

APPEARANCES

MR. DANIEL G. PENNINGTON, CHAIRMAN
MR. ROBERT C. FRAZEE, VICE CHAIRMAN
MR. WESLEY CHESBRO, MEMBER
MS. JANET GOTCH, MEMBER MR. PAUL RELIS, MEMBER
MR. STEVEN R. JONES, MEMBER

STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER

MS. KATHRYN TOBIAS, LEGAL COUNSEL MS. MARLENE

KELLY, BOARD SECRETARY

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THURSDAY, APRIL 24, 1997
SAN BERNARDINO, CALIFORNIA
9:30 A.M.

CHAIRMAN PENNINGTON: GOOD MORNING.
WELCOME TO THE APRIL MEETING OF THE CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD. IT'S NICE TO
BE HERE IN SAN BERNARDINO. CAN YOU ALL HEAR ME
ALL RIGHT? I'M A LITTLE SOFT-SPOKEN, SO I HAVE TO
SHOUT AS MUCH AS I CAN. DID ANYBODY SAY NO?
EVERYBODY SAID YES.

WILL THE SECRETARY CALL THE ROLL,
PLEASE?

BOARD SECRETARY: BOARD MEMBER CHESBRO.

BOARD MEMBER CHESBRO: HERE.

BOARD SECRETARY: FRAZEE.

BOARD MEMBER FRAZEE: HERE.

BOARD SECRETARY: GOTCH.

BOARD MEMBER GOTCH: HERE.

BOARD SECRETARY: JONES.

BOARD MEMBER JONES: HERE.

BOARD SECRETARY: RELIS.

BOARD MEMBER RELIS: HERE.

BOARD SECRETARY: CHAIRMAN PENNINGTON.

CHAIRMAN PENNINGTON: HERE.

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1 WE HAVE A QUORUM.

2 DO ANY BOARD MEMBERS HAVE ANY EX
3 PARTES? I WILL START WITH MR. RELIS.

4 BOARD MEMBER RELIS: MR. CHAIR, I HAD A
5 CALL FROM ASSEMBLYWOMAN ESCUTIA'S OFFICE
REGARDING

6 AB 117. I HAD SITE VISITS YESTERDAY WITH
7 REPRESENTATIVES FROM CR&R AND BERTECH INDUSTRIES
8 RELATED TO THE RMDZ PROGRAM AND TO OUR
ENFORCEMENT

9 POLICIES AROUND GREEN WASTE, VERMICOMPOSTING,
ETC.

10 CHAIRMAN PENNINGTON: THANK YOU.

11 MR. FRAZEE?

12 BOARD MEMBER FRAZEE: NOTHING FOR ME
13 OTHER THAN A LETTER THAT WAS DELIVERED, I THINK,
14 TO ALL OF US FROM LYNCH & ASSOCIATES REGARDING
15 AB 362.

16 CHAIRMAN PENNINGTON: LET'S SEE. I HAD
A
17 LETTER FROM SENATOR LEE IN SUPPORT OF THE
RICHMOND

18 PROJECT FOR RAC. I HAD A PHONE CALL FROM
19 MR. MICHAEL BYRNE LAST NIGHT REGARDING OXFORD.

I

20 SAW MR. BYRNE AND MR. KIRKLAND THIS MORNING

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21 REGARDING OXFORD. AND I HAVE A LETTER FROM
22 MR. GEORGE LARSON REPRESENTING THE APC ON THE
RPPC
23 THING. I ALSO SPOKE WITH MR. LARSON THIS
MORNING
24 ABOUT GOLF.
25 BOARD MEMBER JONES: I HAD SOME SITE

1 VISITS YESTERDAY. I MET WITH MICHAEL HARRINGTON
2 AT BAS TIRE RECYCLING AND LOOKED AT HIS FACILITY
3 AND HIS PLANT ON CRUMB RUBBER. WENT TO -- MET
4 WITH BARRY MEIJER AND GEORGE HAHN AT PACIFIC
5 SOUTHWEST FARMS TO LOOK AT THEIR -- AT THEIR AREA.
6 WENT OUT AND SAW MR. DOUG CHUMWAY AT MITSUBISHI
7 CEMENT CORPORATION OUT IN LUCERNE VALLEY, TOURED
8 THAT FACILITY TO LEARN A LITTLE BIT MORE ABOUT
9 CEMENT KILNS.

10 HAD A CONVERSATION WITH MARK LEARY
11 AND MARK APREA ABOUT SOME PENDING LEGISLATION. I
12 THINK IT WAS PROBABLY 117 OR A COUPLE OF ISSUES
13 THERE. I MET WITH EVAN EDGAR FOR A COUPLE OF
14 MINUTES ON SOME LEGISLATION ISSUES. GOT A CALL
15 FROM DARLENE RUIZ AND CALLED HER BACK TO TALK
16 ABOUT THE PLASTIC TRASH BAGS ISSUE. SAID HI TO
17 MR. LARSON AND MR. KIRKLAND ON THE OXFORD TIRES.
18 IT WAS A BUSY MORNING.

19 CHAIRMAN PENNINGTON: THANK YOU.

20 MRS. GOTCH?

21 BOARD MEMBER GOTCH: I THINK I'M ALL
22 CAUGHT UP. ONE LETTER THAT I BELIEVE WE ALL
23 RECEIVED -- ACTUALLY, I THINK IT WAS DIRECTED TO
24 YOU, MR. CHAIR -- WHICH WAS FROM ROBERT BOWEN OF
25 RUBBER TECH, DIVISION OF WINBARRY ENVIRONMENTAL

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1 COMPANY, REGARDING TIRE RECYCLING CONTRACTS. I
2 DIDN'T KNOW IF THAT HAD BEEN NOTED OR NOT.

3 CHAIRMAN PENNINGTON: I HAVEN'T SEEN IT,
4 SO I DON'T --

5 BOARD MEMBER GOTCH: OKAY.

6 CHAIRMAN PENNINGTON: IT'S FLOATING
7 AROUND SOMEWHERE.

8 BOARD MEMBER GOTCH: IT'S IN THE RECORD
9 NOW. THANKS.

10 CHAIRMAN PENNINGTON: THANK YOU.

11 MR. FRAZEE? I MEAN, MR. CHESBRO?

12 BOARD MEMBER CHESBRO: I, TOO, SPOKE WITH
13 DARLENE RUIZ ABOUT THE PLASTIC TRASH BAG
14 LEGISLATION, AND I SPOKE TO REPRESENTATIVES OF BFI
15 ABOUT ASSEMBLYWOMAN ESCUTIA'S BILL. I DON'T HAVE
16 THE BILL NUMBERS IN FRONT OF ME. I HOPE THAT'S
17 ADEQUATE FOR ME TO DESCRIBE THEM THAT WAY. THE
18 ONE REGARDING THE C&D LEGISLATION IS 117, 118.
19 THANK YOU.

20 I ALSO SPOKE WITH ASSEMBLYMAN FRED
21 KEELEY AND ALSO SENATOR SHER'S STAFF WITH REGARDS
22 TO BOARD BUDGET ISSUES.

23 CHAIRMAN PENNINGTON: THANK YOU.

24 BOARD MEMBER RELIS: MR. CHAIR --

25 CHAIRMAN PENNINGTON: I DID FORGET --

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1 EXCUSE ME -- THAT I, TOO, HAD SPOKEN TO DARLENE
2 RUIZ LAST NIGHT BY PHONE CONCERNING THE TRASH BAG
3 LEGISLATION.

4 YES?

5 BOARD MEMBER RELIS: I WOULD LIKE TO ADD
6 SOME NAMES TO WHAT I EARLIER DESCRIBED WITH
7 BERTECH INDUSTRIES AND A SITE VISIT UP THERE. I
8 MET WITH CAROL HILL, WHO IS THEIR GENERAL MANAGER;
9 JOHN DAVIS, ADMINISTRATOR FOR THE MOJAVE DESERT
10 AND MOUNTAIN RMDZ; ERIC HERBERT, PRESIDENT OF THE
11 INREC, DIVISION OF BERTECH, AND ERIC HERBERT, AND
12 THEN JOHN DUBOSIK FROM THE TOWN OF APPLE VALLEY.

13 AT THE CR&R MEETING, I WAS WITH
14 DAVID FARRIAN, WHO IS AN EXECUTIVE WITH CR&R, AND
15 WITH JOHN DOVIAC AT A SITE VISIT AT ECOLOGY FARMS,
16 WHICH IS A VERMICOMPOSTING. I DID RUN INTO
17 MICHAEL BYRNE THIS MORNING AT BREAKFAST, SO WE
18 EXCHANGED A FEW WORDS OVER THE OTR MATTER BEFORE
19 US. AND A FEW MOMENTS AGO, BEFORE THIS MEETING,
20 HY WEITZMAN CAME UP AND REFERENCED A DOCUMENT,
21 "MODERN ENVIRONMENTAL TECHNOLOGIES," WHICH HE WILL
22 BE DISCUSSING LATER IN THE AGENDA.

23 BOARD MEMBER CHESBRO: AND HE SPOKE WITH
24 ME AS WELL, MR. WEITZMAN DID.

25 CHAIRMAN PENNINGTON: I THINK HE SPOKE TO

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1 US ALL.

2 BOARD MEMBER CHESBRO: I THINK THE RECORD
3 SHOULD SHOW HE SPOKE TO US ALL.

4 CHAIRMAN PENNINGTON: OKAY. THAT
5 CONCLUDES THAT. THERE ARE SPEAKER FORMS AT THE
6 ENTRY TO THE CHAMBER HERE. IF ANYBODY WISHES TO
7 ADDRESS THE BOARD ON ANY PARTICULAR ITEM, PLEASE
8 FILL IT OUT AND GIVE IT TO MS. KELLY OVER HERE,
9 WHO WILL MAKE SURE I GET THEM AND WE GET THEM
10 CALLED ON.

11 I HAVE A FEW ANNOUNCEMENTS ABOUT THE
12 BOARD AGENDA. ITEM 6-B, 6-G, 20, 21 AND 26 HAVE
13 BEEN PULLED FROM TODAY'S AGENDA. THERE IS AN
14 ADDENDUM TO THE MONTH'S AGENDA, ADDENDUM ITEM 1
15 WILL BE HEARD FOLLOWING OPEN DISCUSSION. WE'RE
16 GOING TO HAVE OPEN DISCUSSION AT 1:30, FOLLOWING
17 LUNCH, AND THAT ITEM AND A PRESENTATION BY
18 MR. WEITZMAN WILL BE THEN. WE WILL RECESS AT

NOON

19 FOR LUNCH AND A FACILITY TOUR AND RECONVENE AT
20 1:30.

21 DIRECTIONS TO THE FACILITY AND THE
22 EVENING RECEPTION ARE ALSO LOCATED ON THE TABLE
AT
23 THE CHAMBER'S ENTRANCE. WE WILL HEAR SOME OF
24 THE -- AS I SAID, MR. WEITZMAN WILL ADDRESS US

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IN
25

THE OPEN SESSION PART FOLLOWING LUNCH AT 1:30.

1 AND I BELIEVE ONE ITEM IS THE
2 VERMI -- I MEAN THE COMPOSTING, GALLOP
COMPOSTING,

3 WE'LL HEAR AT THAT TIME TOO.

4 NOW, WE'RE PUTTING FORTH COMMITTEE
5 REPORTS, STARTING WITH MS. GOTCH FROM THE
6 LEGISLATION AND PUBLIC EDUCATION COMMITTEE.

7 BOARD MEMBER GOTCH: THE LEGISLATION
AND
8 PUBLIC EDUCATION COMMITTEE MET ON APRIL 21ST TO
9 CONSIDER EIGHT STATE MEASURES. OF THESE
MEASURES,

10 ONE IS ON THE CONSENT CALENDAR, AND THAT IS AB
11 847, WAYNE. THE COMMITTEE TOOK A NEUTRAL
12 POSITION. ONE WAS HELD IN COMMITTEE, SB 436,
13 SHER, AND 8117, ESCUTIA, IS BEING PULLED PER THE
14 AUTHOR'S REQUEST. THERE ARE FIVE BILLS BEFORE
US
15 TODAY FOR CONSIDERATION.

16 THE LPEC COMMITTEE ALSO HEARD AN
17 UPDATE FROM OUR PUBLIC EDUCATION DIVISION
18 REGARDING RECENT EDUCATIONAL ACTIVITY, CLOSING
THE
19 LOOP. WORKSHOPS WERE CONDUCTED STATEWIDE AND A
20 TOTAL OF 212 TEACHERS WERE IN ATTENDANCE. STAFF
21 ALSO COMPLETED THE LAST OF THREE HOTEL WASTE

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22 REDUCTION WORKSHOPS. THEY ARE PREPARING THE
STAFF
23 REPORT THAT WILL BE AVAILABLE FOR THE COMMITTEE
TO
24 REVIEW IN JUNE.
25 FINALLY, THE COMMITTEE RECEIVED AN

1 UPDATE FROM OUR PUBLIC AFFAIRS DIVISION. RECENT
2 ACTIVITIES INCLUDE THE BOARD'S OUTREACH CAMPAIGN
3 TO PROMOTE GRASSCYCLING AND BOARD PARTICIPATION --
4 WELL, ACTUALLY, THE PAST EARTH DAY EVENTS.
5 ADDITIONALLY, STAFF HAVE DEVELOPED A PUBLICATIONS
6 GUIDE AS WELL AS A NEW VERSION OF "NEWS AT A
7 GLANCE," THE BOARD'S NEWSLETTER THAT IS
8 DISTRIBUTED TO LEGISLATIVE OFFICES, LOCAL
9 GOVERNMENTS, AND ENVIRONMENTAL. AND THAT
10 CONCLUDES MY REPORT.

11 CHAIRMAN PENNINGTON: THANK YOU, MS.
12 GOTCH. I APOLOGIZE. I SKIPPED A PAGE HERE AND I
13 THINK WE'LL GO BACK A PAGE. AND WE HAVE SOME
14 WONDERFUL PRESENTATIONS FROM LOCAL OFFICIALS HERE
15 WHO HAVE BEEN SO KIND TO SUPPLY US WITH THIS
16 LOVELY CHAMBER. AND SO MAYBE, IF YOU DON'T MIND,
17 WE'LL STEP BACK.

18 AND IF WE CAN, MR. JERRY EVANS,
19 CHAIRMAN OF THE BOARD OF SUPERVISORS.

20 MR. EAVES: GARY EAVES.

21 CHAIRMAN PENNINGTON: EAVES. I'M HAVING
22 A GOOD MORNING.

23 MR. EAVES: RIGHT. ON BEHALF OF THE SAN
24 BERNARDINO COUNTY BOARD OF SUPERVISORS, WE WOULD
25 LIKE TO WELCOME THE CALIFORNIA INTEGRATED WASTE

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1 MANAGEMENT BOARD TO SAN BERNARDINO. WE'RE PLEASED
2 THAT YOU'RE MEETING HERE FOR THE TWO DAYS AND DO
3 APOLOGIZE THAT WE, DUE TO A SCHEDULING PROBLEM,
4 HAD TO MOVE YOU TOMORROW TO THE, I THINK, THE
5 FELDHEYM LIBRARY.

6 WE ARE THE LARGEST COUNTY IN AREA IN
7 THE UNITED STATES, AT LEAST IN THE LOWER 48. WE
8 HAVE OVER 20,000 SQUARE MILES OF AREA IN SAN
9 BERNARDINO COUNTY. OUR SIZE OF GEOGRAPHY AND
10 DIVERSITY CREATES SOME UNIQUE CHALLENGES IN
11 PROVIDING SOLID WASTE SERVICE FOR THE 1.7 MILLION
12 RESIDENTS OF THIS COUNTY.

13 WE ARE IN THE MIDST OF IMPLEMENTING
14 AN AMBITIOUS, LONG-RANGE STRATEGIC PLAN THAT WILL
15 CLOSE TWELVE LANDFILLS AND ADD SEVEN TRANSPORT
16 FACILITIES OVER THE NEXT FEW YEARS. THIS PLAN
17 WILL REDUCE OUR OPERATING COSTS AND KEEP OUR
18 TIPPING FEES COMPETITIVE IN THE ROLLER COASTER
19 MARKET HERE IN SOUTHERN CALIFORNIA.

20 JERRY NEWCOMB, OUR DIRECTOR OF OUR
21 WASTE MANAGEMENT, WILL TALK TO YOU ABOUT THE
22 PUBLIC/PRIVATE PARTNERSHIP THAT WE HAVE WITH
23 NORCAL OF SAN BERNARDINO. WE DO APPRECIATE THE
24 WASTE BOARD'S ATTENTION TO SOME OF THE UNIQUE
25 ISSUES WE FACE IN SAN BERNARDINO COUNTY, AND WE

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1 ALSO WANT TO PUBLICLY THANK THE STAFF FOR THEIR
2 SUPPORT IN IMPLEMENTING OUR STRATEGIC PLAN.

3 AGAIN, WELCOME AND I HOPE YOU ENJOY
4 YOUR TIME HERE IN SAN BERNARDINO COUNTY.

5 BOARD MEMBER CHESBRO: MR. CHAIR?

6 CHAIRMAN PENNINGTON: YES.

7 BOARD MEMBER CHESBRO: I JUST WANTED TO
8 NOTE THAT SUPERVISOR EAVES IS A FORMER LONG-TIME
9 MEMBER OF THE CALIFORNIA STATE ASSEMBLY, AND THE
10 BOARD ENJOYED A VERY GOOD WORKING RELATIONSHIP
11 WITH HIM IN THE LEGISLATURE. AND SO IT'S A DOUBLE
12 PLEASURE, BOTH TO BE WELCOMED TO THIS NICE
13 FACILITY, BUT ALSO TO SEE A GOOD FRIEND OF THE
14 BOARD.

15 MR. EAVES: THANK YOU, MR. CHESBRO.

16 CHAIRMAN PENNINGTON: THANK YOU.

17 NOW WE'LL HEAR FROM JERRY NEWCOMB.

18 MR. NEWCOMB: THANK YOU, MR. CHAIRMAN AND
19 BOARD MEMBERS. I'M JERRY NEWCOMB WITH THE COUNTY
20 WASTE SYSTEM DIVISION. I WOULD LIKE TO JUST TAKE
21 A FEW MOMENTS THIS MORNING AND TALK TO YOU ABOUT
22 THE UNIQUE PUBLIC/PRIVATE PARTNERSHIP WE'VE
23 CREATED IN THIS COUNTY TO HANDLE OUR SOLID WASTE
24 PROGRAM. WE HAVE A LONG-TERM CONTRACT WITH NORCAL
25 WASTE SYSTEMS INCORPORATED TO OPERATE, MANAGE, AND

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1 ADMINISTER OUR ENTIRE SOLID WASTE PROGRAM IN THE
2 COUNTY, WHICH INCLUDES OPERATION OF ALL OF OUR
3 LANDFILLS, ENGINEERING AND PLANNING AND
4 ADMINISTRATION OF OUR SYSTEM, INCLUDING PUBLIC
5 OUTREACH AND EDUCATION PROGRAMS AS WELL.

6 THE DECISION TO ESSENTIALLY CONTRACT
7 OUT THESE SERVICES GREW OUT OF SOME ACCELERATING
8 CONCERNS ABOUT THE OVERALL MANAGEMENT OF THE SOLID
9 WASTE SYSTEM A FEW YEARS AGO HERE IN THIS COUNTY.
10 AND THOSE CONCERNS WERE ON BEHALF OF THE PUBLIC,
11 CUSTOMERS, AND EVEN OUR OWN BOARD OF SUPERVISORS.
12 AND THEY WERE ASSOCIATED WITH MANAGEMENT OF THE
13 FUNDS THAT WERE IN A SYSTEM AND ALSO WITH CONCERNS
14 ABOUT REGULATORY COMPLIANCE ISSUES.

15 THE FINAL AGREEMENT THAT WE ACHIEVED
16 WITH NORCAL IS QUITE A BIT DIFFERENT THAN THEIR
17 ORIGINAL PROPOSAL TO US, WHICH WAS ESSENTIALLY TO
18 TAKE OVER THE ENTIRE SYSTEM AND OPERATE IT AND PAY
19 THE COUNTY FOR THE RIGHT TO DO THAT. THE COUNTY
20 DID RETAIN COMPLETE CONTROL OVER ALL ASPECTS OF
21 OUR SYSTEM, COMPLETE CONTROL OVER FINANCES,
22 COMPLETE CONTROL OVER LONG-RANGE PLANNING,
23 DECISIONS ABOUT SETTING RATES AND ESTABLISHING
24 WHATEVER FEES WERE GOING TO BE CHARGED.

25 WE DO HAVE A CLEAR OPERATIONAL
SCOPE

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1 OF WORK THAT NORCAL IMPLEMENTS. THEY'RE PAID A
2 PER TON RATE FOR IMPLEMENTING, FOR OPERATING ALL
3 THE LANDFILLS. THEY DO ACT AS OUR PRIMARY
4 ENGINEERING FIRM, IF YOU WILL. THEY PERFORM
5 CAPITAL PROJECT ENGINEERING, AND THEY HANDLE THE
6 CONSTRUCTION OF THOSE PROJECTS ON A -- REALLY ON
A
7 CASE-BY-CASE BASIS. WE APPROVE THOSE PROJECTS
AND
8 THEIR ANNUAL BUDGET AND WORK PLAN. WE DO HAVE
THE
9 AUTHORITY, IF WE THINK THE DEAL ISN'T QUITE
RIGHT
10 IN THEIR BUDGET PROPOSAL, THAT WE COULD TAKE
THAT
11 PROJECT AND PUT IT OUT ON THE STREET AND GET
12 PROPOSALS THAT WAY. SO FAR WE HAVE BEEN VERY
13 COMFORTABLE WITH THE WAY THE CONTRACT IS
WORKING.

14 THE COUNTY HAS STAYED AS A
PERMITTED
15 OWNER AND OPERATOR OF THE LANDFILLS. NORCAL IS
16 ESSENTIALLY JUST OUR CONTRACT OPERATOR. WE ARE
17 THE OWNER AND PERMITTED OPERATOR, AND WE
RETAINED
18 THE PRIMARY LIAISON RESPONSIBILITIES WITH ALL

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19 REGULATORY AGENCIES, WHICH I THINK IS VERY
20 IMPORTANT.

21 WE RAN INTO A BIT OF AN
INTERESTING

22 QUESTION EARLY ON IN THE IMPLEMENTATION OF OUR
23 CONTRACT WITH NORCAL. WE DEAL WITH THREE
24 DIFFERENT REGIONAL WATER QUALITY CONTROL BOARDS
IN
25 THIS COUNTY. AND AT DIFFERENT POINTS IN TIME,
ALL

1 THREE OF THOSE WATER BOARDS DECIDED THAT THE
2 CONTRACT WITH NORCAL MEANT THAT NORCAL OUGHT TO
BE
3 ON THE WDR'S AS A RESPONSIBLE PARTY, WHICH IS
4 CERTAINLY VERY DIFFERENT THAN THE WAY THEIR
5 RELATIONSHIP WITH US IS DESCRIBED IN THE
CONTRACT.

6 AND WE SPENT QUITE A BIT OF TIME WITH EACH OF
THE
7 THREE DIFFERENT WATER BOARDS AND WERE ABLE TO
SHOW
8 THEM THROUGH THE DOCUMENTS CONTAINED IN THE
9 CONTRACT AND THE NATURE OF OUR RELATIONSHIP WITH
10 NORCAL THAT THEY WERE OUR CONTRACTOR, THAT THE
11 COUNTY WAS IN CONTROL OF ITS SOLID WASTE SYSTEM,
12 AND ESSENTIALLY NORCAL MADE DECISIONS DIRECTED
BY
13 THE COUNTY. WE WERE SUCCESSFUL IN GETTING
AMENDED
14 WDR'S THAT SAID JUST THAT, THAT NORCAL WAS THE
15 CONTRACTOR AND THE COUNTY WAS STILL THE
16 RESPONSIBLE PARTY.

17 IN TERMS OF HOW THE CONTRACT IS
18 GOING AND WHAT -- THE IMPACT IT'S HAD ON OUR
19 SYSTEM AND RESIDENTS IN OUR COUNTY, WE WERE ABLE

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20 TO REDUCE OUR TIPPING FROM FEE FROM \$35.50 CENTS

A

21 TON TO \$33 A TON EFFECTIVE THIS PAST JULY, AND

22 OWING IN LARGE PART TO THE REDUCED OPERATING

COSTS

23 THAT NORCAL REQUIRES FOR OPERATING THE

LANDFILLS.

24 WE ARE REIMBURSING OUR GENERAL FUND FOR THE

25 PURCHASE OF THE LANDFILL FACILITIES HERE IN THE

1 VALLEY AREA THAT WE MADE A NUMBER OF YEARS AGO,
2 AND THEN ESSENTIALLY THOSE FACILITIES WERE GIVEN
3 OVER TO THE SOLID WASTE ENTERPRISE FUND TO
4 OPERATE. WE'RE REIMBURSING THE GENERAL FUND AT A
5 RATE OF \$4.50 A TON WITHIN THAT LOWERED TIPPING
6 FEE.

7 AND I THINK WE'VE IMPROVED
8 SIGNIFICANTLY OUR IMAGE WITH REGULATORY AGENCIES.
9 IN FACT, WE RECENTLY HAD LEA INSPECTIONS ON
10 SEVERAL OF OUR LANDFILLS, AND FOR THE FIRST TIME
11 IN THE FIVE YEARS I'VE BEEN INVOLVED WITH SOLID
12 WASTE, WE ACTUALLY HAD NO VIOLATIONS OR AREAS OF
13 CONCERN OR EVEN REALLY ANY NEGATIVE COMMENTS AT
14 ALL ON THREE OF THE SITES THAT WERE INSPECTED.
15 AND I THINK THAT'S, AT LEAST IN MY MIND, VERY
16 SIGNIFICANT FOR US AND I THINK OWING IN LARGE PART
17 TO NORCAL'S ABILITY TO OPERATE THE LANDFILLS.

18 AS SUPERVISOR EAVES MENTIONED, WE
19 ARE IN THE PROCESS OF IMPLEMENTING A FAIRLY
20 AMBITIOUS STRATEGIC PLAN THAT WILL CLOSE A
21 MAJORITY OF OUR ACTIVE SITES. WE WILL GO FROM 17
22 ACTIVE LANDFILLS TO FIVE ACTIVE LANDFILLS WITH A
23 NUMBER OF SMALL VOLUME TRANSFER STATIONS THAT HELP
24 MOVE TRASH AROUND IN THE RURAL AREAS AND GET THEM
25 TO THOSE LANDFILLS. NORCAL IS GOING TO BE VERY

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1 ACTIVELY INVOLVED IN HELPING TO IMPLEMENT THAT
2 PLAN.

3 AS WITH ANY CONTRACT RELATIONSHIP,
4 IT IS NEVER PERFECT AND THE CONTRACT IS NEVER
5 PERFECT, AND WE'VE HAD OUR SHARE OF DISAGREEMENTS
6 WITH OUR CONTRACTOR ABOUT EXPECTATIONS AND
7 PERFORMANCE AND CONTRACT LANGUAGE, BUT WE BUILT IN
8 PLENTY OF INCENTIVES FOR NORCAL TO OPERATE
9 EFFICIENTLY. THEY SHARE IN THE REVENUE OF TONNAGE
10 INCREASES IN THE SYSTEM. THEY START TO HURT
11 PRETTY DRAMATICALLY IF WASTE CONTINUES TO LEAVE
12 THE SYSTEM AND TONNAGE GOES DOWN.

13 THEY PLAY A VERY ACTIVE ROLE IN
14 MAKING SURE THAT THE CUSTOMERS STAY SATISFIED AND
15 CONTINUE TO USE THE LANDFILLS WITHIN OUR COUNTY.
16 AND THEY'VE DONE A VERY GOOD JOB OF THAT; AND SO
17 FOR THE LAST 18 MONTHS, SINCE THEIR CONTRACT HAS
18 BEEN IMPLEMENTED, WE'VE BEEN VERY PLEASED WITH THE
19 PERFORMANCE. WE FEEL IT'S BEEN A GOOD MOVE FOR
20 THE COUNTY. IT'S SAVED THE COUNTY MONEY, IT'S
21 LOWERED THE FEES TO THE RATE PAYERS, AND THE
22 SYSTEM IS STILL BEING OPERATED AT THE SAME SERVICE
23 LEVEL AS IT WAS PREVIOUSLY. I'M NOT CONVINCED
24 THIS TYPE OF PARTNERSHIP WOULD WORK IN EVERY
25 SITUATION FOR EVERYBODY, BUT IT'S CERTAINLY

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1 WORKING FOR US HERE.

2 I THANK YOU FOR THE OPPORTUNITY TO
3 ADDRESS YOU THIS MORNING, AND I'M AVAILABLE FOR
4 ANY QUESTIONS YOU'D LIKE TO ASK.

5 CHAIRMAN PENNINGTON: THANK YOU VERY
6 MUCH.

7 OKAY. NOW WE'LL HEAR FROM SUSAN
8 PATANI, MANAGER OF NORCAL'S EDUCATION COMMUNITY
9 RELATIONS.

10 MS. PATANI: CAN I HAVE THE LIGHTS TURNED
11 DOWN, PLEASE? FIRST, I WOULD LIKE TO WELCOME YOU
12 ON BEHALF OF NORCAL AND THE 24 RECYCLING
13 COORDINATORS IN SAN BERNARDINO COUNTY. IT IS AN
14 HONOR TO SHOWCASE THE AB 939 PROGRAMS IN OUR
15 COMMUNITY.

16 AS GARY EAVES SAID BEFORE, OUR
17 COUNTY IS A MESS, AND IT'S ONE OF OUR MAJOR
18 CHALLENGES. YOU CAN ACTUALLY FIT THE STATE OF
19 MASSACHUSETTS, CONNECTICUT, AND RHODE ISLAND AND
20 STILL HAVE ROOM, BUT WE ALSO HAVE THREE OTHER
21 MAJOR CHALLENGES. THOSE CHALLENGES ARE ON
22 NOVEMBER 1ST OF 1995, OUR DEPARTMENT WAS DECREASED
23 FROM ELEVEN FULL-TIME EMPLOYEES TO TWO. OUR
24 BUDGET WAS DECREASED BY 40 PERCENT. WE HAD TO
25 OVERCOME THE PERCEPTION OF THE PRIVATIZATION AND

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1 ALSO HAD TO CONTINUE TO TRY AND MEET THE 50-
2 PERCENT MANDATE. SO WHAT WE DECIDED TO DO WAS THE
3 SAME THING AS THE THEME OF THE PRIVATIZATION. WE
4 DECIDED TO CREATE PARTNERSHIPS.

