

Please note: These transcripts are not individually reviewed and approved for accuracy.

MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CAL/EPA BUILDING
1001 I STREET
2ND FLOOR
BYRON SHER AUDITORIUM
SACRAMENTO, CALIFORNIA

TUESDAY, AUGUST 14, 2007
9:38 A.M.

KATHRYN S. SWANK, CSR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 13061

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Ms. Margo Reid Brown, Chairperson

Mr. Wesley Chesbro

Mr. Jeffrey Danzinger

Ms. Rosalie Mul

Ms. Cheryl Peace

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Mr. Elliott Block, Acting Chief Counsel

Mr. Michael Bledsoe, Staff Counsel

Mr. Ted Rauh, Program Director, Permitting & Enforcement

Ms. Kristen Garner, Executive Assistant

Mr. John Bell (via Webcast)

Ms. Dianne Ohiosumua

Mr. Howard Levenson, Director, Sustainability Program

Ms. Brenda Smyth, Chief, Statewide Technical and
Analytical Resources Division

ALSO PRESENT

Ms. LaDonna Akin (via Webcast)

Ms. Ingrid Brostrom, Center on Race, Poverty & the
Environment (via Webcast)

Ms. Lynda Brothers, Nursery Products, LLC

APPEARANCES CONTINUED

Mr. Francis Church, helphinkley.org (via Webcast)
Mr. Robert Conaway, (via Webcast)
Ms. Kimberly Cox, Mojave Water Agency (via Webcast)
Mr. Lawrence E. Dale, City of Barstow (via Webcast)
Mr. Norman Diaz, helphinkley.org, (via Webcast)
Ms. Sandra Hill Diaz, helphinkley.org (via Webcast)
Mr. Frank Farrell, Greater Stockton Chamber of Commerce
Mr. Joe Gomez, City of Barstow
Ms. Paula Harold, San Bernardino County
Ms. Betty Hulen (via Webcast)
Mr. Martin Isaacson (via Webcast)
Ms. Edna Later (via Webcast)
Ms. Beverly Lowry, Mojave Water Agency (via Webcast)
Mr. Jeff Meberg, Nursery Products, LLC
Ms. Judy Miller (via Webcast)
Ms. Bette Moses (via Webcast)
Ms. Jessie Orr (via Webcast)
Mr. Mark Orr (via Webcast)
Mr. Jim Perkins (via Webcast)
Mr. Hector Rodriguez, City of Barstow (via Webcast)
Mr. Chris Seeney, Nursery Products, LLC

INDEX

	PAGE
I. CALL TO ORDER	1
II. ROLL CALL AND DECLARATION OF QUORUM	1
III. OPENING REMARKS	1
IV. REPORTS AND PRESENTATIONS	2
V. PUBLIC COMMENT	4
VI. CONSENT AGENDA	7
VII. CONTINUED BUSINESS AGENDA ITEMS	
VIII. NEW BUSINESS AGENDA ITEMS	
Permitting and Compliance	
1. Consideration Of A New Full Solid Waste Facilities Permit (Compostable Materials Handling Facility) For The Nursery Products Hawes Composting Facility, San Bernardino County -- (Committee Item B)	11
Motion	127
Vote	128
2. Consideration Of A Revised Full Solid Waste Facilities Permit (Transfer/ Processing Facility) For The West Valley Materials Recovery Facility, San Bernardino County -- (Committee Item C)	
Motion	7
Vote	8
3. Consideration Of A New Full Solid Waste Facilities Permit (C&D/Inert Debris Processing Facility) For The Fruitridge C&D Recycling Facility, Sacramento County -- (Committee Item D)	
Motion	7
Vote	8

INDEX CONTINUED

	PAGE
4. Consideration Of A Revised Full Solid Waste Facilities Permit (Disposal Facility) For The El Sobrante Landfill, Riverside County -- (Committee Item E)	
Motion	7
Vote	8
5. Consideration Of A Revised Full Solid Waste Facilities Permit (Disposal Facility) For The Fink Road Landfill, Stanislaus County -- (Committee Item F)	
Motion	7
Vote	8
6. Consideration Of A Revised Full Solid Waste Facilities Permit (Disposal Facility) For The Chicago Grade Landfill, San Luis Obispo County -- (Committee Item G)	
Motion	7
Vote	8
7. Consideration Of The Adoption Of A Negative Declaration (State Clearinghouse No. 2007051119) And The Issuance Of A Minor Waste Tire Facility Permit For BJ Used Tire & Rubber Recycling, Inc., San Bernardino County -- (Committee Item H)	
Motion	7
Vote	8
8. DELETED	
9. Consideration Of Adoption Of Proposed Regulations Modifying Existing Temporary Waiver Of Terms Regulations -- (Committee Item J)	
Motion	7
Vote	8

INDEX CONTINUED

	PAGE
Strategic Policy Development	
10. Consideration Of Allocation Proposals To Be Funded From The Integrated Waste Management Account, FY 2007/08 -- (Committee Item B)	130
Motion	136
Vote	136
11. Discussion Of Process And Schedule For Periodic Review Of Strategic Directives -- (Committee Item C) -- HEARD IN COMMITTEE ONLY	
Market Development and Sustainability	
12. Consideration Of The Recycling Market Development Revolving Loan Program Application For ENO Plastics, LLC (Recycling Market Development Revolving Loan Subaccount, FY 2007/08) -- (Committee Item B) -- PULLED	
13. Consideration Of The Recycling Market Development Revolving Loan Program Application For P G Films, LLC (Recycling Market Development Revolving Loan Subaccount, FY 2007/08) -- (Committee Item C)	10
Motion	10
Vote	10
14. Consideration Of The Recycling Market Development Revolving Loan Program Application For Interior Removal Specialist, Inc. (Recycling Market Development Revolving Loan Subaccount, FY 2007/08) -- (Committee Item D) -- PULLED	
15. Consideration Of The Recycling Market Development Revolving Loan Program Application For Sierra Pacific Packaging, Inc. (Recycling Market Development Revolving Loan Subaccount, FY 2007/08) -- (Committee Item E) -- PULLED	
16. Consideration Of Grant Awards For The Targeted Rubberized Asphalt Concrete Incentive Grant Program (Tire Recycling Management Fund, FY 2007/08) -- (Committee Item F) -- PULLED	

Please note: These transcripts are not individually reviewed and approved for accuracy.

vii

INDEX CONTINUED

	PAGE
IX. BOARD MEMBERS COMMENT	
Closed session	137
X. ADJOURNMENT	137
Reporter's Certificate	138
PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345	

1 PROCEEDINGS

2 CHAIRPERSON BROWN: Good morning, everyone. Thank
3 you for joining us for the August 14th, 2007, Integrated
4 Waste Management Meeting Board of Director's meeting.

5 I would like to call this meeting to order and ask
6 Kristin if she's ready to call the roll.

7 EXECUTIVE ASSISTANT GARNER: Chesbro?

8 MEMBER CHESBRO: Here.

9 EXECUTIVE ASSISTANT GARNER: Danzinger?

10 MEMBER CHESBRO: Here.

11 EXECUTIVE ASSISTANT GARNER: Mulé?

12 MEMBER MULÉ: Here.

13 EXECUTIVE ASSISTANT GARNER: Peace?

14 MEMBER PEACE: Here.

15 EXECUTIVE ASSISTANT GARNER: Petersen?

16 Brown?

17 CHAIRPERSON BROWN: Here.

18 Thank you. Anybody have any ex partes to report?

19 COMMITTEE MEMBER PEACE: I spoke to Norman Diaz
20 yesterday evening regarding the Nursery Products Hawes
21 Composting Facility.

22 CHAIRPERSON BROWN: Thank you.

23 Members Chesbro?

24 MEMBER CHESBRO: I did over the weekend I think
25 Saturday have a conversation with George Larson on various

1 plastics recycling topics.

2 CHAIRPERSON BROWN: Okay. Thank you. I would
3 like to remind everybody in the audience to please turn
4 your cell phones to the vibrate mode. There are speaker
5 slips located on the table in the rear of the room. If
6 you would like to speak to any agenda item, please fill
7 out a slip and take it to Kristen, at the front of the
8 room, or the moderator down in Barstow.

9 The Board will be going into closed session at the
10 conclusion of our regular business today.

11 And I would like to ask everybody to please stand
12 for the Pledge of Allegiance.

13 (Thereupon the Pledge of Allegiance was
14 recited.)

15 CHAIRPERSON BROWN: I'd like to take a quick
16 moment to welcome all the participants in Barstow; and
17 let, you know, I know you just got a briefing on the
18 procedures for our Board meeting. We have some regular
19 Board business before we get to our full Board
20 discussions, which Nursery Products will be Agenda Item 1.

21 We will first move to executive director's report.

22 EXECUTIVE DIRECTOR LEARY: Thank you, Madam Chair.
23 Good morning, Members.

24 My portion of today's Board business will be very
25 brief.

1 Our leg' [verbatim] director, Ms. Huber, reminds
2 me that the budget is still not passed. And as a result,
3 the Senate is not taking up any legislation on the floor
4 until the budget is passed. So we are watching closely
5 and watching progress about -- the progress won't occur
6 until the budget impasse is resolved.

7 And quickly, a quick update on progress at Angora.
8 At the closure of business yesterday, we are at exactly
9 two-thirds of the way finished with site removal debris;
10 172 out of 258 sites have completed the removal stage.

11 A couple of you members were up there earlier this
12 middle of last week for the appreciation lunch for our
13 very hard working contractor and our staff. And I know
14 that was a very positive event, very well received. And I
15 know the community and the workers really enjoyed your
16 support, appreciated your support. And of course, our
17 staffs do also.

18 So with that, Madam Chair, I will turn it back to
19 you.

20 With vacations and such, it's been relatively
21 quiet the last month. And I imagine, I will have a more
22 complete report next month.

23 CHAIRPERSON BROWN: Thank you, Mark.

24 We do have one person requesting to speak during
25 public comment.

1 Frank Farrell, Greater Stockton Chamber of
2 Commerce.

3 MR. FARRELL: Thank you very much, Madam Chair,
4 Board Members.

5 It's a delight to be in Sacramento. You're so
6 strategically located in San Joaquin County. Just want to
7 give you a brief update, like I promised I would, on some
8 of the activities that are happening in San Joaquin County
9 as far as our -- the Stockton Chamber's Green Team San
10 Joaquin Program.

11 It has grown tremendously. We have about 70
12 businesses per month coming to our meetings right now, and
13 it's growing every single month.

14 And it's a nice grassroots efforts by the business
15 community to not only go green but reduce their costs of
16 doing business. We think there's a definite nexus between
17 doing the environmentally correct things and reducing the
18 cost of doing business. That's why we're such an advocate
19 for, you know, all the environmental programs that we have
20 here in the state of California.

21 There's three distinct programs of the Green Team
22 that I just want to briefly go over with you: One is our
23 REACON team, which is the Recycling Energy Air
24 Conservation Team. I wanted to put a U.S. marine on the
25 logo, but my CEO wouldn't let me. You know, REACON.

1 Never mind. But it was -- it's a team of businesses that
2 we go out, we visit about 20 businesses a week. And we go
3 in there we do complimentary waste assessments, energy
4 assessments, we look at their recycle polies, if they have
5 recycling going on. We show them ways that they can
6 recycle and to sort at the source.

7 And it's been very, very beneficial so far. Some
8 of the hard numbers that we have, we've been able to
9 reduce energy usage by about half-a-million kilowatt hours
10 by just going out and visiting the companies.

11 We've also instilled some recycling programs and
12 purchasing green products by going through people's supply
13 cabinets and making sure they have a hundred percent
14 recycled content paper. And they said, "Oh, we'd love to
15 do it, but where do we get it?" Well, obviously I have a
16 list of chamber members that I can refer them to right
17 there and then. And so they started purchasing the
18 recycled content products.

19 So it's been a very excellent component of the
20 Green Teem San Joaquin, and we will continue to do that.

21 As you know, we are the only chamber in this great
22 state of California that is the zone administrator for the
23 Recycling Market Development Zone Program here. And we
24 continue to go out there. We develop the markets as part
25 of that program.

1 And we think it's an honor in San Joaquin County.
2 We partnered with our local municipalities and the County
3 to come together again in a public-private partnership to
4 make it -- to make it happen, and makes it one of the best
5 zones, if not the best zone, in the state of California.

6 We also have REXPO 4 coming up in January. Thank
7 you, again, for last year, opening it up for us, Madam
8 Chair. But that's coming up January 22nd to 24.

9 This is just not just the San Joaquin County
10 program. We consider the REXPO a program for the state,
11 for an opportunity for folks to come and demonstrate and
12 showcase the recycled content products as well as all the
13 different services that are available, not just to the
14 municipalities and the county, but to the common citizen
15 out there.

16 This year, we are concentrating on something that
17 I think we all wish did not go to the landfill, and that's
18 construction and demolition debris. About a third of our
19 landfill space, from what I understand, is construction
20 debris. So we are hopefully bring some solutions this
21 year to the REXPO. We partnered with the construction
22 industry in San Joaquin County, the Builder's Exchange,
23 and the Building Industry Association of the Delta are
24 both a part of this year's show. We're also going to have
25 a symposium on solar with all the alternative fuels, the

1 energies, in one building.

2 And we're -- I need your help though. The
3 Chamber's asked me to come up here to partner with you
4 since this is your bellyway [phonetic]. You know, this is
5 what you do. We're just a small little grassroot --
6 grassroots organization that tries to bring the players
7 together for the common good of all -- of everybody.

8 So I would like to extend the invitation for the
9 Waste Board to really partner with us, help us put on the
10 best show yet during the REXPO.

11 Let me know who my contact would be here at the
12 Waste Board, because after the reorg, I don't know who's
13 on first, what's on second.

14 So with that, thank you very much for the time.

15 Any questions, I would with more than happy to
16 answer.

17 CHAIRPERSON BROWN: Frank, thank you very, very
18 much. You're enthusiasm needs to be cloned. Thank you
19 very much for all you guys are doing. I think Mr. Myers,
20 right in front of you, is probably the best person for you
21 to work with on staff. He's our director of Public
22 Affairs, Outreach, and Education.

23 Thank you for coming.

24 Okay. Now we will move to our agenda, first to
25 the consent agenda, Items 2, 3 revised, 4 revised, 5, 6,

1 7, and 9 are on the consent agenda.

2 Does anybody wish to pull any of these items from
3 the agenda?

4 MEMBER CHESBRO: I will move the consent agenda.

5 MEMBER MULÉ: It's been moved by Member Chesbro
6 and seconded by Member Mulé.

7 Kristen, can you call the roll?

8 EXECUTIVE ASSISTANT GARNER: Chesbro?

9 MEMBER CHESBRO: Aye.

10 EXECUTIVE ASSISTANT GARNER: Danzinger?

11 MEMBER DANZINGER: Aye.

12 EXECUTIVE ASSISTANT GARNER: Mulé?

13 MEMBER MULÉ: Aye.

14 EXECUTIVE ASSISTANT GARNER: Peace?

15 MEMBER PEACE: Aye.

16 EXECUTIVE ASSISTANT GARNER: Brown?

17 CHAIRPERSON BROWN: Aye.

18 Thank you. The consent agenda passes.

19 Next we will move to the Fiscal Consent. Item
20 No. 13 is on fiscal consent. And I will just, at this
21 time, mention Item 11 was heard in committee only. Items
22 12, 14, 15, and 16 were pulled. Item 1 Revised and 10
23 will be heard by the full Board. Item 8 was deleted.

24 So at this time, I will move to the consent
25 agenda.

1 And Committee and Compliance Chair Mulé, if you
2 have a report before we move to the first item.

3 MEMBER MULÉ: Yes, I do. Thank you, Madam Chair.

4 As you know, we had a very, very full and busy
5 committee meeting. We heard six permit items, one of
6 which was moved to the full Board, which we will hear
7 today.

8 We did have one waste tire permit, which again was
9 put on consent. And then also the committee is again on
10 the consent agenda recommending the adoption of the
11 proposed regulations that modify existing temporary waiver
12 of terms regulations.

13 So with that, that concludes my report.

14 Thank you.

15 CHAIRPERSON BROWN: Thank you. Strategic Policy
16 Development; we'll hear Item 10 during our full Board
17 meeting. Item 11 was a discussion of the process for
18 review of our strategic directives in committee. And a
19 very lively discussion.

20 I appreciate staff's preparing that and moving
21 those items forward.

22 Committee Chair Petersen, unfortunately, is not
23 able to be with us today. He has fallen ill. I hope he
24 feels better very soon.

25 We will move to "physical" consent, even if Gary's

1 not here. In Gary's honor, we'll move to the "physical"
2 Consent Item No. 13.

3 Howard, will you make your presentation?

4 SUSTAINABILITY PROGRAM DIRECTOR LEVENSON: Thank
5 you, Madam Chair. Good morning, Board Members. I will
6 make this very quick.

7 Item 13 is Consideration of the RMDZ Revolving
8 Loan Program Application for PG Films, LLC.

9 As you know, this is a loan for \$2 million to
10 finance the purchase of machinery and equipment for
11 recycling plastic stretch and shrinkwrap film. It was
12 approved by the Loan Committee and approved by the Market
13 Development Sustainability Committee.

14 And so in the interest of time, I will just
15 recommend that you approve option No. 1 and adopt
16 Resolution 2007-175.

17 Thank you.

18 CHAIRPERSON BROWN: Thank you, Howard.

19 Does anybody have any questions regarding this
20 item?

21 Do I have a motion?

22 MEMBER CHESBRO: Move the resolution.

23 MEMBER MULÉ: Second.

24 CHAIRPERSON BROWN: It's been moved by Member
25 Chesbro and seconded by Member Mulé.

1 Kristen, you call the roll?

2 EXECUTIVE ASSISTANT GARNER: Chesbro?

3 MEMBER CHESBRO: Aye.

4 EXECUTIVE ASSISTANT GARNER: Danzinger?

5 MEMBER DANZINGER: Aye.

6 EXECUTIVE ASSISTANT GARNER: Mulé?

7 MEMBER MULÉ: Aye.

8 EXECUTIVE ASSISTANT GARNER: Peace?

9 MEMBER PEACE: Aye.

10 EXECUTIVE ASSISTANT GARNER: Brown?

11 CHAIRPERSON BROWN: Aye.

12 Thank you.

13 Agenda Item 13 has passed.

14 Now we will move to items to be heard by the full
15 Board.

16 First item to be heard by the full Board is agenda
17 Item 1, consideration of the New Full Solid Waste
18 Facilities Permit for the Nursery Products Hawes
19 Composting Facility.

20 Ted Rauh, our -- you will make the presentation?

21 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:

22 Yes, good morning, Madam Chair and Board members.

23 Before you today is consideration of a New Solid
24 Waste Facilities Compostable Material Handling Permit for
25 the Nursery Products Hawes Composting Facility in San

1 Bernardino County.

2 Today we have several presentations to be made
3 before you, first being a brief review of the proposal
4 from staff; and secondly, we'll have a presentation from
5 the LEA; and third, we'll have a presentation from the
6 operator and then followed by the comments from the
7 citizens in Barstow and others that may be here.

