recycled products and to create an economic climate that attracts industries that use recycled-content feedstock. To this end, Monterey County has been designated as a State-sponsored Recycling Market Development Zone;
- Single family curbside recycling (medium term)
- Program monitoring and evaluation.

Composting:

- Tipping fee incentives to encourage source separation (included as part of the tipping fee differential for source reduction programs)
- Consumer education efforts to support source-separation efforts and to promote the use of compost
- Market development activities, including promoting agricultural compost markets and governmental procurement policies to promote use

- of compost products by public agencies and contractors
- Green waste collection and processing (medium-term as a contingency)
- Program monitoring and evaluation

City Staff, Funding, and Economy

Since the passage of AB 939, the City has not increased its staffing levels. In fact, at the time the Petition for Reduction was prepared, the Planning Department consisted of one full-time employee. The small size of the Planning Department had a direct effect on the City's ability to have adequate staff time to devote to implementing effective reduction strategies. Since the preparation of the Petition for Reduction, the City lost its only Planning Department employee and does not plan to replace that person. Currently AB 939 implementation responsibility falls on the City Manager. The management time required to meet the diversion goals is being added to a staff person who is already overburdened and a budget that is meeting the bare minimum in operating costs.

The City does not budget funds for solid waste functions. All elements of the City's refuse collection and disposal operation are conducted by the private sector. Outside of a further collection fee or direct tax increase, the City does not have a revenue stream to use or expand to generate the revenue needed to subsidize AB 939.

There are major issues driving up general refuse costs besides AB 939 compliance. The City's targeted revenue raising source is the refuse collection fee. That fee faced two (2) major increases:

1. Doubling of tipping fees on 9/27/94 to meet increased landfill operational requirements.
2. Further increase in landfill disposal costs as the County removes operational subsidies and rates are further increased to accumulate money to meet closure and post closure requirements.

Despite these increases, the City receives no revenue from Jolon Road. When these dramatic increases are combined with the full costs necessary to meet the diversion mandates of AB 939; the public will face a significant tax increase.

As noted previously, the City of King is an agricultural-based city with a relatively high fluctuation in population due to seasonal farm workers. This has also posed a problem for the City in targeting participation in diversion programs by this population.

In the City, the private market is handling the more cost-effective recyclable materials, such as aluminum and cardboard. The City does not have a large newspaper percentage. The largest category of waste is organic material. Running a full scale composting operation is too expensive for the City to maintain at this time, but current plans call for utilization of a full scale composting operation by the end

of the medium term. The City's efforts to implement successful diversion programs and achieve 25% diversion by 1995 have been hindered by the City's limited funding, staff, undeveloped markets in the region, and the nature of being a small, rural city.

Conclusion

The City of King qualifies, under the conditions of PRC Section 40183 and 41787, to petition for a reduction in the diversion requirements. 14 CCR Section 18775 requires the petitioning jurisdiction to provide the following information in its petition:

1. A general description of existing disposal and diversion systems, including documentation of the types and quantities of waste disposed and diverted;
2. Identification of the specific reductions being requested;
3. Documentation of why attainment of diversion and planning requirements is not feasible; and
4. The planning and diversion requirements that the city feels are achievable, and why.

In October, 1994, the Board adopted the Policy for Granting Reductions in the 50% Medium-Term (Year 2000) Diversion Requirement. It is the Board's policy to consider and act on Petitions for Reduction in the 50% diversion requirement based upon a collective evaluation of a standard set of criteria.

Board staff have reviewed the petition from King City and found that it complies with the above requirements of 14 CCR Section 18775. Based on the information provided in the petition, Board staff believes that a reduction in the year 2000 diversion requirement to 31.4% for the City of King is justified.

ATTACHMENTS

1. Board Resolution 97-392

Prepared by: Tabetha Willmon *SW* Phone: 255-2316
Reviewed by: Nancy Carr *NC* Phone: 255-2652
Reviewed by: Lloyd Dillon/John Sitts *LD JS* Phone: 255-2303
Reviewed by: Lorraine Van Kekerix / Pat Schiavo *LK PS* Phone: 255-2670
Reviewed by: Judith Friedman *JF* Phone: 255-2376
Legal Review: Elliot Block *EB* Date/Time: 9/2/97

ATTACHMENT NO. 1

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION NO. 97-392

FOR THE REDUCTION OF DIVERSION REQUIREMENTS FOR THE YEAR 2000
FOR THE CITY OF KING, MONTEREY COUNTY

WHEREAS, Public Resources Code (PRC) Section 41787 allows reductions in the diversion requirements specified in PRC Section 41780, if a rural city can demonstrate that achievement of the diversion requirements is not feasible due to both the small geographic size or low population density of the rural city and the small quantity of solid waste generated within the rural city; and