5 SO COMING TO SOUTHERN CALIFORNIA, I
6 WENT OUT AND MET WITH ALL 24 RECYCLING
7 COORDINATORS TO ASSESS THEIR NEEDS AND DETERMINE
8 THEIR CONCERNS. AND WHAT I FOUND OUT LOUD AND
9 CLEAR WAS WE MUST HAVE MUTUAL RESPECT FOR EACH
10 OTHER'S PROGRAMS, AND WE ALSO MUST NOT DUPLICATE
11 PROGRAMS. WE NOW MEET ON A MONTHLY BASIS. WE
12 HAVE AN 85-PERCENT PARTICIPATION RATE, AND WE
ALSO
13 HAVE 100-PERCENT PARTICIPATION RATE ON THE FOUR
14 PROGRAMS THAT WE MAINTAIN THAT THE COUNTY HAD
15 PREVIOUSLY.

16 WE HAVE A NEWSLETTER THAT GOES
OUT
17 QUARTERLY, AND ON THIS MONTH'S NEWSLETTER THERE
IS
18 AN ARTICLE BY CHAIRMAN DANIEL PENNINGTON AND WE
19 THANK YOU FOR THAT. THIS GOES OUT TO 1200
PEOPLE.

20 IT ALSO PROFILES TWO OF THE RECYCLING
COORDINATORS
21 AS WELL AS LISTS ALL THEIR PHONE NUMBERS SO

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THAT

22 PEOPLE CAN REACH THEM VERY EASILY.

23 WE ALSO MAINTAIN THE COUNTY

GRANTS

24 FOR TEACHING PROGRAM. IN ITS BEGINNING IT WAS

SET

25 UP TO MAKE -- TO DEVELOP CURRICULUM FOR

TEACHERS

1 BECAUSE AT THAT TIME THERE WASN'T A LOT OF
2 CURRICULUM AVAILABLE. NOW IT IS MORE CENTERED
3 TOWARDS SCHOOL-BASED RECYCLING PROJECTS. THERE
4 ARE OVER 26 GRANTS THAT WERE GIVEN IN 1996. THEY
5 STEM FROM SCHOOL-BASED RECYCLING, COMPOSTING,
6 VERMICOMPOSTING, ZERO-WASTE CLASSROOMS. THEY
7 ARE -- ALSO WE JUST GAVE MONEY TO A SCHOOL THAT
8 DID A THEATER PRODUCTION. THEY MADE ALL OF THEIR
9 PROPS WITH RECYCLED AND REUSED -- THEY MADE SOME
10 THINGS THEY WERE TWIRLING AT A PRODUCTION LATELY
11 AND INSIDE THE BALL WAS FILLED WITH LINT. SO THE
12 KIDS ARE BEING VERY, VERY CREATIVE, AS WELL AS THE
13 TEACHER.

14 WE STILL GIVE FUNDS FOR THE
15 CLASSROOM, AND SOME OF THOSE PROGRAMS ARE STUDYING
16 ORGANIC WASTE DECOMPOSITION AND DETERMINING IF
17 MICROORGANISMS HAVE RECYCLING POWER. AGAIN, WE
18 GIVE APPROXIMATELY \$30,000 A YEAR TO SCHOOLS FOR
19 THESE PROGRAMS, AND YOU WILL BE VISITING ONE OF
20 OUR GRANTS FOR TEACHING SCHOOLS AT LUNCHTIME.

21 HERE ARE SOME OF THE PICTURES.

THE

22 UPPER ONE IS A CLASSROOM DOING THE STUDIES AND

THE

23 SCIENCE. HERE ARE SOME OF THE PRODUCTS THAT

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HAVE

24 BEEN MADE. ALSO IN THE ART SHOW THAT IS

UPSTAIRS

25 YOU WILL SEE PRODUCTS MADE FROM STUDENTS.

1 WE ALSO MAINTAIN THE COUNTY
2 COLLATERAL MATERIALS, WHICH WE TAKE OUT IN OUR
3 OUTREACH PROGRAMS. WE'VE ACTUALLY MADE 21,000
4 PERSONAL CONTACTS. EVERY HOME AND GARDEN SHOW WE
5 CAN GO TO, EVERY SMALL HEALTH AND SAFETY FAIR,
6 WE'RE OUT THERE AT THE COUNTY FAIR, THE ORANGE
7 SHOW, ENVIRONMENTAL EXPO, ROUTE 66, EVERYTHING WE
8 CAN WITH OUR TWO STAFF MEMBERS.

9 WE ALSO MAINTAIN THE COUNTY'S
10 BUSINESS RECYCLING WORKSHOP. WE TOOK IT TO
11 ANOTHER PLATEAU. INSTEAD OF GOING TO THE CHAMBER
12 AND PASSING OUT A FLYER AND SAYING COME TO ONE OF
13 OUR WORKSHOPS, WE ACTUALLY WRITE LETTERS TO EVERY
14 SINGLE BUSINESS IN THE CHAMBER. WE ALSO GO AND
15 FIND THE LARGER BUSINESSES IN THAT AREA, INVITE
16 THEM. WE WRITE LETTERS TO GOVERNMENTAL
OFFICIALS.

17 WE INVITE THE MAYOR TO PARTICIPATE. WE GO OUT
AND

18 WE GET PROCLAMATIONS FROM THE CITIES SO THE
19 GOVERNMENTAL OFFICIALS WILL KNOW WHAT WE DO.

WE

20 HAVE A BUSINESS GUIDE THAT WE HAVE DEVELOPED,
AND

21 WE ALWAYS MAKE SURE THE PRESS KNOWS WE'RE IN

1 BUSINESS RECYCLING PROGRAM AND GOING TO START
2 GETTING INTO MORE WASTE AUDITS FOR BUSINESSES.

3 WE ALSO MAINTAIN THE COUNTY'S
4 CHRISTMAS TREE PROGRAM, AND WE'RE VERY HONORED AND
5 PROUD OF THIS PROGRAM, WHICH HAS BEEN NOMINATED
6 THIS YEAR FOR THE CHRISTMAS TREE ASSOCIATION
7 AWARD. WHAT WE DID IS WE PUT IN 25,000 PAYROLL
8 INSERTS AND WE CREATED 80 NEW PARTNERS WITHIN THE
9 COUNTY. THESE PAYROLL INSERTS WENT INTO COUNTY
10 HAULERS AND CITY PAYROLL STUFFERS, AS WELL AS THE
11 BULB ON THE BOTTOM, WHICH WAS DISTRIBUTED, 50,000
12 OF THEM, TO CHRISTMAS TREE LOTS THROUGH THE
13 COMMUNITY. THERE WAS ALSO A BROCHURE CALLED
14 "REJOICE, RENEW & RECYCLE" AND EVERYBODY WHO
15 PARTICIPATED RECEIVED A CERTIFICATE. THE

EXCITING

16 PART IS WE PUT 12 FOOT ARTIFICIAL TREES IN FOUR
17 REGIONAL MALLS. THEY ARE DECORATED ALL WITH
18 REUSABLE AND RECYCLABLE PRODUCTS.

19 BEING VERY INVOLVED IN A LOT OF
20 COMMUNITY EVENTS, I TOOK EVENTS IN WHICH I NEEDED
21 DECORATIONS AND I PUT THEM ON THE TREES. ONE OF
22 THE TREES YOU WILL SEE BABY SOCKS AND BOOKS. ON
23 ANOTHER TREE YOU WILL SEE LEFTOVER HALLOWEEN
24 CANDY, AND ON ANOTHER TREE YOU WILL ACTUALLY SEE

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25 OLD CHRISTMAS CARDS. UNDERNEATH THE TREE YOU SEE

1 PRESENTS WRAPPED IN OLD POSTERS, ROAD MAPS,
2 BLUEPRINTS, AND TIED WITH TIES AND SHOELACES. WE
3 ALSO WERE ABLE TO WORK WITH ALL THE AREA
4 NEWSPAPERS AND ACTUALLY THERE WERE 12 GIFT GUIDES
5 THAT WERE PUBLISHED. AND IN EACH OF THESE GIFT
6 GUIDES, WE HAVE ARTICLES FROM RESIDENTS, RECYCLED
7 TONS OF CHRISTMAS TREES, TIPS FOR CUTTING YOUR
8 GIFT SHIPPING COSTS, MAKE GIFT WRAPPING
9 ENVIRONMENTALLY FRIENDLY. AND ALSO CHRISTMAS
10 TREES HAVE MANY USES AFTER THE HOLIDAYS.

11 ALL OF THIS WAS GIVEN TO US FOR
12 FREE. OUR BUDGET WAS \$35,000 AND WE RECEIVED
13 ALMOST \$150,000 IN IN-KIND DONATIONS. FROM
14 NOVEMBER 15TH TIL CHRISTMAS DAY, TWO LOCAL RADIO
15 STATIONS GAVE US MORNING DRIVE TIME AND EVENING
16 DRIVE TIME, PROMOTING OUR PROGRAM, AS WELL AS THE
17 MALL SPACE WAS ALSO DONATED. RESULT: IN 1995 WE
18 COLLECTED 934 TONS OF GREEN WASTE; IN 1996 WE
19 COLLECTED 2300 TONS OF GREEN WASTE. THEREFORE, WE
20 FEEL OUR PROGRAM WAS VERY SUCCESSFUL.

21 THE OTHER THING WE DO IN OUR
22 COMMUNITY OUTREACH IS WE ARE CONSTANTLY GOING OUT
23 IN THE PUBLIC TO THE HOME & GARDEN SHOWS. WE HAVE
24 PARTNERED WITH THE UC EXTENSION OFFICE LOCALLY.
25 THEY HAVE PROVIDED WITH US A TEXT. WE DESIGN ALL

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1 THEIR COLLATERAL MATERIALS. WE MAKE THESE
2 MATERIALS AVAILABLE ON DISK AND HARD COPY FOR THE
3 24 CITIES AND THE UC EXTENSION OFFICE FOR ALL OF
4 THEIR MASTER COMPOSTING AND MASTER GARDENER
5 CLASSES. THESE ARE ALSO THE COLLATERAL MATERIALS
6 THAT WE DEVELOPED IN OUR BOOTH.

7 WE ALSO BELIEVE THAT BILLBOARDS ARE
8 VERY, VERY EXPENSIVE. THEY CAN RUN FROM \$1,500 A
9 MONTH TO \$2,000 A MONTH. BUT ALL OF US WHO HAVE
10 CHILDREN KNOW OF ANOTHER BILLBOARD. THAT'S ALL
11 THOSE CERTIFICATES WITH MAGNETS THAT WE HAVE ON
12 OUR REFRIGERATOR THAT SOMETIMES LAST A WHOLE YEAR
13 IF YOU CAN'T GET THEM TO TAKE THEM DOWN. SO WE
14 ARE THE PROUD OWNER OF NUMEROUS CERTIFICATES. WE
15 HAVE DEVELOPED A LOT OF DIFFERENT MATERIALS; AND
16 WHEN PEOPLE PARTICIPATE IN OUR PROGRAMS, WE MAKE
17 SURE THEY GET A CERTIFICATE. WE ACTUALLY PROBABLY
18 DISTRIBUTED CLOSE TO 5,000 CERTIFICATES THE LAST
19 YEAR.

20 THERE'S ONE IF YOU PARTICIPATE IN
21 OUR BUSINESS RECYCLING. WE ALSO RECOGNIZE
22 COMMUNITIES AND BUSINESSES IN THE COMMUNITY THAT
23 ARE DOING GREAT EFFORTS TOWARDS WASTE PREVENTION.
24 WE HAVE AN ANNUAL COLORING CONTEST AND EVERY CHILD
25 THAT ENTERS RECEIVES ONE. AND WE ALSO HAVE A

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1 WASTE BINGO GAME WE'VE DEVELOPED THAT WE WILL TALK
2 ABOUT A LITTLE LATER.

3 THIS IS THE BINGO GAME. ONE NIGHT I
4 WAS KIND OF BORED, DIDN'T HAVE ANYTHING TO DO AT
5 WORK, SO WE SAT DOWN AND DECIDED TO DO A BINGO
6 GAME. TO MY KNOWLEDGE, THIS IS THE ONLY WASTE
7 BINGO GAME IN THE STATE. IT INCLUDES TIRES,
8 HAZARDOUS WASTE, USED OIL. THE FRONT, IT HAS THE
9 WORDS. ON THE BACK, IT HAS THE PHOTOS. ANYONE
10 WHO TRIES TO DO PRESENTATIONS TO A K THROUGH 3
11 CLASS KNOWS HOW DIFFICULT IT IS. THEREFORE, WE
12 TAKE THE GAME INTO THE CLASSROOM, WE PLAY BINGO
13 WITH BEANS, SO WE CAN USE THEM OVER AND OVER
14 AGAIN. AND WHEN THE CHILD GETS DONE PLAYING, THEY
15 RECEIVE A CERTIFICATE.

16 THE OTHER THING WE DO IS SOMETIMES
17 WE FORGET TO LET THOSE WHO GOVERN OUR COMMUNITIES
18 KNOW WHAT WE'RE DOING. WE LOOK FOR EVERY SINGLE
19 OPPORTUNITY EVERY SINGLE DAY TO GET IN FRONT OF
20 THE 24 CITY COUNCILS AND OUR BOARD OF SUPERVISORS.
21 SO WE OFTEN PROCLAIM CHRISTMAS TREE RECYCLING
22 WEEK, BUSINESS RECYCLING DAY, WASTE PREVENTION
23 DAY, YOU NAME IT, WE PROCLAIM IT. WE GO FROM THE
24 CITY ALL THE WAY TO THE STATE ASSEMBLY, AND THESE
25 GARNER OUR WALLS TO LET PEOPLE KNOW WHAT WE'RE

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1 DOING IN THE COMMUNITY, AND GIVES YOU AN
2 OPPORTUNITY TO LET YOUR COMMUNITIES KNOW WHAT
3 WE'RE DOING.

4 ANOTHER PROGRAM WE JUST FINISHED
5 WITH THE HELP OF THE CALIFORNIA INTEGRATED WASTE
6 MANAGEMENT BOARD, WE HAD A SCHOOL DISTRICTWIDE
7 RECYCLING WORKSHOP. WE ALSO DID AN INTERNET
8 WORKSHOP FOR OUR RECYCLING COORDINATORS. WE FEEL
9 IT IS VERY IMPORTANT TO KEEP THEM UP ON THE
10 LATEST. WE ALSO HAD TERRY CRONIN COME DOWN FROM
11 THE WASTE BOARD AND WE DID A WASTE -- BUSINESS
12 RECYCLING WORKSHOP TEACHING OUR RECYCLING
13 COORDINATORS HOW TO DO WASTE AUDITS. SHE ALSO
14 THEN RETURNED AND WE WENT TO ONTARIO MILLS, WHICH
15 IS THE LARGE OUTLET MALL, I UNDERSTAND, IN THE
16 STATE OF CALIFORNIA WITH 200 STORES. THEY WERE
17 GENERATING SO MUCH WASTE, WE FELT IT WAS VERY
18 IMPORTANT TO GO RIGHT TO THEM. AND WE DID A
19 RETAIL RECYCLING WORKSHOP WITH HER ASSISTANT ALSO.
20 WE ALSO HAD CALMAX COME DOWN AND WORK WITH OUR
21 RECYCLING COORDINATORS.

22 WE ALSO LOOK FOR EVERY OPPORTUNITY
23 POSSIBLE TO BE IN THE MEDIA. WITH A VERY LIMITED
24 BUDGET, IT IS IMPORTANT TO LOOK FOR OUTLETS
25 WITHOUT PAYING FOR THEM. WE ARE REGULARLY SEEN IN

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1 ALL THE HOME AND GARDEN TABS IN ALL THE MAJOR
2 PUBLICATIONS. I HAVE A WEEKLY COLUMN IN THE HOME
3 GUIDE. AFTER MOVING HERE FROM NORTHERN CALIFORNIA
4 AND WATCHING ALL THE STUFF I HAD ACCUMULATED FOR
5 22 YEARS, I WAS WONDERING WHAT TO DO WITH IT
6 BESIDES TAKING IT TO THE LANDFILL. COME TO FIND
7 OUT, THE MOVER OWNED A SECONDHAND STORE IN
8 ROSEVILLE AND HE GOT A LARGE AMOUNT OF STUFF. SO
9 ANYWAY, THIS COLUMN HERE TEACHES THE COMMUNITY,
10 ESPECIALLY NEW HOME BUYERS AND PEOPLE THINKING
11 ABOUT BUYING THEIR HOMES, WHAT TO DO WITH THEIR
12 ADDITIONAL WASTE.

13 WE ALSO TEAMED UP -- ANOTHER NEW
14 PARTNER WE HAVE IS PACIFIC BELL. AND IN ONE DAY
15 ALONE WE COLLECTED 11,000 PHONE BOOKS. WE ALSO
16 JUST STARTED AN 8TH GRADE ESSAY CONTEST, AND IN
17 THIS FIRST YEAR WE HAD 250 ESSAYS AND THIS YEAR WE
18 HAD 750 ESSAYS. THE TOPIC WAS REUSE AND REDUCE.
19 DUE TO THE FACT THAT RECYCLING -- WE'VE MET OUR
20 25-PERCENT MANDATES. LOOKING AT 50 PERCENT, WE
21 FEEL IT'S MORE IMPORTANT TO EDUCATE THE PUBLIC ON
22 THE IMPORTANCE OF THAT.

23 WE ALSO AWARD THE TEACHERS. WHAT WE
24 DID IS PARTNERED WITH THE LOCAL ROTARY CLUB AND
25 TUESDAY, ON EARTH DAY, WE HONORED OVER 50 PEOPLE

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1 AT OUR LUNCHEON. THIS IS THE POSTER THAT WAS SENT
2 TO REMIND THE TEACHERS OF THE CUTOFF DATE AND THIS
3 IS THE WINNING ESSAY. THIS CHILD WAS AN AT-RISK
4 CHILD AND SHE ACTUALLY WON OUT OF OVER 750. IT
5 WAS KIND OF FUNNY, WHEN SHE READ HER ESSAY, WE HAD
6 THE TOP FOUR READ THEIR ESSAYS, THEY GO BACK TO
7 TELLING ALL OF US TO USE CLOTH DIAPERS.

8 THIS IS OUR LEAVE LESS BEHIND, A NEW
9 PROGRAM THAT WE IMPLEMENTED. LAST YEAR IT WAS
10 FUNDED THROUGH THE CALIFORNIA LEAGUE OF CITIES AND
11 THE CALIFORNIA STATE COUNTIES ASSOCIATION AND THE
12 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD.
13 THIS IS A 16-PAGE TAB THAT IS DISTRIBUTED TO
14 230,000 HOUSEHOLDS THROUGHOUT THE COUNTY. IT IS
15 FULL OF INFORMATION REGARDING WASTE PREVENTION.

16 THE NEAT THING ABOUT THIS IS THAT
17 THIS IS THE FIRST TIME ALL THE CITY RECYCLING
18 COORDINATORS ACTUALLY GIVE THE COUNTY MONEY TO
19 DISTRIBUTE THIS. WE HAVE A 90-PERCENT
20 PARTICIPATION RATE. WHEN YOU OPEN THE FRONT TAB,
21 IT WILL HAVE A PICTURE OF ALL THE RECYCLING
22 COORDINATORS. WE WRITE THE ARTICLES, WE GHOST
23 WRITE THEM FOR THE RECYCLING COORDINATORS, SO
24 THEIR NAMES ARE A LARGE PART OF THIS. THIS TIME
25 WE ADDED THE DEPARTMENT OF ENVIRONMENTAL HEALTH,

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1 AND THERE'S AN ARTICLE ON TIRES, AND NEXT YEAR
2 WE'LL BE ADDING THE FIRE DEPARTMENT TO DO
3 HOUSEHOLD HAZARDOUS WASTE AND USED OIL. THESE ARE
4 ALSO IN THE BACK OF THE ROOM IF YOU'RE INTERESTED
5 IN LOOKING AT THEM.

6 WE KNOW THEY HAVE A SHELF LIFE. ON
7 THE BACK THERE IS A COLORING CONTEST. LAST YEAR
8 WE HAD 1200 ENTRIES; THIS YEAR THERE ARE 2,000 OF
9 THEM SITTING ON MY DESK, WAITING TO BE JUDGED.
10 AND OF THOSE 2,000, THERE'S ABOUT 10 FROM LAST
11 YEAR'S COLORING CONTEST. WE USED TWO DIFFERENT
12 COLORING THINGS SO WE KNOW THAT SOME PEOPLE HELD
13 ONTO THEM FOR ONE YEAR.

14 HERE IS LAST YEAR'S COLORING
15 CONTEST. THIS IS R.C. COYOTE OUT OF RANCHO
16 CUCAMONGA. WE HAVE THREE DIFFERENT AGE DIVISIONS,
17 THREE TO FIVE, SIX TO NINE, AND TEN TO TWELVE. WE
18 ALSO RECOGNIZE THEM AT THEIR CITY COUNCIL MEETING.

19 THIS LAST YEAR WE MADE THE DECISION
20 AND GOT THE 24 CITIES TO PARTNER WITH US AND
21 CHANGE OUR FREE DUMP DAY TO NATIONAL MAKE A
22 DIFFERENCE DAY. AND WHAT HAPPENED IS ALL THE
23 COMMUNITIES THROUGHOUT THE COUNTY WORKED HARD TO
24 DO A COMMUNITY CLEANUP DAY. THERE WAS ALSO TIRE
25 AMNESTY DAYS AND USED OIL DAYS.

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1 PARTICIPATE AT A MORE ACTIVE LEVEL. AND WE ALSO,
2 THROUGH ONE OF OUR GRANTS FOR TEACHERS PROGRAM,
3 FUNDED TWO OF THE ENTERTAINMENTS. WE ALSO ADDED
4 THIS ART SHOW. I JUST WANT TO LET YOU KNOW THAT
5 WE BELIEVE IN WHAT WE DO. THIS IS MADE OUT OF OLD
6 CARDBOARD, A LEAF, AN OLD PAPER CLIP, AND OLD
7 PAPER THAT WE HAD AND SENT OUT TO ALL THE PEOPLE
8 INVITING THEM TO THE RECEPTION.

9 THIS IS THE ART SHOW THAT WAS
10 FEATURED IN THE WEEKEND EDITION. THIS IS ONE OF
11 THE MASKS. IT'S ENTITLED "MASK OF AURORA." IT
12 WON FIRST. THIS IS OUT OF RECYCLED PAPER. THIS
13 IS THE COLLAGE. IT'S MADE OUT OF OLD PHOTO FILM.
14 IT'S CALLED "SUNSET." THIS IS THE SCULPTURE.
15 THIS IS DIRT. AND WHAT IT IS, IT'S CALLED THE
16 "GARDEN OF DREAMS." AND THE LITTLE PODS ON TOP OF
17 THE PEDESTALS, THOSE ARE BUDS. AND THAT WAS THE
18 FIRST PLACE SCULPTURE. THESE ARE LOCATED ON THE
19 SECOND FLOOR OF THE ROTUNDA, AND WE INVITE YOU TO
20 LOOK AT THEM. WE ALSO HAVE ASKED IF WE COULD
21 BRING THE WINNING THREE TO THE WASTE BOARD AND
22 KEEP THEM ON DISPLAY AFTER THEY TOUR THE 24
23 CITIES.

24 OUR NEXT BIG PROJECT IS WITH THE
25 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD AND

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1 THE LOCAL GOVERNMENT COMMISSION. THE COUNTY AND
2 NORCAL ARE A MAJOR SPONSOR OF SECOND CHANCE WEEK,
3 WHICH PROMOTES REUSE AND REDUCE. OUR OFFICE
4 DESIGNED ALL THE ARTWORK FOR THIS DAY. WE
5 RECENTLY MET WITH PAC BELL IN SAN FRANCISCO, AND
6 FOR FREE WE WILL BE PROFILED IN THE INSIDE COVER
7 IN THE COMMUNITY EVENTS AND ALSO IN THE RECYCLING
8 INFORMATION. SO THIS WEEK NOW HAS ANOTHER MAJOR
9 SPONSOR AT NO COST TO US, AND WE'LL BE IN EVERY
10 PAC BELL PHONEBOOK UP AND DOWN THE STATE.

11 WHEN WE MET WITH THEM, WE ALSO TOOK
12 THAT OPPORTUNITY TO MAKE SURE NOW THAT SAN
13 BERNARDINO COUNTY PHONE BOOKS WILL HAVE ALL OF OUR
14 RECYCLING EVENTS, INCLUDING THE ENVIRONMENTAL
15 EXPO, ESSAY CONTEST, COLORING CONTEST, ANYTHING WE
16 DO ENVIRONMENTALLY NOW WILL BE FEATURED WITH PAC
17 BELL.

18 WE ALSO BELIEVE IN WHAT WE DO.
19 THEREFORE, WE ARE ALSO A WRAP WINNER. AND THE
20 OTHER 15 WRAP WINNERS WERE ALSO RECOGNIZED BY OUR
21 LOCAL COUNTY SUPERVISORS.

22 IN CONCLUSION -- AND COULD I HAVE
23 THE LIGHTS COME UP A SECOND, OTHERWISE I WON'T TO
24 BE ABLE TO READ THIS. OVER THE LAST YEAR WE HAVE
25 CREATED 150 PARTNERSHIPS, SO THAT BUDGET WILL GO

A

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1 LONG WAYS. BUT I JUST FOUND A NEW PARTNER THE
2 OTHER DAY.

3 ARE THE LIGHTS GOING TO GO UP?

4 CHAIRMAN PENNINGTON: THEY'RE WORKING ON
5 IT.

6 MS. PATANI: NOT ONLY CAN I NOT SEE UP
7 CLOSE, I'M NIGHT BLIND. THERE WILL ALSO BE SOME
8 OF THE ART EXHIBITS AT THE RECEPTION THIS EVENING
9 FOR THOSE OF YOU WHO CAN'T MAKE IT UPSTAIRS.

10 CHAIRMAN PENNINGTON: WHILE WE'RE
11 WAITING, LET ME CONGRATULATE YOU ON A WONDERFUL
12 JOB. YOU'RE DOING A MAGNIFICENT JOB DOWN HERE.

13 MS. PATANI: THANK YOU.

14 CHAIRMAN PENNINGTON: ALSO, I KNOW --
15 WHILE WE'RE IN THE DARK, I WOULD LIKE TO -- I
16 WOULD LIKE TO -- YOU CAN SEE THEM WHEN THE LIGHT
17 COMES ON -- WELCOME ONE OF OUR FORMER COLLEAGUES
18 WHO JUST WALKED IN, SAM EGIGIAN. HE'S UP OVER
19 HERE.

20 SAM, IT'S NICE TO HAVE YOU HERE.

21 MS. PATANI: THANK YOU.

22 AFTER THE WASTE PREVENTION TAB WENT
23 OUT ABOUT TWO WEEKS AGO, I RECEIVED THIS LETTER.
24 "I ADMIRE PEOPLE WHO TRY TO CLEAN UP THE PLANET.
25 I ALWAYS TELL PEOPLE HOW IMPORTANT IT IS TO CLEAN

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1 UP THE PLANET. I ALWAYS TRY MY HARDEST TO CLEAN
2 IT UP. IT FEELS LIKE I AM THE ONLY ONE DOING THAT
3 JOB. MY MOM, BROTHER AND FRIENDS DON'T EVEN HELP.
4 I THINK WE SHOULD KEEP THE PLANET CLEAN FOR THE
5 PEOPLE IN 2000 AND 3000, AND ETC., AND ETC. I GET
6 ON MY BEST GLOVES, AND I GO OUT AND START IN THE
7 FRONT AND BACK YARDS, THEN THE DESERT. I TRY TO
8 PLANT ROSES AND SUCH, BUT IT IS VERY HARD. AND I
9 TRY TO CLEAN IT UP, ALL BY MYSELF. MY BROTHER
10 THINKS IT'S A WASTE OF TIME, BUT HE WILL SEE THAT
11 WHAT HE CALLS STUPID, COOL, CHANGED AND SAVED THE
12 PLANET. I CAN'T WRITE TO ANYONE ELSE BECAUSE THEY
13 WILL MAKE FUN OF ME, LIKE ALWAYS, BUT I FEEL I CAN
14 WRITE TO YOU AND YOU WILL UNDERSTAND. THANK YOU
15 FOR YOUR TIME. PLEASE WRITE BACK TO ME. PLEASE
16 WRITE BACK. JESSICA BLACK." MY NEW PARTNER.

17 CHAIRMAN PENNINGTON: THANK YOU VERY
18 MUCH. NOW WE'LL HEAR FROM PAMELA BENNETT, CHIEF
19 OF ENVIRONMENTAL HEALTH SERVICES, SAN BERNARDINO
20 COUNTY.

21 MS. BENNETT: WE WILL BE CHANGING THE
22 GRAPHICS AROUND A LITTLE BIT HERE, BUT I WOULD
23 LIKE TO ECHO -- MR. 'CHAIRMAN AND BOARD MEMBERS, I
24 WOULD LIKE TO ECHO SUPERVISOR EAVES, JERRY
25 NEWCOMB, AND SUSAN PATANI'S IN APPRECIATION THAT

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1 YOU CAME TO SOUTHERN CALIFORNIA AND ARE SPENDING
2 THESE TWO DAYS HERE. I HAVE SOME GRAPHICS. MINE
3 ARE COMPUTER-GENERATED, AND I HOPE THE SYSTEM
4 WORKS. THERE WE GO. IT LOOKS LIKE WE ALL HAVE
5 SIMILAR SLIDES, BUT WITH DIFFERENT STATES.

6 BEING THE LEA FOR A JURISDICTION AS
7 LARGE AS SAN BERNARDINO COUNTY IS REALLY A
8 CHALLENGING TASK. THE LEA, AS MENTIONED
9 PREVIOUSLY, INTERACTS WITH TWO AIR QUALITY
10 MANAGEMENT DISTRICTS AND THREE WATER QUALITY
11 CONTROL BOARDS IN ADDITION TO THIS CIWMB. OUR
12 STAFF PERFORM OVER 500 WASTE FACILITIES
13 INSPECTIONS PER YEAR. THROUGH TITLE 14 WE OVERSEE
14 OVER 30 ACTIVE FACILITIES, INCLUDING SOLID WASTE
15 LANDFILLS, SLUDGE AND GREEN WASTE COMPOSTING
16 FACILITIES, TRANSFER STATIONS, MATERIAL RECOVERY
17 FACILITIES, AND ASH MONOFILS. IN ADDITION,
18 THROUGH COUNTY LOCAL ORDINANCE, THE LEA ALSO
19 REGULATES, BECAUSE WE HAVE A LARGE AGRICULTURAL
20 AREA, OUR COMMERCIAL FERTILIZER HAULERS AND OUR
21 REFUSE HAULERS.

22 SINCE 1994 THE LEA HAS ISSUED ONE
23 REGISTRATION PERMIT AND 25 -- I'M SURE YOU HEARD
24 EVERY ONE OF THEM -- FULL SOLID WASTE FACILITIES
25 PERMIT. IN THE LAST YEAR WE HAVE ALSO REVIEWED 15

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1 CLOSURE, POSTCLOSURE MAINTENANCE PLANS, IN
2 ADDITION TO REVIEWING ALTERNATIVE DAILY COVER
3 PROJECTS USING GEOTEXTILE BLANKETS, GREEN WASTE
4 AND FOAM AS SUBSTITUTES FOR NATIVE SOIL COVER
5 MATERIAL.