8 With that, I'd like to turn it over to Dianne
9 Ohiosumua to make the brief staff presentation.

10 CHAIRPERSON BROWN: Thank you, Ted.

11 Hi, Dianne.

12 MS. OHIOSUMUA: Good morning.

13 The proposed permit will allow the following: The
14 operation of the compostable material handling facility,
15 handling biosolids and green material; a maximum daily
16 tonnage of 2,000 wet tons per day; per LEA conditions,
17 17d; the bulking agent and amendments will not exceed 200
18 tons per day; the maximum traffic of 97 vehicles per day;
19 per LEA condition 17i, the peak traffic volume includes 87
20 trucks per day and 10 passenger vehicles per day; the
21 hours of operations are from 6 o'clock a.m. to 8 o'clock
22 p.m.

23 The operations will include the mixing of
24 biosolids with green material and the incorporation of the
25 material into windrows, which will be brought to a

1 temperature at or above 133 degrees Fahrenheit for at
2 least 15 days. The windrows will be turned a minimum of five
3 times to allow all areas of the windrows to be exposed to
4 the required temperature to kill pathogenic organisms.

5 The proposed facility was subject to an
6 environmental impact report which concluded that all but
7 impacts to air quality would be mitigated to less than
8 significant.

9 The EIR indicates that VOCs will be released from
10 the compost process at levels that surpass the annual
11 emission thresholds for VOCs for the project. Mitigations
12 were found fiscally infeasible.

13 The facility operator has received a required land
14 use approval and will be required to obtain approval from
15 the Air District and the Regional Water Quality Control
16 Board and other agencies before starting operations.

17 Staff has summarized issues raised by stakeholders
18 on page 7 of the agenda item. They have also received and
19 responded to several e-mails that have been received from
20 concerned citizens since the committee meeting on Monday,
21 August the 6th.

22 Staff finds that the LEA has made all of the
23 necessary findings relevant to the permit. Board staff
24 has determined all of the requirements for the proposed
25 permit have been met, as required in the Public Resource

1 Code 44009.

2 Therefore, Board staff recommends Option 1, that
3 the Board adopt Resolution 2007-0163; and in doing so,
4 adopt the CEQA finding and the Statement of Overriding
5 Considerations that have been adopted by the lead agency;
6 and concur on the issuance of the Solid Waste Facility
7 Permit No. 36AA04445.

8 The San Bernardino County LEA and the operator are
9 present. And they can answer any question you may have.
10 Staff understands that the LEA and the operator have a
11 presentation to make to the Board. The LEA is ready to
12 make their presentation at this time.

13 CHAIRPERSON BROWN: Thank you, Dianne.

14 MS. OHIOSUMUA: Thank you.

15 CHAIRPERSON BROWN: Introduce yourself for the
16 record.

17 MS. HAROLD: Hi. Good morning, Chair and Board
18 members. My name is Paula Harold, and I work for San
19 Bernardino County LEA. I'm here to present on Nursery
20 Products Hawes composting facility.

21 I have prepared a summary of all the actions that
22 occurred during the CEQA process, which allowed public
23 participation. First, in February 2006, the LEA attended
24 a project kickoff meeting with planning, the applicant,
25 and URS, which is the EIR consultant.

1 Also in February, a notice of preparation for the
2 draft EIR was available for public review and comment at
3 the Hinkley Senior Citizen Center and the Barstow Branch
4 Library.

5 In May 2006, Planning held a public scoping
6 meeting in Hinkley for the notice of preparation for the
7 draft EIR. At that meeting, 18 members of the public
8 attended.

9 In September 2006, a notice of availability for
10 the draft EIR was provided and gave the opportunity for
11 the public to provide comments. The draft EIR was
12 available again at the Hinkley Senior Citizen Center and
13 Barstow Branch Library.

14 In October 2006, the San Bernardino County
15 planning conducted an informational meeting for the draft
16 EIR which gave the public an opportunity to provide public
17 comments.

18 Then in November 2006, a notice of completion was
19 completed and indicated the final and draft EIRs were
20 available at the Hinkley Senior Citizen Center and Barstow
21 Branch Library.

22 In November, the County Planning Commission
23 meeting for the CUP, conditional use permit, approval was
24 held. And the public also attended this meeting to
25 provide comments.

1 In December 2006, an appeal to the board of
2 supervisors on the planning commission's approval was made
3 but was continued until February 2007.

4 Then in February 2007, the board of supervisors
5 certified the EIR and adopted the statement of overriding
6 considerations.

7 During the solid waste facility permit process in
8 December 2006, the operator submitted a solid waste
9 facility permit application package and requested the LEA
10 to accept it as incomplete, and that was because the
11 facility was not yet identified in the countywide
12 integrated waste management plan as a nondisposal facility
13 element.

14 In December, the LEA accepted the incomplete
15 application package. And the due date to make the package
16 complete was June 2007. That would give it 180 days.

17 In March 2007, the board of supervisors adopted an
18 amended -- amendment to the countywide integrated waste
19 management plan for the nondisposal facility element. The
20 public did attend this meeting to make comments.

21 In April 2007, the County Solid Waste Advisory
22 Task Force held a meeting to consider the nondisposal
23 facility element for recommendation to our board of
24 supervisors. And there was a board of supervisors agenda
25 item which they did approve.

1 Also, in April, the LEA received an amendment to
2 the application package from the operator and accepted it
3 as complete because the facility was then identified in
4 the countywide integrated waste management plan as a
5 nondisposal facility element.

6 In June 2007, for public outreach, the LEA had
7 been in contact with the spokespersons for the local
8 community groups and we contacted them, encouraged them,
9 to submit comments to be considered before we submitted a
10 proposed permit.

11 A newspaper article was published to encourage
12 public comment prior to the LEA submitting the proposed
13 permit. The LEA received 34 public comments and they were
14 reviewed and considered during the writing of the proposed
15 permit and reviewing of the report of composting site
16 information.

17 Issues within the LEA jurisdiction that the public
18 comments addressed, we made sure that they were addressed
19 in the RCSI to comply with state minimum standards. The
20 LEA received -- reviewed the EIR mitigation and monitoring
21 measures and those that fell within the LEA's jurisdiction
22 were also addressed in the RCSI.

23 In June 2007, the LEA submitted a proposed permit
24 to the CIWMB, and we made the following findings:
25 certified that the application package was complete and

1 correct; that the RCSI met the requirements of title 14;
2 that there was compliance with CEQA; and the facility was
3 identified in the countywide integrated waste management
4 plan for their NDFE.

5 Just to kind of go over the report of composting
6 site information, that is the document that describes the
7 operation of the facility. Again, public comments were
8 received and we reviewed them and issues within the LEA's
9 authority were addressed in the RCSI.

10 Revisions were made to the RCSI to address
11 comments that we further made, along with CIWMB staff.
12 The LEA did make a completeness finding on the RCSI.

13 The LEA's responses to the public's comments, if
14 you refer to Attachment 5, that list all the public
15 comments and the issues. A lot of -- a majority of the
16 comments that were raised were related to air quality,
17 which is not within the LEA's authority. Other comments
18 not within the LEA authority dealt with water,
19 contamination, air quality, and fire protection, and
20 tortoise protection.

21 Public's comments that the LEA had within their
22 authority and were addressed had to deal with dust, odor,
23 vectors and fire control.

24 Other regulatory agencies that have oversight on
25 this project, and that will require permits and approvals

1 to be obtained prior to the start of operations, are San
2 Bernardino County Fire Department, California Regional
3 Water Quality Control Board in the Lahontan Region, and
4 the Mojave Desert Air Quality Management District.

5 The role of the LEA continues after the issues of
6 the solid waste facility permit. We will inspect the site
7 monthly to verify facility operations are in compliance
8 with Title 14 and 27 for state minimum standards and that
9 they reflect the RCSI to protect public health and safety.
10 The state minimum standards and all permit conditions will
11 be enforced.

12 As far as our role prior to them starting
13 operations, during the construction phase, the LEA will
14 also inspect the site on a monthly basis, and that's to
15 ensure that all the physical requirements are met prior to
16 operations.

17 Some examples may be to make sure that they have
18 their anemometer to check the wind speed and also to have
19 their monthly logs all set in place once they begin
20 operations.

21 And for complaints, any complaints that we receive
22 after operations, they will be investigated within 48
23 hours of receipt.

24 In conclusion, the LEA has certified that the
25 application package is complete and correct; the RCSI

1 meets requirements of title 14; there's compliance with
2 CEQA and the facility is identified in the countywide
3 integrated waste management plan as a nondisposal facility
4 element.

5 For public outreach, the LEA is aware of the
6 public concerns because we have been involved with
7 meetings that were held during the CEQA process.

8 Several public comment periods were also extended
9 during the CEQA process to allow additional time for
10 public comments. And based on the submitted RCSI, the
11 design and operation for this facility would allow the
12 facility to comply with state minimum standards.

13 That concludes my presentation.

14 Do you have any questions?

15 CHAIRPERSON BROWN: Thank you.

16 Does anybody have any questions for the LEA?

17 Not at this time. I think we'll go through all
18 the presentations and then have you come back up to answer
19 some specific questions.

20 MEMBER CHESBRO: I just wanted to make sure that
21 you were going to be available later in the meeting to ask
22 questions coming up.

23 MS. HAROLD: Yes, I will be here.

24 CHAIRPERSON BROWN: Operator?

25 MR. MEBERG: Hi. I'm Jeff Meberg from Nursery

1 Products Composting.

2 I was here last week at the committee meeting and
3 I gave you a presentation. And I can go through that
4 presentation again right now, or I was just handed a few
5 questions from some staff at Integrated Waste. And I can
6 just address the questions.

7 CHAIRPERSON BROWN: I don't think we need the
8 presentation again since all the members were here last
9 Monday.

10 So just address some of the concerns and issues.
11 That would be great.

12 MR. MEBERG: Okay.

13 The project is a recycling project that benefits
14 both the state of California and the county of San
15 Bernardino. San Bernardino county does not have anywhere
16 near enough capacity for the biosolids that the county
17 generates themselves for recycling. There are no biosolid
18 compost sites in the high desert for communities and
19 municipalities to send their biosolids to. The only two
20 options these communities have to send their biosolids to
21 is Kern County or out of state.

22 This project is not close to anyone. The distance
23 is important because we need to address dust control.
24 The -- we have to adhere to the AQMD Rule 403 which
25 prevents any dust from leaving our site. The AQMD, that

1 rule is already in place. We have to adhere to it.

2 That's part of our dust control plan.

3 Biosolids are 80 to 90 percent water. This is
4 important for a few reasons. One, the dust as well as
5 fire. The biosolids don't blow. The purpose of me
6 showing a slide last week, in the presentation of a waste
7 water treatment plant that was close to residents, that
8 air-dry their biosolids outdoors, is to remind everyone
9 that if biosolids blew in high winds, which is prevalent
10 in the high desert, these wastewater treatment plants
11 would be experiencing biosolids blowing from the
12 wastewater treatment plants. That isn't the case. So
13 that's why I brought that point up.

14 Secondly, with biosolids being 80 to 90 percent
15 water, fire issues are significantly reduced. However,
16 we're working closely with the county fire department.
17 And we will comply with all the rules and regulations that
18 they put upon us.

19 Included, we will train our own personnel on how
20 to handle fires. And we will also use our own equipment
21 to deal with any sort of fire issues that happens at the
22 site. And we included that in our RCSI.

23 The biosolids that we will be receiving to our
24 facility are class A and class B biosolids that come from
25 a wastewater treatment plant. It is not raw sewage. It

1 is not waste that comes from a septic tank or a
2 portapotty, for lack of a better term. These are
3 biosolids that have been treated at wastewater treatment
4 plants.

5 We have a load check procedure at the facility.
6 For biosolids, prior to any truck coming into our
7 facility, we first establish the client. They fill out a
8 waste profile sheet, and they provide us a waste profile
9 sheet and all the laboratory analysis that they are
10 required to run, according to EPA 503 regulations.
11 Included in that laboratory analysis is the cam [phonetic]
12 metals, PH, semi-volatiles, volatiles and so forth.

13 Once we approve it, then the trucks can come into
14 our facility. It's the same with the green waste and
15 anything else. No trucks come into our facility and dump
16 anything prior to us establishing them as a client first,
17 and then them filling out a waste profile sheet. Once
18 they arrive at the site, then Chris Seeney or other
19 personnel are trained according to CIWMB regulations on
20 load checks.

21 We -- in Adelanto, as well as the site that we
22 open in Hawes, we'll have an air monitoring equipment at
23 the site. It measures wind direction, speed, and air
24 temperature, and automatically downloads it to our hard
25 drive every five minutes.

1 As Paula Harold mentioned, when the LEA comes out
2 and does their unannounced inspections at our site, part
3 of what they look at are the logs that we -- that we
4 record.

5 When we open our composting site, we will operate
6 under EPA Part 503 composting regulations. As the county
7 consultant, URS, mentioned last week, the EIR evaluated
8 two types of composting methods for our composting
9 procedures: standard EPA Part 503 method, and the modified
10 static aerobic pile method, creatively called the MSAP
11 method. When we operated in Adelanto, the EPA gave us a
12 site-specific approval for operating with the MSAP method.

13 To obtain this EPA approval, we had to submit a
14 testing protocol to the EPA. And they would actually
15 participate in the testing method. We then performed a
16 90-day test under the EPA supervision. After the 90-day
17 period, EPA approved our MSAP methodology. I brought that
18 entire test today and will submit it to the Board.

19 I will also submit to the Board the approval
20 letter from the EPA that gave Nursery Products the
21 approval to operate using the MSAP method.

22 When we opened at the Hawes site, we will operate
23 under EPA Part 503 regulations and have the option of
24 applying for the MSAP method. I hope that's clear.

25 This project is a win-win facility, and I'm very

1 proud of it. I'm proud that we have taken extra measures
2 to be a state-of-the-art facility, and we are doing our
3 part to provide the region with a cost effective option
4 for diverting organic waste from landfills to our
5 recycling facility.

6 That's it for now.

7 CHAIRPERSON BROWN: Thank you, Jeff.

8 Does anybody have any questions for the operator?

9 Not yet.

10 Can I take speakers?

11 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:

12 That's correct.

13 CHAIRPERSON BROWN: Okay. We currently have one
14 speaker who is scheduled to speak here, in Sacramento, and
15 then we'll open it up for speakers in Barstow.

16 First we have Joe Gomez, City of Barstow.

17 Welcome, Council Member.

18 MR. GOMEZ: Good morning. Excuse me. I've lost
19 my voice the last couple of days so I will do the best I
20 can.

21 Joe Gomez, city council member in Barstow,
22 California, representing the City of Barstow and also the
23 wonderful people of Hinkley.

24 (Thereupon an overhead presentation was
25 presented as follows.)

1 time, 40- to 50-mile-per-hour winds from west to the east
2 of Barstow.

3 I was hoping your technology would be a little bit
4 better than mine. But what I was going to do and going to
5 present a video clip that Norm Diaz -- I'm sure many of
6 you have talked to Norm Diaz. Norm has sacrificed many
7 hours working to educate -- well, I was able to get it up.
8 However, don't look like you guys have Macromedia Flash
9 Player. But I will go ahead and get out of it.

10 Is there any way you can escape from that?

11 But any way, just a simple video, and you can look
12 on YouTube. It's under "Help Hinkley." And in that
13 video, you will see where Norm Diaz went out to the site
14 that is just full of chips at this time, and it was about
15 40-, 50-mile-per-hour winds that day. And him and his
16 kids, they both had masks on, they were just blowing up
17 the dust. It was just to give you an idea of the powerful
18 winds that exist in Barstow. And that's why our
19 concern -- that's why we have such a concern of the city,
20 because whatever affects the outlying areas, such as
21 Hinkley, also affects the community of Barstow.

22 --o0o--

23 MR. GOMEZ: Here is the proposed site, Nursery
24 Products LLC proposed site. They mention on there that
25 the nearest house is a mile away.

1 Whether it's one person or 200 people, what
2 difference does that make? There's still a family that
3 lives here.

4 You will notice, they said 10 miles is a Wal-Mart
5 distribution center.

6 This is a proposed facility that is going to be
7 distributing fruits and vegetables. That's expected to be
8 open next year.

9 You have Hinkley Elementary School. If any of you
10 have children, you will know that this is going to be a
11 big concern to the families. That's why Norm Diaz has
12 fought so hard. It's not so much for Norm Diaz. It's for
13 his children. He's concerned about the future of the
14 community.

15 Right along here is Highway 58, a mile from the
16 site, a two-way road that if any of you drove from
17 Bakersfield to Las Vegas, especially during the weekend,
18 you will find that there's standstill traffic over here,
19 people waiting to cross Kramer Junction, going back and
20 forth, and it's a big concern.

21 And there's going to be additional trucks, they
22 say, an additional 87 per day. But according to the
23 report that they filed back in April 1st, they say 97
24 vehicles per day, going back and forth, 365 days per year.
25 That's going to have a tremendous effect. And my concern

1 is the safety of the public, especially on this Highway
2 58.

3 Do any of you have questions in regards to this
4 map?

5 --o0o--

6 MR. GOMEZ: On August 9th, 2005, Superior Court
7 Judge Stanford Reichert overruled nearly all of Hagopian's
8 37 objections. He said there is sufficient evidence to
9 lead the court to the conclusion that the City is likely
10 to prevail with all its claims that the odors and the
11 flies and the other situations are coming from the
12 nursery. This is at the facility they had in Adelanto.

13 And I'm sure, at the time when they had that
14 facility, they said everything was going to be taken care
15 of. As a matter of fact, they even admitted that they
16 made a mistake by not doing their homework.

17 How many people have made mistakes that don't get
18 that second chance? We are giving these Nursery Products
19 a second chance. And if this is going to happen -- and
20 I'm sure it gets a little discouraging for the people of
21 Hinkley and Norm Diaz because every body, government
22 agency, that they came in front of, they made their
23 comment, and they say that the people -- that the voice of
24 the people is what counts.

25 Not one person has voted in their favor. They

1 have all voted against and that discourages also myself,
2 because we are elected officials. We say we're going to
3 listen to the people. That has not happened. And I don't
4 think it will happen today.

5 I will be happy if I get one vote. But I don't
6 think it's going to happen. I think it's time that this
7 agency -- I don't know how powerful you are, but at least
8 put into consideration and adopt the CEQA findings adopted
9 by the lead agency and object to the issuance of the
10 proposed issuance submitted by the LEA due to the
11 project's significant unavoidable environmental effects.

12 This is an open-air facility. This is no
13 high-tech facility like Nursery Products claimed. If it
14 was high-tech, it would be enclosed. But they don't want
15 to spend the money, because what counts is the bottom
16 line.

17 If you really care, or if any agency cares, about
18 the community, I would urge you to just vote no, no
19 against this composting facility. And I'm sure you are
20 going to hear a lot more comments from the community of
21 Hinkley.

22 And believe me, the people of Hinkley, I will be
23 watching them to see what type of reactions they get. I
24 will sit here during the entire meeting.

25 I appreciate the time you have given me to do the

1 best I can explaining -- I'm not an expert in composting,
2 but I understand the people of Hinkley and the community
3 of Barstow.

4 So I thank you.

5 CHAIRPERSON BROWN: Thank you, Council Member
6 Gomez.

7 Are there any questions for the council member at
8 this time?

9 Thank you.

10 MR. GOMEZ: Thank you. You're welcome.

11 CHAIRPERSON BROWN: Before we open up the
12 microphone and do public comment from Barstow, I did skip
13 over Elliot.

14 My apologizes. But better later than never.

15 Can you just -- as a reminder for us and also
16 those in the audience here as well as the other
17 audience -- describe the actions or the proposal and how
18 we move forward and what our jurisdiction is over this?