WHEREAS, Title 14 of the California Code of Regulations (CCR) Section 18775 allows for qualifying jurisdictions to petition the Board for reductions in the planning and diversion requirements and specifies the information which must be provided in support of a petition; and

WHEREAS, the Board received a Petition for Reduction in the diversion requirements from the City of King; and

WHEREAS, the City of King qualifies based on small geographic size and small quantity of solid waste generated within the City; and

WHEREAS, the Board finds that the request for a reduction in planning and diversion requirements to allow the City of King to achieve 31.4% diversion by 2000 is reasonable; and

WHEREAS, the City has complied with PRC Section 41787, and Title 14 of the CCR, Section 18775; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby grants the reduction in diversion requirements for the City of King to achieve 31.4% diversion by 2000.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on September 30, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Local Assistance and Planning Committee

September 10, 1997

AGENDA ITEM 24

ITEM: **CONSIDERATION OF THE COMPLETENESS DETERMINATION FOR THE COUNTYWIDE SITING ELEMENT AND THE SUMMARY PLAN FOR VENTURA COUNTY**

I. SUMMARY

Ventura County (County) has submitted its Countywide Siting (SE) Element and Summary Plan (SP) for compliance with Title 14 California Code of Regulations (14 CCR), Chapter 9, Article 8, of the Planing Guidelines and Procedures for Preparing and Revising Countywide Integrated waste Management Plans.

The County has submitted a Notice of Exemption for its SE and SP. Board staff determined the submittal was incomplete because the County has not complied with the Board's regulations requiring a Notice of Determination (NOD) to show compliance with the California Environmental Quality Act (CEQA). A NOD is filed when either a Negative Declaration ("ND") or an Environmental Impact Report ("EIR") is prepared. Board staff notified the County regarding this issue (letter dated May 3, 1996) and asked that the County submit at least a Negative Declaration with its SE and SP. The County has requested a Board hearing to discuss this matter.

To date the Board has approved approximately 30 SEs and all of them have complied with the Board's regulations regarding CEQA.

II. PREVIOUS COMMITTEE ACTION

The Local Assistance and Planning Committee has not previously acted on this item.

III. OPTIONS FOR THE COMMITTEE

The committee may recommend:

1. Reaffirm staff's determination regarding the incompleteness of Ventura County's CIWMP submittal.
2. Direct staff to revise regulations to allow for CIWMP submittals with Notice of Exemptions.

IV. STAFF RECOMMENDATIONS

Staff recommends the Committee approve option 1.

V. ANALYSIS

BACKGROUND

The Integrated Waste Management Act (Act) of 1989 requires each county or regional agency to prepare, adopt, and submit a Countywide/Regionwide SE and SP as part of the Countywide/Regionwide Integrated Waste Management Plan.

On March 21, 1996, representatives of Ventura County's Solid Waste Management Department presented their SE and SP to Board staff. Item "C" contained within the transmittal letter indicated the County's level of compliance with CEQA. At that time it was noted by both parties that the county had consciously decided to complete a Notice of Exemption rather than the required NOD for CEQA compliance, as per the Board's regulations. In staff's completeness letter dated May 3, 1996, staff reiterated that the filing was incomplete because the County had not provided the required NOD to assure compliance with CEQA as required per 14CCR section 18784.

During several discussions with Ventura County representatives prior to the submittal of the final, locally approved elements, staff consistently reinforced that a NOD would need to be submitted, at least for the SE, and at least a Negative Declaration would be necessary. This was indicated and stated to Ventura County staff verbally during telephone and in-person conversations.

One of the earliest documents to officially notify the County and clarify what was expected was a letter addressed to Ms. Christy Madden. This letter contained staff comments on the County's preliminary draft SE and SP, dated October 23, 1995. As noted in that letter, a comment section titled "California Environmental Quality Act", states that "A copy of a Notice of Determination for each document must be included when the final documents are filed with the Board per CCR section 18784(a)(6)." Ventura County's response dated November 13, 1995, made no mention of staff's comments concerning CEQA, only responses to the specific sections for the SE and SP.

A November 21, 1995 letter from the Chair of the Ventura County Board of Supervisors to the City of Santa Paula requesting the City's consideration and local adoption of the SE and SP, includes a statement showing the County had determined that the adoption of the *CIWMP* was categorically exempt from CEQA. Attached to that letter is the County's Notice of Exemption.