6 THE CHALLENGES WE FACE. AN EXAMPLE
7 OF THE CHALLENGES FACED BY THE LEA CONCERNS
8 ILLEGAL DUMPING AND ILLEGAL DUMP SITES. ENFORCING
9 THE ACTION AND SUBSEQUENT COMPLIANCE ARE DIFFICULT
10 TO OBTAIN WHEN THE COST OF THE ABATEMENT EXCEEDS
11 THE PROPERTY'S VALUE. THESE CHALLENGES AND THEIR
12 SOLUTIONS DEPEND ON EFFECTIVE PARTNERSHIP BETWEEN
13 THE LEA'S AND THE CIWMB.

14 AN EXAMPLE OF THIS PARTNERSHIP IS
15 THE CLEANUP AT WONDER VALLEY. THIS SITE IS ONE OF
16 FOUR ILLEGAL DUMPS THAT HAS BEEN SUCCESSFULLY
17 CLEAN CLOSED WITH THE ASSISTANCE OF THE WASTE
18 BOARD STAFF THROUGH AB 2136. THE ILLEGAL DUMP AT
19 WONDER VALLEY CONSISTED OF 100 CUBIC YARDS OF
20 SOLID WASTE AND 18 INOPERABLE VEHICLES. IT
21 COVERED PORTIONS OF THREE SEPARATE FIVE-ACRE
22 PARCELS. IT LOOKED PRETTY BAD TOO.

23 THE LEA INVESTIGATED THE SITE AND
24 FOUND THREE PROPERTY OWNERS. AS PART OF OUR
25 ENFORCEMENT, WE SENT ABATEMENT ORDERS TO THE

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1 PROPERTY OWNERS WITH REALLY MINOR SUCCESS. WE
2 THEN CONTACTED CIWMB CLOSURE BRANCH STAFF TO SEE
3 IF THIS SITE WOULD QUALIFY FOR AB 2136.

4 IN 1996 THE WASTE BOARD APPROVED
5 FUNDING FOR THE SITE AND HIRED CONTRACTORS TO
6 CLEAN UP THE PROPERTY. IN FEBRUARY OF JUST THIS
7 YEAR, THESE CLEANUP ACTIVITIES WERE COMPLETED.
8 THE LEA CONTINUES TO MONITOR THE SITE TO PREVENT
9 ANY FURTHER PROBLEMS, AND WE ARE PLEASED TO SAY NO
10 MORE DUMPING HAS OCCURRED AT THIS SITE SINCE THE
11 CLEANUP. WE THINK THAT'S A MUCH BETTER PICTURE
12 THAN THE PREVIOUS ONE.

13 IN SAN BERNARDINO COUNTY WE WORK TO
14 PREVENT A SMALL PILE OF TRASH FROM BECOMING AN
15 EVER GROWING PILE, ATTRACTING THOSE WHO MIGHT USE
16 A VACANT PIECE OF LAND AS A DUMPING GROUND. THIS
17 GOAL IS EFFECTIVELY ACCOMPLISHED BY OUR ENVIRON-
18 MENTAL ENHANCEMENT PROGRAM. THEY RELY ON THE USE
19 OF TRAINED STAFF AND OUR WORK SENTENCE RELEASE
20 PROGRAM THROUGH THE SHERIFF'S DEPARTMENT. OUR
21 STAFF INVESTIGATES COMPLAINTS OF ILLEGAL DUMPING
22 ACTIVITY, THEY ASSESS THE SITE TO DETERMINE THE
23 EXTENT AND TYPES OF WASTE, AND WE MAKE ARRANGE-
24 MENTS TO DISPOSE OF THE -- ANY POTENTIALLY
25 HAZARDOUS MATERIALS.

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1 THE SITE IS THEN CLEANED UP BY OUR
2 STAFF AND THE WORK SENTENCE PEOPLE. WASTE TIRES
3 AND OTHER RECYCLED MATERIALS ARE SEPARATED OUT AND
4 TAKEN TO APPROPRIATE RECYCLING FACILITIES. THE
5 REMAINING WASTE WILL BE MOVED TO THE NEAREST
6 COUNTY LANDFILL WHERE NORCAL AND THE WASTE SYSTEMS
7 DIVISION PARTICIPATE BY PROVIDING US AN ANNUAL
8 CREDIT TO HELP DEFRAY THE LANDFILL TIPPING COST.

9 THE LEA HAS ALSO STRIVED TO BRING
10 THE EXISTING PERMITTED SOLID WASTE FACILITIES INTO
11 COMPLIANCE WITH STATE MINIMUM STANDARDS. IN
12 PREPARATION FOR THIS PRESENTATION, OUR STAFF
13 REVIEWED INSPECTION REPORTS FOR THE 16 COUNTY-
14 OPERATED LANDFILLS.

15 IN EARLY 1992 LEA STAFF DISCOVERED
16 AN AVERAGE OF 14 VIOLATIONS AND 10 AREAS OF
17 CONCERN PER INSPECTION AT THESE FACILITIES. AS A
18 RESULT OF THE COMBINATION OF ENFORCEMENT AND
19 EDUCATION BY THE LEA, IN THE PAST FIVE YEARS WITH
20 WASTE SYSTEMS DIVISION AND SITE OPERATOR NORCAL AS
21 A SITE CONTRACTOR, THEY HAVE EXPENDED TREMENDOUS
22 EFFORT IN SUCCESSFULLY CLEANING UP THESE
23 FACILITIES. AS EVIDENCE, AND JERRY MENTIONED
24 THIS, OF EVERYBODY'S HARD WORK, THE LEA INSPECTORS
25 OBSERVED FEWER THAN ONE AND A HALF VIOLATIONS PER

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1 INSPECTION THIS YEAR.

2 WHEN WE LOOK TO THE FUTURE, AS SAN
3 BERNARDINO COUNTY CONSOLIDATES OUR 17 EXISTING
4 ACTIVE SOLID WASTE FACILITIES INTO FEWER
5 REGIONALIZED LANDFILLS SUPPORTED BY TRANSFER
6 STATIONS AND LIMITED VOLUME TRANSFER STATIONS, THE
7 LEA WILL CONTINUE TO WORK CLOSELY WITH NORCAL
8 WASTE SYSTEMS DIVISION TO FIND SOLUTIONS TO THE
9 MANY ISSUES OF SITING AND PERMITTING THE NEW
10 NONTRADITIONAL FACILITIES AND TO THE PROPOSED
11 CLOSING OF EXISTING LANDFILLS.

12 AS PART OF THIS EFFORT, THE COUNTY
13 WASTE SYSTEMS DIVISION AND NORCAL HAVE STARTED AN
14 ALTERNATIVE FINAL COVER DEMONSTRATION PROJECT AT
15 MILLIKIN IN ONTARIO TO OBTAIN APPROVAL OF
16 MONOLITHIC SOIL AS A FINAL COVER. THE LEA, IN
17 CLOSE COOPERATION WITH THE SANTA ANA REGIONAL
18 WATER QUALITY CONTROL BOARD AND THE WASTE BOARD
19 CLOSURE BRANCH, WILL MONITOR THIS PROJECT OVER THE
20 NEXT SEVERAL MONTHS TO EVALUATE THE PERFORMANCE OF
21 THIS COVER MATERIAL. USE OF THIS MATERIAL WILL
22 POTENTIALLY OVERCOME PERFORMANCE PROBLEMS WITH THE
23 PROSCRIPTIVE CLAY CAP, THAT AN ARID CLIMATE LIKE
24 US TEND TO CRACK, WHILE SUBSTANTIALLY REDUCING THE
25 COST OF CLOSING THE COUNTY LANDFILLS.

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1 AS PART OF THE COUNTY'S EFFORT TO
2 RECYCLE, THE LEA HAS PERMITTED TWO MATERIALS
3 RECOVERY FACILITIES AND THREE COMPOSTING
4 FACILITIES. THESE FACILITIES AND OTHERS ALLOW THE
5 LOCAL COMMUNITIES TO PURSUE AND MEET THE STATE
6 WASTE REDUCTION AND DIVERSION GOALS. IN ADDITION,
7 OUR STAFF WAS ACTIVELY INVOLVED IN THE DEVELOPMENT
8 OF THE WASTE BOARD'S GREEN WASTE COMPOSTING
9 REGULATION IN 1993, THE 1995 COMPOSTING
10 REGULATION, AND THE 1997 EMERGENCY COMPOSTING
11 REGULATIONS.

12 BUT BEING AN LEA FOR SUCH A LARGE
13 AND DIVERSE JURISDICTION HAS PRESENTED MANY
14 COMPLEX CHALLENGES. THE LEA HAS MET THESE
15 CHALLENGES TO DEVELOP AN EXTENSIVE KNOWLEDGE AND
16 EXPERTISE WHICH ENCOMPASSES INSPECTION, ENFORCE-
17 MENT AND PERMITTING OF OVER 30 ACTIVE SOLID WASTE
18 FACILITIES, VARIOUS ALTERNATIVE DAILY COVER
19 PROJECTS, AND GAS AND LEACHATE CONTROL ISSUES.

20 WE HAVE SHARED OUR INSIGHT AND
21 EXPERIENCES THROUGH OUR COMMENTS TO THE WASTE
22 BOARD ON THE DEVELOPMENT OF REGULATIONS OF
TIERED
23 PERMITTING, COMPOSTING, ASH DISPOSAL, AND
TRANSFER

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24 STATIONS. WE CONTINUE TO PREPARE FOR A
25 CHALLENGING FUTURE BY PARTICIPATING IN THE
VARIOUS

1 PROGRAMS ADDRESSING COMPOSTING, LANDFILL GAS,
2 ASBESTOS, IMPLEMENTATION OF AB 1220, AND OTHER
3 IMPORTANT ISSUES.

4 THANK YOU.

5 CHAIRMAN PENNINGTON: THANK YOU. ANY
6 QUESTIONS OF ANY OF THE PRESENTERS? OKAY. THEN
7 WE'LL MOVE BACK TO COMMITTEE STAFF REPORTS.

8 BOARD MEMBER RELIS: BEFORE WE LEAVE THE
9 LOCAL PRESENTATION, FIRST, I WANTED TO THANK ALL
10 OF THE REPRESENTATIVES FROM SAN BERNARDINO COUNTY
11 FOR, I THINK, A VERY INFORMATIVE, BOTH EDUCATION
12 AND IMPORTANT ACCOMPLISHMENTS CONCERNING
13 COMPLIANCE REGARDING THE LANDFILLS AND ENFORCEMENT
14 AND THE CLOSURE PROGRESS.

15 IN ADDITION, I JUST WANTED TO SAY
16 FROM MY OWN SITE VISITS YESTERDAY, AND I KNOW
17 WE'VE ALL BEEN INVOLVED IN SITE VISITS THE LAST
18 FEW DAYS, SAN BERNARDINO COUNTY AND NEIGHBORING
19 RIVERSIDE COUNTY BECOME AN IMPORTANT INDICATOR
20 OF
21 WHAT'S POSSIBLE AND WHAT ISN'T UNDER AB 939
22 UNDER
23 DIVERSION.

24 I WAS PARTICULARLY STRUCK
25 YESTERDAY

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23 WITH THE SITE VISIT TO THE VERMICOMPOST FACILITY
24 OUT THERE IN PERRIS WHERE I SAW A VERY
SUCCESSFUL
25 OPERATION DEALING WITH A HUNDRED TONS A DAY OF

1 CLEAN GREEN AND CONVERTING THAT INTO A HIGHLY
2 VALUABLE MARKET -- MARKETABLE PRODUCT WITHIN THE
3 SOUTHERN CALIFORNIA LANDFILL COST STRUCTURE. IN
4 OTHER WORDS, WE DISCUSSED THE ECONOMICS AND HOW
5 THAT WORKS AS A LOW COST DIVERSION EFFORT. IT
6 ALSO INDICATED TO ME THAT SOME OF THESE
7 FACILITIES, ALREADY SITED OR IN THE FUTURE,
8 LEGITIMATE VERMICOMPOSTING OPERATIONS, COULD
9 OPERATE MORE ON THIS SIDE OF THE VALLEY.

10 IN TEMECULA I SAW A FACILITY OR A
11 PROGRAM THAT INCORPORATES THREE CONTAINER RECOVERY
12 SYSTEMS AND VARIABLE CAN RATE FOR RESIDENTIAL
13 SYSTEM. AND THAT, I THINK, IS POSSIBLY A PROGRAM
14 WE WANT TO STUDY, ALL IN THIS CONTEXT OF THE GOOD
15 FAITH EFFORT BECAUSE WE'RE STARTING TO SEE FULLY
16 BUILT-OUT PROGRAMS.

17 THIRD, I WENT INTO THE UPPER DESERT,
18 UP AT VICTORVILLE, AND I THINK THAT'S INSTRUCTIVE
19 BECAUSE YOU REALIZE THAT THERE IS VIRTUALLY NO
20 GREEN WASTE AVAILABLE UP THERE, AND WE HAVE A VERY
21 DIFFERENT SYSTEM AND A VERY CONSTRAINED SYSTEM ON
22 THE RECOVERY RATES COMPARATIVELY. SO I HOPE OUR
23 STAFF WILL TAKE NOTE OF SOME OF THESE ENDEAVORS
24 DOWN HERE BECAUSE, AS WE ASSEMBLE OUR

INFORMATION

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25 SYSTEM IN THIS LARGE COUNTY AND NEIGHBORING

1 COUNTY, WE HAVE FACILITIES OF EVERY TYPE AND
2 PROGRAM OF EVERY TYPE THAT WILL BE VERY USEFUL
TO
3 OUR GETTING OUT THE BOTTOM LINE OF THIS GOOD
FAITH
4 EFFORT THAT LIES BEFORE US A LITTLE FURTHER
AHEAD.

5 SO I JUST WANTED TO MAKE THAT STATEMENT AND
6 OBSERVATION.

7 CHAIRMAN PENNINGTON: THANK YOU. ANY
8 OTHER COMMENTS? IF NOT, WE'LL GO TO THE LOCAL
9 ASSISTANCE AND PLANNING COMMITTEE REPORT BY
10 MR. WESLEY CHESBRO.

11 BOARD MEMBER GOTCH: MR. CHAIR, IF I
MAY
12 HAVE MR. CHESBRO, FOR A SECOND, I WOULD LIKE TO
EX
13 PARTE THIS LETTER WE ALL RECEIVED. I THINK YOUR
14 NAME AND MINE IS ON THIS FROM SENATOR --

15 CHAIRMAN PENNINGTON: I ENTERED THAT.

16 BOARD MEMBER GOTCH: YOU HAD ALREADY
17 ENTERED THAT? THANK YOU. WELL, I'M ALSO
ENTERING

18 MY NAME.

19 CHAIRMAN PENNINGTON: OKAY.

20 BOARD MEMBER CHESBRO: MR. CHAIRMAN,

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21 BOARD MEMBERS, THE LOCAL ASSISTANCE AND PLANNING
22 COMMITTEE RECEIVED ITS USUAL UPDATES FROM THE
23 DEPUTY DIRECTORS FOR DIVERSION, PLANNING AND
LOCAL
24 ASSISTANCE AND WASTE PREVENTION AND MARKET
25 DEVELOPMENT. THE COMMITTEE CONSIDERED 17
PLANNING

1 DOCUMENTS, WHICH REPRESENTED TEN JURISDICTIONS,
2 AND ALL THOSE PLANS ARE ON THE CONSENT CALENDAR.
3 WE ALSO PROCESSED AND MADE RECOMMENDATIONS TO THE
4 BOARD TO APPROVE ANOTHER TWO-YEAR TIME EXTENSION
5 FOR MEETING THE DIVERSION REQUIREMENTS FOR THE
6 CITY OF GREENFIELD IN MONTEREY COUNTY, WHICH IS A
7 VERY SMALL CITY IN A RURAL AREA. THIS, TOO, WAS
8 PLACED ON THE CONSENT AGENDA.

9 AND I WANT TO NOTE, IN KEEPING WITH
10 THE GENERAL DISCUSSION WE'VE HAD ABOUT TRYING TO
11 STREAMLINE THINGS FOR THE RURAL AND SMALLER
12 COMMUNITIES, WE INFORMALLY -- NOT BY A FORMAL
13 ACTION -- ASKED STAFF TO BEGIN PLACING THOSE FOR
14 RURAL AREAS, THE REDUCTION AND REQUIREMENTS AND
15 TIME EXTENSIONS ON OUR CONSENT CALENDAR AT THE
16 COMMITTEE AS WELL, ON THE ASSUMPTION THAT WE'RE
17 GOING TO START HAVING MORE OF A STANDARDIZED
18 PROCEDURE FOR PROCESSING THOSE.

19 IF THERE'S ANY ISSUES, OBVIOUSLY,
20 OTHER STAFF WOULD PUT IT ON THE MAIN COMMITTEE
21 AGENDA. OR IF THERE'S ANY OBJECTIONS BY THE
22 PUBLIC OR MEMBERS OF THE BOARD, BUT THAT IS A STEP
23 TOWARDS WHAT WE HAD BEEN TALKING ABOUT IN
24 STREAMLINING THE RURAL ASSISTANCE AND RELIEF
25 PROCEDURES.

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1 THE COMMITTEE FORWARDED TO THE BOARD
2 TWO ITEMS TO BE HEARD ON THE REGULAR AGENDA: THE
3 CONSIDERATION OF ENFORCEMENT OPTIONS FOR JURISDIC-
4 TIONS THAT HAVE FAILED TO FILE ADEQUATE PLANNING
5 ELEMENTS AND ALSO THE SELECTION OF THE RPPC ALL-
6 CONTAINER RECYCLING RATE METHODOLOGY.

7 IN OTHER LOCAL ASSISTANCE NEWS, A
8 TOTAL OF 241 APPLICATIONS, REPRESENTING 503 OF THE
9 STATE'S 526 LOCAL JURISDICTIONS, WERE SUBMITTED
10 FOR THE FIFTH CYCLE OF USED OIL BLOCK GRANTS.
11 BECAUSE OF THE NEW MINIMUM GRANT AWARD AMOUNTS,
12 MANY CITIES AND COUNTIES HAVE APPLIED FOR THE
13 FIRST TIME. THEY HADN'T PREVIOUSLY APPLIED
14 BECAUSE THE DOLLAR AMOUNTS FOR THEM WERE SO SMALL
15 IT WASN'T WORTH IT, BUT WE'VE CHANGED THAT. ALL
16 58 COUNTIES IN THE STATE APPLIED FOR FUNDING.

THE
17 NEW AWARDS WILL PROVIDE USED OIL FUNDING TO 97
18 PERCENT OF THE STATE'S POPULATION.

19 ANOTHER SIGNIFICANT EFFORT IN THE
20 USED OIL PROGRAM IS THROUGH THE USE OF OIL, THE
21 OIL FILTER PILOT PROGRAM. STAFF HAD FACILITATED
22 THE COOPERATION OF THE COUNTIES OF SACRAMENTO AND
23 LOS ANGELES WITH KRAGEN AUTO PARTS TO COLLECT

USED
24 OIL FILTERS WITHIN THOSE COUNTIES. AND I JUST

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25 WANTED TO COMMEND STAFF FOR ANOTHER
PUBLIC/PRIVATE

1 PARTNERSHIP THAT HAS BEEN DEVELOPED HERE.

2 IN WASTE PREVENTION NEWS, THE
3 BOARD'S GRASSCYCLING POSTER HAS GONE NATIONAL.
4 WE'VE HAD REQUESTS BY -- WAL-MART STORES WHO ARE
5 IN CALIFORNIA HAD BEEN USING THESE. WAL-MART
6 STORES ELSEWHERE IN THE COUNTRY NOW HAVE

REQUESTED

7 COPIES OF THE GRASSCYCLING POSTER AND BROCHURE TO
8 BE USED IN UPCOMING EDUCATION CAMPAIGNS. SO IT'S
9 CAUGHT ATTENTION BEYOND OUR STATE BOUNDARIES.

THE

10 POSTER IS ALREADY IN WAL-MART STORES THROUGHOUT
11 THE STATE, AND STAFF HAVE CONTACTED THE LOCAL
12 GOVERNMENTS -- STATE GOVERNMENTS ELSEWHERE TO SEE
13 WHAT KIND OF ASSISTANCE WE CAN BE WHEN THEY'VE
14 ASKED FOR THAT ADDITIONAL INFORMATION.

15 OUR WASTE PREVENTION STAFF ARE
16 CONTINUING THE ASSISTANCE IN ESTABLISHING
17 GRASSCYCLING PROGRAMS WITH THE CITIES OF NAPA AND
18 LOS ANGELES. THE PROGRAM IN NAPA IS ANTICIPATED
19 TO START THIS SPRING, AND LOS ANGELES REPRESENTA-
20 TIVES HAVE DISCUSSED OPTIONS FOR PROVIDING
21 MULCHING MOWERS TO CITY RESIDENTS. AND THIS

WOULD

22 BE A PILOT PROGRAM, BUT THE POTENTIAL FOR THE
23 GRASSCYCLING EFFORT IS VERY EXCITING.

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24

I 'M SURE OTHERS HAVE NOTICED THAT

IN

25

SACRAMENTO, ALTHOUGH I GUESS WE WEREN'T DIRECTLY

1 INVOLVED, BUT IT'S AN EXAMPLE OF WHAT COULD
2 HAPPEN, THE AIR DISTRICT HAD A REBATE PROGRAM
3 RECENTLY FOR SORT OF TURN IN YOUR OLD POLLUTING
4 MOWER AND GET A NEW ELECTRIC MOWER, AND THOSE ARE
5 ALSO MULCHING MOWERS. SO I THINK THERE'S GOING
TO
6 BE AN INCREASING SYNERGY THERE WHERE WE'LL SEE
7 MORE PROGRAMS AROUND THE STATE THAT ARE AIMED AT
8 SOLVING BOTH THE AIR QUALITY PROBLEMS THAT ARE
9 CREATED BY INTERNAL COMBUSTION MOWERS WHILE AT
THE
10 SAME TIME REDUCING WASTE. I THINK WE WILL SEE
11 MORE OF THAT.

12 THAT CONCLUDES MY REPORT.

13 CHAIRMAN PENNINGTON: THANK YOU,
14 MR. CHESBRO.

15 NOW WE'LL HEAR ABOUT PERMITTING AND
16 ENFORCEMENT FROM MR. FRAZEE.

17 BOARD MEMBER FRAZEE: YES, MR. CHAIRMAN,
18 PERMITTING AND ENFORCEMENT COMMITTEE MET ON APRIL
19 15TH WITH A RATHER SHORT AGENDA, AT LEAST IN

TERMS

20 OF THE NUMBER OF ITEMS, ALTHOUGH IT TOOK QUITE
21 SOME TIME TO GET THROUGH IT. FIRST OF ALL, ON

THE

22 CONSENT AGENDA TODAY, PERMIT ITEMS, THE OSTROM

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23 ROAD CENTER AND LANDFILL AND RIDGECREST CENTER

AND

24 LANDFILL. AND WE RECOMMENDED FOR CONSENT THE NEW

25 SITES FOR THE SOLID WASTE DISPOSAL AND CO-

DISPOSAL

1 SITE CLEANUP PROGRAM, AB 2136 PROGRAM, ON THE
2 REGULAR AGENDA. AND THE COMMITTEE HEARD A REPORT
3 ON THE OXFORD TIRE RECYCLING FACILITY STATUS, AND
4 THAT WAS JUST FORWARDED TO THE BOARD WITHOUT ANY
5 RECOMMENDATION.

6 OTHER ITEMS HEARD BUT WILL NOT
7 APPEAR ON TODAY'S AGENDA, THE ASH REGULATIONS WERE
8 SENT OUT FOR AN ADDITIONAL 15-DAY PUBLIC COMMENT
9 PERIOD, AND THOSE WILL BE BACK TO US IN MAY FOR
10 ADOPTION. AND THE DEVELOPMENT GUIDANCE DOCUMENT
11 REGULATIONS FOR TIRE MONOFILLS, THE STAFF WAS
12 DIRECTED TO PROCEED WITH THE DEVELOPMENT OF
13 REGULATIONS FOR THOSE TIRE MONOFILLS. THE
14 STRATEGIC PLAN FOR THE B & E, THE SO-CALLED OTHER
15 50 PERCENT ITEM, WAS HEARD AND THAT WILL BE BACK
16 IN JUNE. AND THEN FINALLY, A STATUS REPORT ON
17 LANDFILL GAS REGULATIONS.

18 AND THAT CONCLUDES MY REPORT.

19 CHAIRMAN PENNINGTON: THANK YOU,
20 MR. FRAZEE. NOW WE'LL HEAR FROM THE MARKET
21 DEVELOPMENT COMMITTEE, MR. PAUL RELIS, CHAIR.

22 BOARD MEMBER RELIS: MR. CHAIR, THE APRIL
23 MARKET DEVELOPMENT COMMITTEE TOOK THREE ITEMS,
24 NONE OF WHICH ARE ON THE BOARD'S AGENDA TODAY.
25 FIRST, WE -- PRIOR TO THAT WE HAD A STAFF REPORT

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1 ON THE STATUS OF THE LOAN PROGRAM, WHICH WE ALWAYS
2 HAVE MONTHLY, AND IT WAS NOTED THAT WE'VE HAD AN
3 UPSWING IN APPLICATIONS TO THE LOAN PROGRAM
4 AMOUNTING TO ROUGHLY 6.4 MILLION IN APPLICATIONS
5 THIS QUARTER. WE'LL SEE HOW MANY ACTUALLY PROCESS
6 THROUGH THE SYSTEM, BUT THAT, I THINK, IS
7 ENCOURAGING.

8 FIRST, THE COMMITTEE CONSIDERED
9 PROPOSED CHANGES IN THE REGULATIONS FOR THE
10 RECYCLING MARKET DEVELOPMENT REVOLVING LOAN
11 PROGRAM. THESE ARE IMPORTANT REGULATIONS, NOT THE
12 LEAST BECAUSE THEY MOVE US INTO A CONTINUOUS CYCLE
13 FOR ACCEPTING AND EVALUATING LOAN APPLICATIONS;
14 THUS, WE'RE BEING RESPONSIVE TO ONE OF THE MOST
15 REPEATED CRITIQUES OF THE PROGRAM IS THAT IT'S NOT
16 READILY AVAILABLE ON A MONTHLY CYCLE LIKE OTHER
17 LOAN PROGRAMS OFFERED BY BANKS.

18 WE HAD A CONSIDERABLE DISCUSSION
19 ABOUT HOW TIRE LOANS FIT INTO THIS REGULATORY
20 PACKAGE, THE ROLE OF THE LOAN COMMITTEE IN
21 REVIEWING APPLICATIONS, AND THE QUORUM AND
22 REQUIRED NUMBER OF AFFIRMATIVE VOTES FOR LOAN
23 COMMITTEE ACTIONS. THE COMMITTEE DIRECTED STAFF
24 TO NOTICE THE PROPOSED REGULATIONS FOR AN
25 ADDITIONAL 15-DAY COMMENT PERIOD AND RETURN TO THE

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1 COMMITTEE FOR CONSIDERATION. SINCE THE 15-DAY
2 COMMENT PERIOD WILL CLOSE AFTER THE SCHEDULED MAY
3 COMMITTEE MEETING, THE COMMITTEE DIRECTED STAFF TO
4 CONSIDER HOLDING A SPECIAL COMMITTEE MEETING PRIOR
5 TO THE MAY BOARD MEETING.

6 SECOND, THE COMMITTEE CONSIDERED THE
7 ISSUE OF PERSONAL GUARANTEES RELATED TO THE LOAN
8 PROGRAM. IT ENCOURAGED STAFF TO IMPLEMENT STAFF'S
9 RECOMMENDED POLICY AS AN INTERIM PROCEDURE,
10 DIRECTED STAFF TO CIRCULATE THE PROPOSED POLICY
11 FOR AN ADDITIONAL PUBLIC COMMENT, AND RETURN TO
12 THE COMMITTEE FOR CONSIDERATION IN MAY. THIS HAS
13 TO DO WITH THE UPPING THE -- TO 20-PERCENT
14 INVOLVEMENT IN A LOAN, REMOVING THE PERSONAL
15 GUARANTEE UNTIL IT'S A 20-PERCENT INTEREST INSTEAD
16 OF 10.

17 FINALLY, THE COMMITTEE RECEIVED AN
18 UPDATE ON IMPLEMENTATION OF THE CONSTRUCTION AND
19 DEMOLITION DEBRIS MANAGEMENT PROGRAM, ONE OF OUR
20 PRIORITY AREAS IN MARKET DEVELOPMENT. FOR THOSE
21 NOT FAMILIAR WITH THIS PROGRAM, I WOULD LIKE TO
22 COMPLIMENT STAFF FOR A GREAT JOB IN UNDERTAKING
A
23 WIDE RANGE OF ACTIVITIES FOCUSED ON THE BOARD'S
24 DISASTER PLAN, MILITARY BASE CLOSURES, MARKETING

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25 AND OUTREACH, AND DEVELOPMENT AND SPECIFICATIONS

1 RELATED TO CONSTRUCTION AND DEMOLITION MATERIALS
2 AS THEY MIGHT BE APPLIED IN THE BUILDING SECTOR.

3 WE BRIEFLY LOOKED AT THE C&D PORTION
4 OF THE BOARD'S WEB SITE, AND IT LOOKED GREAT.
5 THAT'S ONE OF THE TOOLS WE'RE ROLLING OUT AS PART
6 OF OUR TECHNICAL ASSISTANCE PARTNERSHIP WITH LOCAL
7 GOVERNMENT: WHAT CAN WE BRING TO BEAR IN SAN
8 BERNARDINO COUNTY AND ELSEWHERE IN THIS
9 CONSTRUCTION AND DEMOLITION DIVERSION IN MARKET
10 DEVELOPMENT EFFORT.

11 THAT CONCLUDES MY REPORT. THANK
12 YOU.

13 CHAIRMAN PENNINGTON: THANK YOU,
14 MR. RELIS. NOW WE'LL HEAR FROM THE POLICY,
15 RESEARCH, AND TECHNICAL ASSISTANCE COMMITTEE
16 CHAIRED BY MR. JONES.

17 BOARD MEMBER JONES: THANK YOU,
18 MR. CHAIRMAN. THE POLICY COMMITTEE MEETING MET
19 ON
20 APRIL 8TH. WE HEARD THREE ITEMS. THE FIRST
21 ITEM
22 THAT WE HEARD WAS AN ORAL PRESENTATION ON THE
STATUS OF THE FUNDING ALLOCATIONS REGARDING
ALTERNATIVE FUELS, ENERGY SUPPLEMENTS. IT

LOOKS

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23 LIKE THE BIOMASS INDUSTRY AND MELP ARE GOING TO
BE
24 IN THAT FIRST RANKING, ALTHOUGH THIS IS A
PRETTY
25 FLUID PROCESS AT THIS POINT.