19 MEMBER CHESBRO: For the folks who are listening
20 in Barstow, maybe you could tell them who Elliot is.

21 CHAIRPERSON BROWN: Thank you.

22 Elliot Block is chief counsel for the Integrated
23 Waste Management Board.

24 And Elliot?

25 CHIEF COUNSEL BLOCK: Well, let me just quickly

1 out line the scope of the Board's authority on the
2 proposed permit in light of the testimony that we're
3 allowed to utilize.

4 And to the extent that some of this is repetitive
5 from last week, I apologize. But I think it is important
6 to say it before there is any more testimony.

7 Public Resources Code Section 44009 provides that
8 the Board may only object to the proposed solid waste
9 facility permit if it is not consistent with the Board's
10 state minimum standards or the Board's conformance finding
11 requirements.

12 The Board may also object for failure to meet the
13 CEQA requirements to the extent that the CEQA issues are
14 related to the Board's jurisdiction.

15 The Public Resources Code 44009 also requires the
16 Board decision to be based upon substantial evidence in
17 the record. And substantial evidence is defined as
18 meaning factual information. It does not include
19 speculation, opinion, or conjecture.

20 Therefore, the public testimony that the Board can
21 utilize today in making its decision needs to be related
22 to matters within the Board's jurisdiction, not matters
23 that are not within the Board's jurisdiction, such as air
24 quality, water quality, as has been mentioned.

25 And also, that information needs to be factual in

1 nature. For anybody that is unclear as to what issues are
2 within the Board's jurisdiction, it's basically the issues
3 that are outlined in the agenda item. The Board staff
4 analysis goes through those issues.

5 So I don't know if that's sufficient.

6 If anybody has any questions, I could further
7 elaborate.

8 CHAIRPERSON BROWN: No, but we may need to refer
9 to you.

10 And I do want to -- as we turn it over to
11 Barstow -- assure everybody in our audience in Barstow
12 that we received and the board has received copies of all
13 of the correspondence that has been sent to Tracy or
14 Michael, even as late as last evening and this morning.

15 Any letters that were e-mailed prior to the
16 beginning of this board meeting at 9:30, the Board has
17 received copies of and they are before us here in
18 Sacramento. So we do have all of the letters and
19 correspondence and attachments and photographs that you
20 have sent and we do appreciate your participation in the
21 process.

22 In anticipation that we will have a number of
23 speakers, I would like to request that as you do approach
24 the microphone, you try and keep your comments concise and
25 to the issues that this Board has jurisdiction over. We

1 will ask the LEA and the operator as well as our staff to
2 respond to as many of the issues as we can and we will
3 continue to follow up with questions. Try and keep your
4 comments concise. And if issues have been raised, you can
5 reference the speaker. I think the same format that we
6 used Monday during the committee meeting, if a speaker has
7 previously mentioned your issues, you can support their
8 comments as well.

9 Anything else?

10 Okay. Then who is -- Jeff Bell. John Bell.
11 Sorry, John.

12 John, I'm going to turn this over to you down in
13 Barstow, to have the speakers approach the microphone.

14 We do have a court reporter taking the record. So
15 I would like everybody, as you approach the microphone, to
16 state your name for the record.

17 MR. BELL: The first speaker will be Lawrence
18 Dale, mayor of the City of Barstow, followed by Norm Diaz.

19 MR. DALE: Good morning. My name is Lawrence
20 Dale, mayor of the City of Barstow as well as a resident
21 of the City of Barstow; I reside at 941 Sanita Drive,
22 Barstow, California.

23 Chair and Board Members of the California
24 Integrated Waste Board, as mayor of Barstow, California, I
25 do not oppose economic growth in our county or any area.

1 I assure you, I welcome any growth that fosters
2 the quality of life for those affected as well as
3 mitigates the impacts that are caused by the company
4 that's been involved.

5 This project, Nursery Products Biowaste Facility
6 as proposed, being allowed to operate as an open-air
7 facility, simply dumping waste on the ground, wastewater
8 sewage, and other green waste, has the potential to create
9 substantial odors and vectors affected -- affecting the
10 substantially -- a number of people with respiratory
11 problems, disease, and so forth.

12 In addition, the hazardous or hazardous materials
13 that can be mixed in these products as noted in this
14 category is identified as having potential significant
15 impacts.

16 Eighty-seven trucks -- trips per day along our
17 now-congested Route 58 would be significant -- give
18 significant problems as well as its routing through our
19 community. As mentioned by Councilman Gomez in your city
20 and his testimony, the 58 route is substantially congested
21 today and would create great problems for our community.

22 San Bernardino County has a proposed composting
23 facility, that I believe will set a standard for those
24 composting facilities. And I believe our community would
25 support an enclosed facility such as the one proposed in

1 Redlands.

2 If this project is allowed to proceed as now
3 planned, the economic growth of our community will, I am
4 sure, be drastically affected, not only in economic
5 growth, but the physical well-being of our community and
6 citizens.

7 Today, I received information regarding a biowaste
8 facility located in Fairmont, Minnesota, which reveals the
9 technology is available for enclosed facilities, which we
10 are all aware of. But this is another facility which puts
11 out 17,000 tons of composting per year in an enclosed
12 facility. And is a reputable business and does good
13 business in the communities.

14 I will leave that document with the person here
15 today, so it can be forwarded to you.

16 In closing, I would ask you each of you, sitting
17 at the dais in Sacramento, to think of this project as a
18 project in your neighborhood, 8 miles from your home, or
19 school where your children or grandchildren go to school.

20 In addition, each of us as representatives of our
21 community, work very hard to bring about the possible --
22 the positive quality of life for our residents and
23 adjoining communities.

24 I implore each of you to reject this project as an
25 open-air project, and do what is necessary to see that

1 this project is enclosed and protects the environment, as
2 we expect to be done in the state of California and San
3 Bernardino county.

4 I thank you for an opportunity to address you
5 today. And hopefully, we can see this project done away
6 with in its present status.

7 MR. BELL: Mr. Norman Diaz of Hinkley followed by
8 Hector Rodriguez.

9 MR. DIAZ: Good morning, Board. Okay. We were
10 going to try and play that video of the wind. Hopefully
11 you've see it. It is on YouTube. I was hoping to show it
12 to you, the members of the Board.

13 My name is Norman Diaz. I live in unincorporated
14 San Bernardino County. I don't live in Hinkley; I don't
15 live in Barstow. But I do live in the desert, and it is
16 very important to me.

17 And as Joe mentioned a few too many times, I have
18 been involved in this. I am concerned, and I think that
19 there's a lot of concern. I've been the one traveling to
20 the meetings. I've become the face of the opposition.
21 It's not just one person; there's a lot of people. You
22 have those petitions; you have those resolutions.

23 There is a lot of opposition to this. (Speaker's
24 comments through Webcast were unintelligible.) This is
25 something I had in my first meeting, and I don't know if

1 you can see -- it's something I wish I could have it there
2 with you. It's basically a map of the area. And these
3 are pins in here. It's kind of hard to see the detail
4 there.

5 Each of those pins is put in by a person in a
6 house with a family and yard and a garden. All those
7 people are concerned. The real problem here is the
8 proposed site. All these houses are downwind. I could
9 have enlarged this to include Barstow; this is basically
10 just Hinkley.

11 So look at those people. I am here speaking for
12 those people. Those people are concerned. Those people
13 are against this project as proposed. And again, I'm glad
14 we're not here talking about the benefits of composting or
15 whether -- (speaker's comments through Webcast were
16 unintelligible) -- would like to do again and the benefits
17 of recycling. We're not going to show pictures of
18 Newberry and Hinkley or any of that kind of stuff.

19 We're not doing that today. We are here -- we're
20 not even going to talk about the controversies of sludge.
21 We're here about a permit. This is a permitting board.
22 You are here to do your job.

23 Now, I would hope that you have some power. If
24 that meant to believe that you never deny the permit --
25 and you know, I sent an e-mail to you guys and it comes

1 back with, like, 20 people on it, what do all those people
2 do? If you can't deny this permit, then what is your
3 power? What are you doing up there?

4 I would hope that that big building and all that
5 staff is working on something. And I think that's
6 important to state that you guys say your powers are
7 limited, but this, from all the information that we've
8 shown you, I think, warrants a second look. And look at
9 your powers and look what you can do.

10 I've shown the Board the petitions and
11 resolutions. I have shown those maps. You have those
12 maps in front of you. Councilman Gomez showed them. I'll
13 show that one again. There's one in Barstow. Compared it
14 to the one that I sent you in Adelanto and the school in
15 Adelanto that had all those problems.

16 Ask the applicant what they did for that school.
17 They will tell you that it was the grass clippings, the
18 grass clippings that did it. Tell those kids at the
19 school that. And the school was the edge of the problem.
20 That was not 2 miles away. There's a problem at 3 miles.
21 There's a problem at 4 miles.

22 I talked to people that said 20 miles, they could
23 smell that, that the city in front of you is going to be
24 ten times larger than that. Same operators; same process.
25 No grass clippings. But still, it's going to be a

1 problem. They never fixed it in Adelanto. There was a
2 problem until the end. And I submitted documentation that
3 I wish there was some people from Adelanto here who could
4 speak about that. I think that's important; you should
5 recognize that.

6 Where was the farthest complaint? Ask the
7 applicant that. Where -- how far away were the
8 complaints? It went across the street. Yes, it was at
9 the school two miles away, yes. But how far do we go?
10 Was it a house? The distance of my kid's school. Would
11 that be a concern to this Board? I hope so; I hope that
12 would be a concern to the Board.

13 We talked about the wind. The video is not
14 30 miles an hour, as Mr. Gomez says. Everybody's seen
15 that video. That video -- and I submitted documentation
16 of that day -- was between 23 and 28 miles per hour. That
17 is within the limits of turning. They can work that day.
18 That's just another day of them working, one of the 365
19 days. And they are accepting a hundred loads. And, yes,
20 the sludge comes out with peanut butter. But they are
21 mixing it to dry it out. They are working as hard as they
22 can to dry it out. (Speaker's comments through Webcast
23 were unintelligible.) And it will blow right towards my
24 kids' school. And I think you guys should think about
25 that.

1 There's alternatives. Everyone's spoken about
2 alternatives. I think that's important. State-of-the-art
3 technology of high -- on the ground, start-of-the-art
4 technology. I don't know where he lives in Sacramento,
5 but to us who were at the meeting, something with filters,
6 something with concrete underneath, something to protect
7 the workers as well as the people in the affected
8 community. I think it's important you guys should think
9 about that.

10 Back to the history of the applicant in Adelanto.
11 Look at the lawsuit there, we have given to you guys.
12 Think about that. This is the same people. Mr. Seeney --
13 I respect Mr. Seeney, he's listed in those documents as
14 accepting waste after a judge said not to. What do --
15 what do we and the people of Barstow have for us? If
16 these guys will accept waste after a judge says not to --
17 the LEA was no help. The LEA didn't do anything in
18 Adelanto. No complaints -- or no violations with
19 thousands of complaints. Tell me that's not a problem.
20 Tell me that would not concern you and your community.

21 Fire considerations. Now, I submitted some fire
22 stuff. They have enough water for 30 minutes. I'm trying
23 not to laugh at that. But there's a fire, I sent you, of
24 a compost pile in Texas that burned for six weeks.

25 The problem is, once they sprayed the water into

1 those piles, that water becomes toxic and you got to
2 capture that water. So does this -- does this one hose
3 they have out of their one tank stretch a quarter mile by
4 a half mile to this site as well as on to the finished
5 piles which are dry for 30 minutes? Can they even stretch
6 the hose in 30 minutes to the far side of the site? I
7 think that's a problem.

8 And they've been -- when this first project came
9 before us, it was with a water truck with a hydrant eight
10 miles away. Then it became a well on the site. Now they
11 have a water tank. They are doing as little as possible
12 with the state-of-the-art technology they are talking
13 about. Please consider that.

14 Last thing I wanted to talk to you about today --
15 I know there are some other people here that are going to
16 raise some of these issues -- is the storm issue.

17 And if you look at some of those nasty -- there
18 is -- it showed what looked like rivers going through that
19 site. Of course it's a desert; those are not rivers. But
20 those are flood channels that you just can't mess with
21 those. Those of us that live in the desert know; when
22 there's a rainstorm coming in, you don't stay in low
23 ground; you get out of that. I don't care what kind of
24 berms you are going to build or anything like that. It
25 shows one a these major things going right through the

1 site. That's going to be full of water.

2 In August of 2005, I had come home from a long
3 road trip vacation with my family and I went out to my
4 garden, and it was a beautiful day. Within about 30
5 minutes, this storm came in and it dropped -- I have
6 pictures here. I hope that you have these pictures. It
7 dropped 12 inches of water in 20 minutes. This is on my
8 ranch.

9 Now, my ranch, my great-grandfather homesteaded
10 here. It's the only reason this is so important to me.
11 It's high ground. During the 500-year floods of the '50s,
12 they took boats and they dropped people to our ranch
13 because we were on high ground. (Speaker's comments
14 through Webcast were unintelligible) -- the rain was
15 inside our rain boots, it was so high. My kids had a
16 great time on it, by the way.

17 But how is Nursery Products going to deal with
18 this, if this hits them? Now, of course, this is not
19 going to be in the EIR. Because this -- a half mile on
20 either side of this, it was dry or sprinkling. But on top
21 of us, it was a monsoon. This killed a hundred chickens
22 in a coop at the feed store down the road. This came out
23 of nowhere, and we had standing water up to our knees so
24 fast. You tell me, this applicant who couldn't handle his
25 40-acre site in Adelanto and allowed storm water to get

1 out of that site into the public roadway is going to be
2 able to handle this on his quarter-mile by half-mile site.

3 Explain that to my community, that he's going to
4 be able to handle this. This water will flow off the
5 site. It will become toxic after it goes through those
6 pipes. It will head for the Mojave River, which feeds all
7 the water of the Mojave Valley, talking a lot of the
8 people will be affected by this. Will this applicant the
9 resources to clean it up? I don't think so. I think
10 that's important for you guys to consider.

11 I think you can deny this, as Councilman Gomez
12 says. And as your agenda says, I know that Mr. Block is
13 trained to speak legalese and all that stuff. But on your
14 agenda, it says, you can deny this on grounds of
15 significant unavoidable environmental effects.

16 I mean, this has it written all over it. If you
17 have any power and you know what's right, you can vote to
18 turn this thing down. Make this county LEA go back, do it
19 right. There's questions there. We all know that. We
20 all know that we don't want the State to tell the local
21 authority what to do. I understand all of that
22 politicalness, unfortunately.

23 But I think it's important for you, as a Board, to
24 use your power to think about the public safety. The
25 county is not thinking about our public safety. We're

1 looking to you to think about the public safety. Don't
2 pass your responsibility on to another permitting agency,
3 as everyone else does. As he said, the 300 agencies, Fish
4 and Game -- I don't think so. Lahontan, they'll do some
5 wastewater discharge permit. That's it.

6 AQMD has three board of supervisors on it.
7 They've already approved this thing. We'll be at every
8 phase of this. We will stand in front of this project
9 until -- (speaker's comments cut out during Webcast) -- on
10 the ground out there.

11 And I think that it's important that we do
12 continue to stand in front of the project. And I think
13 that's important that this Board does its duty to protect
14 public safety. You guys speak of public safety. If you
15 can't protect safety, then I don't think this Board should
16 exist. And I do think that the Board has a job. And I
17 think this job is to look at the projects in front of them
18 on their merits and on the history of the applicant.

19 If it smells bad, it smells bad. I don't care how
20 many lawyers, how many lobbyists, how many PR firms you
21 have with you. They have a lot of resources.

22 What do we have here in Hinkley? We don't have
23 much. But we have done pretty good with this so far.
24 We're making them do some mitigations they probably
25 wouldn't have done. But we are small; we cannot fight all

1 these guys by ourselves. We're looking for this board for
2 help. We want you to deny this. Let me read that to you
3 again. It's right off your Web site.

4 You "can object to the issuance of the proposed
5 permit submitted by the LEA due to the project's
6 significant unavoidable environmental effects."

7 That's all I need to say. And I thank you for
8 your time.

9 And I do want to thank the staff of your Board and
10 the Board members for spending so much extra time on us.
11 I know that it went well and above and beyond what you
12 needed to do. It is refreshing to have a body do that for
13 us. And I thank you and the staff immensely.

14 Thank you very much.

15 (Applause.)

16 MR. RODRIGUEZ: Good morning. This is Hector
17 Rodriguez, city manager of Barstow and also resident of
18 Barstow.

19 First of all, I want to thank the Board for
20 allowing the local constituents to provide input to you,
21 although it's not something -- (speaker's comments through
22 Webcast were unintelligible) -- to this. But thank you.
23 I know you've been proactive.

24 Having grown up in L.A., I know how it is to have
25 better air quality than it is. It's much better now than

1 it was about 30 years ago. I also have experienced
2 cutting my own grass and leaving it in a trash can, having
3 it sit there for a week. And I know how bad it smells and
4 all the flies that come out of that. So I know that
5 history, that personal history.

6 Coming to Barstow about a year and a half ago, I
7 did not understand what people meant when they said
8 "windy." Now I do. It blows constantly from about March
9 to about November. And you can check that; that is a
10 fact.

11 I know that your attorney said that you need to
12 have facts. One of the things I will ask you, is that if
13 you do not ask -- one of the other things that the
14 proponents say is that they will comply with any standard
15 proposed by the Board. If that is the case, then I would
16 kindly request that you require them to cover the
17 facility.

18 We're not asking you to kill the project. We're
19 asking them to be cognizant of all the residents here in
20 this area.

21 Being a resident, of course, is self-serving. But
22 that is my duty. I've also heard a lot today about state
23 minimum standards. I think the Board can be proactive. I
24 think the Board can be very -- in the forefront of this
25 issue. We know that state minimum standards did not

1 protect the public in Adelanto, and that's why there was
2 so many issues.

3 The last time also the proponent mentioned the
4 City of Barstow and some of the things that we do. And
5 actually, I was appalled and aghast that they would
6 compare the city's facility with the scope and extent of
7 their facility.

8 So to that, like I said, I'm aghast. And I will
9 leave it at that. I did send you a letter. It's dated
10 (the speaker's comments were cut out by Webcast), 2007.
11 And I would like to read part of it into the record for
12 you.

13 "The city of Barstow objects to the issuance of
14 the proposed permit for the Nursery Products Composting
15 Facility. As the following analysis indicates, there are
16 project deficiencies that support your authority under the
17 Public Resources Code Section 44009, to object to the
18 permitted issuance.

19 "There are viable alternatives to open-air
20 windrows, which would minimize the impacts and human
21 contact.

22 "The analysis provided by San Bernardino County
23 fails to comply with the standard. Bagging or using
24 composting material to capture VOCs was not considered.

25 "While the CEQA findings are flawed and

1 inconsistent, the City hereby requests that the Board
2 adopt the Nursery Products findings for the purpose to
3 object to the issuance to the project's significant
4 unavoidable environmental effects."

5 There are two new biowaste facility -- composting
6 facilities opening in San Bernardino county. The
7 proponent, again, said there are none right now. But
8 there are two proposed: one is in Rancho Cucamonga; the
9 other one is in the City of Rialto. Again, if we are
10 talking at air quality, we're talking about minimizing the
11 impact -- (speaker's comments through Webcast were
12 unintelligible) -- much closer to the source than we are.
13 So they don't have to travel 60 miles up the Cajon Pass to
14 get to us.