In a letter dated May 8, 1996, from the County to Board staff, the County representatives state they have complied with the regulations and have "no intention of doing anything further with regard to environmental documentation..."

On July 23, 1997, the Board's Executive Officer sent Ms. Kay Martin, Director of the County's Solid Waste Management Department, a letter restating staff's conclusion presented in previous correspondence. This letter also apprised Ventura County that staff was preparing an agenda item to the Local Assistance and Planning Committee to hear the County's concerns.

Between March 1996 and present day, there have been numerous telephone conversations between staff of the Board and Ventura County, and also between the Board's legal office and Ventura County's legal counsel on this matter. Board staff and legal staff's position has consistently been that the County needs to comply with regulations by providing a NOD, for either a Negative Declaration or Environmental Impact Report.

The County submitted a Notice of Exemption for its SE and SP. Board staff determined the submittal was incomplete because the County did not comply with the Board's regulations regarding submittal of a NOD. To date the Board has approved approximately 30 SEs and all of them have complied with the Board's regulations regarding CEQA.

The Final SE and SP were submitted for local adoption without the appropriate environmental documentation. Staff notified the County that the SE and SP, accompanied with appropriate environmental documentation, must be locally readopted.

LEGAL ISSUES RELATING TO THE BOARD'S REGULATIONS AND CEQA

Regulatory Requirement

14CCR section 18784 provides, among other things, that when a jurisdiction submits its CIWMP to the Board for review, it must include "a copy of the Notice of Determination, for the project's CEQA document(s), which has been filed with the State Clearinghouse in the Office of Planning and Research."

A NOD is filed when either a Negative Declaration ("ND") or an Environmental Impact Report ("EIR") are prepared (CEQA Guidelines sections 15075 and 15094). The Board adopted this requirement in order to ensure that an environmental document that included public comment, would be prepared for CIWMPs at the local level early in the process of the document's development. The Board could have chosen to separately describe and require specific environmental areas of analysis for the CIWMP. It did not because the issues of concern to the Board would all normally be addressed under the existing requirements for preparing a ND or EIR. This would not, however, be the case if a Notice of Exemption were prepared.

CEQA provides a mechanism by which a responsible agency, such as the Board, may require additional environmental analysis to be performed prior to its discretionary approval. This would require that the Board either take over as lead agency or sue the lead agency. In the typical situation regarding CIWMPs, though, the Board could not take over as lead agency because it would not qualify to do so under the requirements of CEQA Guideline 15052 (where there were no changed conditions). Therefore, without the regulatory requirement, the desired environmental review could not be required absent a Board lawsuit.

Consistency with CEQA

The Board's regulation is consistent with CEQA because it ensures that "the public will know the basis on which its responsible officials either approve or reject environmentally significant action." (Laurel Heights Improvement Assn. V. Regents of University of California (1988) 47

Cal. 3d 376, 392). More importantly, though, the Board is not enforcing CEQA requirements. It is enforcing compliance with its own regulations. The Board is simply using the pre-existing CEQA process as a vehicle for ensuring that an environmental review is done to further the purposes of the Act. ("...to reduce, recycle, and reuse solid waste generated in the state...in an efficient and cost-effective manner...to protect the environment..." Public Resources Code section 40052). This objective is met by utilizing the pre-existing requirements (rather than adding additional new ones) to ensure that environmental effects are addressed as efficiently as possible. It also helps to ensure that the analysis is done as part of the CIWMP preparation early in the process, just as the Act calls for early and significant public participation in the preparation of these elements (Public Resources Code section 40900(c)).

Approval by the Office of Administrative Law

The Board's regulations were adopted in accordance with the requirements of the Administrative Procedure Act ("APA") and were approved by the Office of Administrative Law. As set forth in Government Code section 11343.6(c), this raises the rebuttable presumption that all the requirements of the APA have been complied with. One of the requirements of the APA is that a state agency must have authority to promulgate a regulation in order for it to be approved.

The regulations must also be consistent with existing statutes. (See Government Code section 11349.1(a)(2) and (4)). Therefore, in approving these regulations, the Office of Administrative Law has already determined that the Board did have the authority to adopt this requirement and that it was not inconsistent with existing statutes. In addition, it should be noted that this regulation was the subject of numerous comment periods and public hearings during the rulemaking process that occurred during 1993 and 1994 prior to its adoption by the Board, and neither Ventura County, nor any other jurisdiction, objected to it at that time.

VI. APPROVALS

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Reviewed by: Judith J. Friedman *JJF* Phone: 255-2376
Legal Review: EB Date/time: 9/2/97

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