1 OUR INTEREST WAS ALSO IN LANDFILL
2 GAS AND WHAT THE -- HOW THAT IS GOING TO BE
3 TREATED BECAUSE WE -- IT'S OBVIOUS TO US THAT
4 THERE IS A HUGE BENEFIT TO THE INDUSTRY AND TO
5 TRYING TO GET THESE PROJECTS DONE. AND WITHOUT
6 ANY KIND OF SUBSIDY IN THAT REGARD, WE MAY END UP
7 SEEING SOME PROBLEMS. SO WE'VE INSTRUCTED STAFF
8 TO COME BACK ON A REGULAR BASIS AND GIVE US
9 UPDATES AS TO HOW THIS THING IS GOING TO SHAKE
10 OUT.

11 WE HAD TWO ITEMS THAT WE HAD TO TAKE
12 ACTION ON. ONE WAS THE REALLOCATION OF AVAILABLE
13 FUNDS FOR THE 1996/97 TIRE MONEY. TWO ITEMS THAT
14 NEED TO BE DISCUSSED IN FRONT OF THE BOARD TODAY
15 THAT THE COMMITTEE DIDN'T TAKE ACTION ON -- OR WE
16 TOOK ACTION, BUT WE SAID WE NEEDED TO DISCUSS IT
17 IN FRONT OF THE BOARD WITH EVERYTHING ELSE, WAS
18 THE \$560,000 PRUDENT RESERVE AND THE 50/50
19 MATCHING GRANTS IN THE WRAP PROGRAM. THE
20 COMMITTEE AGREED ON ALLOCATIONS FOR THE BOARD'S
21 CONSIDERATION AND WHEN THAT ITEM COMES UP, I'M
22 GOING TO BRING UP SOME -- AN AMENDED VERSION FOR
23 THE BOARD TO CONSIDER.

24 BEFORE WE HEARD THE THIRD ITEM,
25 WHICH WAS THE '97/'98 ALLOCATION OF TIRE FUNDS,

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1 MR. CHANDLER, OUR EXECUTIVE DIRECTOR, GAVE US A
2 BRIEFING ON A MEETING THAT HE HAD HAD DEALING WITH
3 THE BUDGET IN FRONT OF THE LEGISLATIVE BUDGET
4 FOLKS. THEY INSTRUCTED THAT WE NEEDED TO ALLOCATE
5 THE '97/'98 FUNDS BY THE END OF APRIL, SO I THINK
6 THAT EVERYBODY NEEDS TO REALIZE THAT WE DON'T HAVE
7 THE TIME THAT WE USED TO HAVE WHEN WE WERE DEALING
8 WITH THESE ISSUES, AND WE NEED TO COME UP WITH A
9 CLEAR AND DIRECT PROGRAM AND PLAN OUT OF THIS
10 MEETING.

11 THE COMMITTEE WORKED THROUGH THE
12 PROGRAM REQUEST AND VOTED UNANIMOUSLY ON THE
13 ALLOCATIONS OF DISCRETIONARY FUNDS, '97/'98. AND
14 THOSE WILL BE IN FRONT OF THE BOARD TODAY FOR
15 CONSIDERATION AND AMENDMENTS.

16 THANK YOU, MR. CHAIRMAN.

17 CHAIRMAN PENNINGTON: THANK YOU,
18 MR. JONES.

19 AND THE FINAL COMMITTEE MEETING IS
20 ADMINISTRATION COMMITTEE, WHICH I CHAIR. THE
21 ADMINISTRATION COMMITTEE MET ON APRIL THE 8TH AND
22 HEARD ONE ITEM: THE CONSIDERATION OF THE CONTRACT
23 CONCEPTS FOR ADMINISTRATION OF PORTIONS OF THE
24 RECYCLING MARKET DEVELOPMENT ZONE LOAN PROGRAM.
25 THE STAFF PRESENTED A COMPREHENSIVE PLAN FOR

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1 CONTRACT CONCEPTS THAT COVERS FISCAL YEAR '96/'97
2 AND '97/'98. THESE CONTRACT CONCEPTS INCLUDE LOAN
3 CLOSING, LOAN SERVICING, PROFESSIONAL SERVICES FOR
4 DEFAULT AND FORECLOSURE ACTIVITIES, FINANCIAL
5 CONSULTATION FOR LOAN PACKAGING, PARTICIPATION IN
6 THE CALCAP PROGRAM, BUSINESS OUTREACH, AND STUDENT
7 ASSISTANCE FOR IT.

8 THE ADMINISTRATION COMMITTEE
9 APPROVED THE CONCEPTS FOR THE 1996/97 FISCAL YEAR
10 FOR A TOTAL OF 675,000. THIS ITEM IS ON THE
11 CONSENT CALENDAR, WHICH WE WILL MOVE TO. NOW THE
12 EXECUTIVE DIRECTOR'S REPORT.

13 MR. CHANDLER: THANK YOU, MR. CHAIRMAN.
14 GOOD MORNING, MEMBERS. I KNOW IT'S BEEN A BIT OF
15 A LONG MORNING FOR COMMITTEE UPDATES; BUT IF
16 YOU'LL BEAR WITH ME, I DO HAVE A NUMBER OF ITEMS.
17 I WILL TRY TO BE BRIEF, BUT I HAVE SOME
18 SIGNIFICANT INFORMATION. I KNOW WITH THE TRAVEL
19 WEEK A BIT, I HAVEN'T HAD A CHANCE TO SIT DOWN
20 WITH ALL OF YOU AND UPDATE YOU ON A COUPLE OF
21 SIGNIFICANT LEGISLATIVE HEARINGS THAT I ATTENDED
22 THIS WEEK, SO I WOULD LIKE TO TOUCH ON THOSE.

23 BEFORE I DO THAT, I THINK IT'S
24 IMPORTANT THAT I BRING YOU UP TO DATE ON OUR
25 EFFORTS TO RESOLVE THE DIFFERENCES BETWEEN LOS

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1 ANGELES COUNTY AND OURSELVES OVER THE BASE-YEAR
2 AND DISPOSAL MEASUREMENT INACCURACIES.

3 AS YOU RECALL, THE BOARD DIRECTED
4 STAFF AT YOUR MARCH 26TH MEETING TO MEET WITH THE
5 COUNTY AND OTHER INTERESTED PARTIES ON THIS
6 IMPORTANT ISSUE. BOARD STAFF HAS SO FAR ATTENDED
7 THREE MEETINGS REGARDING THE ISSUE. ON APRIL
8 10TH, IN SOUTHERN CALIFORNIA, THE STAFF MET WITH
9 EAST AND WEST SAN GABRIEL VALLEY CITIES, LOS
10 ANGELES COUNTY, AND LOS ANGELES SANITATION
11 DISTRICT. ON THE 11TH, IN NEWPORT BEACH, STAFF
12 MET WITH REPRESENTATIVES OF THE CALIFORNIA REFUSE
13 REMOVAL COUNCIL, PRIVATE CONSULTANTS, AND THE LOS
14 ANGELES SANITATION DISTRICT. ON THE 18TH OF
15 APRIL, IN SACRAMENTO, STAFF MET WITH REPRESENTA-
16 TIVES OF THE SOLID WASTE ASSOCIATION OF NORTH
17 AMERICA.

18 AT EACH OF THE MEETINGS, STAFF FIRST
19 LISTENED TO THE CONCERNS REGARDING THE MEASUREMENT
20 INACCURACIES AGENDA ITEM, EXPLAINED THE PURPOSE OF
21 THE MARCH AGENDA ITEM, AND EMPHASIZED TO EVERYONE
22 THAT THE PROCESS FOR RESOLVING INACCURACIES WILL
23 BE OPEN AND ONGOING. SOME OF THE POINTS WE MADE
24 WERE, FIRST, THE BASIS FOR WHAT WAS CONSIDERED
25 ACCEPTABLE AND UNACCEPTABLE REVISION METHODS, THAT

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1 THE BOARD APPROVED AGENDA ITEM IS A STARTING POINT
2 FOR HOW STAFF IS TO REVIEW THE UPCOMING ANNUAL
3 REPORTS; THAT IMMEDIATE REVIEW OF ANNUAL REPORTS
4 RECEIVED LAST AUGUST IS CRITICAL SO THOSE
5 JURISDICTIONS MAY KNOW THEIR STATUS; THAT ANY
6 POTENTIAL SOLUTION DEEMED UNACCEPTABLE AT THIS
7 TIME COULD BE CHANGED BASED ON ADEQUATE
8 JUSTIFICATION; THAT BOARD STAFF WOULD WELCOME ANY
9 NEW AND CREATIVE SOLUTIONS; THAT BOARD STAFF WILL
10 CONTINUE TO MEET WITH INTERESTED PARTIES REGARDING
11 THE ISSUE.

12 STAFF ALSO SOLICITED POTENTIAL
13 SOLUTIONS AND SUGGESTIONS, THAT ALL THE INTERESTED
14 PARTIES CONTINUE TO WORK TOGETHER. ADDITIONAL
15 MEETINGS ARE BEING DEVELOPED THAT WILL FOCUS ON
16 SPECIFIC SOLUTIONS. AND I KNOW DEPUTY DIRECTOR
17 FRIEDMAN WILL CONTINUE TO KEEP YOU POSTED IN HER
18 COMMITTEE REPORTS ON THE PROGRESS WE'RE MAKING
19 THERE.

20 THE SECOND AREA THAT I WOULD LIKE
21 TO
22 SPEAK TO THIS MORNING HAS TO DO WITH THE FIRST
23 COMMITTEE HEARING I ATTENDED THIS WEEKEND. THAT
24 WAS THE POLICY COMMITTEE OF THE ASSEMBLY NATURAL
RESOURCES. IT WAS A LONG DAY IN THAT THIS WAS

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THE
25

LAST POLICY COMMITTEE FOR MANY OF THE COMMITTEES

1 IN THE CAPITOL THIS WEEK. AND AT APPROXIMATELY
2 ABOUT 8:15 THAT EVENING THE BILL -- ASSEMBLY BILL
3 375 BY ASSEMBLYMAN BROOK FIRESTONE CAME FORWARD
4 AND WAS PRESENTED TO THE COMMITTEE.

5 SHORTLY AFTER THE AUTHOR'S
6 INTRODUCTION, I WAS ASKED TO COME FORWARD TO
7 PROVIDE SOME TECHNICAL INFORMATION. I MADE IT
8 CLEAR THE BOARD HAS NOT YET RECOMMENDED A
POSITION
9 TO THE ADMINISTRATION, BUT SERVED TO ANSWER
10 QUESTIONS FROM THE COMMITTEE. I THINK IT'S
11 IMPORTANT TO NOTE THAT A COUPLE OF MODIFICATIONS
12 WERE ACCEPTED BY THE AUTHOR, PRIMARILY IN ORDER
TO
13 GET THE BILL OUT OF COMMITTEE, AND THE FIRST HAD
14 TO DO WITH THE EXEMPTION.

15 IF YOU RECALL, THE LAST YEAR THE
16 CEMENT INDUSTRY CARRIED A BILL THAT WOULD PROVIDE
17 AN EXEMPTION FROM OUR PERMITTING REQUIREMENTS IF
18 YOU STOCKPILE TIRES FOR USE AND USE APPLICATION.
19 MR. FIRESTONE ATTEMPTED TO CARRY THAT EXEMPTION
20 BEYOND THE CEMENT INDUSTRY FOR OTHER END USERS OF
21 TIRES. THAT EXEMPTION WAS DEEMED INAPPROPRIATE
BY
22 THE COMMITTEE AND WAS ASKED TO BE REMOVED FROM

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THE

23 BILL. HE ACCEPTED THAT AMENDMENT.

24 THE SECOND HAD TO DO WITH THE TIRE

25 REBATE. AS YOU KNOW, THE PROPOSAL RIGHT NOW IS

1 THAT THE -- OUR TIRE FEE WOULD DOUBLE, FROM 25
2 CENTS TO 50 CENTS. AND MR. FIRESTONE'S BILL, AS
3 INTRODUCED, HAS A TWO-TIER REBATE SYSTEM, THE
4 40-CENT AND THE 25-CENT SYSTEM. IT WAS SUGGESTED
5 THAT THAT WAS NOT WORKABLE. I WON'T GET INTO ALL
6 THE DISCUSSIONS AROUND THAT, BUT THE OUTCOME WAS
7 TO ESSENTIALLY MODIFY THE REBATE TO 32 CENTS A
8 TIRE. AND THAT AMENDMENT WAS ALSO ACCEPTED. SO
9 AT A QUARTER TO NINE THAT EVENING HE GOT HIS BILL
10 OUT, 70, AND WE'LL CONTINUE TO WATCH THE BILL AS
11 IT PROGRESSES AND CONTINUE TO SERVE AS A TECHNICAL
12 RESOURCE FOR THE AUTHOR'S OFFICE.

13 I ALSO WANT TO BRIEF YOU ON
14 YESTERDAY'S BUDGET HEARING BEFORE OUR SUBCOMMITTEE
15 IN THE SENATE. I WANT TO SAY, ON BALANCE, IT WAS
16 AN EXCELLENT HEARING. THE BOARD WAS COMPLIMENTED
17 FOR ITS PROGRESS. I HAVE TO SAY IT WAS A BIT OF A
18 POLICY OVERVIEW AS WELL AS A FISCAL OVERVIEW AND I
19 WAS ASKED SEVERAL QUESTIONS. AND I THOUGHT IT
20 WOULD BE APPROPRIATE IF I JUST QUICKLY JUST RAN
21 DOWN A COUPLE AREAS THAT COMMITTEE MEMBERS WERE
22 INTERESTED TO HEAR FROM ME ON AS IT RELATED TO OUR
23 EFFORTS IN REACHING OUR 50-PERCENT GOALS.

24 THE FIRST HAD TO DO WITH OUR EFFORTS
25 IN DEALING WITH OUR LOCAL ENFORCEMENT AGENCIES'

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1 AIR DISTRICTS IN DEALING WITH ODOR COMPLAINTS AT
2 COMPOSTING FACILITIES. I SPOKE A LITTLE BIT ABOUT
3 OUR LEA ADVISORS AND THE TRAINING WE'RE PROVIDING
4 IN THAT AREA.

5 USE OF ADC. WE'VE HEARD SOME
6 DISCUSSION ABOUT ADC AND ITS USE AND APPLICATIONS
7 AT LANDFILLS FOR DIVERSION CREDIT. WE WERE ASKED
8 TO, WHEN WE'RE BASICALLY BUDGET CONTROLLING, WHICH
9 WAS PUT FORWARD AT THIS BOARD, REPORT ANNUALLY ON
10 THE AMOUNT OF ADC THAT IS BEING USED BY JURIS-
11 DICTION AND WHAT PERCENTAGE OF THAT ADC IS GOING
12 TOWARDS THE 50-PERCENT CREDIT. AND I DID PROVIDE
13 THEM SOME STATEWIDE NUMBERS, NOT ONLY FOR GREEN
14 WASTE, BUT FOR OTHER FORMS OF ALTERNATIVE DAILY
15 COVER, AS WE HAVE THEM AGGREGATED AT THIS TIME.

16 SUBTITLE D COMPLIANCE WAS ASKED, HOW
17 MANY FACILITIES ARE MOVING TOWARDS SUBTITLE D
18 COMPLIANCE. OF COURSE, I MENTIONED THAT HAVING
19 BEEN IN EFFECT SINCE 1993 WE'RE REALLY SEEING A
20 SUCCESS STORY. I THINK SUPERVISOR EAVES' COMMENTS
21 THIS MORNING WERE A GOOD REPRESENTATION OF THAT,
22 WHERE THIS HOST JURISDICTION AT ONE TIME WITH
23 SEVENTEEN ACTIVE LANDFILLS IS NOW MOVING TOWARDS
24 FIVE. THE WHOLE CONCEPT OF REGIONALIZATION,
25 BRINGING OLDER, UNLINED FACILITIES INTO COMPLIANCE

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1 WITH NEW FACILITIES IS A SUCCESS STORY AND I WAS
2 ABLE TO REPORT ON THAT. NOT JUST FOR THE
3 STATEWIDE AREA, BUT WITH SOME LOCAL JURISDICTION
4 SPECIFICS AS WELL.

5 THEY ASKED ABOUT THE FUTURE
6 DIRECTION OF THE BOARD AS IT RELATES TO WHERE
7 WE'RE HEADING IN THE AREA OF MARKET DEVELOPING AND
8 IN DIVERSION PLANNING. I EMPHASIZED THE
9 IMPORTANCE THAT THE BOARD SEES AROUND INTEGRATING
10 THE EFFORTS OF OUR DIVERSION PROGRAMS INTO
11 LONG-TERM SUSTAINABLE MARKETS AND REFERENCED OUR
12 MARKET DEVELOPMENT PLAN AS A GUIDING DOCUMENT
13 RELATIVE TO THE PRIORITY MATERIALS WE'RE LOOKING
14 AT AND WHAT WE'RE HOPING TO SEE CAPACITY BE BY THE
15 YEAR 2000, AND WHERE DIVERSION IS WITH COMPOST,
16 FIBER AND, OF COURSE, C&D WASTE.

17 NEXT, THE ISSUE OF THE RESERVE CAME
18 FORWARD. I THINK WE'RE VERY SUCCESSFUL THERE. AS
19 YOU KNOW, WE'RE PROPOSING A VERY MODEST RESERVE
20 FOR THE BUDGET YEAR. THE OUTCOME OF THAT WAS TO
21 ADJUST OUR ADMINISTRATIVE CAPS WITH JUSTIFICATION
22 APPROVED BY THE DEPARTMENT OF FINANCE FOR BOTH OIL
23 AND TIRE. THAT WOULD TAKE SOME OF THE PRESSURE
24 OFF THE INTEGRATED WASTE MANAGEMENT ACCOUNT. I
25 WAS PLEASED TO SEE THAT MOVE FORWARD.

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1 AS MEMBER JONES JUST REFERENCED,
2 THEY CONTINUE TO WAIT FOR THIS BOARD'S ACTION ON
3 TIRE ALLOCATIONS. THEY DID NOT TAKE ANY ACTIONS
4 ON THE NEGATIVE -- EXCUSE ME -- ON THE BCP FOR THE
5 ADDITIONAL \$5.4 MILLION OF TIRE FUNDS AWAITING
6 THIS BOARD'S ACTION TODAY.

7 ON BALANCE, AGAIN, THE BOARD WAS
8 COMPLIMENTED. I THINK WE DID VERY WELL. I WANT
9 TO THANK MY DEPUTY DIRECTORS, MARIE LAVERGNE,
10 PATTY ZWARTS, DOROTHY RICE, CAREN TRGOVCICH, AND
11 JUDY FRIEDMAN FOR SOME EXCELLENT WORK. IT CLEARLY
12 HAS TO BE ACKNOWLEDGED THAT THE STAFF OF THE
13 LEGISLATIVE MEMBERS' OFFICE, ANNE SO, BOB
14 FREDENBERG, PLAYED A CRITICAL ROLE IN KEEPING THE
15 COMMITTEE STAFF APPRISED OF THE PROGRESS OF OUR
16 EFFORTS. AND I CERTAINLY WANT TO ACKNOWLEDGE THEM
17 FOR THE COORDINATION AND EFFORT THAT THEY DID
18 BECAUSE IT WAS CLEAR TO ME THAT THOSE OFFICES WERE
19 WELL BRIEFED AND WELL UNDERSTOOD WHERE THE BOARD
20 WAS HEADED.

21 THE LAST AREA I THOUGHT I SHOULD
22 JUST BRIEFLY MENTION, YOU MAY RECALL LAST YEAR I
23 WAS ASKED TO SERVE ON THE -- AS A MEMBER OF AN
24 OVERSIGHT COMMITTEE TO LOOK AT REFORMS TO THE
25 BOTTLE BILL. YESTERDAY AFTERNOON THE DEPARTMENT

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1 OF CONSERVATION IN THE ADMINISTRATION JUST
2 RELEASED THAT REPORT. AND WHILE IT OBVIOUSLY IS
3 JUST A SERIES OF RECOMMENDATIONS, I THOUGHT YOU
4 ALL SHOULD KNOW THAT THE REPORT SPEAKS
5 SPECIFICALLY TO THIS BOARD IN A COUPLE OF AREAS.
6 I WILL JUST READ A COUPLE OF BRIEF SENTENCES FROM
7 THE REPORT AS THEY PROPOSE AN ALTERNATIVE TO THE
8 CORE BOTTLE BILL PROGRAM. AND I WON'T GET INTO
9 THAT, BUT I WILL SAY THAT THEY ADDRESS AREAS OF
10 OVERLAP AND DUPLICATION WITH THE CIWMB WILL BE
11 TURNED OVER TO THE CIWMB. IN PARTICULAR,
12 EDUCATION AND OUTREACH, MARKET DEVELOPMENT,
13 HOTLINE SERVICES, GRANTS, CONTRACTS, AND LOCAL
14 TECHNICAL ASSISTANCE.

15 IN ADDITION, THE GLASS AND
16 FIBERGLASS MINIMUM CONTENT PROGRAMS AND CURBSIDE
17 PROGRAMS WOULD ALSO BE TRANSFERRED TO THE BOARD.
18 AS YOU KNOW, I SERVED AS A REPRESENTATIVE WITH THE
19 GOVERNOR'S OFFICE, THE RESOURCES AGENCY, AND TRADE
20 AND COMMERCE ON THIS REPORT. AND WHILE IT'S JUST
21 A PROPOSED REPORT, I THINK IT WAS PREPARED BY A
22 PRETTY ESTEEMED SET OF CONSULTANTS: LYNN
23 SCARLETT, WITH THE REISEN FOUNDATION; BILL CHARMAN
24 OF GLOBAL FUTURES; AND JIM GIBSON, PH.D., WITH
25 NEWPOINT GROUP.

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1 AND AS I SAID, THIS WAS THE SUBJECT
2 OF SOME DISCUSSIONS MONDAY NIGHT IN A SIMPLY
3 NATURAL RESOURCE, AND I THINK IT SERVES AS THE
4 BLUEPRINT THAT AT LEAST THE ADMINISTRATION WILL BE
5 LOOKING AT FOR REFORMS ON THAT SIGNIFICANT
6 RECYCLING PROGRAM. SO WITH THAT UPDATE, MEMBERS,
7 I APPRECIATE YOUR PATIENCE AND THANK YOU.

8 CHAIRMAN PENNINGTON: THANK YOU. ANY
9 QUESTIONS?

10 BOARD MEMBER RELIS: MR. CHAIRMAN, COULD
11 I ASK MR. CHANDLER TO REPEAT? I'M NOT SURE I
12 HEARD ALL THOSE PROPOSALS.

13 MR. CHANDLER: I'M NOT GOING TO SPEAK TO
14 THE CORE PROGRAM THAT IS BEING -- THEY HAVE TO DO
15 WITH PROCESSING FEES AND THE LIKE. WITH RESPECT
16 TO AREAS THAT IT WAS RECOGNIZED IN THE PROGRAM --
17 A LOT OF THE UNREDEEMED FUNDS GO TO OTHER EFFORTS
18 THE DEPARTMENT OF CONSERVATION OVERSEES. MOST OF
19 THOSE AREAS ARE NOW BEING RECOMMENDED TO BE
20 TRANSFERRED TO THE BOARD. THEY ARE, AGAIN, IN
21 PARTICULAR, EDUCATION AND OUTREACH, MARKET
22 DEVELOPMENT, HOTLINE SERVICES, GRANTS AND
23 CONTRACTS, AND LOCAL TECHNICAL ASSISTANCE,
24 INCLUDING THE MINIMUM CONTENT PROGRAMS FOR GLASS
25 AND FIBERGLASS. CURBSIDE WOULD ALSO BE

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1 TRANSFERRED TO THE BOARD. IT'S A PROPOSAL, BUT I
2 DIDN'T WANT YOU TO BE SURPRISED TO HEAR THERE IS
3 NOW DISCUSSION ON THE STREET, IF YOU WILL, ABOUT
4 HOW THE BOARD MAY BE LOOKED TO TO INCORPORATE SOME
5 OF THOSE EFFORTS.

6 CHAIRMAN PENNINGTON: WHAT WOULD BE THE
7 NEXT STEP?

8 MR. CHANDLER: WELL, I'M SURE THAT THE
9 ADMINISTRATION IS GOING TO LOOK AT THE FRAMEWORK
10 HERE AND DECIDE IF THEY WANT TO FIND PROBABLY A
11 SPOT BILL TO BEGIN INTRODUCING SOME PROPOSED
12 CHANGES TO THE PROGRAM, WHICH THEY MAINTAIN WAS
13 NEEDING A MORE MARKET-BASED FIX FOR HOW WE CAN
14 IMPROVE THE BOTTLE BILL RECYCLING EFFORTS. I
15 THINK BEFORE YOU PASS JUDGMENT ONE WAY OR ANOTHER
16 OR WHETHER THAT'S EVER GOING TO HAPPEN, IT WOULD
17 BE APPROPRIATE TO TAKE A QUICK READ OF THIS REPORT
18 BECAUSE I THINK THERE IS A LOT YOU SEE THAT
19 PRESERVES THE EXISTING PROGRAM. IT'S NOT A
20 WHOLESALE DEPARTURE FROM THE FRAMEWORK THAT IS
21 IN

22 PLACE NOW, BUT IT DOES PROPOSE SOME
STREAMLINING

23 THAT WAS THE OBJECTIVE OF THE EFFORT.

24 CHAIRMAN PENNINGTON: INCLUDE FUNDING?

MR. CHANDLER: THAT IS NOT SPOKEN TO

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AND

25

I WOULD LEAVE THAT TO OUR GOOD NEGOTIATIONS,

1 MR. CHAIRMAN, ON HOW WE'LL LOOK AT THAT ISSUE.

2 CHAIRMAN PENNINGTON: THANK YOU. ANY
3 OTHER QUESTIONS OF MR. CHANDLER? IF NOT, WE'LL
4 MOVE TO THE CONSENT CALENDAR.

5 CONSENT CALENDAR INCLUDES ITEMS 5,
6 6E, 7 THROUGH 17, 24, 25, AND 27. ANY MEMBER WHO
7 WISHES TO PULL ANYTHING FROM THE CONSENT CALENDAR?

8 BOARD MEMBER FRAZEE: IF NOT, I MOVE
9 ADOPTION OF THE CONSENT CALENDAR.

10 MR. CHESBRO: SECOND.

11 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND
12 SECONDED TO ADOPT THE CONSENT CALENDAR. WOULD THE
13 SECRETARY CALL THE ROLL?

14 BOARD SECRETARY: BOARD MEMBER CHESBRO.

15 BOARD MEMBER CHESBRO: AYE.

16 BOARD SECRETARY: FRAZEE.

17 BOARD MEMBER FRAZEE: AYE.

18 BOARD SECRETARY: GOTCH.

19 BOARD MEMBER GOTCH: AYE.

20 BOARD SECRETARY: JONES.

21 BOARD MEMBER JONES: AYE.

22 BOARD SECRETARY: RELIS.

23 BOARD MEMBER RELIS: AYE.

24 BOARD SECRETARY: CHAIRMAN PENNINGTON.

25 CHAIRMAN PENNINGTON: AYE. MOTION

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1 CARRIES.

2 NOW WE'LL MOVE TO ITEM NO. 6.

3 PATTY ZWARTS.

4 MS. ZWARTS: I'M PATTY ZWARTS WITH THE
5 OFFICE OF LEGISLATIVE AND REGULATORY AFFAIRS. I'M
6 HERE TO PRESENT ITEM NO. 6.

7 WE HAVE FIVE BILLS BEFORE YOU TODAY,
8 AS RALPH CHANDLER JUST CONCLUDED. THE LEGISLATURE
9 IS IN FULL SWING. THEY HAVE CONCLUDED THEIR
10 HEARINGS ON THE ASSEMBLY SIDE THIS WEEK ON BILLS
11 WITH FISCALS. THE SENATE ENVIRONMENTAL QUALITY
12 COMMITTEE STILL HAS ANOTHER HEARING IN TWO WEEKS
13 ON THOSE BILLS. WE HAVE CONCLUDED, AS YOU HEARD,
14 OUR BUDGET SUBCOMMITTEE HEARINGS WITH A FEW ITEMS
15 LEFT OPEN FOR -- AS OPEN ITEMS AND OTHERS THAT
16 WILL GO STILL TO CONFERENCE COMMITTEE. AND WE'LL
17 KEEP YOU UPDATED ON THOSE AS ITEMS PROGRESS.

18 I THOUGHT I WOULD DIVE STRAIGHT INTO
19 THE FIVE BILLS THAT ARE BEFORE YOU FOR CONSIDERA-
20 TION TODAY. THE FIRST ONE IS AB 84 BY
21 ASSEMBLYMEMBER WOODS. THIS BILL IS SPONSORED BY
22 THE CALIFORNIA RICE INDUSTRY ASSOCIATION AND RICE
23 PRODUCERS ASSOCIATION. THIS BILL WOULD CREATE A
24 PILOT PROGRAM AT THE BOARD TO PROVIDE PRICE
25 PREFERENCES FOR STATE PURCHASES OF MATERIALS

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1 PRODUCED BY AGRICULTURAL CROPPING MATERIALS. THIS
2 BILL IS PRESENTLY IN ASSEMBLY APPROPRIATION
3 COMMITTEE, THE HEARING DATE NOT QUITE SET YET.

4 THE LPEC REVIEWED THIS BILL AND HAD
5 A RECOMMENDATION OF SUPPORT, IF AMENDED. AND THE
6 AMENDMENTS ARE THE AMENDMENTS -- TECHNICAL
7 AMENDMENTS IN THE ANALYSIS. AND THE BILL DOES
8 IMPOSE A FISCAL. AND I WOULD BE HAPPY TO ANSWER
9 ANY QUESTIONS ABOUT THE MEASURE.

10 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
11 MS. ZWARTS ON THIS LEGISLATION?

12 BOARD MEMBER RELIS: MR. CHAIRMAN, IN THE
13 WAY IT'S DRAFTED NOW, THERE IS A PROVISION THAT
14 GOES BEYOND THE STRAW AND RICE AGRICULTURAL
15 RELATED COMPOSTING --

16 MS. ZWARTS: IT'S AGRICULTURAL CROP AND
17 MATERIALS, SO THAT WOULD BE BEYOND JUST THE RICE
18 STRAW.

19 BOARD MEMBER RELIS: AND WOULD THERE BE A
20 PREFERENCE THEN IN THE BILL, IF IT'S ENACTED, FOR
21 THOSE MATERIALS?

22 MS. ZWARTS: INDEED, IT'S A RANGE OF
23 COMMODITIES THAT ARE LISTED FROM CONSTRUCTION
24 MATERIALS TO COMPOST TO PAPER PRODUCTS,
25 INSULATION. THERE'S A NUMBER OF COMMODITIES THAT

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1 BOARD MEMBER CHESBRO: CALIFORNIANS
2 AGAINST WASTE WAS PRESENT AND TESTIFIED IN FAVOR
3 OF THE BILL AT THE COMMITTEE, AND I ASKED THEM
4 SOME OF THESE QUESTIONS AND THEY SEEMED REASONABLY
5 SATISFIED. ON THE OTHER HAND, YOU KNOW, I'M NOT
6 100 PERCENT COMFORTABLE. I CERTAINLY THINK WE
7 COULD PURSUE QUESTIONS OF AMENDING THE BILL TO TRY
8 TO NARROW ITS SCOPE TO WHERE IT'S MOST NEEDED,
9 WHICH IS AGRICULTURAL MATERIALS SUCH AS THESE,
10 SUCH AS THE RICE STRAW, AS OPPOSED TO, YOU KNOW,
11 ALL AGRICULTURAL CROP MATERIAL THAT IS COMPOSTED
12 GETTING A PREFERENCE, YOU KNOW. SO I'M VERY OPEN
13 TO THAT. ON THE OTHER HAND, I THINK THERE'S SOME
14 ASSURANCE IN THE FACT THAT CAW HAD EXAMINED IT AND
15 WAS NOT WORRIED ABOUT ITS THREAT TO MARKETS FOR
16 URBAN OR NONAGRICULTURAL WASTE GENERATION.