15 In closing, let me just say that I'm going to ask
16 you, please stop this unnecessary project. Nursery
17 Products does not meet the standards needed to protect
18 public health and safety. Approval of this project would
19 send the message that waste needs to be handled as cheaply
20 as possible with the long-term provision to protect the
21 public health.

22 And with that, I thank you very much.

23 (Applause.)

24 MR. BELL: Beverly Lowry director of Division 6 --
25 (speaker's comments through Webcast were

1 unintelligible) -- followed by Kimberley Cox.

2 MS. LOWRY: Yes, my name is Beverley Lowry.

3 I live at 33920 L Street in Barstow, California.
4 I've lived in this area for over 40 years. I'm speaking
5 today for myself, my family, and my constituents.

6 I'm a retired field representative for two county
7 supervisors. And I worked many years for the
8 California -- the California Senate. So I do have some
9 experience in public events such as this one. And I'm
10 very concerned that you listen to the people that have
11 already had their say and the many more that will come
12 after me.

13 I also want to say that I am -- I agree with the
14 mayor, Mr. Rodriguez, Mr. Diaz, and definitely Mr. Joe
15 Gomez.

16 Mojave Water Agency Board of Directors unanimously
17 opposed the Nursery Project [sic] LLC. Remember now, I
18 represent 46,000 people, so I'm speaking for my
19 constituents because I haven't had a single constituent
20 tell me they are in favor of this project; every one that
21 I have talked to are opposed to it. They have every
22 reason to be opposed to it.

23 This company that proposes this project has a
24 terrible reputation. They made the life of the people in
25 Adelanto pure hell.

1 I have friends. We have a staff person on our
2 staff who told me, their screen doors were black with
3 flies, that their children were sick on the playgrounds.
4 How could we possibly let them do this to the people of
5 Hinkley and the greater Barstow area?

6 I know that you are a very important board, the
7 California Integrated Waste Management Board, and you come
8 under the California Environmental Protection Agency.
9 That says a lot to me. And I'm sure that governor
10 Schwarzenegger would want you to consider the people
11 first, not the company.

12 This company, as I understand it, gave out
13 campaign contributions like I give candy bars at
14 Halloween. These are things you need to think about.
15 This isn't a very respectable company. I'm not afraid to
16 say that because I know it's so. And if you speak the
17 truth, you can't go wrong.

18 In closing, I just want to say that if this were
19 enclosed facility, with modern technology that is
20 available today, I wouldn't be standing here opposing it.
21 But an open-air, not enclosed, composting facility, that
22 close to that many people, is absolutely unacceptable.

23 I don't know if this plant -- and we will fight it
24 to the end -- is allowed to open.

25 Who's going to monitor it on a daily basis? I've

1 heard these clients, "Oh, that once it's been constructed,
2 we'll watch it and so forth." But who's going to keep
3 their eye on it every day? And that's what will be
4 required.

5 In closing, I want to just say this: I object to
6 the issuance of the proposed permit as submitted by the
7 LEA pursuant to PRC Section 44009; and I urge you to adopt
8 the CEQA findings adopted by the lead agency and object to
9 the issuance of the proposed permit submitted by the LEA
10 due to the project's significant unavoidable environmental
11 effects.

12 Do something for the people, not the company.
13 We're the ones who count.

14 Thank you.

15 (Applause.)

16 MR. BELL: Kimberley Cox, general manager --
17 (speaker's comments through Webcast were
18 unintelligible) -- followed by Ingrid Brostrom.

19 MS. COX: Good morning, ladies and gentlemen of
20 the Board. It's truly an honor to stand before you.

21 I represent, as an elected official, Mojave Water
22 Agency, Division 1. My division does cover the Hinkley
23 area. And I am very concerned about the residents out
24 there.

25 I, like Director Lowry, represent about 46,000

1 people in the Mojave Desert. I also live in the community
2 of Helendale. Helendale is located a few miles south of
3 this facility. Helendale also includes about 11,000
4 residents.

5 We are here. This is not in the middle of
6 nowhere. This project is in a rural area of San Bernardino
7 County in the desert, but there are people here. We care
8 about our community. We live here in the desert because
9 we love the desert. We love the fragile ecosystem. We
10 love the rural lifestyle that our families, our
11 grandchildren, enjoy.

12 I urge you, as elected officials, to reject your
13 staff's recommendation. As, you know, as I do, as
14 Director Lowry, as the other elected officials who have
15 appeared before you today, we do have the right not to
16 agree with our staffs and to impose other conditions.

17 So I strongly encourage you to oppose the permit
18 due to the unavoidable environmental impacts that it will
19 have.

20 I also -- I also resent the applicant's proposal
21 that this is a state-of-the-art facility. If it were a
22 state-of-the-art facility, they would cover it, much like
23 many of the other new, more modern facilities that are
24 being developed.

25 We do live in a very fragile ecosystem here in the

1 desert. In fact, the Department of Fish and Game has
2 objected to this project. And it was stated in the West
3 Mojave Plan that there are to be no new waste facilities
4 within the jurisdiction of that plan that has been
5 adopted.

6 I have to think about AB 939. That is a law that
7 is incumbent upon all government entities that they comply
8 with the waste diversion that is outlined in there.

9 Have you truly asked yourself now that AB 939 is
10 on the books, how do we truly quantify it? I have been
11 told by officials, that deal in solid waste, that they
12 receive credit from the State simply because a facility
13 like this exists, that there are no manifests that truly
14 quantify the amount of diversion, but because a facility
15 is open, they get credit on the state level.

16 Perhaps you should evaluate that a little further.

17 I appreciated the presentation made by Paula
18 Harold from the LEA. And she stated that the LEA's
19 authority is dust, odor, vector control, and fire control.
20 I think these are all issues that are very relevant to
21 this project. And I again encourage you to deny your
22 staff's recommendation.

23 I have previously had conversations with members
24 of the LEA, and they have stated that they can go out and
25 investigate a facility. They can write a citation. But

1 there are absolutely no teeth that they have to close down
2 the facility. And I think that was very evident in the
3 Adelanto facility, in that they actually had to go to a
4 lawsuit because there was no teeth in the LEA's
5 jurisdiction even though there were significant issues and
6 environmental impacts caused from that.

7 So once again, I implore you, as elected
8 officials, to do the right thing here, to deny your
9 staff's recommendation, and do the right thing for the
10 public.

11 I thank you so much for your time.

12 (Applause.)

13 MR. BELL: Ingrid Brostrom, Center on Race,
14 Poverty, and the Environment, followed by Bette Moses.

15 MS. BROSTROM: Hello, good morning. My name is
16 Ingrid Brostrom. I'm an attorney for the Center on Race,
17 Poverty, and the Environment.

18 I urge this Board to object to the Nursery Product
19 Hawes Composting Facility Permit on the grounds that it
20 fails to meet state minimum standards on nuisance, dust,
21 fire equipment, water supply, traffic, and vector and bird
22 control.

23 While this community may not be able to afford
24 technical studies and expensive modeling to bring before
25 you today, they can bring facts and a healthy dose of

1 common sense.

2 For example, common sense tells you that a
3 400,000-ton-per-year composting facility would generate a
4 considerable amount of dust. Common sense tells you that
5 the state's fourth windiest areas with vast open desert
6 plains, that this dust will migrate off site. That is a
7 violation of the state minimum standard for dust control.

8 Moreover, we don't need to sit here and argue
9 about how far the dust will migrate -- Hinkley or Barstow.
10 Common sense will tell you that the dust will migrate and
11 affect visibility a mile away, on Highway 58.

12 This presents a serious safety hazard and also is
13 a violation of state minimum standards on dust control.

14 This Board is well aware of the past problems that
15 the same facility had in Adelanto. The applicant now
16 proposes the same project, four to ten times larger, using
17 the same composting methods that caused the nauseating
18 odors, swarming flies, and dust in Adelanto.

19 The applicant has not demonstrated any project
20 changes that will remedy the project's demonstrated flaws.
21 These flaws constituted a nuisance in Adelanto, and they
22 will constitute a nuisance in Hinkley.

23 Without evidence showing that the nuisance has
24 been remedied, the project failed to meet state minimum
25 standards on nuisance.

1 This project also poses a significant public
2 health hazard because of its inadequate preparation and
3 equipment to protect the site from fire risk.

4 Initially, the applicant provided virtually no
5 provisions for fire prevention and control. Now, they
6 have pledged a water supply sufficient for 1500 gallons
7 per minute for one half hour.

8 This Board has ruled that other combustible waste
9 facilities must have a minimum water supply of
10 2,000 gallons a minute for three hours, or six times what
11 the project applicant is proposing here.

12 This Board has acknowledged that compost is known
13 to be highly combustible. Given the size of this
14 facility, the water supply is woefully inadequate to
15 protect against a significant risk of fire. This is a
16 violation of state minimum standards on fire equipment and
17 water supply.

18 As you listen to the testimony of this community,
19 I think you will realize that you don't need scientists
20 and engineers to tell you that this project will pose
21 significant risks to the community and the environment.
22 You Board has the authority and the duty to protect public
23 health. Your only option, therefore, is to deny this
24 permit on the grounds that it fails to meet minimum state
25 standards.

1 Thank you.

2 MR. BELL: Bette Moses followed by Mark Orr.

3 MS. MOSES: Members of the California Integrated
4 Waste Management Board, I thank you for giving us this
5 opportunity to speak with you.

6 I am a little old lady from Barstow these days. I
7 came here in 2004 from Corona del Mar Orange County. I've
8 been a real estate broker for over 50 years, and I am so
9 proud of the development that's happening here, in
10 Barstow.

11 But if we have -- I met with -- (speaker's
12 comments through Webcast were unintelligible) -- and the
13 Army of the United States of America -- (speaker's
14 comments through Webcast were unintelligible). Those
15 people wanted to be here, but they had to go back to their
16 bases.

17 They too would be affected, even 4 miles north of
18 Barstow.

19 There are two marine bases 6 and 10 miles east.
20 The winds in the high desert brings a dust that permeates
21 everything we have here. That's the one thing I hate
22 about Barstow is the dust. And it sinks in everything,
23 including your computers.

24 As the Garden Club past president, I have
25 composted for years and I believe -- (speaker's comments

1 through Webcast were unintelligible) -- use this compost
2 in our gardens.

3 Eighty trucks hauling the biowaste up the Cajon
4 Pass, through Victorville and pass through Lynwood. Some
5 of that is going to escape and affect people.

6 Again, I thank you for hearing this. I hope that
7 you can -- (speaker's comments through Webcast were
8 unintelligible) -- things mentioned to defeat this. And I
9 know that you will do whatever is best for your people.

10 Thank you.

11 (Applause.)

12 MR. BELL: Mark Orr followed by Francis Church.

13 MR. ORR: Good morning, CIWMB members. My name is
14 Mark Orr. I live at 36714 Hidden River Road in Hinkley.

15 My residence is going to be approximately 5 miles
16 from the fix of this thing. The California Integrated
17 Waste Management Board meeting in Sacramento on
18 August 6th, 2007, was yet another disappointing event for
19 those opposed to Nursery Product's LLC plan, 80- to
20 160-acre, open-air, sludge, composting site at Hawes, west
21 of Hinkley and Barstow, California.

22 The health and safety and quality of life of the
23 people of the Mohave Desert continues to be ignored, in my
24 opinion, by those who see the desert is a place to dump
25 their problems in the crudest and cheapest modes possible.

1 Though the admission was made at the
2 August 7th meeting for the danger of fire at the Hawes
3 composting site, the attending Waste Board members
4 supported the permit despite strong Hinkley and Barstow
5 area opposition.

6 One Board Member said she visited the site and
7 described it as "remote," and approved of its location
8 despite information given her by Hinkley and Barstow area
9 citizens' testimony, describing high winds capable of
10 transporting dust, fire, and contaminants from the planned
11 massive open-air site.

12 I warn the CIWMB that viewing an area impacted by
13 12-plus years of drought will not give you a true
14 assessment of the real fire dangers, especially if you
15 visited on a wind-calm day.

16 Believing any DEIR or EIR completed in regards to
17 this Hawes site during this drought sequence would also be
18 a mistake, in my opinion.

19 During years of past heavy rain, I have stood at
20 the area of the Hawes site. And it, and the entire
21 surrounding region, was covered by waist-high dry mustard
22 weed by summer. I am sorry, but sprinklers, water wells,
23 hoses, water trucks, new fire engines, or bucket-armed
24 helicopters can eliminate the fire danger the planned
25 open-air Hawes compost site will create, in my opinion.

1 Thirty- to sixty-plus-miles-per-hour winds common
2 to the Hawes site will ensure this danger will potentially
3 spread and only halting the Hawes project and demanding
4 its complete enclosure will solve the problem.

5 Please, I ask the CIWMB to deny a permit from the
6 Nursery Products LLC composting site at Hawes, California,
7 for the health and safety of the citizens of Hinkley and
8 Barstow, California, and the surrounding homes and
9 community.

10 I would like to sign off by saying, I thought it
11 was interesting, at the beginning of this, the mention of
12 the 18 people at the one meeting we had, and no mention of
13 the other meetings and how many were at those meetings.

14 There has always been about 20 people
15 representative of the people going to most of the
16 meetings. But as far as the other meetings, there have
17 been 50-plus, 100-plus, even 200-plus. I just like to
18 make that straight.

19 Thank you.

20 MR. BELL: Francis Church followed by Sandra Hill
21 Diaz.

22 MR. CHURCH: Good morning, Board President.

23 I would -- I'm Francis Church. I live in Barstow,
24 in the fly zone. And I wanted to say something about Mark
25 Orr, who is up here.

1 You know, you take testimony from the public and
2 you don't know their qualifications. Mark Orr has a
3 degree in environmental studies.

4 Now -- excuse me, I'm so emotional about this
5 situation that sometimes it gets over --

6 Anyway, I sent you messages at 2:30, not really
7 timely. But my message was, the point of the LEA who
8 passed this said, everything's all right. But their
9 testimony is flawed. You would be counting one through
10 ten, going one, three, six, eight, ten. That doesn't make
11 sense either. But that's the LEA's conclusions.

12 The words that I said to you are before the EPA.
13 Current EPA administration is in effect. I sent you
14 everything I could find on the pathogens distribution in
15 various areas that have been effected by the EPA. The
16 current EPA thinks sludge is fine. You could take a bath
17 in it. Thank you, I don't want to.

18 Now, so my point is, the EPA EIR is flawed.
19 Again, we're counting with missing numbers. The message I
20 was trying to make is the -- everything the EIR says has
21 this flawed methodology, and it seems to be the Nursery
22 Products saying this information.

23 Now, let's just -- my final point in what I'm
24 going to say is that I know this doesn't crop up on your
25 list of things to judge this proposal on. But we're

1 talking about fire control, which is going to be limited.
2 And the last item for your consideration, it affects that
3 fire control. And when I say desert, what's the first
4 thing that pops into your mind? I hope it's water,
5 because that's a very important subject to here us here in
6 the desert. You cannot exist very long without high water
7 in the high desert, although I spelled it "hide" desert.
8 You have to live with that. Where do we get our water?
9 One source is Big Bear Lake. Two is water that flows from
10 the underground streams from the north mountain ranges.
11 And L.A. County keeps scooping that up.

12 And then there's rain. (Speaker's comments
13 through Webcast were unintelligible) in the high desert,
14 and when it happens, it's a deluge, a flash flood. That
15 mountain that NP LLC wants to put their open-air sludge
16 factory on is a source of rain runoff. They say they are
17 already using 160 acres. But that equates to 160-acre
18 feet of water. When it happens, there's a lot of water in
19 the high desert falls.

20 (Speaker's comments through Webcast were
21 unintelligible) -- wants to trap the rain and use it,
22 possibly for pest abatement. They want to dig in the
23 place they go to fight the fire that might happen to their
24 compost crops. They want to use 365,000-plus gallons of
25 my precious water in the -- (speaker's comments through

1 Webcast were unintelligible) by bringing the sludge
2 factory to the high desert. Don't make sense to me.

3 We are trying to -- (speaker's comments through
4 Webcast were unintelligible) -- from down below, with
5 400,000 tons of material that will blow in our incessant
6 wind. Using that water with the project that does no
7 good, for the -- (speaker's comments were cut out during
8 Webcast) -- betterment of all. This sounds totally insane
9 to me. And I hope it does to you when you vote no to the
10 permit.

11 Thank you.

12 (Applause.)

13 MR. BELL: Sandra Hill Diaz followed by Jessie
14 Orr.

15 MS. DIAZ: Hello. I am Sandra Hill Diaz and I was
16 born here in Barstow.

17 And in the '40s -- I think what I can do, how I
18 can add to everybody's take on this is a little history.
19 Just concentrated on this stuff that was there, that was
20 flushed and poured and put into the system -- when it gets
21 here and it's compost here, it's going to make it better.
22 Kern County didn't want it. Arizona didn't want it. And
23 they have their reasons. And I just think that it's time
24 to stop, spend the money, take care of this growing -- can
25 be counted as a resource, whether it makes compost or

1 whatever, take care of it in a way that it is good for our
2 future and our environment.

3 Thank you very much.

4 (Applause.)

5 MR. BELL: Jessie Orr followed by Betty Hulen.

6 MS. ORR: I hope I use this right.

7 My name is Jessie Orr and I have lived at 36714
8 Hidden River Road in Hinkley for 34 years.

9 And we do live in a rural community. But you
10 know, when I listened to the meeting last Monday, I came
11 to the meeting and we were supposed to have a
12 teleconference. So we didn't talk back to them and ask
13 questions. And it didn't work out that way.

14 There was one lady who made the statement that she
15 drove and she didn't say from where. In fact, her name is
16 Rosalie Mulé. I know that because I called the office, or
17 my son did, to find out who the lady was.

18 And she said that she drove and thought she would
19 never get there, it was so remote. But I wanted to ask
20 her so badly, did you -- (speaker's comments through
21 Webcast were unintelligible)? Did you make a right turn
22 and go to Hinkley? Did you go to Barstow? You see how
23 close to home it is from that direction. Yes, it is
24 remote from the other direction if you came from
25 Sacramento. But I couldn't ask her that.

1 So that's one of my questions for her today. And
2 also, when the spokesperson for the LEA today said that
3 there was a meeting in Hinkley in February 2006 and there
4 were only 18 people from Hinkley there, or wherever they
5 were from, most of us did not know that meeting. I don't
6 know where it was advertised, if it was in the paper. I
7 didn't read it. And I usually know about everything that
8 goes on. I'm very busy in the church. And I know a lot
9 of people. So we did not know about that meeting. But we
10 found out, in May of 2006, what was happening to us. And
11 that's when Norman Diaz started having the meetings and
12 we -- he organized helpinkley.org, and we've had lots
13 more people than that.

14 Also, when we went to the first board of
15 supervisors meeting in San Bernardino, we had over 200
16 people -- (speaker's comments through Webcast were
17 unintelligible) -- plus many others who drove. So we have
18 had a lot of people that can't make it. A lot of them
19 work.

20 But I would just like to say that we have been
21 fighting this since May 2006, to get them to either not
22 put this facility in or enclose it.

23 And I would ask you today to please listen to us.
24 Somebody has to listen, somewhere. This has been our
25 question from the very, very beginning. Don't put it in

1 or enclose it. We don't care if you enclose it because
2 that would solve the problems, we think.

3 Now, they keep referring to the facility in Austin
4 as being one that they are -- I don't know what you call
5 it. The one that they are copying or whatever.

6 That facility is completely different than what
7 they are putting out here. I know. My son lives in
8 Austin. We checked into it. My other son called, Mark.
9 He's been very busy helping with this. And he called and
10 got a lot of information. It's not anything like what
11 they are planning out here.