17 CHAIRMAN PENNINGTON: OKAY. THANK YOU.
18 MR. FRAZEE.

19 BOARD MEMBER FRAZEE: I HAD ORIGINALLY
20 OPPOSED THIS BILL BASED ON TWO THINGS, ON THE COST
21 EFFECT TO OUR BUDGET, AND THE CONCERN HAS BEEN
22 EXPRESSED BY OTHER MEMBERS, AND THAT'S THE --
23 GOING BEYOND RICE HULLS. AND I AM PREPARED TO
24 MAKE A MOTION ON -- THAT ADDRESSES THOSE TWO
25 ISSUES.

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1 CHAIRMAN PENNINGTON: OKAY. WE DO HAVE
2 SOMEBODY FROM THE AUDIENCE WHO WISHES TO ADDRESS
3 THIS IF YOU WOULD LIKE TO HEAR FROM THEM FIRST.

4 BOARD MEMBER FRAZEE: YOU WANT TO HEAR
5 FROM THEM FIRST?

6 CHAIRMAN PENNINGTON: MR. EVAN EDGAR.

7 MR. EDGAR: GOOD MORNING. MY NAME IS
8 EVAN EDGAR. I'M THE MANAGER OF REGULATORY AFFAIRS
9 FOR THE CALIFORNIA REFUSE REMOVAL COUNCIL,
10 REPRESENTING THE PRIVATE INDEPENDENT WASTE HAULERS
11 AND COMPOSTERS.

12 WE SPOKE TO THE AUTHOR'S OFFICE,
13 ASSEMBLYMAN WOODS. THERE WAS A COMMITMENT BY
14 WOODS TO REMOVE THE COMPOST FROM THE BILL. WE
15 HAD ORIGINALLY SUPPORTED THIS BILL; BUT ONCE WE
16 SAW THE COMPOST WAS ADDED TO IT, IT WAS POINTED
17 OUT BY MS. PATTY ZWARTS, WE CONTACTED THE AUTHOR'S
18 OFFICE AND THERE WAS A COMMITMENT TO AMEND THE
19 BILL TO REMOVE COMPOST BECAUSE WE FEEL IT WOULD
20 HAVE SOME TYPE OF PREFERENCE ADVANTAGE TO AG
21 COMPOST, WHICH HAS AG MARKET'S RIGHT NEXT DOOR.

22 AND THE WHOLE INTENT WAS TO MOVE
23 CLEAN AND GREEN INTO THE AG MARKETPLACE, SO WE
24 FELT THERE COULD BE SOME IMPACTS. SO WE TALKED TO
25 THE AUTHOR'S OFFICE AND HE COMMITTED TO REMOVE

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1 THAT LANGUAGE. WE WOULD HAVE ORIGINALLY SUPPORTED
2 THIS BILL AND WILL CONTINUE TO SUPPORT IT IF
3 AMENDED. THANK YOU.

4 CHAIRMAN PENNINGTON: THANK YOU. ANY
5 QUESTIONS OF MR. EDGAR?

6 COULD I JUST ASK A COUPLE QUESTIONS?

7 BOARD MEMBER FRAZEE: SURE.

8 CHAIRMAN PENNINGTON: IS THERE A FISCAL
9 IMPACT TO US?

10 MS. ZWARTS: YES, THERE IS. \$300,000,
11 \$100,000 A YEAR OUT OF THE IWMA.

12 CHAIRMAN PENNINGTON: DOES IT PRETTY MUCH
13 FOLLOW THE BUSTAMONTE BILL OF LAST YEAR?

14 MS. ZWARTS: I BELIEVE THE BUSTAMONTE
15 BILL, I REFER TO IT AS A STUDY, THERE IS AN
16 ARGUMENT MADE THAT THIS COULD BE PREMATURE, THAT
17 LAST YEAR'S BILL WAS ENACTED, ASKING THE BOARD
18 SPECIFICALLY TO DO A STUDY AND MARKET INCENTIVES
19 FOR BOTH WOOD WASTE MATERIALS AND AGRICULTURAL
20 CROPPING MATERIALS. SO AS A RESULT OF THE
REPORT,

21 WE COULD HAVE SOME RECOMMENDATIONS TO THE
22 LEGISLATURE IN HOW THEY COULD HELP BOTH
INDUSTRIES

23 WITH THEIR MARKETS. YOU COULD ARGUE THAT THIS
24 BILL MIGHT BE PREMATURE.

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25

CHAIRMAN PENNINGTON: THANK YOU.

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MR. FRAZEE?

BOARD MEMBER FRAZEE: YES. I WOULD MOVE THAT WE SUPPORT AB 84 IF AMENDED; AND WHEN THE FOLLOWING AMENDMENTS, THE TECHNICAL AMENDMENTS SUGGESTED ON THE LAST PAGE OF THE ANALYSIS TO NARROW THE SCOPE OF THE BILL TO RICE STRAW AND RICE HULLS ONLY, TO EXTEND THE PILOT PROGRAM FROM THREE TO FIVE YEARS AND REDUCE THE PREFERENCE AMOUNT TO \$50,000 PER YEAR.

BOARD MEMBER CHESBRO: I WILL SECOND THAT.

CHAIRMAN PENNINGTON: OKAY.

BOARD MEMBER CHESBRO: MR. CHAIRMAN -- I JUMPED IN TOO SOON THERE. DOES THAT INCLUDE THE AMENDMENT THAT CRRC WAS REFERRING TO?

CHAIRMAN PENNINGTON: WELL, I THINK THAT'S THE SAME. HE INDICATED THE AUTHOR WAS WILLING TO REDUCE THE SCOPE OF THE BILL TO THE RICE.

BOARD MEMBER CHESBRO: BUT HE ALSO TALKED ABOUT THE QUESTION OF COMPOST -- I GUESS COMPOST DOES. OKAY. THAT TAKES CARE OF IT.

CHAIRMAN PENNINGTON: THAT PRESUMES TO TAKE IT ALL OUT.

BOARD MEMBER CHESBRO: OKAY.

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1 BOARD MEMBER FRAZEE: REDUCE IT TO RICE
2 STRAW AND RICE HULLS ONLY.

3 BOARD MEMBER GOTCH: MR. CHAIR, MAY I
4 MAKE A QUICK COMMENT?

5 CHAIRMAN PENNINGTON: MRS. GOTCH.

6 BOARD MEMBER GOTCH: AND THAT IS THAT ON
7 OUR AGENDA, THREE BILLS DEAL WITH THE CHANGING LAW
8 IN THE TIRE RECYCLE AREA, AND I WOULD LIKE TO
9 SUGGEST THAT THE MARKETS COMMITTEE SET UP AN ITEM
10 FOR JUNE THAT REVIEWS THE STATUS OF THAT PROGRAM
11 WITH DGS PARTICIPATION IN THE COMMITTEE MEETING.
12 THERE MAY BE A NEED TO REVAMP THE PROGRAM IN
13 GENERAL RATHER THAN DICTATE IT PIECEMEAL WITH ALL
14 THE DIFFERENT LEGISLATION. SO THIS IS NOT PART OF
15 THE MOTION. THIS IS A SUGGESTION.

16 BOARD MEMBER RELIS: WE'LL CONSIDER IT.

17 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND
18 SECONDED THAT WE SUPPORT AB 84, WOODS, LEGISLATION
19 WITH SOME AMENDMENTS. WILL THE SECRETARY CALL THE
20 ROLL?

21 BOARD SECRETARY: BOARD MEMBER CHESBRO.

22 BOARD MEMBER CHESBRO: AYE.

23 BOARD SECRETARY: FRAZEE.

24 BOARD MEMBER FRAZEE:

AYE.

25 BOARD SECRETARY: GOTCH.

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1 BOARD MEMBER GOTCH: AYE.

2 BOARD SECRETARY: JONES.

3 BOARD MEMBER JONES: AYE.

4 BOARD SECRETARY: RELIS.

5 BOARD MEMBER RELIS: AYE.

6 BOARD SECRETARY: CHAIRMAN PENNINGTON.

7 CHAIRMAN PENNINGTON: NO.

8 OKAY. MOVING TO THE NEXT ITEM IS

9 AB 705. IS THAT RIGHT OR DID I SKIP SOMETHING?

10 MS. ZWARTS: ACTUALLY, I THINK WE

11 SKIPPED --

12 CHAIRMAN PENNINGTON: AB 362?

13 MS. ZWARTS: YES. AB 362 BY

14 ASSEMBLYWOMAN BOWAN. THIS BILL IS SPONSORED BY

15 THE AUTHOR. THIS BILL DEALS WITH ENVIRONMENTAL

16 ADVERTISING ISSUES. IT WOULD REQUIRE COMPANIES TO

17 ADVERTISE PRODUCTS AS OZONE FRIENDLY, RECYCLED OR

18 BIODEGRADABLE TO MEET SPECIFIC STANDARDS OR FACE

19 THE PROSPECT OF CRIMINAL PROSECUTION.

20 THIS BILL IS IN ASSEMBLY

21 APPROPRIATION COMMITTEE WITH NO HEARING DATE SET

22 AS YET. THE LPEC, IN REVIEWING THE MEASURE,

23 RECOMMENDS THAT WE SUPPORT IT WITH AMENDMENTS, AND

24 THE AMENDMENTS ARE THE MINOR TECHNICAL AMENDMENTS

25 MENTIONED IN THE ANALYSIS. THERE IS NO COST TO

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1 THIS BILL. I WOULD BE HAPPY TO ANSWER ANY
2 QUESTIONS.

3 CHAIRMAN PENNINGTON: QUESTIONS OF MS.
4 `ZWARTS? OKAY.

5 BOARD MEMBER FRAZEE: STATEMENT, IF I
6 COULD, MR. 'CHAIRMAN. I WAS THE DISSENTING VOTE ON
7 THIS BILL. THE COMMITTEE HEARD EXTENSIVE
8 TESTIMONY FROM INDUSTRY REPRESENTATIVES WHO
9 CONVINCED THIS MEMBER, ANYWAY, THAT THE FEDERAL
10 TRADE COMMISSION GUIDELINES ARE ADEQUATE, THAT THE
11 UNIFORMITY OF THESE STANDARDS SHOULD BE NATIONWIDE
12 RATHER THAN PICKED OFF INDIVIDUALLY BY THE STATE
13 OF CALIFORNIA TO CREATE, IF YOU WILL, A CALIFORNIA
14 CAR OR A CALIFORNIA PACKAGING, CALIFORNIA LABELING
15 STANDARD THAT'S DIFFERENT FROM THE OTHER 49
16 STATES. AND FOR THAT REASON I OPPOSE THE BILL.

17 CHAIRMAN PENNINGTON: OKAY. ANY FURTHER
18 DISCUSSION? IF NOT, I'LL ENTERTAIN A MOTION.

19 BOARD MEMBER CHESBRO: MR. CHAIR, I JUST
20 WANTED TO SAY THAT THIS BILL IS A RATHER MODEST
21 ATTEMPT TO ASSIST OUR EFFORTS TO EDUCATE THE
22 PUBLIC AND BUSINESS TO BUY RECYCLED, WHICH IS A
23 CRITICAL COMPONENT OF OUR GETTING TO 50 PERCENT.
24 AND THE WAY THAT THAT ASSISTANCE TAKES PLACE IS TO
25 BUILD PUBLIC CONFIDENCE, THAT WHEN THEY'RE TOLD A

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1 MATERIAL HAS A CERTAIN RECYCLED CONTENT OR A
2 CERTAIN ENVIRONMENTAL ATTRIBUTE THAT, THEY CAN
3 RELY ON THAT.

4 I THINK THAT THAT'S JUST AN
5 ESSENTIAL PIECE IN OUR UNFORTUNATELY CYNICAL TIMES
6 IN TERMS OF PUBLIC CONFIDENCE IN INFORMATION
7 THEY'RE GIVEN. I THINK THEY NEED THAT ASSURANCE.
8 IT'S A SHAME THAT IT'S EVEN BEEN CONTROVERSIAL
9 OVER THE YEARS.

10 CHAIRMAN PENNINGTON: THANK YOU.

11 BOARD MEMBER GOTCH: READY FOR A MOTION?

12 CHAIRMAN PENNINGTON: SURE.

13 BOARD MEMBER GOTCH: I MOVE, AS WE DID IN
14 COMMITTEE, SUPPORT WITH AMENDMENTS.

15 BOARD MEMBER JONES: SECOND.

16 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND
17 SECONDED THAT WE SUPPORT AB 362 WITH AMENDMENTS.
18 NO FURTHER DISCUSSION. I'LL HAVE THE SECRETARY
19 CALL THE ROLL.

20 BOARD SECRETARY: BOARD MEMBER CHESBRO.

21 BOARD MEMBER CHESBRO: AYE.

22 BOARD SECRETARY: FRAZEE.

23 BOARD MEMBER FRAZEE: NO.

24 BOARD SECRETARY: GOTCH.

25 BOARD MEMBER GOTCH: AYE.

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1 BOARD SECRETARY: JONES.

2 BOARD MEMBER JONES: NO.

3 BOARD SECRETARY: RELIS.

4 BOARD MEMBER RELIS: AYE.

5 BOARD SECRETARY: CHAIRMAN PENNINGTON.

6 CHAIRMAN PENNINGTON: NO. MOTION FAILS.

7 AB 705.

8 MS. ZWARTS: POINT OF CLARIFICATION, WE
9 HAVE NO POSITION ON THIS MEASURE.

10 THE NEXT BILL BEFORE YOU IS AB 705,
11 ASSEMBLYWOMAN STROM-MARTIN. THIS BILL IS
12 SPONSORED BY THE CALIFORNIANS AGAINST WASTE. THIS
13 BILL WOULD REQUIRE STATE AGENCIES TO DEVELOP
14 INTEGRATED WASTE MANAGEMENT PROGRAMS SIMILAR TO
15 THOSE REQUIRED BY CITIES AND COUNTIES UNDER 939.
16 IT ALSO MAKES SOME CHANGES TO THE PROCUREMENT LAWS
17 BY ADDING ADDITIONAL MATERIAL TYPES TO THOSE THAT
18 WOULD QUALIFY FOR THE GOALS AND PRICE PREFERENCE.

19 THIS BILL IS IN ASSEMBLY
20 APPROPRIATIONS COMMITTEE, HEARING DATE NOT SET.
21 IT DOES HAVE A FISCAL IMPACT ON THE BOARD. THE
22 COMMITTEE REVIEWING IT RECOMMENDED THAT WE SUPPORT
23 THE BILL IF AMENDED TO CONTAIN THREE SPECIFIC
24 AMENDMENTS REGARDING DOING A WASTE GENERATION
25 STUDY IN LIEU OF A WASTE AUDIT, IN PROVIDING A

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1 DEFINITION OF STATE AGENCIES, AND IN EXTENDING THE
2 TIME LINES FOR STATE AGENCY COMPLIANCE WITH THE
3 LAW. IT WAS A VOTE OF TWO TO ONE OF THE COMMITTEE
4 TO SUPPORT THE BILL WITH AMENDMENTS. I'D BE HAPPY
5 TO ANSWER ANY QUESTIONS.

6 CHAIRMAN PENNINGTON: QUESTIONS OF MS.
7 `ZWARTS?

8 GO AHEAD.

9 BOARD MEMBER FRAZEE: AGAIN,
10 MR. CHAIRMAN, I VOTED TO OPPOSE THIS BILL BASED ON
11 TWO AREAS OF CONCERN. ONE IS THAT THERE'S
12 SIGNIFICANT COST IN THIS ONE TO OUR BUDGET
13 ESTIMATED TO BE \$267,000 IN FISCAL YEAR '97 AND
14 '98, OR THE EQUIVALENT OF 5.35 PERSONNEL YEARS.
15 THAT'S A SIGNIFICANT HIT ON OUR BUDGET.

16 AND SECONDLY, I THINK WE'RE HAVING
17 SOME SUCCESS WITH THESE KINDS OF PROGRAMS ALREADY
18 WITHOUT THIS MANDATE. OUR CONTINUING TO WORK TO
19 BRING STATE AGENCIES INTO A RECYCLING ETHIC, AND
20 THAT CAN BE DONE BOTH CARROT AND STICK APPROACH
21 AND ADMINISTRATIVELY, SO I OPPOSE THIS BILL.

22 CHAIRMAN PENNINGTON: ANY OTHER
QUESTIONS

23 OR DISCUSSION?

24 BOARD MEMBER GOTCH: WITH -- THE

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SPONSORS

25 HAD AGREED TO ELIMINATING THE AUDITS, WHICH WOULD

1 SIGNIFICANTLY CUT THE FISCAL IMPACT TO US, AND I
2 WANT TO REMIND MR. FRAZEE OF THAT.

3 BOARD MEMBER RELIS: DO WE HAVE AN IDEA
4 OF WHAT THAT WOULD DO MONETARILY?

5 MS. ZWARTS: I DON'T HAVE THE EXACT
6 NUMBER WITH ME. IT'S IN THE BILL FILE BACK AT
THE
7 OFFICE, BUT IT WOULD REDUCE THE FISCAL AMOUNT BY
8 DOING A WASTE GENERATION INSTEAD OF AUDITS. BUT
9 THERE ARE ALSO, HOWEVER, OTHER COSTS FOR THE
BOARD
10 TO PROVIDE TECHNICAL ASSISTANCE TO THE PROGRAMS
AS
11 WELL AS ALSO CHANGING THE PROGRAMS ON THE
PROCURE-
12 MENT SIDE OF THE PROGRAM ALSO.

13 BOARD MEMBER RELIS: HOW WOULD THAT
14 TECHNICAL ASSISTANCE DIFFER FROM WHAT WE ALREADY
15 DO WITH DGS?

16 MS. ZWARTS: I THINK IT WOULD BE HELPING
17 THEM PREPARE THE PLANS THEY ARE REQUIRED TO DO
18 UNDER THE BILL AND PROVIDE TECHNICAL ASSISTANCE
ON
19 IMPLEMENTING THE BILL'S REQUIREMENTS.

20 BOARD MEMBER CHESBRO: I WOULD ANSWER

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21 THAT BY SAYING MORE AND BETTER. I DO THINK THE
22 FISCAL IMPACT DOESN'T REALLY TAKE INTO THE
ACCOUNT

23 THE FACT THAT THIS IS ALREADY A MANDATED PROGRAM
24 AREA FOR US TO BE INVOLVED IN. RELATIVE TO
25 ASSISTING STATE AGENCIES, I THINK WHAT IT DOES IS

1 IT CREATES MORE OF AN IMPETUS ON THOSE STATE
2 AGENCIES TO PARTICIPATE AND TO BE THERE. I'M NOT
3 DENYING THERE'S SOME FISCAL IMPACT, BUT I THINK
4 IT'S AN INCREMENTAL QUESTION, NOT A QUESTION OF A
5 COMPLETELY NEW IMPACT.

6 AND THERE'S A SIGNIFICANTLY
7 IMPORTANT SYMBOLIC REASON FOR THIS BILL, AND THAT
8 IS IT IS EXTREMELY HYPOCRITICAL FOR THE STATE OF
9 CALIFORNIA TO TELL LOCAL JURISDICTIONS TO ACHIEVE
10 50 PERCENT, ESPECIALLY THOSE JURISDICTIONS THAT
11 ARE HOST COMMUNITIES TO UNIVERSITIES, JUNIOR
12 COLLEGES, PRISONS, MAJOR STATE FACILITIES THAT
13 GENERATE LARGE VOLUMES OF WASTE WITHOUT AGREEING
14 TO BE A PARTNER WITH THEM AND WALK OR TALK AND PUT
15 OUR MONEY WHERE OUR MOUTH IS, WHATEVER YOU WANT TO
16 CALL IT.

17 TO SAY TO A LOCAL GOVERNMENT, GEE,
18 WE'RE NOT GOING TO HAVE THIS PROGRAM BECAUSE IT'S
19 GOING TO COST THE STATE MONEY WHEN THE STATE IS
20 TELLING THEM TO HAVE A LOCAL PROGRAM AND

IT'S

21 DEFINITELY COSTING THEM MONEY, I THINK

REALLY

22 DAMAGES THE CREDIBILITY OF THIS BOARD, AND

THE

23 STATE IN GENERAL, TO NOT HAVE THAT LEVEL OF

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24

ACTIVITY.

25

WHILE IT'S BEEN ALLEGED THAT

1 STATE -- OVERALL STATE WASTE GENERATION IS A
2 RELATIVELY SMALL PORTION OF THE ENTIRE STATE
3 WASTESTREAM, I THINK WE NEED TO GO BACK TO THE
4 FACT THAT AB 939 IS A MANDATE ON LOCAL
5 GOVERNMENTS. AND THERE ARE A NUMBER OF LOCAL
6 GOVERNMENTS AROUND THE STATE, SUCH AS THE COUNTY
7 OF DEL MAR WHERE PELICAN BAY PRISON IS; THE CITY
8 OF SACRAMENTO, WHERE A MASSIVE AMOUNT OF STATE
9 GOVERNMENT EXISTS, WHERE THE IMPACT ON THE
10 WASTESTREAM OF STATE AGENCIES IS HUGE. AND I
11 THINK WE HAVE A RESPONSIBILITY TO THOSE
12 JURISDICTIONS TO MAXIMIZE THE WASTE DIVERSION AND
13 ALSO DEMONSTRATE THAT WE'RE WILLING TO COMPLY WITH
14 WHAT WE'RE REQUIRING LOCAL GOVERNMENTS TO COMPLY
15 WITH.

16 I WOULD MOVE THE COMMITTEE'S
17 RECOMMENDATIONS.

18 CHAIRMAN PENNINGTON: HE'S MADE A MOTION.

19 BOARD MEMBER GOTCH: I SECOND THE MOTION,
20 WHICH WAS SUPPORT IF AMENDED. I ALSO WANT TO ADD
21 TO IT. WE HAD RECEIVED A COMMITMENT FROM THE
22 AUTHOR'S OFFICE AND THE SPONSOR TO WORK WITH US
23 AND OUR STAFF TO LOWER THE FISCAL IMPACT TO THE
24 BOARD.

25 CHAIRMAN PENNINGTON: OKAY. MR. JONES.

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1 BOARD MEMBER JONES: I HAVE A QUESTION
TO
2 PATTY. DOESN'T THE GOVERNOR HAVE AN EXECUTIVE
3 ORDER OUT THAT IS ASKING ALL THE STATE AGENCIES
TO
4 COMPLY WITH -- ORDERING THEM TO RECYCLING AND TO
5 DO ALL THE THINGS WE'RE TALKING ABOUT WITHOUT
THIS
6 EXPENSE?

7 MS. ZWARTS: THERE IS AN EXECUTIVE
ORDER
8 IN PLACE. IT DOES ASK STATE AGENCIES TO DO
9 VARIOUS PROGRAMS AND ACTIVITIES TO ENHANCE THE
10 RECYCLING EFFORTS.

11 BOARD MEMBER JONES: AND WE'VE GOT --
12 DON'T WE PROVIDE SOME OF THAT ASSISTANCE IN
DOING
13 PROGRAMS IN-HOUSE AND MAKING SURE THOSE ARE
14 FACILITATED THROUGH STATE AGENCIES?

15 MS. ZWARTS: INDEED, WE HAVE A PROGRAM
IN
16 PLACE THAT DOES HELP STATE AGENCIES WITH THEIR
17 STATE RECYCLING PROGRAMS. IT'S CORRECT.

18 IF I COULD ANSWER JANET'S QUESTION
19 SHE ASKED EARLIER, THE BILL WITH THE AMENDMENTS
20 WOULD REDUCE THE FISCAL COST. I DIDN'T HAVE THE

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21 NUMBERS OFF THE TOP OF MY HEAD, BUT FROM --
22 CHANGING IT FROM A WASTE AUDIT TO WASTE
GENERATION
23 WOULD PROBABLY REDUCE THE COST BY ONE-THIRD
24 APPROXIMATELY.
25 BOARD MEMBER CHESBRO: ON THE QUESTION
OF

1 THE EXISTING PROGRAM, OUR STAFF IN ITS ANALYSIS
2 ESTIMATES THAT BY THE YEAR -- WITHIN FIVE YEARS,
3 WHICH WILL BE 2002, HALF THE STATE AGENCIES WILL
4 HAVE PAPER RECYCLING PROGRAMS, AND THAT'S
5 CONSIDERED THE UPPER LEVEL ACHIEVEMENT OF THE
6 PROGRAM. I DON'T CONSIDER THAT -- IN THE FACE OF
7 WHAT WE'RE TELLING LOCAL GOVERNMENTS TO DO, I
8 DON'T CONSIDER THAT ANYTHING TO BRAG ABOUT. I'M
9 NOT PUTTING DOWN OUR EXISTING STAFF'S EFFORTS. I
10 THINK THEY ALL WORK VERY HARD, BUT WE NEED MORE
11 AND WE NEED BETTER.

12 I KNOW THAT'S HARD TO SAY IN THE
13 TIMES OF FISCAL RESTRAINT THE BOARD FACES, BUT
14 THIS IS A CRITICAL PIECE. AND I THINK THAT WE
15 SHOULDN'T BE WAVING THE FLAG AND BRAGGING THAT,
16 WELL, AFTER THE YEAR 2000 ONLY HALF THE STATE
17 AGENCIES WILL HAVE PAPER RECYCLING, NOT TO

MENTION

18 GRASSCYCLING, COMPOSTING, RECYCLING OF OTHER

MIXED

19 WASTE PAPER, A NUMBER OF OTHER COMMODITIES

THAT

20 PROGRAMS GENERATE. IN THE CASE OF PRISONS AND

21 HOSPITALS AND UNIVERSITIES, THERE'S LARGE

22 QUANTITIES OF FOOD WASTE THAT ARE GENERATED,

LARGE

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23 AMOUNTS OF MATERIAL THAT HAVE NOT BEEN FOCUSED

ON

24 BY THE EXISTING STATE RECYCLING PROGRAMS

25 ADEQUATELY.

1 CHAIRMAN PENNINGTON: THANK YOU. ANY
2 FURTHER QUESTIONS? IF NOT, WILL THE SECRETARY
3 CALL THE ROLL?

4 BOARD SECRETARY: BOARD MEMBER CHESBRO.

5 BOARD MEMBER CHESBRO: AYE.

6 BOARD SECRETARY: FRAZEE.

7 BOARD MEMBER FRAZEE: NO.

8 BOARD SECRETARY: GOTCH.

9 BOARD MEMBER GOTCH: AYE.

10 BOARD SECRETARY: JONES.

11 BOARD MEMBER JONES: NO.

12 BOARD SECRETARY: RELIS

13 BOARD MEMBER RELIS: AYE.

14 BOARD SECRETARY: CHAIRMAN PENNINGTON.

15 CHAIRMAN PENNINGTON: NO.

16 MOTION FAILS.

17 MS. ZWARTS: NO POSITION ON THE BILL.

18 CHAIRMAN PENNINGTON: NEXT IS SB 2.

19 MS. ZWARTS: SB 2 BY SENATOR THOMPSON,

20 THIS BILL IS SPONSORED BY THE AUTHOR HIMSELF.

21 THIS BILL WOULD ENACT THE PARKS AND RESOURCES

22 IMPROVEMENT BOND ACT OF 1998 AND PROVIDES A

LITTLE

23 SHY OF HALF A MILLION DOLLARS FOR VARIOUS PARK,

24 RECREATIONAL, WILDLIFE RESTORATION PROJECTS.

THIS

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25 IS TO GO BEFORE THE VOTERS ON NOVEMBER 3RD OF

1 1998. THIS BILL IS IN THE SENATE APPROPRIATIONS
2 COMMITTEE ON THE SUSPENSE FILE, AS ARE ALL BOND
3 ACTS AT THIS TIME OF YEAR. THAT BILL HAS NO
4 FISCAL IMPOSITION ON THE BOARD.

5 THE COMMITTEE REVIEWING THE BILL
6 RECOMMENDED THAT WE SUPPORT THE BILL, WITH
7 AMENDMENTS, AND THE AMENDMENTS ARE TO

LEGISLATIVE

8 INTENT LANGUAGE, WHICH IS AN ADDENDUM TO YOUR
9 AGENDA PACKAGE. A TWO TO ONE VOTE ON THAT
10 RECOMMENDATION, AND I'D BE HAPPY TO ANSWER ANY
11 QUESTIONS.

12 CHAIRMAN PENNINGTON: QUESTIONS OF
13 MS. ZWARTS ON THIS BILL?

14 BOARD MEMBER FRAZEE: MR. CHAIRMAN,
15 AGAIN, I OPPOSE THIS BILL BASED ON TWO GROUNDS.
16 AGAIN, FIRST OF ALL, I DON'T THINK IT'S AN
17 APPROPRIATE MATTER FOR THIS BOARD TO BE
18 CONSIDERING. BOND ACTS ARE SOMEWHAT UNIQUE;

AND

19 IN MY EXPERIENCE WITH DEALING WITH THEM, THIS
20 IS
21 JUST THE FIRST SHOT OUT ON BONDS. AND ALTHOUGH
22 IT'S SB 2 AND THE EARLY ONE, THE NATURE OF

THESE

THINGS IS THAT A LARGE NUMBER OF BOND BILLS ARE

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23 ACCUMULATED DURING THE EARLY COURSE OF THE
24 SESSION, AND THEN THEY ALL GO ON A SUSPENSE
FILE.
25 THEY ARE THEN NEGOTIATED DOWNWARD BY A
LEADERSHIP

1 COMMITTEE, AND SO -- WELL, FIRST OF ALL, I JUST
2 DON'T THINK IT'S AN APPROPRIATE SUBJECT FOR US.

3 NO. 2, THERE MAY BE OTHER BOND
4 ISSUES OF GREATER IMPORTANCE. IF THIS WERE AN
5 APPROPRIATE ISSUE FOR US TO DISCUSS, ARE WE GOING
6 TO GET INTO SCHOOL BONDS AND HIGHWAY BONDS AND
7 EARTHQUAKE BOND AND EVERYTHING ELSE IN THE WAY OF
8 BOND FUNDING.