12 So please, I just ask you again today, have them
13 cover it or don't give them the permit at all.

14 And I thank you.

15 (Applause.)

16 MR. BELL: Betty Hulen followed by Mark Isaacson.

17 Betty passes. So Mark Isaacson followed by Jim
18 Perkins.

19 MR. ISAACSON: Mark Isaacson, Barstow, California
20 1317 Kelly Drive.

21 I appreciate the effort that this Board and all
22 the people that have put out. There's a thing that people
23 haven't thought about. If they are only going to allow 87
24 trucks per day, till 8:00 p.m., what about these trucks
25 that showed up after 8:00 p.m. and dump on the desert dirt

1 roads in the area? There's hundreds of miles of dirt
2 road.

3 My wife and I have been participated in several
4 volunteer efforts to clean up the desert with different
5 groups. We also volunteer several times a day on
6 Adopt-a-Highway, picking up trash on the side of the
7 highway.

8 There's so much illegal dumping from trucks that
9 arrive in this area. If they know there's a disposal site
10 up here and they get up here and the gate is closed, do
11 you think they are going to haul it all the way back down
12 the hill, eighty, ninety, a hundred miles? No, they are
13 going to drive a couple miles down one of those dirt roads
14 in Hinkley, possibly even dump it in somebody's yard.

15 Thank you.

16 (Applause.)

17 MR. BELL: Jim Perkins?

18 (Unidentified male's comments were unintelligible
19 through Webcast.)

20 MR. BELL: Sure, go ahead.

21 UNIDENTIFIED MALE: For many years, I've operated
22 a Skip Dump Truck Service in town. And I cannot tell you
23 how many houses I've cleared the sand away so they could
24 get in and out of their driveways.

25 I used to have the mother's several times a day.

1 The sand would pile up 3 or 4 feet in her driveway.

2 Thank you.

3 MR. BELL: Jim Perkins followed by Judy Miller.

4 MR. PERKINS: My name is Jim Perkins. I live at
5 44041 Orchard Road in Hinkley.

6 Throughout the testimony, the Nursery Products has
7 indicated that this project is safe. I would like to
8 remind the Board that two years ago, people were reminded
9 that the levees in New Orleans were safe. Three Mile
10 Island was judged safe. And just recently, a bridge in
11 Minneapolis was judged safe.

12 I would like the Board to think about the fact
13 that the public furor that has come out of these three
14 items, the political furor that has come out in these
15 three items. In light of what Norm brought up, that the
16 desert can do, in its rainstorm, significant damage.
17 Unfortunately, Mother Nature doesn't know how to read a
18 computer, so the computer models don't always fit a sudden
19 rainstorm.

20 And remember this, that when a tragedy does
21 happen, and it can, and it will, the first question is
22 going to be asked, as it's being asked now on the bridge
23 of New Orleans who approved this.

24 And if you approve it, your names will be the ones
25 that will be on that approval list.

1 Thank you.

2 MR. BELL: Judy Miller followed by Edna Later.

3 MS. MILLER: Hi. My name is Judy Miller, and I am
4 a resident of Hinkley. Thank you for listening to us
5 today.

6 I want to thank Mr. Joe Gomez for his fine
7 representation and presentation on our behalf. Thank you
8 to everyone who has spoken here today; a very big thank
9 you to Norm Diaz and his wife, Peg, for all their
10 self-sacrifice and work on our behalf.

11 Yes, we are a very small, rural, community. The
12 only thing we can do to fight this is to unite together
13 and test our government process. That is where you come
14 in.

15 I strongly oppose this uncovered sludge facility.
16 Our health is most important to us, the men, women, and
17 children of Hinkley. I pray you listen to us and please,
18 please, vote against having this dump as proposed.

19 I am in agreement with everything my fellow
20 colleagues have said here today.

21 Thank you.

22 MR. BELL: Robert Conaway followed by LaDonna
23 Akin.

24 MS. LATER: Hi. My name is Eda Later, and I'm a
25 resident of Hinkley.

1 And I'm very honored to be able to address this
2 Board of our feelings. But I just want to not take up
3 very much of your time. And I just want to tell you that
4 in light of the foregoing comments and the facts against
5 an open-air facility like Nursery Product's, that I
6 implore your to deny a permit for this project.

7 Thank you.

8 (Applause.)

9 MR. BELL: Robert Conaway followed by Donna Akin.

10 MR. CONAWAY: My name's Bob Conaway, 22562
11 Aquarius Road in Hinkley.

12 A couple of things come to mind, and I'm not going
13 to repeat a lot of things that are going on. But this
14 really comes down to a question of environmental justice
15 and discrimination. We're dealing with a small community
16 with a lot of retired folks and disabled folks, some young
17 families.

18 We're dealing with a community where 30 percent of
19 the community is Hispanic. And the interesting thing that
20 Paula Harold did in her presentation, when someone spends
21 in the governmental agency a lot of time on something,
22 they know it's a soft underbelly. They went through all
23 these public participation meetings. But you know what?
24 None of them were ever given in Spanish; no notices were
25 ever published in Spanish; no outreach was made to anyone

1 that was Spanish.

2 And when you have, according to the principal --
3 and this is a matter of the public record that the LEA
4 has, the principal says that 30 percent of its kids cannot
5 speak any English in his school -- and the school is one
6 of the primary locations to which public notices were sent
7 to various members of the community -- this is dangerous.
8 This is discrimination. This is arrogance. This is the
9 impacted community, a significant impacted community, is
10 not being given an opportunity to participate. They're
11 not being communicated with.

12 And if you look at this room, you're not going to
13 find -- and in this room and any other prior meeting -- a
14 significant presence, much less participation, of anybody
15 of Hispanic origin. And I think that's really, really
16 important, because this is the issue that this Board needs
17 to concern itself with, because have they complied with
18 CEQA? There was a case in Kettleman City, and I'm sure
19 this Board is well aware of it; I'm sure general counsel's
20 aware of it. When a United States district court judge
21 reversed CEQA approval because it did not give notice to
22 the Hispanic community. This is a defective process. It
23 is dead on arrival. If you approve this -- you are
24 approving this, you're a strong arming in a minority
25 community that is lot even being contacted, much less

1 represented.

2 Secondly, this is discrimination, because you --
3 if you adopt this today, you will be dropping the
4 standards that everybody else in the state of California
5 is being protected by.

6 Now, we heard from the Center on Environmental
7 Race [sic] and Poverty, that the fire standards are being
8 affected. But another one that's really important is
9 called BACT, BACT, Best Available Control Technology.

10 The California State Air Resources Control Board
11 says it has to be an enclosed facility with biofilters so
12 that what? So that we don't get the PM10s, we don't get
13 the VOCs, we don't get the problems with vector control
14 problems. And in order for this Board to adopt this, and
15 in order for this LEA to solve this, they have actually
16 changed the law, folks. Look at what they are saying in
17 the LEA submission.

18 They are using the word "reasonably available
19 controlled technology." That's not the law. They have
20 invented new law and they have said that there are
21 complaints with the law. Yet, it's clear from the
22 California Air Resources Board that they have not, because
23 it is not the best available control technology.

24 Now, why did this happen? I will tell you why
25 this happened. Because when this facility was objected to

1 in Adelanto, they went prior to the board of supervisors,
2 who at that time was chaired by Bill Postman [phonetic]
3 and his chief of staff was Mr. Brad Mitzenfeld, we said
4 "Where are we going put this? Where are we going to put
5 this?" Obviously, we can't leave it in Adelanto. The
6 chosen location was the Hinkley area.

7 So this is an agenda item that had been
8 unagendized for a long time. It's probably a Brown Act
9 violation on top of it, because you are having decision
10 making and interaction with a political contributor to
11 find a location to site this. This entire process is
12 tainted. It's dirty. It needs to be rejected. Because
13 you cannot create a lower standard for a poor community.
14 And that's what you would be doing by rejecting the
15 California Air Resources Board's best available technology
16 requirement.

17 And I don't care if you think this isn't part of
18 your obligations. It is clearly because it has to do with
19 CEQA. It has to do with compliance with the laws. It has
20 to do with whether or not the report is complete and
21 correct. Because if they are using their own standard,
22 the reasonably available control technology, because it
23 costs the polluter too much money, that's wrong. And
24 that's creating a discriminatory, substandard approach to
25 how rural communities in California are going to be

1 treated by the state.

2 I know that this governor, from what conversations
3 I've had with this staff, does not approve of this type of
4 thing. And I'm sure the governor's office is closely
5 watching in.

6 I would hope that you would reject this
7 application, send it back to the LEA with the appropriate
8 instruction to follow the law, follow the California Air
9 Resources Control Board's standards, make them follow the
10 best available technology, make them have the finest
11 standards that we need, protect the community. Don't pick
12 on them because they are poor and have a lot of Hispanic
13 citizens.

14 (Applause.)

15 MR. BELL: The last presenter is La Donna Akin.

16 MS. AKIN: My name is La Donna Akin, I live in the
17 surrounding area of Hinkley, not right in Hinkley.

18 But I just wanted stand in agreement with
19 everybody who spoke here today except -- (speaker's
20 comments were cut out during Webcast) -- covered, I just
21 don't want it there at all.

22 I get these -- (speaker's comments were cut out
23 during Webcast) combustible material.

24 Do we want -- (speaker's comments were cut out
25 during Webcast) -- that's going to burn up or blow up in a

1 post-9/11 world? I don't. My mom says I'm a little
2 paranoid. But I still don't want 160 acres of anything
3 that will burn that quickly, especially with only with a
4 half an hour of water.

5 But back to the Google alerts. Now, I'm sure that
6 you -- (speaker's comments were cut out during Webcast) --
7 that everything is safe and so they went to Colorado for
8 the college there. And they said we'll put it on the
9 ground -- (speaker's comments were cut out during
10 Webcast).

11 (The Webcast lost connection.)

12 CHAIRPERSON BROWN: I would like to ask staff to
13 address some of the issues that were raised by our
14 speakers, specifically relative to the fire issue, dust
15 control measures that are necessary, odor management --
16 probably the LEA -- and then we'll go to questions from
17 the Board.

18 Are you ready, Dianne?

19 MS. OHIOSUMUA: Just gave me a few seconds.

20 COMMISSIONER DANZINGER: Do we have clarification
21 on the audio? When we were only on an audio link, it was
22 a little choppy.

23 CHAIRPERSON BROWN: At this time, we need to take
24 a break just for time for our court reporter and the
25 Board. So why don't we take a five-minute break.

1 I'm going to let you get prepared to respond to
2 some of the issues that I addressed related to that. I
3 would like the LEA prepared to come up when we come back
4 and address these issues -- your jurisdiction and your
5 odor management plan, and what you're intending to do.
6 And then we'll start taking questions from the Board.

7 So we'll take a five-minute break and be back here
8 and ready to charge forward.

9 (Thereupon a break was taken in
10 proceedings.)

11 CHAIRPERSON BROWN: If we could reconvene so that
12 we can -- hey, John Bell down in Barstow we're going to
13 reconvene up here, back in Sacramento. And we would like
14 to have the last speaker, I believe it was La Donna Akin.

15 There was some communication difficulties, and we
16 were not able to hear her testimony. If we could invite
17 her back to do her comments again so that the Board has
18 the benefit of her input, that would be great.

19 MS. AKIN: I didn't come with a prepared
20 statement. I said what I said from the heart. I really
21 am sorry you guys didn't hear it.

22 Basically what I said was that I strongly oppose
23 this, and I ask you to do the same. I said that I agree
24 with everything that everybody said here except that I
25 don't even want it covered; I just don't want here.

1 (Speaker's comments through Webcast were
2 unintelligible) -- proven themselves to be trustworthy.
3 In fact, they've proved to be just the opposite.

4 I think one of the things that I said was that I
5 hadn't realized that this was going to be combustible.
6 And I don't feel safe having 160 acres of chemical
7 material on one spot, anywhere.

8 And I ask you to search your hearts and see if you
9 really think this is a good project. I don't think that
10 it is a good project; I never thought it was a good
11 project. I remember the first time I heard of it, and
12 then I did the research and then I was really against it,
13 which is why I am here today. And that's pretty much all
14 I can remember is what I said.

15 (Speaker's comments through Webcast were
16 unintelligible) -- not to give them a permit. So listen
17 to the people that live her. Okay?

18 And I was just reminded of something else that I
19 said. On the Internet, I have the Google alerts that I
20 get. And I get at least five to ten of those a day of
21 things that have went bad with these composting units.
22 You know, it's always the smell or the PM10s the PM2
23 particles, the VOCs. And I'm sure that you know about all
24 those.

25 And I did think that you were pretty sure that you

1 were aware of all the problems with these composting
2 facilities. And being aware of that, I'm asking you not
3 to -- not to give them a permit. I'm asking that you have
4 mercy on us and ask that we do something ethical here and
5 deny their permit.

6 And I thank you for your time.

7 Thanks. Bye.

8 (Applause.)

9 CHAIRPERSON BROWN: Thank you.

10 Now, we'll have staff respond to some of the
11 issues that were raised by some of your speakers down in
12 Barstow.

13 MS. OHIOSUMUA: Thank you.

14 The first issue that I would like to respond to
15 pertains to fire protection. I would have to refer to the
16 RCSI, which is the Report of Composting Facility
17 Information -- Site Information and what the operator has
18 indicated to how they will address fire.

19 Keeping in mind that the regulations in Title 14
20 only pertain to fire control at the composting facility,
21 fire protection is under the authority of the local fire
22 department. And the LEA would only enforce the part that
23 has to do with Title 14. We cannot enforce the fire
24 protection which is under the authority of the local fire
25 department.

1 According to the RCSI, a fire protection water
2 system will be designed to -- on the NFPA 1142 standard.
3 And it will be operational prior to compostable material
4 being placed on the site.

5 The system will provide an approved water supply
6 with a minimum fire flow of 1,500 gallons for 30 minutes.
7 It will include a 5,000-gallon water tank that is approved
8 and inspected by the fire department. There will be
9 52 feet of cleared land, will be maintained along the
10 perimeter of the site operations to act as a fire barrier
11 or a break. There will be a business emergency
12 contingency plan that will be developed and submitted to
13 the county and local fire department prior to commencing
14 operations.

15 The BEP, which is the Business Emergency
16 Contingency Plan, will include all fire prevention,
17 protection, and control measures for the facility. The
18 operator has indicated that they will comply with that
19 plan.

20 The temperature of the windrows and the piles are
21 monitored during the active composting process where
22 temperatures are the highest. Fire lanes will be provided
23 to allow fire control equipment access to all operational
24 areas.

25 I do know that the -- that the public in the

1 remote location did mention about -- they had read about
2 composting facilities catching on fire. I do not know
3 what type of composting facilities those were. There are
4 many different types of feed stock. And in this
5 particular situation, we are talking about a biosolid,
6 which has a tremendous amount of water being mixed with
7 green material. I do not have any data at this time to
8 say how many of those types of facilities have caught on
9 fire, but I would at least like to mention that.

10 MEMBER CHESBRO: I heard some other specific
11 things mentioned by the testimony that I would like to
12 hear a response to. One was that we are not requiring
13 that the water be able to be accessed for the entire site.
14 I suppose that refers to the question of hoses or some --
15 whatever means of delivering the water they have.

16 Is there any requirement that says that the water
17 has to be deliverable to whenever the fire is anywhere on
18 the site?

19 MS. OHIOSUMUA: As I mentioned before, that will
20 be something that the local fire department would address.

21 MEMBER CHESBRO: Do we have a standard that says
22 that the amount of water is designed to fight a fire that
23 goes on for 30 minutes?

24 MS. OHIOSUMUA: We do not have a standard.

25 MEMBER CHESBRO: Could you over again the amount

1 of water per minute and the -- and the total size of the
2 tank? We could probably calculate that easily.

3 CHAIRPERSON BROWN: Maybe that's a question that
4 we should direct to Michael Bledsoe from our legal
5 department who can let us know exactly what our
6 regulations stipulate per requirements.

7 STAFF COUNSEL BLEDSOE: Thank you, Madam Chair.
8 Michael Bledsoe from the legal office.

9 If I can just read the state minimum standard that
10 applies to fire control at compost facilities. It's found
11 in Title 14, Section 17867(a)(8): "The operator shall
12 provide fire prevention, protection, and control measures
13 including but not limited to temperature monitoring of
14 windrows and piles, adequate water supply for fire
15 suppression, and the isolation of potential ignition
16 sources from combustible materials. Fire lanes shall be
17 provided to allow fire equipment control access to all
18 operationed areas."

19 So that is the extent --

20 MEMBER CHESBRO: So it doesn't specify how much
21 water or for how long the fire should be -- that the water
22 should be capable of fighting the fire?

23 Well, there was also a statement made that in
24 previous approvals, the Board has required six times as
25 much water.

1 I don't know if that's the case or not. But that
2 was the statement.

3 Do we know if that's the case?

4 STAFF COUNSEL BLEDSOE: Yes, Mr. Chesbro.

5 In the letter that Ms. Brostrom provided, and in
6 her testimony today, she cited a standard, I believe, of
7 2,000 gallons per minute as being -- and the requirement
8 that there be a minimum standard met of 1,000 gallons per
9 minute for at least three hours.

10 That standard applies at waste tire -- major waste
11 tire facilities, not at compost facilities.

12 So there's an erroneous reference there.

13 MEMBER CHESBRO: So okay. So to your knowledge --
14 to your knowledge, we have not required that greater
15 amount of water for another compost facility comparable to
16 this?

17 STAFF COUNSEL BLEDSOE: I don't have any specific
18 knowledge of what LEAs might have provided at other
19 compost facilities.

20 MEMBER CHESBRO: Okay.

21 If the standard is so broad to just say that water
22 must be supplied, how is the amount of water that needs to
23 be supplied determined? Do we consult with the local fire
24 agency? How do we come up with the number that is in this
25 permit if it's -- if it's not specified in the standards?

1 CHAIRPERSON BROWN: Is that a question the LEA
2 would like to address regarding your fire suppression and
3 what other agencies you work with, for example, the fire
4 control district?

5 MS. OHIOSUMUA: Within the environmental document,
6 under the mitigation measures, it does identify which
7 agencies will be responsible for fire protection, and the
8 LEA is listed as well as the local fire department.

9 MEMBER CHESBRO: That doesn't answer my question.
10 How do we set the standard that is in the permit
11 now?

12 CHAIRPERSON BROWN: How do we address what
13 adequate fire suppression is? Because the regulation only
14 says adequate fire suppression. So how is that
15 determined?

16 STAFF COUNSEL BLEDSOE: Madam Chair, if I might.
17 Michael Bledsoe from the legal office.

18 I think what the Board needs to hear, to answer
19 Mr. Chesbro's question is, in the Report of Composting
20 Site Information, the RCSI, the operator specifies how
21 various operational, you know, methods will be taken out
22 at the facility.

23 And the operator has a couple of -- three
24 paragraphs on fire prevention.

25 Ms. Ohiosumua summarized a portion of that. I'd

1 like to read -- that's on page 8 of the -- 8 and 9 of the
2 RCSI. If I could just summarize those key things, because
3 the answer to the question is really is that the LEA
4 looked at this fire prevention section in the RCSI and
5 determined that it satisfied our state standard.

6 Then our staff came along behind them, when we're
7 determining whether the facility will meet state minimum
8 standards, and does the same thing, reviews what the RCSI
9 says and our standard and determines whether or not it's
10 sufficient. And they have recommended it is sufficient,
11 although ultimately that decision is the Board's decision
12 as to whether that's sufficient.