9 SECONDLY, I'M OPPOSED TO THE
10 SUGGESTED AMENDMENTS. I THINK IF WE'RE GOING TO
11 HAVE A BOND ACT, I DON'T THINK IT SHOULD BE
12 CLUTTERED WITH EXTRANEIOUS MATTER THAT HAS NO
13 BEARING AND, IN FACT, MAY CAUSE SOME PEOPLE TO
14 VOTE AGAINST THE BOND ACT BECAUSE IT HAS ALL
KINDS
15 OF OTHER ITEMS ATTACHED TO IT.

16 CHAIRMAN PENNINGTON: ANY OTHER
17 DISCUSSION?

18 BOARD MEMBER GOTCH: MR. CHAIR, THIS
BILL
19 CAME BEFORE LEGISLATION AND PUBLIC EDUCATION
20 COMMITTEE BECAUSE IT DOES CONTAIN INTENT
LANGUAGE
21 WHICH AFFECTS THE BOARD. AND I HAD ASKED FOR
22 SPECIFIC LANGUAGE THAT IN THE WORDING OF THE
BILL

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23 WOULD INCLUDE THAT -- IF I MAY READ BRIEFLY,
I'M

24 LOOKING FOR THE -- FULL AND PROPER

CONSIDERATION

25 OF THE PURCHASE OF RECYCLED-CONTENT PRODUCTS
WHEN

1 CONDUCTING THE ACTIVITIES ASSOCIATED WITH THIS
2 BOND ACT. AMONG OTHER THINGS, RECYCLED-CONTENT
3 PRODUCTS CAN BE USED AS PLASTIC LUMBER FOR PICNIC
4 TABLES, PARK BENCHES, LITTER RECEPTACLES,
5 PLAYGROUND EQUIPMENT, CONSTRUCTION AND DEMOLITION
6 DEBRIS FOR PARKING LOT AND ACCESS ROAD PAVING;
7 GREEN WASTE FOR COMPOST, MULCH, TRAIL BUILDING,
8 AND EROSION CONTROL; AND USED TIRES FOR RUBBERIZED
9 ASPHALT PROJECTS AND PLAYGROUND SURFACING.

10 SO BASICALLY, I'M JUST ASKING FOR
11 SPECIFIC LANGUAGE ADDED TO THIS BOND; AND I
12 QUESTION IF THERE WERE A BOND COMING BEFORE US
13 THAT WAS REGARDING RECYCLING FACILITIES, WOULD YOU
14 NOT WANT TO TAKE A LOOK AT THAT BOND BILL?

15 CHAIRMAN PENNINGTON: THE MATERIAL YOU
16 JUST READ US IS YOUR SUGGESTED AMENDMENT TO THE
17 BILL, OR IS THAT IN THE --

18 BOARD MEMBER GOTCH: THAT WAS IN THE
19 LEGISLATIVE INTENT LANGUAGE, CORRECT, THAT I --

20 CHAIRMAN PENNINGTON: IT IS PART OF THE
21 BILL?

22 BOARD MEMBER GOTCH: NO. PART OF THE
23 BILL INCLUDES LANGUAGE -- INTENT LANGUAGE FOR THE
24 BOARD USING THE RECYCLED-CONTENT MATERIALS.

25 MS. ZWARTS: THE BILL AS IT IS IN PRINT

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1 TODAY DOES HAVE INTENT LANGUAGE THAT ENCOURAGES
2 THE LEGISLATURE IN EVERY STATE OR LOCAL AGENCY TO
3 RECEIVE FUNDING UNDERNEATH THIS BOND, TO THE
4 EXTENT POSSIBLE USE -- RECYCLE REUSABLE PRODUCTS
5 WHENEVER CARRYING OUT THE ACTIVITIES IN THE BILL.
6 THE COMMITTEE'S PROPOSED AMENDMENT, WHICH IS IN
7 YOUR ADDENDUM, BE HAPPY TO READ THAT TO YOU IF
8 IT'S NOT AVAILABLE, WOULD ENHANCE THAT EXISTING
9 INTENT LANGUAGE.

10 CHAIRMAN PENNINGTON: WHAT ABOUT THE
11 AGENCY THAT REALLY IS AFFECTED BY IT, PARKS AND
12 REC, FISH AND GAME, CONSERVATION, THOSE
13 DEPARTMENTS? HAVE THEY TAKEN A STAND ON IT?

14 MS. ZWARTS: I'M NOT SURE WHAT THEIR
15 POSITION IS ON THIS ONE. I KNOW THE
16 ADMINISTRATION IS LOOKING AT THIS AND ALL THE
17 OTHER RELATED BONDS AS A GROUP.

18 CHAIRMAN PENNINGTON: AS A GROUP?

19 MS. ZWARTS: YEAH.

20 CHAIRMAN PENNINGTON: OKAY.

21 BOARD MEMBER GOTCH: SO I WOULD LIKE TO
22 MAKE A MOTION, IF I MAY.

23 CHAIRMAN PENNINGTON: CERTAINLY.

24 BOARD MEMBER GOTCH: AND THAT IS SUPPORT
25 WITH THE SUGGESTED MORE SPECIFIC LANGUAGE AND

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1 AMENDMENTS.

2 BOARD MEMBER CHESBRO: SECOND.

3 CHAIRMAN PENNINGTON: OKAY. ANY FURTHER
4 QUESTIONS? IT'S BEEN MOVED AND SECONDED THAT WE
5 SUPPORT IF AMENDED, AND WE HAVE SOME AMENDMENTS.
6 IF THERE'S NO FURTHER DISCUSSION, WILL THE
7 SECRETARY CALL THE ROLL?

8 BOARD SECRETARY: BOARD MEMBER CHESBRO.

9 BOARD MEMBER CHESBRO: AYE.

10 BOARD SECRETARY: FRAZEE.

11 BOARD MEMBER FRAZEE: NO.

12 BOARD SECRETARY: GOTCH.

13 BOARD MEMBER GOTCH: AYE.

14 BOARD SECRETARY: JONES.

15 BOARD MEMBER JONES: NO.

16 BOARD SECRETARY: RELIS.

17 BOARD MEMBER RELIS: I'M GOING TO ABSTAIN
18 BECAUSE I DON'T THINK THIS SHOULD REALLY BE BEFORE
19 US. I'M NOT AGAINST PARK AND BOND ISSUES, BUT I
20 DON'T THINK THIS IS OUR DOMAIN, SO I WILL ABSTAIN
21 FOR THAT REASON.

22 BOARD SECRETARY: CHAIRMEN PENNINGTON.

23 CHAIRMAN PENNINGTON: WHILE I AGREE WITH
24 MR. RELIS, I HAVE TO VOTE NO.

25 BOARD MEMBER CHESBRO: MR. CHAIRMAN?

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1 CHAIRMAN PENNINGTON: YES.

2 MOTION FAILS.

3 BOARD MEMBER CHESBRO: I WOULD LIKE TO
4 MAKE A SUGGESTION, AN ALTERNATIVE STRATEGY, WHICH,
5 SINCE THE MAJORITY OF THE BOARD APPEARS NOT TO
6 WANT TO GET INVOLVED IN ENDORSING OR OPPOSING BOND
7 MEASURES, WOULD BE THAT WE APPROACH THE AUTHORS OF
8 VARIOUS BOND MEASURES WITH THIS TYPE OF INTENT
9 LANGUAGE WITHOUT REGARDS TO SUPPORT OR OPPOSITION
10 BY THE BOARD. SIMPLY SUGGEST THAT THEY CONSIDER
11 INCORPORATING LANGUAGE WHICH ENCOURAGES THE USE OF
12 RECYCLED MATERIALS IN THEIR BOND MEASURES. I
13 WOULD SO MOVE.

14 BOARD MEMBER GOTCH: I'LL SECOND.

15 CHAIRMAN PENNINGTON: OKAY. IS THERE
16 ANY --

17 BOARD MEMBER RELIS: I DON'T SEE A NEED
18 TO VOTE ON THAT. THAT'S SORT OF A GENERAL --

19 CHAIRMAN PENNINGTON: THAT'S SORT OF
20 MAKING INFORMAL POLICY.

21 BOARD MEMBER RELIS: I DON'T --

22 CHAIRMAN PENNINGTON: I HAVE ALWAYS BEEN
23 UNDER THE IMPRESSION THAT PARTICULARLY THE
24 LEGISLATIVE EMPLOYEES HAVE THE OPPORTUNITY TO
25 DISCUSS WITH THEIR APPOINTED POWERS ITEMS WHICH

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1 THEY WANT. I DON'T KNOW THAT WE NEED TO TAKE A
2 FORMAL POLICY --

3 BOARD MEMBER CHESBRO: WELL, THERE IS A
4 MOTION THAT I HAVE MADE, AND I WOULD LIKE TO HAVE
5 A VOTE. I WOULD SAY THAT WHILE -- I WOULD LIKE TO
6 SAY MY ADVICE OR SUGGESTION TO A LEGISLATOR MIGHT
7 CARRY SOME WEIGHT. I DO THINK THE BOARD'S
8 ENDORSEMENT ASSISTS IN EFFORTS TO ACHIEVE
9 LEGISLATIVE ACCOMPLISHMENTS, SO I AM SEEKING BOARD
10 SUPPORT FOR THE IDEA.

11 CHAIRMAN PENNINGTON: OKAY. ANY OTHER
12 QUESTIONS? I WOULD LIKE FOR YOU TO REPEAT YOUR
13 MOTION.

14 BOARD MEMBER CHESBRO: THE MOTION IS FOR
15 THE BOARD TO APPROACH AUTHORS OF VARIOUS BOND --
16 ALL OF THE AVAILABLE BOND MEASURES TO ENCOURAGE
17 THEM TO INCLUDE LANGUAGE WHICH WOULD ENCOURAGE
18 THE
19 USE OF RECYCLED-CONTENT MATERIALS IN THEIR BOND
20 MEASURES.

21 CHAIRMAN PENNINGTON: OKAY. IF THERE'S
22 NO FURTHER DISCUSSION, WILL THE SECRETARY CALL
23 THE
24 ROLL?

25 BOARD SECRETARY: DID WE HAVE A SECOND
26 ON

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24 THAT?

25 BOARD MEMBER GOTCH: YES.

1 CHAIRMAN PENNINGTON: YES, MRS. GOTCH.
2 BOARD SECRETARY: BOARD MEMBER CHESBRO.
3 BOARD MEMBER CHESBRO: AYE.
4 BOARD SECRETARY: FRAZEE.
5 BOARD MEMBER FRAZEE: NO.
6 BOARD SECRETARY: GOTCH.
7 BOARD MEMBER GOTCH: AYE.
8 BOARD SECRETARY: JONES.
9 BOARD MEMBER JONES: NO.
10 BOARD SECRETARY: RELIS.
11 BOARD MEMBER RELIS: NO.
12 BOARD SECRETARY: CHAIRMAN PENNINGTON.
13 CHAIRMAN PENNINGTON: NO. MOTION FAILS.
14 THAT CONCLUDES THE LEGISLATIVE
15 PORTION.
16 NOW WE'LL MOVE TO ITEM 18.
17 BOARD MEMBER GOTCH: WE HAVE ONE MORE.
18 MS. ZWARTS: ACTUALLY, WE HAVE ONE MORE
19 BILL. I KNOW WE WANT TO MOVE ON. I'LL BE QUICK
20 WITH THIS ONE. THE LAST BILL BEFORE YOU TODAY IS
21 SB 698 BY SENATOR RAINEY. THE BILL IS SPONSORED
22 BY FIRST BRANDS, INCORPORATED. THIS MEASURE
WOULD
23 REPLACE THE 30-PERCENT RECYCLED MATERIAL
MINIMUM
24 CONTENT MATERIAL USED FOR 1997 FOR THE TRASH

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BAG
25
USE

PROGRAM WITH THE NEW METHOD OF CALCULATING THE

1 REQUIREMENTS FOR 1998 AND BEYOND.

2 IT REQUIRES THE BOARD TO PROVIDE
3 MANUFACTURERS WITH A CREDIT OF 1.2 POUNDS FOR
4 EVERY ONE POUND OF POSTCONSUMER PLASTIC PURCHASED
5 FROM A CALIFORNIA SUPPLIER. IT BASICALLY CHANGES
6 HOW WE CALCULATE COMPLIANCE WITH THE MINIMUM
7 CONTENT TRASH BAG PROGRAM.

8 THIS BILL IS IN THE SENATE
9 APPROPRIATION COMMITTEE, A HEARING DATE NOT SET,
10 AND IT PASSED THE SENATE ENVIRONMENTAL QUALITY
11 COMMITTEE EARLIER THIS WEEK, SIX-TO-ONE VOTE.

12 YOU'LL NOTICE IN YOUR PACKET A NEW
13 ANALYSIS. SINCE THE PRINT DATE FOR THE BOARD
14 AGENDA, THE BILL HAS BEEN AMENDED, AND THAT IS THE
15 BILL THAT IS BEFORE YOU TODAY. IN REVIEWING THE
16 BILL, THE LPEC RECOMMENDED THAT WE OPPOSE THE
17 MEASURE ON A VOTE OF TWO TO ONE.

18 I SHOULD MENTION THAT ON MONDAY,
19 WHEN THIS BILL WAS HEARD IN COMMITTEE, TWO
20 ADDITIONAL AMENDMENTS WERE IMPOSED ON THE BILL
21 THAT ARE NOT IN YOUR ANALYSIS. THEY ARE, ONE,
22 THAT THE PROGRAM HAVE A THREE-YEAR SUNSET DATE
23 AND, TWO, THAT PENALTIES BE ADDED TO THE BILL FOR
24 NONCOMPLIANCE WITH THE TRASH BAG LAW.

25 BOARD MEMBER CHESBRO: SO THE ENTIRE

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1 CONTENT PROGRAM FOR TRASH BAGS WOULD BE SUNSETTED?

2 MS. ZWARTS: NO. THE FORMULA THAT IS
3 BEING PROPOSED BY THIS BILL WOULD SUNSET, GO BACK
4 TO ITS ORIGINAL METHOD, AFTER THREE YEARS.

5 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
6 MS. ZWARTS? OKAY. ANY DISCUSSION FROM BOARD
7 MEMBERS?

8 BOARD MEMBER CHESBRO: I MOVE WITH THE
9 COMMITTEE, AND I MOVE THAT WE OPPOSE THE BILL.

10 BOARD MEMBER GOTCH: AND I WILL SECOND.

11 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN
12 MOVED AND SECONDED THAT WE OPPOSE THE BILL. ANY
13 DISCUSSION?

14 BOARD MEMBER RELIS: MR. CHAIR. YES. I
15 WOULD LIKE TO CLARIFY. THERE IS NOW AN ENFORCE-
16 MENT PROVISION, IS THAT TRUE, IN THE AMENDMENT --
17 IN THE AMENDED VERSION?

18 MS. ZWARTS: IN THE EXISTING LAW THERE
19 ARE SOME PENALTY PROVISIONS. WHAT THE COMMITTEE
20 ASKED FOR WAS AN ADDITIONAL PENALTY PROVISION

WITH

21 THIS NEW FORMULA. I HAVE NOT SEEN THE LANGUAGE.
22 IT HAS YET TO BE WRITTEN.

23 BOARD MEMBER RELIS: OKAY. THANK YOU.

24 CHAIRMAN PENNINGTON: ANY FURTHER
25 DISCUSSION? IF NOT, WILL THE SECRETARY CALL THE

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MAY

ROLL?

BOARD SECRETARY: BOARD MEMBER CHESBRO.

BOARD MEMBER CHESBRO: AYE.

BOARD SECRETARY: FRAZEE.

BOARD MEMBER FRAZEE: NO.

BOARD SECRETARY: GOTCH.

BOARD MEMBER GOTCH: AYE.

BOARD SECRETARY: JONES.

BOARD MEMBER JONES: NO.

BOARD SECRETARY: RELIS.

BOARD MEMBER RELIS: NO.

BOARD SECRETARY: CHAIRMAN PENNINGTON.

CHAIRMAN PENNINGTON: NO.

OKAY. THAT MEANS WE HAVE NO
POSITION ON THAT BILL.

WE'LL NOW MOVE TO ITEM 18, PLANNING
ELEMENTS AND ENFORCEMENT OPTIONS. CONSIDERATION
OF STAFF RECOMMENDATIONS REGARDING ENFORCEMENT
OPTIONS FOR JURISDICTIONS THAT HAVE FAILED TO FILE
ADEQUATE SOURCE REDUCTION AND RECYCLING ELEMENTS
AND/OR NONDISPOSAL FACILITY ELEMENTS, INCLUDING
COMPLIANCE SCHEDULES, PUBLIC HEARING PROCEDURES,
AND CRITERIA FOR PENALTIES.

JUDY FRIEDMAN.
BOARD MEMBER GOTCH: MR. CHAIR, IF I

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1 INTERRUPT REALLY QUICKLY, MS. FRIEDMAN, I WASN'T
2 ON RECORD FOR THE CONSENT CALENDAR AND APPROVING
3 IT, AND SO I WOULD LIKE TO GIVE MY AYE. THANK
4 YOU.

5 CHAIRMAN PENNINGTON: CERTAINLY.

6 LET THE RECORD SHOW THAT MS. GOTCH
7 VOTED AYE ON THE CONSENT CALENDAR.

8 MS. FRIEDMAN.

9 MS. FRIEDMAN: GOOD MORNING, CHAIRMAN
10 PENNINGTON AND BOARD MEMBERS. THIS ITEM IS REALLY
11 THE CULMINATION OF A PROCESS WE STARTED OVER A
12 YEAR AGO. IN MARCH OF 1996, THE BOARD ADOPTED A
13 STEPWISE APPROACH FOR ACHIEVING COMPLIANCE WITH
14 RESPECT TO SUBMITTAL OF LOCAL PLANS. OVER THE
15 LAST YEAR, USING THIS APPROACH, STAFF WERE ABLE
16 TO
17 REDUCE THE NUMBER OF OUTSTANDING PLANS BY ABOUT
18 50
19 PERCENT.

20 THIS LAST MARCH STAFF CAME BACK TO
21 THE BOARD AND IDENTIFIED THAT THERE WERE STILL
22 OUTSTANDING PLANS AND SUPPORTING DOCUMENTATION.
23 THE BOARD DIRECTED STAFF TO CONTINUE THE STEPWISE
TO APPROACH, AND THIS BOARD ACTION, AS WELL AS STAFF
EFFORTS, HAVE RESULTED IN, AND I'M VERY PLEASED

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24 SAY, THAT WE HAVE A SUBMITTAL OF EITHER THE
PLANS,
25 SUPPORTING DOCUMENTATION, OR A COMPLIANCE
SCHEDULE

1 FROM THE 67 JURISDICTIONS THAT WERE OUTSTANDING.

2 BEFORE I TURN THE PRESENTATION OVER
3 TO STAFF, I WISH TO COMMEND STAFF WHO HAVE WORKED
4 HARD TO ACHIEVE THIS OUTSTANDING, UNPRECEDENTED
5 LEVEL OF COMPLIANCE. SPECIFICALLY, I WISH TO
6 THANK A DYNAMIC TRIO OF INDIVIDUALS: LLOYD DILLON
7 WITH THE OFFICE OF LOCAL ASSISTANCE; ELLIOT BLOCK,
8 STAFF COUNSEL; AND TREVOR ANDERSON, FORMERLY WITH
9 THE OFFICE OF LOCAL ASSISTANCE, NOW WITH THE AIR
10 RESOURCES BOARD. I ALSO WISH TO ACKNOWLEDGE ALL
11 OF THE STAFF WHO ASSISTED THEM IN THEIR EFFORTS.

12 NOW I WOULD LIKE TO TURN THE
13 PRESENTATION OVER TO LLOYD AND ELLIOT.

14 MR. DILLON: THANK YOU, MS. FRIEDMAN.

15 GOOD MORNING, BOARD. I'M LLOYD
16 DILLON WITH THE OFFICE OF LOCAL ASSISTANCE. I,
17 ALONG WITH MR. ELLIOT BLOCK, OUR STAFF COUNSEL,
18 WILL MAKE THIS MORNING'S PRESENTATION.

19 STAFF HAVE BEEN WORKING ON THE
20 STEPWISE APPROACH TO ENFORCEMENT ADOPTED BY THE
21 BOARD LAST YEAR. WE SENT LETTERS TO THE
22 NONCOMPLYING JURISDICTIONS IN MARCH OF '96,
23 JANUARY OF '97, AND FINALLY ANOTHER LETTER THIS
24 LAST MARCH, LAST MONTH ACTUALLY. THE MARCH '97
25 ENFORCEMENT LETTER ALSO CONTAINED A COMPLIANCE

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1 SCHEDULE FORM AND REQUESTED THAT THE LOCAL
2 JURISDICTION RETURN THE FORM COMPLETED AND SIGNED.

3 STAFF ENDEAVORED TO CONTACT THOSE
4 JURISDICTIONS THAT DID NOT IMMEDIATELY RESPOND TO
5 THE LATEST LETTER. AS IT ENDED UP, EVERY
6 NONCOMPLYING JURISDICTION HAS NOW SUBMITTED EITHER
7 THE ELEMENT THAT REQUIRED MISSING DOCUMENTATION OR
8 A COMPLIANCE SCHEDULE. AND STAFF HAS COMPILED
9 THOSE COMPLIANCE SCHEDULES INTO TWO CATEGORIES:
10 LESS THAN 120 DAYS COMPLIANCE AND GREATER THAN 120
11 DAYS TIME LINE. ALSO, LOCAL JURISDICTIONS ARE
12 BEGINNING TO SUBMIT THEIR ELEMENTS TO US WITH THE
13 REQUIRED DOCUMENTATION FOR STAFF TO PROCEED WITH
14 THEIR REVIEW AND BRING THOSE TO THE BOARD
15 EVENTUALLY FOR ACTION.

16 STAFF WILL CONTINUE TO MONITOR THE
17 COMPLIANCE SCHEDULES' PROGRESS FOR THOSE
18 JURISDICTIONS WHO HAVE NOT YET SUBMITTED THEIR
19 ELEMENTS OR DOCUMENTATION TO THE BOARD. THE
20 COMPLIANCE LISTS CAN CONSTANTLY CHANGE AS
21 JURISDICTIONS SUBMIT THE DOCUMENTS OR WITHDRAW THE
22 ELEMENTS TO WORK ON THEM FURTHER OR JUST HAVE
23 DELAYS AS THEY CONTINUE WORKING ON THEIR
24 DOCUMENTS.

25 THE COMPLIANCE SCHEDULES WITHIN THE

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1 PREFERRED 120-DAY TIME LINE -- THERE WERE 22
2 JURISDICTIONS AND 29 ELEMENTS ON THAT LIST. THESE
3 SCHEDULES INDICATE EITHER THE ELEMENTS OR THE
4 MISSING DOCUMENTATION WILL SUBMITTED TO THE BOARD
5 BY THE END OF JULY.

6 THERE WERE 28 JURISDICTIONS AND 51
7 ELEMENTS ON THE LIST EXCEEDING THE PREFERRED
8 120-DAY TIME LINE, AND STAFF HAS DETERMINED THAT
9 THOSE SCHEDULES ARE WITHIN REASON AND ARE
10 ACCEPTABLE. AND THE SCHEDULES INDICATE THAT THOSE
11 ELEMENTS OR THE MISSING DOCUMENTATION WOULD BE
12 SUBMITTED TO THE BOARD BY THE END OF SEPTEMBER.

13 THERE WERE NO JURISDICTIONS THAT DID
14 NOT FILE A COMPLIANCE SCHEDULE WITH THE BOARD. WE
15 HAD 100-PERCENT COMPLIANCE ON THAT. EITHER THEY
16 GOT THE ELEMENTS IN OR THEY DID FILE A COMPLIANCE
17 SCHEDULE OF SOME SORT. AND OF THOSE THAT FILED,
18 THE ORIGINAL MISSING JURISDICTION, THERE WERE 22
19 JURISDICTIONS THAT HAVE FILED 27 ELEMENTS WITH THE
20 BOARD, AND WE'RE CONTINUING TO PROCESS THOSE AT
21 THIS TIME.

22 AS WE WORK THROUGH THOSE AND GO
23 THROUGH THE COMPLIANCE SCHEDULES AND GETTING THEM
24 GOING, ONE OF THE OPTIONS CONSIDERED BY THE BOARD
25 WAS TO HOLD A COMPLIANCE HEARING, AN ENFORCEMENT

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1 HEARING, FOR FAILURE TO COMPLY WITH AB 939 AND THE
2 BOARD'S DIRECTIVES. STAFF MONITORS THOSE; AND IF
3 THEY'RE NOT PROGRESSING EFFECTIVELY OR SMOOTHLY IN
4 A POSITIVE MANNER, WE WILL CONSIDER EXERCISING
5 THAT OPTION, WHICH WOULD BE TO NOTICE --
6 IMMEDIATELY NOTICE THE JURISDICTION OF A BOARD
7 MEETING TO COME BEFORE ANY HEARING. WITHIN -- I
8 THINK IT'S MINIMUM 30 DAYS, PROBABLY WITHIN THE
9 NEXT 60 DAYS, WHICH WOULD BE NOT THE IMMEDIATE
10 NEXT BOARD MEETING, BUT THE FOLLOWING BOARD
11 MEETING AFTER THIS, THEY WOULD COME BEFORE YOU TO
12 LET YOU KNOW THEIR EFFORTS AND WHAT'S HAPPENING.
13 AND THE BOARD WOULD ALSO THEN CONSIDER THEIR
14 EFFORTS AND POSSIBLE ADMINISTRATIVE ACTIONS.

15 STAFF WOULD ALSO PRESENT THEIR
16 POSITION AT THAT TIME. MR. BLOCK WILL EXPLAIN
17 THAT LATER ON DURING HIS PART OF THE PRESENTATION.

18 STAFF WILL CONTINUE TO MONITOR
19 PROGRESS OF THOSE JURISDICTIONS THAT HAVE NOT
20 SUBMITTED THEIR ELEMENTS OR DOCUMENTATION TO THE
21 BOARD. WE WILL ALSO CONTINUE TO MONITOR THE
22 COMPLIANCE SCHEDULES. WE WILL CONTINUE TO PROVIDE
23 THE OVERALL SUBMITTAL COMPLIANCE STANDARDS REPORTS
24 THROUGH THE DEPUTY DIRECTOR AT THE LOCAL
25 ASSISTANCE AND PLANNING COMMITTEE MEETINGS. AND

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1 WE WILL PROVIDE SPECIFIC UPDATES AT THE COMMITTEE
2 MEETINGS THROUGH THE DEPUTY DIRECTOR REPORT ON
3 NONCOMPLYING JURISDICTIONS.

4 WE DID HAVE A COUPLE INSTANCES OUT
5 OF THE ORDINARY THAT WERE BROUGHT BEFORE THE
6 PLANNING COMMITTEE FOR CONSIDERATION. THERE WERE
7 FOUR JURISDICTIONS IN TWO CATEGORIES. ONE WAS
8 UNION CITY IN ALAMEDA COUNTY. THEY HAD BEEN
9 INFORMED ABOUT THEIR INADEQUACY OF THEIR PREVIOUS
10 DOCUMENTATION FILINGS. AND DURING OUR ATTEMPTS TO
11 GET COMPLIANCE SCHEDULES FILED, WE HAD BEEN
12 ASSURED BY THEIR ASSISTANT CITY MANAGER THAT THE
13 DOCUMENTATION WOULD BE FORTHCOMING. THEY HAD
14 SUBMITTED DOCUMENTS THAT WE HAD NOT HAD A CHANCE
15 TO LOOK AT PRIOR TO THE PLANNING COMMITTEE
16 MEETING.

17 SUBSEQUENT TO THAT, WE HAVE LOOKED
18 AT IT, AND WE HAVE HAD COMMUNICATION WITH THE
19 CITY. WE'VE ACCEPTED SOME OF THEIR DOCUMENTATION
20 AS BEING -- COMPLYING WITH THE NEED FOR PUBLIC
21 NOTICE AND PUBLIC HEARING FOR THE SOURCE REDUCTION
22 AND RECYCLING ELEMENT ADOPTION, BUT THE CITY
23 AGREED WITH US THAT THEY HAD FAILED TO NOTICE THE
24 PUBLIC HEARING FOR THE ADOPTION OF THE NONDISPOSAL
25 FACILITY ELEMENT. AND THE CITY HAS VOLUNTEERED TO

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1 RENOTICE THAT AND READOPT IT. THE NOTICE IS GOING
2 OUT SOON, I BELIEVE IT'S ON THE MAY 23RD, CITY
3 COUNCIL MEETING FOR READOPTION.

4 SO WITH THAT, WE AGREED TO VERBALLY
5 AMEND THE CITY'S COMPLIANCE SCHEDULE, AND WE WOULD
6 EXPECT TO HAVE SOMETHING FILED WITH US PROBABLY BY
7 THE FIRST OF JUNE, THE FEW DOCUMENTS, THE NOTICE
8 OF PUBLIC HEARING, AND THE NEW RESOLUTION. AND WE
9 WILL BE WORKING WITH THEM IF THERE'S ANYTHING
10 FURTHER THAT THEY NEED ON THIS. THE OTHER -- AND
11 WE WOULD PUT THAT INTO THE LESS THAN 120-DAY
12 COMPLIANCE SCHEDULE CATEGORY.

13 THE OTHER INSTANCE WAS COLUSA
14 COUNTY, INCLUDING THE CITIES OF COLUSA AND
15 WILLIAMS. THEY HAD SUBMITTED A COMPLIANCE
16 SCHEDULE THAT EXTENDED INTO FEBRUARY OF '98. MR.
17 RICHARD DICKSON, THE COUNTY'S ENVIRONMENTAL
18 COMPLIANCE ANALYST, CAME BEFORE THE COMMITTEE AND
19 PROVIDED AN EXPLANATION OF THE PROPOSED SCHEDULE,
20 INCLUDING CONFLICTING SCHEDULES THAT HE HAS AT
21 THIS TIME TO DO THE LANDFILL CLOSURE AND SOME
22 OTHER THINGS.

23 THE COMMITTEE INSTRUCTED STAFF TO
24 DEVELOP A SCHEDULE THAT WOULD HAVE THE COUNTY AND
25 THE CITY SUBMITTING THEIR SOURCE REDUCTION AND

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1 RECYCLING ELEMENTS AND NONDISPOSAL FACILITY
2 ELEMENTS BY THE END OF DECEMBER. THIS WOULD BE
3 CONSISTENT WITH THE SCHEDULE PROPOSED TO BE
4 ACCEPTED BY THE BOARD FOR THE 120 DAYS OR GREATER
5 GROUP, EVEN THOUGH IT'S THREE MONTHS LONGER. MOST
6 OF THE OTHERS WOULD BE IN BY THE END OF SEPTEMBER.

7 STAFF HAS DEVELOPED THAT SCHEDULE
8 AND HAS PRESENTED A COPY OF THE COMPLIANCE
9 SCHEDULE TO THE COUNTY REPRESENTATIVE. HE HAS
10 LOOKED IT OVER AND HAS NOT REALLY COMMENTED ON IT.
11 STAFF WILL CONTINUE TO WORK WITH THE COUNTY AND
12 THE CITIES IN THEIR EFFORTS TO MEET THE SCHEDULE
13 AS DIRECTED BY THE COMMITTEE. WE HAVE ALREADY HAD
14 SOME SHORTCUT SUGGESTIONS TO THE COUNTY
15 REPRESENTATIVE AND A COUPLE OF PHONE CALLS WITH
16 THEM. AND THAT SCHEDULE HAS BEEN DISTRIBUTED TO
17 YOU AND AVAILABLE ON THE TABLE OUT FRONT.

18 WITH THAT IN MIND, STAFF RECOMMENDS
19 THAT THE BOARD ACCEPT STAFF'S RECOMMENDATIONS,
20 WHICH ARE TO ACCEPT THOSE COMPLIANCE SCHEDULES FOR
21 120 DAYS OR LESS, INCLUDING THE COUNTY-MODIFIED
22 COMPLIANCE SCHEDULE FOR THE CITY OF UNION CITY,
23 ALAMEDA COUNTY, AND TO ACCEPT THOSE COMPLIANCE
24 SCHEDULES FOR GREATER THAN 120 DAYS, INCLUDING THE
25 PROPOSED SCHEDULE FOR COLUSA COUNTY AND THE CITIES

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1 OF COLUSA AND WILLIAMS.

2 WITH THAT, MR. BLOCK WOULD LIKE TO
3 MAKE A STATEMENT.

4 MR. BLOCK: I JUST WANTED TO ADD A COUPLE
5 OF COMMENTS TO LLOYD'S PRESENTATION BEFORE YOU
6 VOTE ON THE FIRST RESOLUTION ON THIS ITEM. AND
7 THAT IS LLOYD USED THE WORD "ACCEPT" AS OPPOSED TO
8 "APPROVE." I JUST WANT TO HIGHLIGHT THAT WE HAVE
9 SPECIFICALLY USED THE WORD "ACCEPTANCE OF THE
10 SCHEDULES" AS OPPOSED TO "APPROVE" TO HIGHLIGHT
11 THAT WHAT THE BOARD IS DOING WITH THIS ACTION IS
12 ACCEPTING THESE COMPLIANCE SCHEDULES FOR THE
13 PURPOSE OF NOT SCHEDULING A PUBLIC HEARING, BUT
14 WHAT THE BOARD IS NOT DOING IS THAT WE'RE NOT
15 SAYING THAT IT'S OKAY THAT THOSE SCHEDULES CAME IN
16 THREE PLUS YEARS LATE. JUST TRYING TO MAKE A
17 LITTLE BIT OF A DISTINCTION THERE.

18 THE SECOND THING I WANTED TO POINT
19 OUT, AND LLOYD ALLUDED TO THIS AS WELL IN HIS
20 HEARING, IS THAT AS THE COMPLIANCE SCHEDULE
21 PROCEDURE, IF YOU WILL, IS LAID OUT IN THE AGENDA
22 ITEM, WHAT STAFF IS PROPOSING IS THAT SHOULD A
23 JURISDICTION NOT MEET ITS COMPLIANCE SCHEDULE,
24 THAT WE WOULD BE SCHEDULING A HEARING DIRECTLY AS
25 OPPOSED TO COMING BACK TO THE COMMITTEE AND THE

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1 BOARD FIRST TO DECIDE WHETHER OR NOT TO SCHEDULE A
2 PUBLIC HEARING. AND THAT'S PURELY FOR THE
3 PURPOSES OF EFFICIENCY AND CONSERVING RESOURCES.

4 WE HAVE TWO RESOLUTIONS. THERE'S
5 TWO PARTS TO THIS ITEM, BUT IF IT'S THE BOARD'S
6 PLEASURE --

7 MR. DILLON: WITH THOSE ADJUSTMENTS, AS I
8 MENTIONED, AND WITH THAT UNDERSTANDING THAT
9 ELLIOT'S MADE CLEAR, STAFF WOULD RECOMMEND THE
10 BOARD ADOPT AT THIS TIME RESOLUTION 97-146, WHICH
11 IS FOR THE COMPLIANCE SCHEDULES.

12 CHAIRMAN PENNINGTON: MR. CHESBRO.

13 BOARD MEMBER CHESBRO: YES. ON BEHALF OF
14 THE COMMITTEE, FIRST OF ALL, I WOULD LIKE TO ECHO
15 PREVIOUS COMMENTS ABOUT THE STAFF WORK ON THIS.
16 IT HAS BEEN OUTSTANDING. IT'S TAKEN A GREAT DEAL
17 OF PERSISTENCE TO CONTACT EACH OF THESE JURISDIC-
18 TIONS. IT'S TAKEN IN SOME CASES REPEATED, VERY
19 TACTFUL, BUT PERSISTENT EFFORTS TO GET IN TOUCH
20 AND GET AGREEMENTS ESTABLISHED. AND I ALWAYS
21 FORGET THE EXACT NUMBER, 531 JURISDICTIONS, A
22 FAIRLY SMALL BUT TOUGH PERCENTAGE WHICH WE HAVEN'T
23 HAD IN THE PROCESS, BUT ALL OF WHOM HAVE NOW BEEN
24 BROUGHT INTO THE PROCESS WITH THE ACTION THAT'S
25 RECOMMENDED TODAY. I THINK IT IS AN OUTSTANDING

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1 EFFORT.

2 I THINK -- I SAID AT THE COMMITTEE
3 AND I'LL SAY AGAIN TODAY THAT THE BOARD HAS SPENT
4 THE LAST SIX YEARS, SIX AND A HALF YEARS
5 ESSENTIALLY TRYING TO BE AS RESPONSIVE AS
POSSIBLE

6 AND AS HELPFUL AS POSSIBLE. THERE COMES A TIME
7 WHERE YOU SAY THAT THERE'S A FINISHING POINT,
AND

8 WE'RE AT THAT POINT IN TERMS OF AT LEAST GETTING
9 THE PLANS SUBMITTED. AND WE DID GET -- WE DO
HAVE

10 EITHER THOSE ELEMENTS IN HAND, DRAFT ELEMENTS IN
11 HAND, OR WE NOW HAVE COMPLIANCE SCHEDULES
PROPOSED

12 FOR THEM.

13 ONE EXCEPTION THAT'S STILL OUT
THERE

14 IS THE COLUSA COUNTY JURISDICTION'S AND THEY
15 PROPOSED, AS WAS INDICATED, A COMPLIANCE
SCHEDULE

16 WHICH WENT WELL INTO 1998. WE WERE GOING TO
WIND

17 UP WITH 530 THAT SAID YES AND ONE THAT SAID NO.

I

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18 THINK THE COMMITTEE WAS NOT INCLINED, AND I
THINK
19 THE BOARD SHOULD NOT BE INCLINED, TO GO ALONG
WITH
20 THAT. ON THE OTHER HAND, EVEN SO, WE STILL GAVE
21 THEM A COMPLIANCE SCHEDULE THAT WAS BETTER THAN
22 ALL THE OTHERS. WE GAVE THEM TILL ESSENTIALLY
THE
23 END OF THIS YEAR, AS I UNDERSTAND, RIGHT?
24 DECEMBER?
25 MR. DILLON: IT GOES TO ACTUALLY
DECEMBER

1 3RD.

2 BOARD MEMBER CHESBRO: DECEMBER 3RD AS
3 OPPOSED TO WHAT WAS IT GOING TO BE, FEBRUARY OR
4 MARCH?

5 MR. DILLON: YES.

6 BOARD MEMBER CHESBRO: I WOULD SUGGEST,
7 AND THIS DOESN'T HAVE TO BE PART OF THE MOTION,
8 THAT WE -- IN ORDER TO BE AS CLEAR AS WE CAN,
9 PERHAPS THE CHAIR OR THE CHAIR AND I SHOULD SIGN
10 ANOTHER LETTER TO THE CHAIR OF THE BOARD OF
11 SUPERVISORS AND THE MAYORS IN THE TWO
12 JURISDICTIONS TO SORT OF RESTATE THAT WE REALLY
13 FEEL, THAT IT'S TIME TO GET THIS THING DONE SO
14 WE
15 CAN MOVE ON FROM THE QUESTION OF CONSIDERING
16 PLANNING ELEMENTS SIX, SEVEN YEARS, EIGHT YEARS
17 AFTER THE LAW PASSED. BUT THAT'S JUST A GENERAL
18 COMMENT.

19 I WOULD MOVE THE COMMITTEE'S
20 RECOMMENDATION, WHICH WAS TO ADOPT RESOLUTION
21 97-146 -- IS THAT RIGHT, ELLIOT?

22 MR. BLOCK: YES.

23 BOARD MEMBER CHESBRO: -- WHICH WOULD
24 ACCEPT THE COMPLIANCE SCHEDULES FOR THE
25 JURISDICTIONS THAT HAVE FAILED TO SUBMIT PLANS,
AND COMPLIANCE SCHEDULE WHICH THE COMMITTEE

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1 RECOMMENDED FOR THE COUNTY OF COLUSA, THE CITY
OF
2 WILLIAMS AND THE CITY OF COLUSA.

3 CHAIRMAN PENNINGTON: I WOULD BE HAPPY
TO
4 SECOND THAT. I WOULD LIKE TO ADD A LITTLE BIT
TO
5 THE MOTION, AND THAT IS TO DIRECT THE STAFF TO
6 MAKE A REVIEW OF THESE ITEMS THE HIGHEST
PRIORITY
7 TO ASSURE THE TIME TABLES AND IMPLEMENT
8 SCHEDULING.

9 MR. CHANDLER: YOU MIGHT WANT TO REPEAT
10 THAT INTO THE MICROPHONE. WE DIDN'T PICK THAT
UP.

11 CHAIRMAN PENNINGTON: I'LL TRY IT THIS
12 SIDE.

13 THE ADDITION TO MR. CHESBRO'S
MOTION
14 WOULD BE TO DIRECT STAFF TO MAKE A REVIEW OF
THESE
15 ELEMENTS THE HIGHEST PRIORITY TO ENSURE THE
BOARD
16 MEETS ITS TIME TABLES AND APPROVED COMPLIANCE
17 SCHEDULES. I AM AWARE THAT THE STAFF IS VERY
18 BUSY, BUT I WOULD LIKE TO MAKE SURE WE STAY

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WITHIN

19 OUR TIME TABLE AS WELL. SO WITH THAT, I'LL

SECOND

20 THE MOTION. AND IF THERE'S ANY FURTHER

21 DISCUSSION --

22 BOARD MEMBER FRAZEE: I WOULD COMMENT,

IF

23 I COULD. I ALSO WANTED TO COMPLIMENT STAFF AND

24 PAT OURSELVES ON THE BACK FOR REACHING THIS
25 PARTICULAR MILESTONE. THERE IS A COMPARISON

WITH

1 THIS TYPE OF ACTIVITY THAT I'VE HAD SOME
2 EXPERIENCE WITH, AND THAT'S THE AIRPORT LAND USE
3 PLAN. AND THOSE WERE DUE SOME 20 YEARS AGO, AND
4 AT MY LAST CHECK THEY'RE STILL NOT IN. AND THAT
5 NUMBER OF JURISDICTIONS, INCLUDING THE CITY OR THE
6 COUNTY OF LOS ANGELES, HAVE SOUGHT LEGISLATIVE
7 RELIEF FROM MEETING THAT DATE. AND SO I THINK
8 IT'S A REAL GOAL, A REAL ACHIEVEMENT OF A GOAL
9 THAT WE WOULD REACH THAT POINT OF VIRTUAL
10 COMPLIANCE WITH JUST A FEW STRAGGLERS OUT THERE
11 AND WITH THE COMPLIANCE SCHEDULE.

12 BOARD MEMBER CHESBRO: ONE OTHER THING WE
13 TALKED ABOUT AT COMMITTEE AFTER ALL THE TOUGH TALK
14 ABOUT POOR LITTLE COLUSA COUNTY AND NEEDING TO GET
15 IT IN, WE ALSO SAID TO HAVE STAFF, AND THIS
16 DOESN'T NEED TO BE PART OF THE MOTION, BUT AS WE
17 HAVE, WHATEVER THEY NEED TO HELP THEM, BECAUSE
18 THEY DIDN'T MAKE A COMPELLING PRESENTATION ABOUT
19 ALL THEIR PROBLEMS. THEY HAVE OTHER STATE AND
20 FEDERALLY MANDATED SOLID WASTE DOCUMENTS RELATING
21 TO LANDFILL CLOSURE THAT THEY'RE STRUGGLING WITH
A
22 LIMITED STAFF.

23 SO WE DID SAY TO STAFF, AND THIS IS
24 NOT TO IMPLY THEY HAVEN'T ALREADY DONE THIS,
25 BECAUSE THEY HAVE, BUT CONTINUE TO PROVIDE THEM

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1 WITH WHATEVER ASSISTANCE WE CAN TO HELP THEM GET
2 TO THIS DEADLINE THAT WE'VE SET. SO I GUESS THAT
3 WAS THE CARROT SIDE OF THE STICK DISCUSSION.

4 CHAIRMAN PENNINGTON: ANY FURTHER
5 DISCUSSION? IF NOT, WILL THE SECRETARY CALL THE
6 ROLL?

7 BOARD SECRETARY: BOARD MEMBER CHESBRO.

8 BOARD MEMBER CHESBRO: AYE.

9 BOARD SECRETARY: FRAZEE.

10 BOARD MEMBER FRAZEE: AYE.

11 BOARD SECRETARY: GOTCH.

12 BOARD MEMBER GOTCH: AYE.

13 BOARD SECRETARY: JONES.

14 BOARD MEMBER JONES: AYE.

15 BOARD SECRETARY: RELIS.

16 BOARD MEMBER RELIS: AYE.

17 BOARD SECRETARY: CHAIRMAN PENNINGTON.

18 CHAIRMAN PENNINGTON: AYE.

19 MR. DILLON: CAN I ALSO POINT OUT THAT IF
20 ALL THIS HAPPENS AND EVERYBODY MEETS THEIR
21 SCHEDULES, THAT THE BOARD WOULD THEN HAVE ALL THE
22 CWIMPS THROUGHOUT THE STATE HOPEFULLY APPROVED IN
23 THE EARLY PART OF 1998. THAT WOULD BE ALL THE
24 JURISDICTIONS AND ALL THE COUNTY DOCUMENTS TOO.
25 THAT'S WHAT WE'RE GOING TO BE STRIVING FOR, IN

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1 SUPPORT OF WHAT WAS JUST SAID.

2 MR. BLOCK: THE SECOND PART OF THIS
3 AGENDA ITEM HAS TO DO WITH HEARING PROCEDURES AND
4 CRITERIA ON THE OFF CHANCE, AND WE HOPE THIS
5 DOESN'T HAPPEN, SOME OF THESE COMPLIANCE SCHEDULES
6 AREN'T MADE. I KNOW WE'VE GOT A FULL AGENDA
7 TODAY, SO THE DETAILS OF WHAT I'M GOING TO TALK
8 ABOUT START ON PAGE 101 OF YOUR AGENDA PACKET, AND
9 I'M JUST GOING TO TRY TO QUICKLY HIT A COUPLE OF
10 HIGHLIGHTS. AND, OF COURSE, IF YOU HAVE MORE
11 QUESTIONS, I CAN PROVIDE FURTHER DETAIL.

12 IN TERMS OF THE HEARING PROCEDURES
13 THAT STAFF IS PROPOSING FOR ANY ENFORCEMENT
14 HEARINGS THAT THE BOARD MIGHT HAVE TO PROVIDE,
15 THERE'S A COUPLE OF DIFFERENT ISSUES THAT WE DEALT
16 WITH. THE FIRST ONE IS TRYING TO DETERMINE A
17 LEVEL OF FORMALITY AT THE PUBLIC HEARING. AND IN
18 MAKING THE PROPOSAL THAT WE HAVE, WE HAVE SOUGHT
19 TO BALANCE ISSUES SUCH AS PROCEDURAL DUE PROCESS
20 AND ENFORCEABILITY OF ANY BOARD DECISION WITH
21 EFFICIENCY AND SOME COMMON SENSE ISSUES.

22 SO LOOKING AT THE RANGE FROM A
23 TYPICAL BOARD AGENDA ITEM, WHICH IS FAIRLY FREE
24 FLOWING, TO AN ADMINISTRATIVE PROCEDURE ACT
25 HEARING WITH AN ADMINISTRATIVE LAW JUDGE, WE'VE

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1 SOUGHT TO STRIKE A BALANCE IN BETWEEN THERE WITH A
2 MODIFIED BOARD -- MODIFIED VERSION OF WHAT A BOARD
3 AGENDA ITEM PRESENTATION ITEM USUALLY LOOKS LIKE.
4 WE HAD SOME SPECIFIC PARTS TO HOW THE HEARING
5 MIGHT GO AND SOME SPECIFIED DOCUMENTS TO ENSURE
6 THAT PROPER NOTICE IS MADE AND THAT A PROPER
7 RECORD IS DEVELOPED. AND THOSE ITEMS ARE REALLY
8 DETAILED IN THE AGENDA ITEM ITSELF.

9 ONE OF THE OTHER THINGS THAT STAFF
10 IS PROPOSING IS THAT THESE HEARINGS ON ENFORCEMENT
11 BE ONE HEARING DIRECTLY BEFORE THE BOARD AS
12 OPPOSED TO COMING THROUGH THE COMMITTEE FIRST.
13 AND THAT'S, AGAIN, FOR -- TO DEAL WITH ISSUES OF
14 RESOURCES AND TRAVEL COSTS AND THE LIKE. THE
15 JURISDICTIONS WE ARE DEALING WITH ARE PRIMARILY
16 RURAL JURISDICTIONS, SO HAVING TO TRAVEL TWICE IN
17 ONE MONTH TO ESSENTIALLY DO THE SAME HEARING WE
18 THOUGHT WAS NOT AN APPROPRIATE PROCEDURE TO
19 SUGGEST.

20 WE'RE TALKING ABOUT SOME BASIC
21 NOTICE DOCUMENTS TO GIVE DATE, TIME AND PLACE, AND
22 THE LIKE, SOME BASIC DETAILS ABOUT WHAT THE
23 HEARING WILL BE ABOUT AND WHAT INFORMATION THE
24 JURISDICTIONS CAN PROVIDE TO THE BOARD IN ITS
25 DETERMINATION, WITH SERVICE OF THAT NOTICE ON THE

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1 MAYOR FOR THE CITIES AND THE CHAIRMAN OF THE BOARD
2 OF SUPERVISORS FOR COUNTIES. AND THAT, AGAIN,
3 PARALLELS THE OFFICIALS THAT WE'VE BEEN NOTIFYING
4 THROUGHOUT THE PROCESS OVER THE COURSE OF THE LAST
5 YEAR.

6 AND WE'RE SPECIFYING AT THIS POINT
7 THAT THEY WOULD GET AT LEAST 30 DAYS' NOTICE PRIOR
8 TO HEARINGS. SO WITH THE TYPICAL BOARD MONTHLY
9 MEETINGS, THAT'S ACTUALLY GOING TO MEAN IN MOST
10 CASES IT WILL BE CLOSE TO TWO MONTHS' WORTH OF
11 NOTICE FOR THE JURISDICTIONS BECAUSE OF THE
12 SCHEDULING ISSUES THAT WE USUALLY DEAL WITH.

13 AND AGAIN, I ALLUDED TO, AND I'M
14 JUST GOING TO -- I'M NOT GOING TO READ THESE OFF,
15 BUT JUST TO SHOW THESE ON THE BOARD, WHAT WE'VE
16 SET OUT A LITTLE BIT MORE DETAILING THAN THE
17 AGENDA ITEM, JUST A SERIES OF STEPS THE HEARING
18 WOULD GO THROUGH IN TERMS OF WITNESSES, HOW
19 PRESENTATIONS WILL BE MADE, WHAT PARTS ARE PLAYED
20 BY DIFFERENT MEMBERS OF STAFF, RIGHT THROUGH

BOARD

21 DECISION, AND AN ISSUANCE OF AN ORDER.

22 VERY QUICK OVERVIEW OF THE
23 PROCEDURES THAT WE'RE TALKING ABOUT. IN

ADDITION,

24 WHAT WE'RE PROPOSING IS WHAT UNFORTUNATELY I'VE

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25 CALLED CRITERIA FOR PENALTIES, FOR LACK OF A

1 BETTER WORD. AND I WISH I HAD A BETTER WORD TO
2 USE FOR CRITERIA BECAUSE IT IMPLIES PERHAPS SOME
3 SORT OF FORMULA FOR DETERMINING FINES, AND THAT'S
4 NOT WHAT IS BEING PROPOSED.

5 IN FACT, THE CRITERIA AS PROPOSED IN
6 THE AGENDA ITEM ARE BASICALLY A LIST OF ISSUES
7 THAT STAFF HAS IDENTIFIED AS THE TYPICAL TYPE OF
8 INFORMATION THE BOARD WOULD WANT TO HAVE IF IT'S
9 CONSIDERING A POTENTIAL FINE FOR A JURISDICTION
10 FOR FAILURE TO SUBMIT THEIR SRRE OR NDFE.

11 AND SO WHAT THE CRITERIA HAS
12 PROPOSED, MEANING THIS IS INFORMATION THAT STAFF
13 IS PROPOSING WE WILL MAKE SURE IS AVAILABLE TO THE
14 BOARD AS PART OF OUR PRESENTATION IN THE HEARING,
15 THESE ARE FAIRLY COMMON SENSE. LATENESS OF
16 ELEMENT, WHICH ELEMENT ARE WE TALKING ABOUT. FOR
17 INSTANCE, IS IT THE SRRE, THE NDFE, HOW THAT'S
18 AFFECTED THE JURISDICTION'S IMPLEMENTATION OF
19 PROGRAMS, AND SIMILAR TYPE OF INFORMATION,
20 ECONOMIC SITUATION OF THE JURISDICTION.

21 ONE OTHER THING I WANTED TO MENTION
22 ABOUT THIS PROCEDURE IS THAT IT IS SPECIFICALLY
23 JUST FOR THE ENFORCEMENT HEARINGS FOR FAILURE TO
24 FILE AN ELEMENT AS OPPOSED TO ENFORCEMENT
25 PROCEEDINGS THAT MIGHT ENSUE FOR FAILURE TO

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1 SINCE WE'RE ON THIS LIST NOW, I'LL THROW IN RIGHT
2 NOW, IF IT'S OKAY, THAT WE NEED TO CONSIDER -- NOT
3 AS A FORMAL BOARD MATTER NOW, JUST AS DISCUSSION
4 WITH STAFF AND MAYBE BACK AT COMMITTEE --
5 ENCOURAGING WAYS TO RESOLVE THAT BESIDES GOING TO
6 THIS HEARING PROCESS. WAYS TO -- THAT'S WHAT JUST
7 HAPPENED WITH UNION CITY, YOU KNOW, FIGURED OUT
8 HOW TO FIX THAT PROBLEM AND GET THE PROBLEM OUT OF
9 THE WAY WITHOUT GOING THROUGH THE -- I THINK --
10 ULTIMATELY, I HOPE THAT THE MORE SERIOUS SIDE
11 HEARING, PUBLIC HEARING AND ENFORCEMENT PROCESS
12 WILL WIND UP BEING RESERVED FOR THOSE THAT CLEARLY
13 HAVE SUBSTANTIAL PROBLEMS AND THAT WE CAN CONTINUE
14 TO FIND WAYS TO SKIM OFF AND TAKE CARE OF ONES
15 WITH MORE MINOR TECHNICAL PROBLEMS.

16 MR. DILLON: I SHOULD SAY I THINK WHEN
17 WE'RE TALKING ABOUT STAFF MONITORING COMPLIANCE
18 WITH COMPLIANCE SCHEDULES, ASSUMED IN THAT IS
19 WHERE THERE IS, LET'S CALL IT, A MINOR GLITCH OR
20 PROBLEM, THAT WE WILL CONTINUE TO WORK WITH THE
21 JURISDICTIONS. IN OTHER WORDS, IF FOR SOME

REASON

22 A DOCUMENT IS GOING TO TAKE AN EXTRA WEEK TO GET
23 TO US, IT DOESN'T MAKE A LOT OF SENSE TO GO
24 IMMEDIATELY TO THE FORMAL ENFORCEMENT HEARING.
25 HOWEVER, IF THAT'S NOT THE NATURE OF THE PROBLEM,

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1 THEN WE WANT TO BE ABLE TO GO STRAIGHT TO THAT
2 PROCESS.

3 BOARD MEMBER CHESBRO: I DIDN'T
4 ANTICIPATE THAT STAFF WAS GOING TO BE RUNNING OFF
5 TRYING TO SET UP PUBLIC HEARINGS FOR THOSE KINDS
6 OF PROBLEMS, BUT I WANTED TO ANSWER THE QUESTION
7 BEFORE I GOT ASKED EITHER BY THE BOARD OR LOCAL
8 JURISDICTIONS WHO ARE GOING TO SAY, GEE, OUR
9 PROBLEM IS THIS LITTLE TECHNICAL GLITCH AND YOU'RE
10 GOING TO HIT US WITH THIS BIG OLD SLEDGEHAMMER.
11 AND I WANT TO GET THAT OUT ON THE TABLE THAT
12 THAT'S NOT THE DIRECTION WE'RE TRYING TO GO WITH
13 THIS. THIS IS THE ULTIMATE SORT OF FALLBACK
14 DETERRENT IF SOMEBODY IS NOT TRYING TO FIX THOSE
15 PROBLEMS, BUT IT'S NOT GOING TO BE A PRIORITY FOR
16 US TO PUT THOSE KIND OF PROBLEMS OUT THERE FOR
17 PUBLIC HEARINGS.

18 MR. DILLON: AS ALWAYS, STAFF WILL
19 CONTINUE TO WORK WITH ALL LOCAL GOVERNMENTS TO
20 ACHIEVE COMPLIANCE AND TO WORK THROUGH THEIR
21 ISSUES WITH THEM. I THINK WE HAVE AN OUTSTANDING
22 RECORD OF DOING THAT, THE BOARD AND THE STAFF, AND
23 WE'LL CONTINUE TO DO THAT.

24 CHAIRMAN PENNINGTON: THANK YOU.
25 MR. DILLON: WITH THAT, WE'D JUST

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1 RECOMMEND THE BOARD ADOPT RESOLUTION 97-147
2 REGARDING THE HEARING PROCEDURES AND CRITERIA FOR
3 PENALTY UNLESS YOU HAVE SOME OTHER QUESTIONS.

4 BOARD MEMBER CHESBRO: MOTION.

5 CHAIRMAN PENNINGTON: OKAY. MR. CHESBRO
6 MOVES ADOPTION OF 97-147.

7 BOARD MEMBER FRAZEE: SECOND.

8 CHAIRMAN PENNINGTON: MR. FRAZEE SECONDS.
9 ANY FURTHER DISCUSSION? IF NOT, WILL THE
10 SECRETARY CALL THE ROLL?

11 BOARD SECRETARY: BOARD MEMBER CHESBRO.

12 BOARD MEMBER CHESBRO: AYE.

13 BOARD SECRETARY: FRAZEE.

14 BOARD MEMBER FRAZEE: AYE.

15 BOARD SECRETARY: GOTCH.

16 BOARD MEMBER GOTCH: AYE.

17 BOARD SECRETARY: JONES.

18 BOARD MEMBER JONES: AYE.

19 BOARD SECRETARY: RELIS.

20 BOARD MEMBER RELIS: AYE.

21 BOARD SECRETARY: CHAIRMAN PENNINGTON.

22 CHAIRMAN PENNINGTON: AYE.

23 ALL RIGHT. WE JUST HAVE A SHORT

24 TIME BEFORE WE'RE TO BREAK. IF THE BOARD

DOESN'T

25 OBJECT, I WOULD LIKE TO TAKE UP ITEM ADDENDUM 1,

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1 WHICH IS CONSIDERATION OF A NEW STANDARDIZED
2 PERMIT FOR THE GALLO VINEYARDS COMPOSTING
FACILITY
3 IN FRESNO.

4 MS. ROSALES: GOOD MORNING. I'M
VIRGINIA

5 ROSALES WITH THE PERMITS BRANCH. THIS IS THE
NEW
6 STANDARDIZED COMPOSTING PERMIT FOR THE GALLO
7 VINEYARDS FACILITY IN FRESNO COUNTY. THE

OPERATOR

8 IS GALLO VINEYARDS. THE LANDOWNER IS E.J. GALLO
9 WINERY.

10 GALLO VINEYARDS CURRENTLY OPERATES
11 AN AGRICULTURAL MATERIALS COMPOSTING OPERATION
12 UNDER THE NOTIFICATION TIER. THEY'RE PROPOSING
TO
13 EXPAND THEIR OPERATIONS INTO THE SALES OF THE
14 COMPOSTING MATERIALS THAT ARE PRODUCED AT THE
15 SITE.

16 GALLO WINERY OWNS 157 ACRES OF
LAND,

17 OF WHICH APPROXIMATELY 93 WILL BE USED FOR THE
18 COMPOSTING PROJECT. COMPOSTING OPERATIONS WILL
BE
19 ON A 40-ACRE PAD, WHICH IS CONSTRUCTED OF HIGHLY

1 WINERY BYPRODUCTS, THE LARGEST SINGLE COMPONENT
2 BEING THE GRAPE HUMUS AND STEMS, AND CLEAN GREEN
3 MATERIAL. THE COMPOSTING METHOD IS AERATED WIND
4 ROW. THE FACILITY HAS A SELF-PROPELLED WIND ROW
5 TURNER, WHICH WILL MIX THE MATERIALS AS NEEDED TO
6 MAINTAIN THE AEROBIC COMPOSTING CONDITIONS. THE
7 PROCESSED WATER WILL MAINLY CONSIST OF WINERY
8 WASTEWATER.

9 THE FACILITY WILL RECEIVE A DAILY
10 PEAK LOADING OF 3,100 CUBIC YARDS, NOT TO EXCEED
11 AN ANNUAL LOADING OF 660,000 CUBIC YARDS. DUST IS
12 CONTROLLED BY WATER AND MICRO SPRINKLER IRRIGA-
13 TION. ODOR WILL BE CONTROLLED BY OPERATIONAL AND
14 PROCESS ADJUSTMENTS; FOR EXAMPLE, THE ADDITION OF
15 BULKY MATERIAL TO THE GRAPE HUMUS, TURNING AND
16 AERATION OF THE WIND ROW. OTHER ENVIRONMENTAL
17 CONTROLS ARE ADDRESSED IN THE REPORT OF COMPOST
18 SITE INFORMATION.

19 THE LEA AND STAFF HAVE DETERMINED
20 THESE CONTROLS, IF APPLIED, WILL MEET THE STATE
21 MINIMUM STANDARDS. BOARD STAFF HAVE REVIEWED THE
22 PROPOSED PERMIT AND SUPPORTING DOCUMENTATION AND
23 FIND THE COSWMP AND CONFORMANCE PLAN ARE
24 ACCEPTABLE. THE FRESNO COUNTY PUBLIC WORKS
25 DEPARTMENT, ACTING AS THE LEAD AGENCY, PREPARED A

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1 MITIGATED NEGATIVE DECLARATION FOR THE PROPOSED
2 PROJECT ON OCTOBER 17TH, 1996. A NOTICE OF
3 DETERMINATION WAS FILED WITH THE COUNTY CLERK ON
4 DECEMBER 27TH, 1996. STAFF FINDS THE ENVIRON-
5 MENTAL DOCUMENTATION APPROPRIATE FOR THE BOARD'S
6 CONSIDERATION.