13 MEMBER CHESBRO: That doesn't tell us whether the
14 amount that's been proposed is adequate, and that the --
15 for example, if the applicant -- the applicant has
16 proposed half as much water, would we have considered that
17 adequate?

18 I mean, just curious how we determine what is
19 enough water to fight the kind of fire that's possible in
20 a compost pile.

21 STAFF COUNSEL BLEDSOE: Well, unless staff
22 corrects me, we don't have a scientific standard specified
23 in the state regulations that would answer that question.
24 But the LEA and subsequently our staff have reviewed the
25 operator's proposed operation for fire control and has

1 determined that it is satisfactory.

2 MEMBER CHESBRO: And do we consult with the local
3 fire authorities on a question like that?

4 MS. OHIOSUMUA: There could be.

5 Could the LEA come up to address that, please?

6 MEMBER CHESBRO: The only reason I say that is,
7 even though you're right, there's a lot of moisture in the
8 piles, it's also local conditions would help to determine
9 a question like that. And it's a very, very dry
10 environment, as we all know, in the desert. And so how
11 long that moisture maintains when those piles are there
12 for long periods of time, I don't know.

13 MS. HAROLD: We have consulted with the county
14 fire department and we felt that, you know, that was fair
15 jurisdiction. We did take into consideration the distance
16 between the piles and had the operator increase that
17 distance. But other than that, for the water supply, as
18 Michael had indicated, that we felt that what they had in
19 their RCSI was adequate.

20 MEMBER CHESBRO: And we didn't have -- you didn't
21 have any approval or direct communication from the county
22 fire officials as to whether that was a sufficient amount?

23 MS. HAROLD: No, because we felt that the operator
24 would be contacting them and get their appropriate
25 approvals.

1 CHAIRPERSON BROWN: You "felt that," or is that
2 required as part of their operations?

3 MS. HAROLD: That is required --

4 CHAIRPERSON BROWN: Okay.

5 MS. HAROLD: -- prior to operations.

6 CHAIRPERSON BROWN: So it is required of the
7 operator or prior to starting, and commencing, operation,
8 that they receive a permit of adequacy from the fire
9 department?

10 MS. HAROLD: Correct.

11 CHAIRPERSON BROWN: Thank you.

12 That one statement answers the whole question.

13 Council Member, did you have a comment?

14 MR. GOMEZ: Thank you very much.

15 I am familiar with that area.

16 And I think the question is the source of the
17 water and the good neighbor policy that I was talking
18 about. First of all, they would have to call the Hinkley
19 Volunteer Fire Department if there was a fire. And I
20 don't know if they have adequate resources to fight such a
21 fire. The next fire department is within the Barstow Fire
22 District, which is 13 miles away. So if you have a
23 two-way road on Highway 58, the access getting to the
24 fire -- and it will take a lot more than 1500 gallons of
25 water.

1 Thank you.

2 CHAIRPERSON BROWN: Thank you.

3 Member Danzinger, did you have anything more?

4 MEMBER DANZINGER: Yes, just a quick question on
5 this.

6 In the statement of overriding considerations, the
7 finding includes a statement that, you know -- the finding
8 that the project will not result in the need for
9 additional fire protection services and existing
10 facilities are adequate to serve the project, that
11 statement does not in any way tie the hands of the fire
12 marshal when -- during their permitting stage of the
13 process; correct? I mean, they still retain ultimate
14 authority for saying, "Okay. This is what I think you
15 need, and, you know, you're going to need to ramp it up
16 here and there," and to meet, you know, whatever needs
17 that they identify; correct?

18 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:
19 That's correct.

20 MEMBER DANZINGER: Thanks, Ted. That's fine.

21 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:
22 The permit is very clear that the facility has to have
23 approval from the county fire district to operate at
24 minimum standards.

25 CHAIRPERSON BROWN: Thank you, Ted.

1 Do any other Board members have any questions
2 relative to the fire issue, fire suppression adequacy of
3 water on the site?

4 MEMBER CHESBRO: The only other question that came
5 up that is somewhat related is about containing runoff in
6 the case of a fire.

7 And I presume that that would be addressed in the
8 Regional Water Quality Control Board's permit for this
9 facility?

10 CHAIRPERSON BROWN: I believe that is their
11 jurisdiction; is that correct?

12 MS. OHIOSUMUA: That is correct.

13 CHAIRPERSON BROWN: Thank you.

14 MS. OHIOSUMUA: Okay. Dust control. We do have a
15 standard that talks about dust control. However, we do
16 not have a standard that discusses air quality.

17 The air quality is something that's under the
18 authority of the local Mojave Desert AQMD. Mojave Desert
19 AQMD does have a general rule that has to do with the
20 nuisance that regulates the migration of dust and limits
21 dust to be maintained on site.

22 The operator is aware of that rule, and, as far as
23 I know, will make every effort to comply with that.
24 Otherwise, the Mojave Desert AQMD will be forced to issue
25 a violation to them.

1 As far as our standard is concerned, I will also
2 have to refer to the RCSI to address dust control. It
3 talks about every effort being made to control dust during
4 high wind episodes. Prior to turning the windrows, the
5 wind speed will be checked and logged. There will be no
6 turn of the piles when the wind exceeds 35 miles per hour.
7 Water will be mist or sprayed on to the windrows if dust
8 is being generated during the turning of the windrows to
9 control the creation of air -- I mean, of dust.

10 There is a small berm. There is fencing that
11 would reduce the wind, according to the RCSI. And as
12 needed, a water truck is used to apply water as a dust
13 suppressant.

14 The entryway and the path have been overlaid with
15 crushed rock. If dust is generated on site that could
16 migrate off the property, or if dust is generated on
17 unpaved access road, additional crushed rocks will be
18 added and roads will be sprayed with water.

19 That is what is currently in the RCSI that
20 addresses dust control at the site.

21 CHAIRPERSON BROWN: Question, Dianne. Who
22 monitors the wind speed? Does the operator do that?

23 MS. OHIOSUMUA: Yes.

24 CHAIRPERSON BROWN: And that's part of the log
25 that the LEA checks? And did that -- at what level

1 aboveground -- you mentioned there is a fence around
2 there. At what level above ground are they monitoring the
3 air temperature or wind speed?

4 MS. OHIOSUMUA: I will ask the operator to come to
5 address that.

6 CHAIRPERSON BROWN: You need to state your name
7 for the record, please.

8 MR. SEENEY: Chris SeeneY from the unincorporated
9 area of San Bernardino County. And I'm an employee of
10 Nursery Products.

11 CHAIRPERSON BROWN: Thank you.

12 MR. SEENEY: There will be a unit on top of the
13 trailer, so I would say 10 to 12 feet aboveground, that
14 will monitor the wind speed, the wind direction, and the
15 temperature in five-minute increments.

16 CHAIRPERSON BROWN: Okay. How high is the fencing
17 around the property, or around the operation? Just
18 curiosity.

19 MR. SEENEY: Probably 6 to 8 feet.

20 CHAIRPERSON BROWN: So the monitors will be above
21 the height of the fence which is surrounding the
22 operation?

23 MR. SEENEY: Correct?

24 CHAIRPERSON BROWN: And do you turn in sustained
25 winds below 30 degrees [sic] or gusts?

1 MR. SEENEY: I believe our plan is to, you know,
2 check the wind speed prior to even beginning turning and
3 monitor it. If it's, you know, at or near -- above or
4 near 30 miles per hour, we will not turn.

5 CHAIRPERSON BROWN: During gusts or sustained
6 wind? Because I think that's important. It was raised
7 several times that there is sustained winds that are, you
8 know, at 20 miles an hour, but there can be gusts well
9 above that, which could significantly -- their concern, be
10 just as detrimental as sustained winds.

11 So your plan is --

12 MR. SEENEY: -- to check the monitoring system.
13 If there's gusts above 30 miles per hour, we will not turn
14 in that situation.

15 CHAIRPERSON BROWN: Okay.

16 Thank you. Does anybody else have any questions
17 regarding....

18 Okay. Thank you.

19 Any other questions from Board members on dust
20 control for the operator?

21 Member Peace?

22 COMMITTEE MEMBER PEACE: If the sludge still needs
23 to be cooked, in order to destroy the pathogens, are the
24 things that are in place, is that going to be good enough
25 to keep those pathogens from migrating off site during the

1 high winds? Is that -- do they have the best available
2 technology in place to control that? Did the operator and
3 LEA ever discuss composting blankets or tarping or any of
4 those types of things? And would that control the dust
5 and the pathogens better than just having them open?

6 CHAIRPERSON BROWN: That may be a question that we
7 should have the LEA respond to.

8 Is that what you are asking, Cheryl, about what
9 they have discussed with the operator?

10 MEMBER PEACE: Yeah. They talked about best
11 available technology.

12 Is there any other better technology that would
13 keep the dust down, like composting blankets or tarps?

14 MS. HAROLD: We had discussed that with the
15 operator, but according to their operation and what they
16 have described, we felt that them -- when they received
17 the biosolids and incorporated the green material and all
18 the other mitigation measures regarding the wind speed and
19 turning and also adding or misting the piles, we felt that
20 those measures would adequately address dust, which would
21 lead to carrying, potentially, the pathogens that you are
22 talking about.

23 MEMBER PEACE: Kind of concerns me, when I heard
24 there could be winds up to 65 miles an hour going through
25 there.

1 Is it really adequate to keep the dust and the
2 pathogens from migrating off the site?

3 MS. HAROLD: They wouldn't be allowed to turn if
4 the wind speed is above 30.

5 MEMBER PEACE: Can 65-mile-an-hour winds carry
6 some of that stuff?

7 MS. HAROLD: I don't even know of some studies
8 that have been done regarding that issue.

9 CHAIRPERSON BROWN: Any other questions?

10 Okay.

11 MEMBER CHESBRO: On dust or in general?

12 CHAIRPERSON BROWN: On dust.

13 Okay. We'll just keep going through the list of
14 issues. That does dust for us right now.

15 The next two are interrelated. But let's do odors
16 and flies. Let's start with odors, odor control measures.

17 MS. OHIOSUMUA: Just give me one second, please.

18 CHAIRPERSON BROWN: Maybe the LEA wants to address
19 the odor management plan and their -- the issue of odor.

20 MS. OHIOSUMUA: Yes, and that is a part of the
21 RCSI, the odor management plan.

22 CHAIRPERSON BROWN: Okay. Thank you, Dianne.

23 MS. HAROLD: As Dianne has indicated, they were
24 required to submit an odor impact minimization plan within
25 their RCSI.

1 Basically, in the OIMP, what they call it for
2 short, they address odor monitoring. And as they
3 indicated in their document, the method that they will
4 utilize to assess odors is, each day the operator will
5 evaluate the site by walking the facility for any release
6 of objectionable odors.

7 The OIMP also describes meteorological conditions
8 and a lot of the public's comments related to wind
9 direction. And in the OIMP, they have indicated that if
10 wind direction causes objectionable odors, that the
11 operator or will implement the following: stopping all
12 operations that cause off-site odor; determine any
13 remedies for odor problems; and they will take immediate
14 steps to remedy those odors; determine whether or not the
15 odor is traveling beyond the site by patrolling the site
16 perimeter; and determine if the odor -- whether or not the
17 odor has moved off site; or if so, if it's significant,
18 that they will contact their adjacent neighbors and also
19 the LEA; and they will not start operations again until
20 the wind or meteorological conditions are favorable, which
21 will not promote additional or future off-site odors from
22 that -- what they had investigated.

23 The OIMP always also includes complaints and how
24 they respond to complaints. It also describes operating
25 procedures that minimize odors.

1 One thing I wanted to address was the storage of
2 the green material. As they indicated in their OIMP, that
3 they will have another green material to incorporate with
4 any biosolids within two hours of receipt. It indicates
5 here, in the event biosolids need to be stored on site,
6 they will immediately be covered with green material and
7 left in rows. But this is an unusual occurrence, since
8 most of the biosolids are processed the day of the
9 receipt.

10 So that is what I wanted to touch on, on the OIMP
11 related to odors.

12 CHAIRPERSON BROWN: I have a question. Did you
13 ever receive odor complaints at the Adelanto site?

14 MS. HAROLD: Yes.

15 CHAIRPERSON BROWN: What did you do to investigate
16 the odor complaints, as the LEA, at that site?

17 MS. HAROLD: When we investigated we really
18 didn't -- or couldn't find what was actually causing the
19 odors.

20 CHAIRPERSON BROWN: So you don't even know whether
21 it was the facility operations or not?

22 MEMBER DANZINGER: The -- in the committee
23 meeting, the operator referenced this introduction of
24 residential green waste as the causation of the extreme
25 odors.

1 Is that something -- I mean, did you all jointly
2 come to that conclusion for the Adelanto site or --

3 MS. HAROLD: Yes, that was one indication of the
4 odors, was the green material that was taken by the
5 curbside. You know, it sits in the barrels until it's
6 picked up and then it was transferred to their facility.

7 MEMBER DANZINGER: Was that a self-monitoring
8 conclusion drawn by the operator, or was that something
9 that you all discovered on your own, as the LEA, in your
10 inspection capacity?

11 MS. HAROLD: We jointly discussed it with the
12 operator.

13 MEMBER DANZINGER: So they presented to you, to
14 the LEA, the reasons why they felt the odors were coming,
15 and the LEA looked at that and accepted that as the
16 causation?

17 You didn't independently --

18 MS. HAROLD: I wasn't actually the inspector
19 during their operation. So I don't feel comfortable
20 really answering that. I mean, I came in at the end of
21 the site when they were closing.

22 CHAIRPERSON BROWN: So how do we get an answer to
23 that since you are representing the LEA and the Board has
24 a specific question regarding how you address those issues
25 at the previous site?

1 (No response from Ms. Harold.)

2 CHAIRPERSON BROWN: Okay.

3 Go ahead.

4 MEMBER DANZINGER: You know, the Adelanto --

5 MS. OHIOSUMUA: Excuse me.

6 MEMBER DANZINGER: Go ahead, yeah.

7 MS. OHIOSUMUA: I did go to the site --

8 CHAIRPERSON BROWN: Adelanto?

9 MS. OHIOSUMUA: Adelanto. -- when the operator
10 was accepting green materials. And I did observe what was
11 going on at the site, and working with -- and did
12 recognize that this green material was not appropriate
13 because it was generating problems at the site -- flies.

14 CHAIRPERSON BROWN: Was it contaminated green
15 material or was it just the fact --

16 MS. OHIOSUMUA: It was highly contaminated green
17 material.

18 CHAIRPERSON BROWN: Okay.

19 MEMBER PEACE: Do you know if the LEA ever issued
20 any violations for odor or for flies at the Adelanto
21 facility?

22 MS. OHIOSUMUA: I would have to check my records.
23 It has been a long time -- that was like early 2000 -- so
24 I would have to check my records to see whether the LEA
25 did cite any violations?

1 CHAIRPERSON BROWN: Can you go check, Dianne?

2 MS. OHIOSUMUA: Yes, I will.

3 CHAIRPERSON BROWN: Thank you.

4 We'll probably be doing some questions for a
5 little bit. So I would appreciate an answer to that
6 question unless the LEA, if you know, if there were any
7 violations at the facility in Adelanto issued?

8 MS. HAROLD: I would have to check also. I don't
9 know off the top of my head.

10 MEMBER CHESBRO: Madam Chair, I just have to say
11 that it's really amazing to me to be having a hearing on a
12 permit where an applicant has the problems at the previous
13 locations, that the LEA and our staff aren't prepared to
14 talk to us about what happened in the previous -- and give
15 us the facts. That's just really -- you know.

16 CHAIRPERSON BROWN: I think you have consensus on
17 this dais that this is not acceptable. You know, we have
18 a very controversial permit; we have a lot of very
19 concerned citizens. We have done all of our homework and
20 read every single letter that's come before us. And there
21 are some specific questions on some issues that I think
22 this Board would like to have answers to.

23 MS. OHIOSUMUA: It will only take me a few minutes
24 to get you that answer as far as the violations. Like I
25 said, it isn't -- this site was operating in the early

1 2000s, and I just do not have that information with me.

2 CHAIRPERSON BROWN: Okay.

3 MS. OHIOSUMUA: It will just take me a few
4 minutes, and I will come back immediately and provide you
5 with that information.

6 MEMBER DANZINGER: The other issue though of
7 course is -- and I don't blame the LEA rep on this. But
8 it's not your role, Dianne, to be the LEA's advocate to
9 explain all the reasoning for the LEA's actions or lack of
10 action in past cases. I'm just surprised that either we
11 didn't ask, or the LEA for San Bernardino did not, on
12 their own, come up with here for with what they knew was a
13 controversial item that was going to elicit a lot of
14 questions. That just really shocks me. And I think it's
15 poor judgment on the part of the LEA.

16 MS. OHIOSUMUA: I will get that answer and come
17 right back. It will only take a few minutes.

18 CHAIRPERSON BROWN: Okay. Thank you, Dianne.

19 I will continue.

20 Jeff?

21 MR. MEBERG: Can I answer some of these questions
22 you've asked?

23 CHAIRPERSON BROWN: Certainly.

24 MR. MEBERG: First of all, no, there was never any
25 violations from the LEA.

1 The -- Jeff Meberg, Nursery Products.

2 When we first opened, as I talked about last week,
3 we took in far too much curbside green waste from the city
4 of Los Angeles. It was heavily contaminated. We also
5 initially had problems with flies. We hired the County
6 etymologist to come out, and he determined that we were
7 importing the flies. And we also realized that we were
8 bringing in a lot of trash, and it was that the curbside
9 green waste was a bad bulking agent to make the compost.

10 We worked with the LEA and explained to them what
11 we were doing and how we figured out what some of our
12 problems were.

13 So when the LEA would respond to the initial
14 complaints when we came out, we'd tell them, "This is what
15 we believe is happening. These are the changes that we're
16 making." And they would monitor those changes.

17 So all the inspection reports that we have
18 indicate all the conversations we've talked about and all
19 the changes we were making to improve the operation. When
20 we quit taking the curbside green waste, we no longer had
21 fly issues. We no longer had contaminated green waste
22 issues.

23 We took in better bulking agents for green waste
24 and we no longer had odor issues. We were open for three
25 years, and we didn't have any violations. We also had a

1 lot of tourists to the site, and the consensus was, "Where
2 are the flies? Where is the odor?"

3 Secondly, Board Member Peace, I don't think you
4 got your question answered quite right.

5 There's a distinctive [sic] between dust and
6 bioaerosols. At the compost facility in Adelanto as well
7 as the Hawes facility, we will use our water truck to
8 suppress dust on the road, on the areas, in between the
9 windrows, which is what we did in Adelanto. We didn't
10 have a problem with biosolids or compost blowing off the
11 site. It's too heavy.

12 In -- all of those studies about bioaerosols have
13 been distinctive between bioaerosols and the dust. It's
14 all extensively studied in the EIR.

15 So we have a dust minimization plan which is just
16 basically how do you maintain dust and meeting the AQMD
17 regulations on your -- just being in a windy area in the
18 desert versus biosolids blowing off or not blowing off.

19 And what I did say in the EIR is the bioaerosol
20 studies that had been done, they hadn't found any
21 bioaerosols that blew more than 50 feet. That study was
22 done by Dr. Pepper at the University of Arizona, and
23 that's one of the many studies that's included in the EIR.

24 MEMBER PEACE: Isn't it true that bacteria and
25 pathogens can attach themselves to dust?

1 MR. MEBERG: Molecular structure is too heavy and
2 those do not blow.

3 What you are talking about is specifically called
4 the bioaerosols. And if the bioaerosols attach to dust,
5 then it's too heavy. The dust we're having would be
6 desert dust.

7 MEMBER PEACE: Too heavy to be blown in
8 55-mile-an-hour winds?

9 MR. MEBERG: Right. And that's not opinion.
10 That's part of what's included in the EIR.

11 Were those the points that were -- that you were
12 asking about?

13 CHAIRPERSON BROWN: I believe so.

14 Do you have any questions?

15 Thank you.

16 MEMBER CHESBRO: I did want to thank my colleague
17 for being more precise in his focusing what I said a
18 little bit. And so adding to that and trying to focus it
19 a little bit more clearly, it's not the individual who's
20 here today. It's the management of the LEA making sure
21 that we had before us a person or persons with the
22 background to be prepared to address questions related to
23 the other site.

24 So I appreciate your grace in being more precise
25 in directing your -- so anyway, my arguing point should be

1 should be with the management of the LEA. I guess that's
2 how I would summarize my feeling.

3 CHAIRPERSON BROWN: I agree.

4 MR. MEBERG: Can I add one more comment while we
5 are waiting for Dianne? I forgot to make it when I first
6 started.

7 When we were in Adelanto, we formed an Adelanto
8 citizen's advisory group, and we met once a month. We
9 would meet at Adelanto City Hall. Then we would go out to
10 the compost site.

11 We were there to be able to hear any issues that
12 the citizens had, and the citizens got to learn about the
13 composting operations. They didn't have any issues once
14 they started coming out to the site and realizing that
15 some of the odor issues, for instance, that the school
16 experienced was the horse stables right next door to the
17 school.

18 The Adelanto city inspectors starting charting
19 where there were odor issues throughout the city. And
20 they found that the city had a leaky sewer that was also
21 downwind from where our location was. We would provide
22 the city with the air monitoring reports.

23 So when we open our new site, we will also form a
24 citizens' advisory group, to be able to work with the
25 citizens. Because I understand that some of them are

1 scared. And I think that they are scared because they
2 haven't been receiving proper information. And I look
3 forward to being able to explain that information to them.

4 CHAIRPERSON BROWN: Good. Thank you. I
5 appreciate that.

6 While we're waiting for Dianne, why don't we just
7 open it to questions.

8 MEMBER CHESBRO: Let me ask if the -- there was
9 one other -- this may be for our staff if the LEA's not --
10 doesn't know the answer.

11 But there was also reference made to alleged
12 objection by Fish and Game. Are we aware -- are we aware
13 of that and what that might have constituted and what that
14 was about?

15 CHAIRPERSON BROWN: Do you have an answer to that,
16 or should we refer to staff?

17 MS. HAROLD: I am aware that it deals with access
18 road, that they need to get approval by Fish and Game.

19 CHAIRPERSON BROWN: So was Fish and Game's
20 objection to allowing access to the road or that they
21 hadn't been consulted yet? Do you know the nature of Fish
22 and Game's objection?

23 MS. HAROLD: No, I'm just aware that they needed
24 to get approval.

25 MEMBER DANZINGER: So do we know whether it's gone

1 to Fish and Game yet, or we only know that that will be an
2 issue?

3 You're making it sound like somebody had inferred
4 that Fish and Game had already stated its concern over
5 something. But is it, in fact, it's still going to them?

6 CHAIRPERSON BROWN: Can you address that?

7 MS. BROTHERS: I'm Linda Brothers. I'm legal
8 counsel to Nursery Products. I'm a partner in
9 Sonnenschein Nath & Rosenthal in San Francisco.

10 This property is located within an area set aside
11 by the BLM for the desert tortoise. Nursery Products has
12 already begun informal consultation. They have not
13 submitted an incidental take permit either to the state or
14 federal agencies.

15 Of course, all of the state and federal agencies
16 that are relevant, including Fish and Wildlife Services as
17 well as the State Fish and Game, commented during the EIR
18 process. And the applicant realizes that he needs to go
19 through an Endangered Species incidental take permit, but
20 has not begun that process yet.

21 CHAIRPERSON BROWN: Thank you.

22 Any other questions? Member Mulé?

23 MEMBER MULÉ: Thank you, Madam Chair. I do see
24 that Dianne is back.

25 But I just -- while we were waiting, I was going

1 to suggest that if staff could respond to the -- to Ingrid
2 Brostrom's letter that we received yesterday, on the
3 violations of state minimum standards.

4 Michael, would be able to provide us some
5 information for us?

6 Thank you.

7 STAFF COUNSEL BLEDSOE: Yes. Michael Bledsoe from
8 the legal office.

9 We received a letter late yesterday from
10 Ms. Brostrom, regarding the project. And as she pointed
11 out in her testimony today, dust, nuisance, fire
12 prevention are the critical issues or key issues that she
13 raised in the letter. Those are all state minimum
14 standards, all of which staff found were adequately
15 addressed in this proposed permit.

16 Regarding dust, she noted that it's a very windy
17 area and feels the dust will be a problem, and points out
18 that the RCSI has provided no turning of the windrows
19 would occur at wind speeds greater than 30 miles an hour.

20 She argues that that's a violation of state
21 minimum standards and that will create too much of a dust
22 problem.

23 However, our staff reviewed the permit and the EIR
24 and found there was adequate suppression of dust.

25 She states also that the dust resulting from the

1 project would cause a visual interference with traffic
2 on -- Highway 58, I believe, is the neighboring road.

3 However, there's no evidence submitted for that
4 state minimum.

5 The EIR itself notes that PM10, which would be a
6 certain particle of the dust is below the County's
7 threshold of significance, although there will be dust
8 generated, it doesn't rise to the level of significant
9 environmental impact from the County's perspective.

10 Regarding nuisance, Ms. Brostrom points out that
11 the Adelanto facility was declared to be a public
12 nuisance. That essentially, the same kind of operation is
13 proposed for the Hinkley site or the Hawes site as was
14 conducted at Adelanto. Therefore, she anticipates that
15 there will be odor and vector nuisance problems.

16 However, I think we have to say that there are
17 different facts at the incident site. The fact that the
18 Adelanto facility was a public nuisance does not
19 necessarily mean that the proposed facility will be a
20 public nuisance.

21 Staff considered those facts and found that there
22 will not be a nuisance created by this project.

23 Regarding fire prevention, we do have a few
24 citations in her comments, which apply either to waste
25 tire facilities or to other solid waste facilities

1 themselves.

2 I read to you earlier today the fire prevention
3 and control standard that applies at composting
4 facilities. I won't do that again. I will simply point
5 out that the RCSI provides for a fire protection plan. It
6 will be in place before combustible materials are brought
7 to the site. And we did discuss that earlier.

8 So our response to her comments are that -- you
9 know, I believe that staff have based their
10 recommendations to you based on substantial evidence that
11 those areas of concern will not arise.

12 And if I could take this opportunity, because it
13 is somewhat related, simply to read to you the standard
14 that applies to dust and nuisances, which I did not do
15 earlier.

16 And that also is found in Title 14, Section
17 17867(a)(2), and it provides that all compostable
18 materials handling activities shall be conducted in a
19 manner that minimizes vectors, odor impacts, litter,
20 hazards, nuisances, and noise impacts, and minimizes human
21 contact with inhalation, ingestion, and transportation of
22 dust, particulates, and pathogenic organisms.

23 So that's a very general performance-based
24 standard. Staff has made its recommendation to you. And
25 ultimately, it's up to you to determine whether the

1 operations will or will not meet that particular state
2 minimum standard.

3 Thank you.

4 CHAIRPERSON BROWN: Thank you, Michael.

5 Any other questions?

6 Dianne?

7 MS. OHIOSUMUA: I did check the records, and there
8 were no violations issued by the LEA to the previous site.
9 And there was no citation of any public nuisance.

10 CHAIRPERSON BROWN: Which is interesting because
11 the city of Adelanto declared it a public nuisance.

12 Michael, can you describe that, how a declaration
13 of a public nuisance is made? Is it made on science-based
14 fact or --

15 STAFF COUNSEL BLEDSOE: Madam Chair, let me just
16 read the source of my information, because I have no
17 personal knowledge as to what the city of Adelanto did.

18 But in Ms. Brostrom's letter, she states, "In
19 fact, the City of Adelanto passed a resolution calling the
20 facility a public nuisance." And the sentence continues.
21 So that's the basis of my information.

22 And typically, the way that is done is in order
23 for a city to take certain types of action against a
24 property owner, they have to hold a public hearing
25 essentially and declare that the operation is a public

1 nuisance. And that's, you know, conduct which is
2 bothering a substantial number of citizens such as odors,
3 flies, that sort of thing, dust.

4 So ultimately, again, I don't know Adelanto's
5 ordinances, but the typical city might be able to condemn,
6 tear down, a substandard building, for example, that's
7 infested with rats and garbage, or take other actions for
8 different types of public nuisances.

9 CHAIRPERSON BROWN: Okay. Okay.

10 Any Board members have any other questions at this
11 time, regarding this agenda?

12 MEMBER PEACE: I don't have any questions, but I
13 just have I guess some comments I would like to say before
14 we take a vote.

15 In all the research that I have done on biosolids
16 composting, it does seem like it has become a widely
17 acceptable way of recycling biosolids into a beneficial
18 product. The problems of odors and airborne contaminants
19 and pathogens can be safely controlled if the composting
20 is done correctly.

21 And I think that is what the citizens of Hinkley
22 and Barstow are most concerned about, because of the past
23 history of Nursery Products at Adelanto. I think they
24 have a distrust of not only Nursery Products but of the
25 LEA as well.

1 And I think they have legitimate concerns over
2 such issues such as odor and dust and water quality and
3 migration and airborne pathogens and the effects those
4 things will have on their health and their community.

5 So I feel like the community does have a right to
6 feel safe.

7 And I think the Board does have an obligation to
8 make sure that the Nursery Product facility is run
9 correctly and run in a safe manner. So what could we as a
10 Board do? And I'm thinking, could this Board -- I would
11 like this Board may be to consider that there be some
12 unannounced inspections, that we could maybe have
13 unannounced inspections at least, say, monthly by our
14 staff or at least the first year of operation, to make
15 sure it's being -- because there's a lot of rules and
16 regulations here to follow in their -- in all their permit
17 here and in the 503 regulations. There's a lot of things
18 that have to be adhered to.

19 And if the community doesn't feel that the LEA is
20 comfortable to maybe put their minds at ease a little bit,
21 that somebody's going to be watching to make sure that
22 this is -- this operation does get up and running and is
23 run safely.

24 And another thing -- and because I really don't
25 feel that the operator really put in as much effort as

1 they should have, working with the community, to obtain
2 the acceptance of this facility -- and I am very glad to
3 hear that there is going to be a citizen's advisory group
4 forum. But I would also like to maybe suggest that the
5 operator and the LEA agree to establish a telephone
6 hotline so that problems can be reported easily, get the
7 phone number and address and e-mail address be well
8 publicized.

9 And I think in their permit, it says that copies
10 of written complaints. I think they should also make a
11 record of complaints that are phoned in, make it easier
12 from the community. And then it also says in their permit
13 that all written copies regarding the facility and the
14 operator's actions to resolve of the complaints will be
15 submitted to the LEA quarterly.

16 And I would like to suggest that those problems
17 and complaints be forwarded not only to the LEA but to the
18 Board as well, and that they are not quarterly but that
19 they are monthly. And Jeff, I know you do want to be a
20 good neighbor, so I would like for you and the LEA to
21 consider that we could change, that in your permit, that
22 you would have a number, a hotline, and so those
23 complaints could be forwarded not only to the LEA but to
24 the Board on a monthly basis.

25 MEMBER CHESBRO: Madam Chair, I'd like to -- I

1 don't know how we get there. We intend to discuss this
2 with staff and possibly the LEA. But I would like to
3 really agree with the idea of enhanced inspections at
4 least for some period of time. And it's both for the
5 community. But also, because one of the reasons there's
6 fear of these facilities is when they don't work or when
7 there's a problem. And all you have to do is know some of
8 the problems they've had at Adelanto that are causing
9 problems for this permit, in terms of public confidence to
10 say, we have a broader stake in having this facility be
11 operated properly and be successful in that the more
12 successful facilities there are, the less problem there
13 will be siting facilities in the future.

14 So I think both for the community and for the sake
15 of increasing the amount of composting capacity we have in
16 the state, that that's a very good idea. Now, how we get
17 there or whether it will be our staff or the LEA or how we
18 accomplish that is a question probably that we ought to
19 ask.

20 CHAIRPERSON BROWN: Staff?

21 I agree.

22 Ted?

23 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:

24 Ted Rauh.

25 The Board had given the staff direction to

1 increase its inspections of facilities. And one of the
2 things that we plan to come forward to you with is our
3 plans or approach for your approval on how to target those
4 inspections. And certainly, this conversation is very
5 good guidance in terms of how we should take a look at
6 both particularly types of facilities -- new facilities
7 and facilities that might pose a problem, both in their
8 initial startup and potentially have an adverse impact on
9 the entire infrastructure.

10 MEMBER CHESBRO: If we're going to try today to
11 recommend -- or to increase the inspection, would it be
12 direction to our staff or to the LEA, or what would be the
13 most appropriate way to --

14 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:
15 I think the Board can certainly encourage the LEA. You
16 can encourage them to pay close attention to the startup
17 of this company's operations.

18 On our side --

19 MEMBER PEACE: I'm sorry. The LEA is required to
20 inspect them monthly. But we're not. That's what I was
21 saying.

22 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:
23 That's my second point. And certainly, we can take this
24 direction to utilize the resources I mentioned earlier in
25 a fashion to create the kinds of inspections on a periodic

1 basis -- random, and unannounced inspections during the
2 startup of this facility as well.

3 CHAIRPERSON BROWN: And I will just take that one
4 further. Until we are satisfied that this facility is
5 operating in a manner that is appropriate, we can't put a
6 time line on that, whether it's during startup, during the
7 first year, the first two years. I think we need to
8 direct staff that we'll do our unannounced inspections
9 until we feel that the operation is adequately performing.

10 But I think that's a great suggestion, Member
11 Peace. Thank you for bringing that up.

12 And as Senator Chesbro said, and we've talked
13 about it before, it is of paramount importance that these
14 facilities are operated at least -- at minimum standards,
15 but our standards are much higher. And we want to make
16 sure that there's an adequate infrastructure in the state,
17 and we're able to site these facilities.

18 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:
19 I might make one other additional suggestion because of
20 the concern with respect to wind speed. And the fact that
21 this information is being collected on a computer, it
22 certainly would be possible for that computer to be linked
23 both to the LEA and ourselves, so that there's a real-time
24 record going on with respect to those wind episodes. So
25 it can be verified with the log and also provide

1 information as to when an inspection might be necessary
2 and appropriate.

3 CHAIRPERSON BROWN: Great suggestion.

4 Any other comments or questions from Board
5 members? Member Danzinger?

6 MEMBER DANZINGER: Yeah, I want to make a few
7 comments.

8 Cheryl, great idea. I absolutely agree with that.
9 And I think that's a proven course for us to take.

10 I want to talk about a couple of things emanating
11 from last week's committee meeting. And this has been a
12 highly charged item, to be sure, the subject of many, many
13 hours of research and review by our staff and an
14 exhaustive dialogue with those who are following proposal
15 with keen interest. Actually, as Wesley pointed out,
16 right to the very moment, we're still getting
17 transmissions right now.

18 And I do want to extend my earnest regards to
19 those who have expressed their concerns and their
20 opposition. Given past history, I can appreciate the
21 trepidation you may feel toward any industrial operation
22 proposed for this area. I respect your passion and your
23 vigilance in expressing your opposition and the reasons
24 behind the opposition.

25 I have seen knee-jerk Nimbyism countless times. I

1 know that is not the case here by any stretch. Your voice
2 has not been silenced. Your concerns have not been
3 ignored, and they won't be at any point going on so far as
4 we're concerned, regardless of what happens today.

5 I want to repeat, though, something that I
6 mentioned last week. And we've gone over it time and time
7 again. But these issues have come up, right to the last
8 minute.

9 In the course of conducting our business and
10 enforcing law, our actions are governed by law just as
11 well. And the law is quite clear with respect to the
12 Board's permitting role and our purview vis-a-vis other
13 regulatory agencies that also have specified roles in this
14 permit application.

15 Again, the statutory provisions they are not only
16 quite clear, they are so, clearly by design. They take
17 into account the extensive local process and the scrutiny
18 and approval required by regional and state regulatory
19 agencies, which, in total, cover all of the impacts.

20 Aside from the statutory solid waste issues,
21 germane to our decision making, opponents want us to
22 render, in effect, citing and land use decisions that are
23 reserved for local control. They want us to arbitrarily
24 assume the role of an air board or water board. These are
25 prohibitive actions outside the scope of our authority.

1 So I can understand the frustration that you are
2 experiencing at this stage. But remember, this is one
3 step in a lengthy process. And at each step of the way,
4 the primary experts for each defined set of impacts are
5 looking at this with an eagle eye. And that's what is
6 going to continue to happen.

7 And I would also like to quickly respond to a few
8 of the comments that were made in the committee hearing
9 last weekend in written correspondence. Several people
10 have said, in essence, that all they are asking for is for
11 us to require that the facility be enclosed. Well,
12 enclosure is the state-of-the-art option, and it's part of
13 a future that we want to see more of. We want to see it
14 penciled out and be mainstreamed, for instance, with
15 anaerobic digestion facilities. But it's not the required
16 method for processing such materials.

17 We agree, certainly, that we want to see this in
18 the future, but I disagree with the presumption that any
19 option short of an enclosed facility is the cheap choice.
20 You may very well have a beef with local decision makers
21 and regulators on certain issues. And one of those may be
22 the universe of options that were contemplated.

23 But the operational methods proposed for this
24 facility, they are not fundamentally flawed, they are not
25 contrary to law, and they are, in fact, being employed by

1 other similar, successful, operations, elsewhere. Such a
2 difference of opinion is not the basis for denial of a
3 permit.

4 It's also frustrating, I want to point out, how
5 many people refer to us. And it didn't happen as much
6 today, but how many refer to this operation as a dump.
7 Among the written and spoken comments we've heard, it's
8 been referred to as sludge dump an open-air dump, a toxic
9 waste dump. One AP story I read, apparently taken from
10 some of these comments used its headline space to describe
11 the committee's action last week as having recommended
12 dumping sludge at the site.

13 Now, the only problem with these comments of
14 course is that they are -- they couldn't be more wrong.
15 This is not a dump. A dump is a hole in the ground, you
16 put something in and you leave it there.

17 This facility would prevent that from happening.
18 I'm not pointing this out as any kind of defense of the
19 operator. Hardly. But rather, to clarify the
20 sensibilities behind the committee's action and the
21 committee's decision last week.

22 And I can tell you, we're looking at a facility
23 that would exist simply to take biosolids and other green
24 waste and dump it. And I'm the last person on earth who's
25 going to characterize that as a public benefit facility.

1 The benefit is not in dumping it, but in liberating it
2 from landfill ownership, so that it can be put to better
3 and higher uses in society, to displace raw material
4 extraction. And you can't do this without processing it.

5 Now, beyond all this -- and this is something else
6 that I alluded to, and many of us have -- while it's
7 certainly not our role to play advocate for any facility
8 seeking a permit, it is our role to advocate for the
9 expansion of a class of facilities, such as composting and
10 other recovery facilities that, when run responsibly, will
11 serve the sustainability and waste reduction goals and
12 mandates adopted by California, and enacted through AB 939
13 and a host of related bills since.

14 So anyway, with respect to the solid waste issues
15 in law, the permit meets the standards. I believe the
16 concurrence in its issuance is appropriate.

17 And as importantly as Cheryl pointed out, we all
18 agree with, it's going to be very important for us to work
19 closely with you and everybody involved, particularly the
20 LEA to make sure that this is getting done right and that
21 it is being closely watched every step of the way. And I
22 am certain, and I hope, that the applicant understands
23 that fact as well.

24 CHAIRPERSON BROWN: Thank you, Jeff.

25 Member Mulé?

1 MEMBER MULÉ: Thank you, Madam Chair. I just want
2 to echo the comments of my fellow Board members.

3 I couldn't have presented the facts any better
4 than you just have, Member Danzinger. So thank you very
5 much.

6 So on the inspections issue, that is something
7 that I also -- I discussed with staff and I am very
8 pleased to hear that the rest of the Board would like to
9 see that.

10 The only thing that I have to add to that, and I
11 like your idea, Board Chair, that we're not going to put a
12 time limit on it. We're going to be there as long as it
13 takes, as long as we feel comfortable that you are doing
14 the right thing and you are operating not just within the
15 minimum standard of the law but to the letter of the law.
16 That is acceptable to us.

17 Also, the one thing I want to add with that is
18 that Ted, if you don't mind reporting back to the Board
19 either on a quarterly basis -- it can be done in your
20 director's report -- on the inspections, how they are
21 going, how the operation's going.

22 I think that would give us, as Board members, some
23 comfort level on how the operation is proceeding, because
24 if it's not proceeding the way that we feel it should be,
25 then at least we can nip it in the bud earlier than later.

1 So with that, the other comment I just want to
2 make is, again, as Board Member Danzinger just closed
3 with, we will be working very closely with the LEA and
4 with the operator to ensure that this project is being run
5 properly, because we do have the responsibility, if you
6 will, to ensure that we do have adequate infrastructure to
7 take these materials otherwise destined for landfills and
8 create a higher and better use for them.

9 And again, that's why we have all these
10 regulations and laws and standards in place to ensure that
11 the public health and safety is protected.

12 So with that, I will conclude my comments. And
13 thank you very much, Madam Chair.

14 And also before I end, I do want to thank all of
15 the citizens.

16 Before I forget, in response to Jessie Orr's
17 question on how I got to the site, is, I did drive from
18 the Azusa area, so I went up the 15 and across the 58.

19 But I do want to thank all the citizens for your
20 involvement, for Council Member Gomez, for you being here
21 today. I mean, we are listening. And I did read every
22 single e-mail over the weekend. You know, we worked on
23 this. We did pore through all of the information provided
24 to us in considering this permit. So thank you all for
25 your participation and for your comments.

1 MEMBER PEACE: I guess I did see Jeff nodding his
2 head in agreement when I said there should be some sort of
3 a citizen hotline to call in, that there would also be the
4 address --

5 MR. MEBERG: Our Web page is
6 nurseryproductservices.com, and the hotline number is
7 already on the Web page.

8 MEMBER PEACE: Great.

9 MR. MEBERG: And we welcome somebody from
10 Integrated Waste staff to be out there every single day
11 that we operate.

12 MEMBER PEACE: Well, staff, how do we make sure
13 that works? It says that you will report those complaints
14 quarterly to the LEA. And added, that will be monthly --

15 CHAIRPERSON BROWN: Does that mean it will be
16 added to the permit conditions or by the LEA or....

17 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:
18 That's a good question.

19 STAFF COUNSEL BLEDSOE: Michael Bledsoe from
20 legal. Yes, that would be up to the LEA to modify that
21 condition.

22 CHAIRPERSON BROWN: Does that have to be done
23 prior to us taking Board action?

24 STAFF COUNSEL BLEDSOE: Well, hopefully she could
25 respond right now. And if the operator has no problem

1 with it, it's time for both of them to speak up.

2 CHAIRPERSON BROWN: Okay.

3 I think Member Peace specifically asked reporting
4 to the Board on a regular basis and establishing a hotline
5 for citizens' complaints directly to the operator, which
6 has been done in other jurisdictions.

7 MS. HAROLD: I thought Jeff answered that question
8 about the Web site. But as far as the permit, we can
9 change it to monthly. We have no problem with that,
10 relating to the comments and forwarding them to the Waste
11 Board.

12 MEMBER PEACE: Not only to the LEA but to the
13 Waste Board as well.

14 MS. HAROLD: Yes, we have no problem with changing
15 that.

16 CHAIRPERSON BROWN: But you will do monthly
17 inspections because that's what's required?

18 MS. HAROLD: Right. But it doesn't prohibit us
19 from going out there any more frequently.

20 CHAIRPERSON BROWN: Maybe the operator, can you
21 respond to the request for a citizen's hotline for
22 complaints?

23 MR. MEBERG: We already have a hotline.

24 CHAIRPERSON BROWN: Oh, you do?

25 MR. MEBERG: I don't have it memorized, but it's

1 on our Web page. We're not open yet, so nobody's called
2 it. But it's already been established. But we welcome as
3 much inspections as possible, because the more regulators
4 come out, the more they see that we actually make an
5 extreme effort in running a great facility.

6 So as many unannounced inspections as any agency
7 wants to do, we more than welcome.

8 CHAIRPERSON BROWN: I like the citizen outreach.
9 I think it's important for them to have them participate
10 in a group with you.

11 MR. MEBERG: I agree.

12 I mean, Mr. Gomez is welcome to come out every day
13 as well. And we'll be more than glad to teach him about
14 composting.

15 MEMBER DANZINGER: You know, this discussion
16 reminded me of something I read in one of the late letters
17 that we got yesterday, from Mr. Diaz, who makes the
18 presumption in his letter that we can't compel somebody to
19 be a good neighbor. We can. I mean, we have an
20 enforcement role as well as a permitting role. And
21 through the engagement that we've been talking about, that
22 is how we help contribute to the fact that, you know,
23 making sure that the operator is a good neighbor or no
24 operator at all.

25 MEMBER PEACE: One more question.

1 Jeff, is your -- we did hear that there's quite a
2 large Hispanic population. Is your Web site and the
3 number posted for complaints, is that also in English and
4 in Spanish?

5 MR. MEBERG: I don't know.

6 MEMBER PEACE: Can you make it clear on your Web
7 site for complaints?

8 MR. MEBERG: I think it just says "hotline." We
9 established it four or five months ago, so I don't
10 remember.

11 CHAIRPERSON BROWN: I think it is important that
12 we encourage the operator to include bilingual translation
13 on all correspondence and outreach to the community. You
14 know, at least have an access for them on your Web site
15 translation or a page that's in Spanish and gives them
16 adequate information on how to contact somebody for
17 bilingual services and complaints.

18 MR. MEBERG: All right. We already have bilingual
19 staff members already. So that will be perfect.

20 CHAIRPERSON BROWN: Thank you.

21 Any other questions, comments, Board members?

22 I need a motion from somebody.

23 MEMBER MULÉ: Madam Chair, I will move Resolution
24 2007-164.

25 MEMBER PEACE: I think that's Revision 2.

1 MEMBER MULÉ: Revision 2? Okay. I don't seem to
2 have that in front of me.

3 CHAIRPERSON BROWN: Do I have a second?

4 MEMBER DANZINGER: Second.

5 CHAIRPERSON BROWN: It's been moved by Member
6 Mulé, seconded by Member Danzinger.

7 Kristen, call the roll.

8 EXECUTIVE ASSISTANT GARNER: Chesbro?

9 MEMBER CHESBRO: Aye.

10 EXECUTIVE ASSISTANT GARNER: Danzinger?

11 MEMBER DANZINGER: Aye.

12 EXECUTIVE ASSISTANT GARNER: Mulé?

13 MEMBER MULÉ: Aye.

14 EXECUTIVE ASSISTANT GARNER: Peace?

15 MEMBER PEACE: Aye.

16 EXECUTIVE ASSISTANT GARNER: Brown?

17 CHAIRPERSON BROWN: Aye.

18 Resolution 2007-163 Revision 2 has been adopted
19 and passed by the Board.

20 I know I mentioned to you, Howard, that we would
21 plow through, but given that it's 1 o'clock and we still
22 do have open session and closed session, should we take a
23 half-hour break for lunch, come back at 1:30, do Item 10,
24 and then we'll go into closed session at that time?

25 So we will reconvene here at 1:30.

1 Thank you.

2 (Thereupon a break was taken in
3 proceedings.)

4 CHAIRPERSON BROWN: Kristen, can you call the
5 roll, please?

6 EXECUTIVE ASSISTANT GARNER: Chesbro?

7 MEMBER CHESBRO: Here.

8 EXECUTIVE ASSISTANT GARNER: Danzinger?

9 MEMBER DANZINGER: Here.

10 EXECUTIVE ASSISTANT GARNER: Mulé?

11 MEMBER MULÉ: Here.

12 EXECUTIVE ASSISTANT GARNER: Peace?

13 MEMBER PEACE: Here.

14 EXECUTIVE ASSISTANT GARNER: Brown?

15 CHAIRPERSON BROWN: Here.

16 Any ex partes to report?

17 MEMBER PEACE: I spoke to Evan Edgar regarding CT
18 1020 and our allocation item.

19 CHAIRPERSON BROWN: Didn't talk to me or Rosalie.

20 Sorry.

21 Thank you. Okay.

22 We'll move on to -- thank you all for coming back,
23 all five of us.

24 Agenda Item 10.

25 EXECUTIVE DIRECTOR LEARY: Agenda Item 10 is

1 Consideration of Allocation Proposals to be Funded from
2 the IWMA, for Fiscal Years '07 and '08.

3 Madam Chair, in deference to the, I think, pretty
4 thorough presentation and discussion that we had last
5 week, I will cut this to the quick. We have revised the
6 agenda item slightly since you last saw it. And in part,
7 deference to our discussion, we have reduced the proposed
8 allocation for D3, the comingled recycling rate
9 calculation from \$100,000 to \$75,000.

10 And though it's still within the agenda, D5, we've
11 withdrawn it as a staff recommendation, although it's
12 still there and there's still a resolution associated with
13 it, if you want to go ahead with it. But in our revision
14 of the agenda item, we have withdrawn it from -- as a
15 staff recommended proposal allocation. And what we would
16 like to do is take it back to the Illegal Dumping Task
17 Force at an upcoming meeting very soon, rethink it through
18 them, and come forward; come back if the Task Force thinks
19 this is a really valid effort, and come back for future
20 consideration by the Board at another Board meeting.

21 But other than that, I wasn't going to go through
22 a presentation of all the proposals, figuring we did that.
23 And I'm happy to answer any questions or whatever else you
24 would like to do in relation to this item.

25 CHAIRPERSON BROWN: Thank you, Mark.

1 Any questions on any particular -- of these agenda
2 items or resolutions?

3 MEMBER MULÉ: I just -- Madam Chair, more to just
4 refresh my memory than to ask a question -- I guess this
5 is a question, though. Is -- on the 800,000 for D1, I was
6 just wondering, last week, we had talked about this being
7 a multiyear project; is that correct, Brenda?

8 MS. SMYTH: That's correct.

9 MEMBER MULÉ: What we would do is we would first
10 go and figure out what we need to do and then determine
11 whether we need the full \$800,000; is that correct? I
12 want to make sure.

13 SUSTAINABILITY PROGRAM DIRECTOR LEVENSON: Coming
14 back from vacation. Trying to catch up. But that's -- I
15 want to thank Brenda for covering last week, and I heard
16 that she did pretty well. So thanks, Brenda.

17 I understand that what we would have to do is, in
18 developing the scope of work, we'll have to look at what
19 existing information sources there are.

20 We have a pretty good handle on a lot of things,
21 but we know there's other information out there. It's
22 just -- it's not available in a systematic, usable,
23 manner, so we want to make sure that we establish a
24 framework for long-term use by both the Board and our
25 stakeholders. So we'll be scoping that out. We can

1 share, you know, some of that scoping with you before we
2 bring the scope of work back for a formal approval.

3 In terms of the amount needed, we'll try to fine
4 tune that, but it would be presumably -- this would go
5 after an RFP for up to \$800,000 or some lesser amount if
6 we determine that's the appropriate amount.

7 MEMBER MULÉ: Okay. Thank you.

8 CHAIRPERSON BROWN: Yeah, because I think we
9 were -- the way it was described last week is that the
10 800,000 was for two separate things. One was a
11 development of the database and the other was partially
12 for the collections.

13 SUSTAINABILITY PROGRAM DIRECTOR LEVENSON: Right.

14 CHAIRPERSON BROWN: So you meant an RFP for each
15 of the two parts?

16 PERMITTING & ENFORCEMENT PROGRAM DIRECTOR RAUH:
17 There will be an RFP for the collection portion, which
18 currently is pegged at about \$500,000. And then there's
19 an information technology process that we go through to
20 hire --

21 CHAIRPERSON BROWN: Two full-time programmers.

22 SUSTAINABILITY PROGRAM DIRECTOR LEVENSON: Right.
23 So it wouldn't quite be an RFP, but it would be a
24 DGS-approved process.

25 CHAIRPERSON BROWN: Okay.

1 And then what was discussed last week was that we
2 would look at college-level students, possibly, and an
3 AIAA. What was that?

4 SUSTAINABILITY PROGRAM DIRECTOR LEVENSON: We do
5 have a number of students that can probably use to look at
6 some of the existing sources of information. There might
7 be opportunities to enhance that or do some things a
8 little differently. But we can use some students on the
9 initial information gathering as we're developing the
10 scope of work.

11 CHAIRPERSON BROWN: Okay. Great.

12 Thank you for that helpful clarification.

13 Any other questions?

14 We have broken it down into separate items so that
15 we can accept or not accept each of them individually as
16 we move forward.

17 So what this resolution, 173 -- is there one --

18 CHIEF COUNSEL BLOCK: 173 was the one from last
19 week.

20 CHAIRPERSON BROWN: So we don't take that one up?

21 CHIEF COUNSEL BLOCK: Correct.

22 CHAIRPERSON BROWN: Sorry. Just looking at my
23 list. Okay.

24 So we have Resolution No. 2007-184, which is
25 allocation Item D1 for the \$800,000 allocation for

1 Infrastructure Baseline Inventory and Information
2 Management Framework.

3 MEMBER MULÉ: Madam Chair, I would like to move
4 the resolution.

5 MEMBER DANZINGER: Second.

6 CHAIRPERSON BROWN: It's been moved by Member
7 Mulé, seconded by Member Danzinger.

8 Kristen, can you call the roll?

9 EXECUTIVE ASSISTANT GARNER: Chesbro?

10 MEMBER CHESBRO: Aye.

11 EXECUTIVE ASSISTANT GARNER: Danzinger?

12 MEMBER DANZINGER: Aye.

13 EXECUTIVE ASSISTANT GARNER: Mulé?

14 MEMBER MULÉ: Aye.

15 EXECUTIVE ASSISTANT GARNER: Peace?

16 MEMBER PEACE: Aye.

17 EXECUTIVE ASSISTANT GARNER: Brown?

18 CHAIRPERSON BROWN: Aye.

19 Thank you.

20 Resolution 2007-185, D2, is the Research and
21 Demonstration Projects on Bioenergy and Biofuels.

22 MEMBER MULÉ: Madam Chair, I would like to move
23 the resolution.

24 MEMBER DANZINGER: Second.

25 CHAIRPERSON BROWN: It's been moved by Member Mul

1 and seconded by Member Danzinger.

2 Kristen, can you call the roll?

3 EXECUTIVE ASSISTANT GARNER: Chesbro?

4 MEMBER CHESBRO: Aye.

5 EXECUTIVE ASSISTANT GARNER: Danzinger?

6 MEMBER DANZINGER: Aye.

7 EXECUTIVE ASSISTANT GARNER: Mulé?

8 MEMBER MULÉ: Aye.

9 EXECUTIVE ASSISTANT GARNER: Peace?

10 MEMBER PEACE: Aye.

11 EXECUTIVE ASSISTANT GARNER: Brown?

12 CHAIRPERSON BROWN: Aye.

13 Resolution passes.

14 Resolution No. 2007-186, D3, which is the Plastic
15 Grocery Bag Comingling Recycling Rate.

16 Can I have a motion?

17 MEMBER MULÉ: Madam Chair, I'd like to move the
18 resolution.

19 CHAIRPERSON BROWN: It's been moved by Member Mul
20 and it's going to be seconded by Member Danzinger.

21 MEMBER DANZINGER: Second.

22 CHAIRPERSON BROWN: Kristen, can you call the
23 roll?

24 EXECUTIVE ASSISTANT GARNER: Chesbro?

25 MEMBER CHESBRO: Aye.

1 EXECUTIVE ASSISTANT GARNER: Danzinger?
2 MEMBER DANZINGER: Aye. Aye.
3 EXECUTIVE ASSISTANT GARNER: Mulé?
4 MEMBER MULÉ: Aye.
5 EXECUTIVE ASSISTANT GARNER: Peace?
6 MEMBER PEACE: No.
7 EXECUTIVE ASSISTANT GARNER: Brown?
8 CHAIRPERSON BROWN: Aye.
9 Resolution 2007-187, Allocation Item D4, which is
10 the Compost Safety Research.
11 MEMBER MULÉ: Madam Chair, I would like to move
12 the resolution.
13 MEMBER DANZINGER: I will second it.
14 CHAIRPERSON BROWN: It's been moved by member Mul
15 and seconded by Member Danzinger.
16 Kristen, can you call the roll?
17 EXECUTIVE ASSISTANT GARNER: Chesbro?
18 MEMBER CHESBRO: Aye.
19 EXECUTIVE ASSISTANT GARNER: Danzinger?
20 MEMBER DANZINGER: Aye.
21 EXECUTIVE ASSISTANT GARNER: Mulé?
22 MEMBER MULÉ: Aye.
23 EXECUTIVE ASSISTANT GARNER: Peace?
24 MEMBER PEACE: Aye.
25 EXECUTIVE ASSISTANT GARNER: Brown?

1 CHAIRPERSON BROWN: Aye.

2 Resolution No. 2007-188, which is Allocation Item
3 D5, which is the allocation item that staff has withdrawn
4 their recommendation.

5 Any members interested in moving the resolution?

6 2007-188 has not been taken under consideration.

7 So at this point, that concludes our new business.

8 Any public comment at this time? We're depending
9 on you.

10 The Board will move to closed session. And that's
11 it.

12 (Thereupon the closed session was held.)

13 (Thereupon the closed session adjourned at
14 2:55 p.m.)

15

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATE OF REPORTER

2 I, KATHRYN S. SWANK, a Certified Shorthand
3 Reporter of the State of California, do hereby certify:

4 That I am a disinterested person herein; that
5 the foregoing California Integrated Waste Management Board
6 meeting, was reported in shorthand by me, Kathryn S.
7 Swank, a Certified Shorthand Reporter of the State of
8 California, and thereafter transcribed into typewriting.

9 I further certify that I am not of counsel or
10 attorney for any of the parties to said meeting nor in any
11 way interested in the outcome of said meeting.

12 IN WITNESS WHEREOF, I have hereunto set my hand
13 this 26th day of August, 2007.

14

15

16

17

18

19

20

21

22

KATHRYN S. SWANK, CSR

23

Certified Shorthand Reporter

24

License No. 13061

25