7 THEREFORE, STAFF RECOMMENDS THE
8 BOARD ADOPT PERMIT DECISION 97-151 AND CONCUR IN
9 THE ISSUANCE OF THE STANDARDIZED COMPOSTING PERMIT
10 NO. 10-AA-0182. THIS CONCLUDES STAFF'S
11 PRESENTATION. THE LEA, MR. STEVE RHODES, IS
12 PRESENT IF YOU HAVE ANY QUESTIONS.

13 CHAIRMAN PENNINGTON: OKAY. ANY BOARD
14 MEMBERS HAVE ANY QUESTIONS OF STAFF OR THE LEA?

15 MR. FRAZEE, I MEAN, MR. RELIS?

16 BOARD MEMBER RELIS: I'LL MOVE WE CONCUR.

17 CHAIRMAN PENNINGTON: OKAY. MR. RELIS
18 HAS MOVED CONCURRENCE.

19 BOARD MEMBER FRAZEE: SECOND.

20 CHAIRMAN PENNINGTON: MR. FRAZEE HAS
21 SECONDED. ANY FURTHER DISCUSSION? IF NOT, WILL
22 THE SECRETARY CALL THE ROLL?

23 BOARD SECRETARY: BOARD MEMBER CHESBRO.

24 BOARD MEMBER CHESBRO: AYE.

25 BOARD SECRETARY: FRAZEE.

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1 BOARD MEMBER FRAZEE: AYE.

2 BOARD SECRETARY: GOTCH.

3 BOARD MEMBER GOTCH: AYE.

4 BOARD SECRETARY: JONES.

5 BOARD MEMBER JONES: AYE.

6 BOARD SECRETARY: RELIS.

7 BOARD MEMBER RELIS: AYE.

8 BOARD SECRETARY: CHAIRMAN PENNINGTON.

9 CHAIRMAN PENNINGTON: AYE.

10 I THINK WE WILL NOW RECESS UNTIL
11 1:30.

12 (LUNCH RECESS WAS TAKEN.)

13 CHAIRMAN PENNINGTON: CALL THE MEETING OF
14 THE INTEGRATED WASTE MANAGEMENT BOARD. I'LL
15 RECONVENE THE APRIL MEETING OF THE INTEGRATED
16 WASTE MANAGEMENT BOARD. WE'RE GOING TO DEVIATE
17 FROM THE AGENDA A LITTLE BIT AND GO TO OPEN
18 DISCUSSION. WE HAVE TWO PEOPLE THAT WISH TO MAKE
19 REMARKS ON THE OPENING DISCUSSION. I WOULD ASK
20 THEM BOTH TO REMEMBER THAT WE STILL HAVE A LONG
21 AGENDA AHEAD OF US, AND WE WOULD LIKE TO GET IT
22 DONE, SO I WOULD ASK YOU TO BE AS BRIEF AS
23 POSSIBLE AND MOVE AS QUICKLY AS POSSIBLE.

24 THE FIRST PERSON THAT WILL

ADDRESS

25 THE BODY IS MR. HY WEITZMAN, WHO HAS BEEN

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A

1 LONG-TIME MEMBER OF THE WASTE INDUSTRY AND
2 LOBBYEST FOR THE INDUSTRY AND IS THE VICE
3 PRESIDENT OF GOVERNMENT AND PUBLIC RELATIONS FOR
4 THE ENVIRONMENTAL TIRE TECHNOLOGY FIRM, WHICH
5 APPARENTLY THE BOARD SOME TIME AGO GAVE A \$100,000
6 GRANT TO.

7 MR. WEITZMAN?

8 MR. WEITZMAN: BOARD MEMBERS AND LADIES
9 AND GENTLEMEN, CAN WE CONTACT THE YOUNG LADY THAT
10 IS RUNNING THE -- SUPPOSED TO HAVE A SHOWING HERE
11 OF A FILM. WE'RE MODERN ENVIRONMENTAL
12 TECHNOLOGIES, INCORPORATED. AND IN 1997, THIS
13 YEAR, MODERN ENVIRONMENTAL TECHNOLOGIES WILL BUILD
14 THE FIRST NONPOLLUTING TIRE RECYCLING PLANT IN THE
15 UNITED STATES. AT THE PRESENT TIME IT WILL BE
16 BUILT ON 6.7 ACRES IN THE AGUA MANZA RECYCLING
17 MARKET DEVELOPMENT ZONE. THIS ZONE CONSISTS OF
18 PORTIONS OF THREE CITIES: COLTON, RIALTO, AND
19 RIVERSIDE, AND PORTIONS OF SAN BERNARDINO AND
20 RIVERSIDE COUNTIES.

21 NOW, THIS PARTICULAR PROJECT IS NINE
22 YEARS OLD. PARDON ME. IT'S SEVEN YEARS OLD. WE
23 STARTED IT IN 1990 AND WE HAVE FOUR PARTNERS. AND
24 JOINING ME IS GOING TO BE OUR CHIEF FINANCIAL
25 OFFICER, MR. JOHN MIKOWITZ. MR. MIKOWITZ HAS

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1 TAKEN MANY FIRMS PUBLIC, AND THIS PARTICULAR
ITEM,

2 THIS FIRM IS GOING TO --

3 CHAIRMAN PENNINGTON: I THINK THAT'S
YOUR

4 FILM THAT'S TRYING TO COME ON THERE.

5 MR. WEITZMAN: I WAS JUST KILLING
TIME

6 UNTIL IT CAME ON.

7 CHAIRMAN PENNINGTON: THERE WE GO.

8 (FILM WAS SHOWN.)

9 MR. WEITZMAN: WE'RE JUST GOING TO
TAKE

10 FIVE MINUTES TO SAY TWO THINGS. JOHN, WOULD
YOU

11 COME HERE FOR A MOMENT. THIS IS OUR CHIEF

12 FINANCIAL OFFICER, JOHN MIKOWITZ. HE'S TAKEN
MANY

13 PROJECTS WORLDWIDE, HAS BEEN VERY SUCCESSFUL
WITH

14 THEM, AND HE IS GOING TO TAKE THIS PROJECT THE
15 SAME WAY.

16 WHAT I WANT TO TELL YOU, BOARD
17 MEMBERS, IS THIS: THAT YOU WERE KIND ENOUGH
TO

18 GIVE THIS SMALL, STRUGGLING FIRM OF FOUR

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PEOPLE

19 \$100,000 TO MARKET THIS TO SEE IF IT WAS
POSSIBLE.

20 WE'RE NOW PREPARED TO BUILD FIVE PLANTS IN
21 CALIFORNIA, AND EACH PLANT IS GOING TO GET RID
OF

22 3,000,000 TIRES A YEAR. THAT'S 15,000,000
TIRES

23 THAT WILL BE BUILT BY THESE FIVE PLANTS.

24 WE HAVE A NUMBER OF CITIES

BIDDING

25 FOR THIS BECAUSE PEOPLE ARE GOING TO COME FROM
ALL

1 OVER THE WORLD, ALL OVER THE UNITED STATES. I
2 WANT TO SAY THANK YOU TO THE BOARD FOR HAVING
3 FAITH IN US, AND THIS SHOWS THOSE OF YOU HERE,
4 LADIES AND GENTLEMAN, WHAT THIS BOARD CAN DO.

IT

5 CAN CREATE BUSINESS, IT CAN CREATE A BETTER
6 CALIFORNIA, WHICH THEY'VE DONE FOR MANY YEARS,
AND

7 I AM PROUD FOR THE PART THAT I HAVE PLAYED IN
8 BRINGING THIS BOARD ABOUT.

9 NOW I WOULD LIKE MR. MIKOWITZ JUST
10 TO SAY THE HEART OF THE MATTER WHICH YOU HEARD
ON

11 THE FILM ABOUT THE REASON THIS IS THE BEST
12 POSSIBLE SOLUTION TO THE TIRE PROBLEM.

13 MR. MIKOWITZ: THANK YOU, BOARD, AND
14 THANK YOU, MEMBERS. I APPRECIATE THE
OPPORTUNITY

15 TO GIVE YOU AN IDEA OF WHAT IS OUT THERE THAT IS
16 KEPT THE BEST SECRET IN THE WORLD. EVERYBODY
HAS

17 A SOLUTION TO TIRE RECYCLING. YOU CHIP TIRES,
PUT

18 THEM IN A LANDFILL, THAT'S RECYCLING. YOU TAKE
A

19 TIRE, PUT IT IN A KILN, BURN IT UP, THAT'S

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20 RECYCLING. OUR APPROACH IS TO TAKE THAT TIRE
AND
21 WHATEVER IT TOOK TO BUILD THAT TIRE, EXTRACT ALL
22 THOSE ITEMS AND MAKE THEM REUSABLE AGAIN AT A
VERY
23 SMALL COST. THAT'S REALLY TRUE RECYCLING.
24 AGAIN, I WANT TO THANK EVERYBODY
FOR
25 THE OPPORTUNITY OF VIEWING THIS FILM. IF
SOMEBODY

1 HAS ANY QUESTIONS, WE HAVE PASSED OUT A BUNCH OF
2 BROCHURES. WE WOULD BE GLAD TO TALK TO ANYBODY.
3 IF ANYBODY HAS ANY QUESTIONS, I WOULD BE GLAD TO
4 ANSWER THEM.

5 CHAIRMAN PENNINGTON: THANK YOU. ANY
6 QUESTIONS? THANK YOU VERY MUCH.

7 NOW WE'RE GOING TO HEAR FROM MR. JOE
8 HARICH, AND I ASK MR. HARICH IF HE, TOO, COULD BE
9 AS BRIEF AS POSSIBLE.

10 MR. HARICH: YES, SIR.

11 CHAIRMAN PENNINGTON AND HONORABLE
12 BOARD, MY NAME IS JOE HARICH. I LIVE UP IN
13 RUNNING SPRINGS, AND RECENTLY I HAVE SEMI-RETIRED
14 FROM THE SOLID WASTE INDUSTRY, WORKING IN IT FOR
15 ABOUT 20 YEARS AND RUNNING A SUCCESSFUL RECYCLING
16 CENTER AND TRANSFER STATION IN RUNNING SPRINGS.

17 I HAVE COME HERE TO BRING UP TWO
18 ISSUES TO PROMOTE THE RECYCLING ISSUES. FIRST, I
19 WOULD LIKE TO DISCUSS SOME OF THE HISTORY AND THE
20 BACKGROUND OF THE INDUSTRY, AND IN SAN BERNARDINO
21 COUNTY 15 YEARS AGO, THE FEES WERE \$2.25 TO HANDLE
22 SOLID WASTE. AND THEY INCREASED UP TO, HERE A FEW
23 YEARS AGO, \$36.50 AND \$35 LAST YEAR AND NOW
24 THEY'RE DOWN TO \$33 A TON. IT'S

INTERESTING,

25 THOUGH, IN 15 YEARS THAT THE FEES HAVE GONE

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UP

1 1500 PERCENT, WHICH IS AN AVERAGE OF ABOUT A
2 HUNDRED PERCENT A YEAR.

3 SO SOMEWHAT I'M HERE AS ONE TO
4 SUPPORT RECYCLING, BUT ALSO PERHAPS MOST TO
5 SUPPORT THE TAXPAYERS AS WELL. IT SEEMS LIKE
6 THROUGHOUT ALL THESE DISCUSSIONS THE TAXPAYER
7 SEEMS TO BE LEFT OUT ON THE ADVANTAGE OF PLUS OR
8 MINUS TO THEM.

9 AND I FIND IT INTERESTING THAT THE
10 FEES HAVE BEEN COMING DOWN THE LAST COUPLE OF
11 YEARS BECAUSE OF THE ORANGE COUNTY BOONDOGGLE
12 WHERE THEY WENT BANKRUPT, THEY NEEDED TO SELL
13 THEIR LANDFILL SPACE, AND SO THEY BECAME REAL
14 COMPETITIVE IN THEIR FEES. SO WE HAVE TO REALLY
15 GIVE CREDIT TO THEIR BOONDOGGLES TO START
16 PROMOTING FEES DOWN TO -- IN HELPING THE TAXPAYER.
17 AND WITH THAT, IT CREATED A LOT OF COMPETITION AND
18 REALLY THE FIRST STEP IN COMPETITION BECAUSE OF A
19 BANKRUPTCY.

20 I HAVE TO GIVE CREDIT TO NORCAL'S
21 OPERATION IN TAKING OVER AND RUNNING THE SOLID
22 WASTE OPERATION. THEY'RE A GOOD FIRM, AND
23 ESPECIALLY SUSAN PATANI, WHO IS DOING A GREAT JOB
24 ON THE EDUCATION PROGRAM AND PROMOTING RECYCLING.
25 SO I WOULD LIKE TO SUGGEST A

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1 SOLUTION IN SOLVING THESE PROBLEMS IS TO HAVE JUST
2 ONE REGULATORY AGENCY, THE CALIFORNIA INTEGRATED
3 WASTE MANAGEMENT BOARD, TO DO THIS IN A ONE-STOP
4 PROGRAM. THERE'S A LOT OF STATES THAT DO THIS,
5 INCLUDING OREGON, IN WHICH JUST ONE AGENCY HANDLES
6 THE WHOLE THING FROM BEGINNING TO END.

7 AND I APPRECIATE YOUR PROGRAM BUT
8 LOTS OF LUCK. YOU'VE BEEN, WHAT, SEVEN YEARS
9 TRYING TO PROMOTE THIS. THROUGH ALL THE
10 REGULATORY AGENCIES, IT WILL BE VIRTUALLY
11 IMPOSSIBLE TO ACHIEVE YOUR GOAL. AND THAT'S A SAD
12 COMMENTARY BECAUSE THERE'S FAR MORE REGULATORS
13 THAN THERE ARE RECYCLERS. YOU'VE HEARD THIS STORY
14 BEFORE, BUT I WOULD LIKE TO SEE ABOUT SUPPORTING
15 AND PROMOTING THIS.

16 ISSUE NO. 2 IS RECYCLING HAS BECOME
17 EXPENSIVE AND YOU SEE IN THE WASTE NEWS, LIKE LAST
18 WEEK, WHERE WASTE MANAGEMENT AND THESE DIFFERENT
19 COMPANIES ARE DUMPING RECYCLING. ALL THE CITIES
20 ARE OBJECTING TO PROMOTING OR OPPOSED TO RECYCLING
21 FEES, WHICH IS REALLY SAD, AND SO I'M SUGGESTING A
22 SOLUTION TO THIS. YOU LOOK AT, LIKE, FOR EXAMPLE,
23 AND I'LL BRING UP THE TIRE SITUATION BECAUSE MY
24 COMPANY WORKED ON THE FIRST INITIAL RECYCLING
25 EXPERIMENTS WITH THE CEMENT PLANTS, AND I SHIPPED

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1 20,000 TIRES OUT OF RUNNING SPRINGS TO PORTLAND
2 CEMENT TO TEST IF BURNING THE TIRES WOULD PRODUCE
3 CEMENT. AND THEY THOUGHT THIS WAS GREAT, AND THEY
4 TALKED ABOUT NOT HAVING ANY COST TO IT AT ALL
5 BECAUSE TIRES BURN AT 16,000 BTU'S, WHICH WAS A
6 GREAT FUEL.

7 AND A LOT OF PEOPLE DON'T KNOW THIS,
8 BUT THERE ARE SEVERAL PLANTS IN CALIFORNIA THAT
9 BURN -- LIKE THE CEMENT PLANT IN LUCERNE THAT
10 BURNS A QUARTER MILLION TONS OF COAL EVERY YEAR.
11 AND THERE ARE SEVERAL OF THESE PLANTS IN
12 CALIFORNIA. WHERE TIRES BURN MUCH CLEANER, YOU
13 NEED MUCH LESS TONNAGE OF IT TO PRODUCE CEMENT.

14 BUT THE REGULATORS GOT INTO IT WHERE
15 IN TALKING TO FRIEND OF MINE, WHO HAS THE LARGEST
16 READYMIX COMPANIES IN SOUTHERN CALIFORNIA, HE WAS
17 TELLING ME, YOU MEAN THE CEMENT PLANTS CHARGE TO
18 BURN THE TIRES? HE SAYS, THAT'S ODD. MY GOD,
19 THEY SHOULD PAY YOU FOR THE TIRES. BUT THE
20 REGULATORY AGENCY, THEY GOT INTO IT AND THERE'S SO
21 MANY REGULATIONS ON IT, THEY CHARGE TO MAKE MONEY
22 ON IT, WHICH REALLY SEEMS STUPID.

23 THE SAME WAY WITH OIL. GOSH, WE
24 USED TO GET 50 CENTS A GALLON FOR USED OIL. NOW
25 YOU HAVE TO PAY A BUCK, BUCK AND A HALF WHEN THE

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1 NEW LAWS WENT INTO EFFECT A FEW YEARS AGO. NOW
2 IT'S REVERSED. YOU HAVE TO PAY FOR IT.

3 SO I WOULD LIKE TO SUGGEST A
4 SOLUTION AS AN INCENTIVE FOR THE OPERATOR, WHETHER
5 IT'S THE CITY OR THE COUNTY OR PRIVATE OPERATORS.
6 AND I WILL GIVE YOU SOMEWHAT THE MECHANICS OF IT.
7 AS THE TRASH TRUCKS COME THROUGH THE SCALE HOUSE
8 AND THEY PAY \$35 A TON OR WHATEVER THE COUNTY'S
9 FEE IS, IF THAT OPERATOR, WHETHER IT'S A CITY OR
10 COUNTY, RECYCLES AND BRINGS THE TRUCK BACK OUT,
11 THAT COUNTY OR CITY SHOULD GET THAT FULL TIPPING
12 FEE. AND THE LOGIC OF IT IS IF IT DIDN'T GET
13 BURIED, YOU KNOW, AND IT DIDN'T CREATE METHANE OR
14 POLLUTION OR WHATEVER, THE REGULATORY AGENCY
15 SHOULDN'T GET THAT FEE. IT OUGHT TO GO TO THE
16 RECYCLER.

17 AND RIGHT NOW ALL THOSE HUGE FEES
18 THAT ARE ATTACHED, THIS 1500 PERCENT THAT I'M
19 TALKING ABOUT, THERE ISN'T ONE DIME OF IT THAT
20 GOES TO RECYCLING. AND IT'S A TRAVESTY. AND I
21 LOOK AT -- MY SON'S A REGISTERED CIVIL ENGINEER
22 WHO SPECIALIZES IN LANDFILLS, IN LINER DESIGNING,
23 AND HE RUNS ALL THESE LANDFILLS IN MEXICO. AND
24 ALL OF THEIR RECYCLING, THEIR BIG QUANTITY, OCCURS
25 AT THE LANDFILL. OF COURSE, THERE IT'S FOR PEOPLE

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1 TO SURVIVE. THERE ARE THE PICKERS THAT PICK, AND
2 HE HAS SEVERAL HUNDRED PEOPLE THAT PICK. OF
3 COURSE, IT'S A DIFFERENT CULTURE AND A DIFFERENT
4 REASON, FOR SURVIVING, BUT THE CONCEPT WOULD WORK.
5 AND THIS IS REALLY WHERE MUCH OF THE RECYCLING
6 SHOULD OCCUR, AT THE LANDFILL, AND PICK IT OUT.

7 SO I KNOW THAT THIS IS SOMEWHAT OF A
8 COMEDY RELIEF THAT I AM HERE AND SUGGEST THAT WE
9 REDUCE ALL THE REGULATORS DOWN TO JUST ONE AGENCY,
10 SINCE MUCH OF THE ROOM IS WITH REGULATORS, BUT THE
11 DOZEN OR MORE AGENCIES THAT HAVE BEEN CREATED THAT
12 ARE SUCKING BLOOD OUT OF THE TAXPAYER ON THIS, I
13 REALLY THINK IT'S TIME FOR SOMEBODY TO TAKE NOTICE
14 OF THIS. THANK YOU, BOARD.

15 CHAIRMAN PENNINGTON: THANK YOU VERY
16 MUCH.

17 MR. HARICH: QUESTIONS?

18 CHAIRMAN PENNINGTON: QUESTIONS. I DON'T
19 BELIEVE SO. THANK YOU.

20 NOW WE'LL MOVE ON TO ITEM 19,
21 CONSIDERATION OF THE SELECTION OF THE RPPC
22 ALL-CONTAINER RECYCLING RATE METHODOLOGY.

23 CAREN TRGOVCICH.

24 MS. TRGOVCICH: GOOD AFTERNOON, BOARD
25 MEMBERS. I'M CAREN TRGOVCICH, DEPUTY DIRECTOR OF

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1 THE WASTE PREVENTION AND MARKET DEVELOPMENT
2 DIVISION.

3 THE ITEM BEFORE YOU THIS AFTERNOON
4 IS, ONCE AGAIN, CONSIDERATION OF SELECTION OF THE
5 RPPC ALL-CONTAINER RECYCLING RATE METHODOLOGY. I
6 WOULD LIKE TO JUST MAKE TWO POINTS BEFORE I TURN
7 THE PRESENTATION OVER TO JOHN NUFFER OF THE
8 DIVISION, WHO WILL BE LEADING THE DISCUSSION ON
9 THIS ITEM.

10 THE FIRST POINT IS TO MAKE THE
11 DISTINCTION THAT THIS ITEM IS AROUND A
METHODOLOGY

12 SELECTION AS OPPOSED TO A RATE SETTING ITEM.
THE

13 SEQUENCE OF EVENTS THAT WE WOULD LIKE TO LAY OUT
14 FOR YOU IS THAT ONCE THE BOARD ADOPTS A PROPOSED
15 METHODOLOGY, EITHER THE NEXT MONTH OR THE MONTH
16 AFTER, DEPENDING ON THE METHODOLOGIES ADOPTED
FOR

17 BOTH THE NUMERATOR AND THE DENOMINATOR AND THE
18 AMOUNT OF TIME IT WOULD TAKE THEM TO SET A RATE
OR

19 CALCULATE A RATE BASED ON THOSE METHODOLOGIES,
20 WILL BE BROUGHT BEFORE THE BOARD. SO THIS MONTH
21 IS THE METHODOLOGY SELECTION, AND SUBSEQUENT
22 MONTHS YOU WILL BE SEEING THE ACTUAL RATE

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23 CALCULATION COMING BEFORE YOU.

24 THE OTHER POINT I WOULD LIKE TO

MAKE

25 IS THAT THE PURPOSE OF THIS ITEM IS THE
SELECTION

1 OF A METHODOLOGY, BUT WHAT WE WANT TO MAKE SURE
2 THAT YOU'RE AWARE OF IS THE METHODOLOGY NEEDS TO
3 APPLY TO CALENDAR YEAR 1996, CALENDAR YEAR 1997,
4 AND POTENTIALLY FUTURE YEARS AS WELL. PART OF THE
5 CONTRACT THAT YOU WILL HEAR DESCRIBED SHORTLY WAS
6 TO CALCULATE A COST-EFFECTIVE METHODOLOGY FOR
7 PURPOSES OF CALCULATING THE RATE FOR 1996 AND
8 BEYOND.

9 THE BOARD MAY WANT TO CONSIDER
10 OPTIONS AS IT LOOKS AT THE PROPOSED METHODOLOGY
11 FOR NUMERATOR AND DENOMINATOR, WHICH MAY VARY IN
12 FUTURE YEARS. HOWEVER, WE NEED TO KEEP IN MIND
13 THAT WHAT WE REALLY NEED TO BE ABLE TO GET TO IS
14 THE RATE CALCULATION FOR 1996, PRIOR YEAR, AND
15 CURRENT YEAR 1997.

16 WITH THAT, I WOULD LIKE TO TURN THE
17 PRESENTATION OVER TO JOHN NUFFER.

18 MR. NUFFER: THANK YOU, CAREN.

19 MR. CHAIRMAN AND BOARD MEMBERS, GOOD AFTERNOON.

20 MY NAME IS JOHN NUFFER WITH THE
21 WASTE PREVENTION AND MARKETING DEVELOPMENT
22 DIVISION. WITH ME TODAY IS SUSIE HABERLAND FROM
23 CASCADIA CONSULTING GROUP. WE'RE TRYING TO GET
24 THE SCREEN BROUGHT UP, BUT I THINK I'LL CONTINUE
25 AND SEE WHAT HAPPENS.

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1 WE'RE HERE TODAY TO RECOMMEND COST-
2 EFFECTIVE METHODS FOR DETERMINING BOTH THE
3 NUMERATOR AND DENOMINATOR OF THE RIGID PLASTIC
4 PACKAGING CONTAINER RECYCLING RATE FOR 1996 AND
5 SUBSEQUENT YEARS. STAFF RECOMMENDS CALCULATING
6 THE NUMERATOR USING EITHER A STAFF SURVEY OF
7 PROCESSORS, IF WE CAN GET HELP FROM ANOTHER STATE
8 AGENCY, OR A CONTRACTOR, OR BY ADJUSTING 1995
9 RECYCLING DATA IF WE CAN'T GET THAT HELP.

10 WE RECOMMEND CALCULATING THE
11 DENOMINATOR BY EXTRAPOLATING 1996 RPPC GENERATION
12 FROM 1995 DATA. ON APRIL 16TH OF THIS MONTH, THE
13 LOCAL ASSISTANCE AND PLANNING COMMITTEE ADOPTED
14 STAFF'S RECOMMENDATION FOR CALCULATING THE
15 NUMERATOR, BUT DID NOT TAKE ACTION ON CALCULATING
16 THE DENOMINATOR.

17 AS BACKGROUND, I'LL FIRST DESCRIBE
18 THE PROCESS THAT WAS FOLLOWED TO ARRIVE AT STAFF'S
19 RECOMMENDATION. SUSIE WILL THEN DESCRIBE THE
20 ADVANTAGES AND DISADVANTAGES AND DATA REQUIREMENTS
21 OF EACH OF THE FINAL EIGHT ALTERNATIVES THAT WERE
22 CONSIDERED. THERE ARE ADVANTAGES AND DISADVAN-
23 TAGES WITH ALL THE METHODS WE ANALYZED. THERE
24 IS NO PERFECT METHOD. IN OTHER WORDS, THERE IS NO

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25 METHOD WHICH IS VERY ACCURATE AND INEXPENSIVE.

1 SINCE BOTH THE INTERESTED PARTIES AND CASCADIA
2 WEIGHTED QUALITY DATA MORE HEAVILY THAN COST AND
3 SINCE THE BOARD'S BUDGET IS DECLINING, STAFF
4 BELIEVED IT WAS IMPORTANT TO BALANCE QUALITY OF
5 DATA WITH THE COST OF COLLECTING IT YEAR AFTER
6 YEAR.

7 THE BOARD CONTRACTED WITH CASCADIA
8 CONSULTING GROUP IN JULY 1996. THE PURPOSE OF THE
9 CONTRACT WAS TO HELP THE BOARD EVALUATE POTENTIAL
10 METHODS FOR CALCULATING BOTH THE NUMERATOR AND THE
11 DENOMINATOR OF THE RPPC RECYCLING RATE, TO
12 RECOMMEND A COST-EFFECTIVE METHOD FOR EACH TO THE
13 BOARD, AND TO DETERMINE THE 1996 ALL-CONTAINER
14 RECYCLING RATE.

15 TO ASSIST IN THIS EFFORT, THE BOARD
16 CONVENED A GROUP OF INTERESTED PARTIES. THESE
17 PARTIES INCLUDED PLASTIC RECYCLERS, RECLAIMERS,
18 AND PRODUCT MANUFACTURERS, THE AMERICAN PLASTICS
19 COUNCIL, NAPCOR, CALIFORNIANS AGAINST WASTE, THE
20 DEPARTMENT OF CONSERVATION, DIVISION OF RECYCLING,
21 AND WASTE MANAGEMENT, INC., AMONG OTHERS.

22 AT A MEETING OF THESE INTERESTED
23 PARTIES ON JANUARY 8TH OF THIS YEAR, CASCADIA
24 PRESENTED NINE POTENTIAL METHODS FOR CALCULATING
25 THE NUMERATOR OF THE RECYCLING RATE AND NINE

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1 METHODS FOR CALCULATING THE DENOMINATOR OF THE
2 RECYCLING RATE. AS YOU RECALL, THE NUMERATOR IS
3 THE AMOUNT OF RPPC THAT IS RECYCLED; THE
4 DENOMINATOR IS THE TOTAL AMOUNT OF RPPC GENERATED;
5 IN OTHER WORDS, DISPOSED AND RECYCLED.

6 AT THAT JANUARY MEETING THE
7 INTERESTED PARTIES FIRST DEVELOPED CRITERIA FOR
8 EVALUATING POTENTIAL METHODS. THESE CRITERIA
9 INCLUDED ACCURACY, DEFENSIBILITY, PRECISION,
10 AFFORDABILITY, REPEATABILITY, AND THE ABILITY TO
11 VALIDATE. THEY RANKED AND WEIGHTED EACH OF THE
12 CRITERIA. THEY THEN REDUCED THE LIST OF 18
13 POTENTIAL METHODS TO EIGHT, FIVE METHODS FOR
14 CALCULATING THE NUMERATOR AND THREE FOR
15 CALCULATING THE DENOMINATOR. SUSIE WILL DISCUSS
16 THE ADVANTAGES AND DISADVANTAGES OF THESE METHODS
17 IN A MINUTE.

18 THE INTERESTED PARTIES ELIMINATED
19 THOSE THEY CONSIDERED TO BE GROSSLY INACCURATE OR
20 TOO EXPENSIVE. WITH THOSE CRITERIA IN MIND,
21 CASCADIA EVALUATED THE ADVANTAGES AND DISADVAN-
22 TAGES OF THE EIGHT REMAINING METHODS. CASCADIA'S
23 EVALUATION INCLUDED DATA AND STAFF REQUIREMENTS.
24 THE EVALUATION WAS SUMMARIZED IN A DRAFT REPORT.
25 CASCADIA PRESENTED THAT REPORT TO THE INTERESTED

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1 PARTIES AGAIN AT A SECOND MEETING ON MARCH 20TH.
2 THE INTERESTED PARTIES THEN SEPARATELY RANKED THE
3 FIVE METHODS FOR CALCULATING THE NUMERATOR AND THE
4 THREE FOR CALCULATING THE DENOMINATOR.

5 FROM THIS RANKING THEY RECOMMENDED
6 THAT THE BOARD USE ANY ONE OF THREE METHODS FOR
7 THE NUMERATOR AND ONE METHOD FOR THE DENOMINATOR.
8 THEY RECOMMENDED THAT THE BOARD NOT CALCULATE A
9 RECYCLING RATE IF IT DOES NOT CHOOSE ONE OF THOSE
10 METHODS. AFTER THE MARCH 20TH MEETING STAFF SENT
11 A SUMMARY TO EACH OF THE INTERESTED PARTIES.

12 AND NOW SUSIE IS GOING TO DESCRIBE
13 EACH OF THE EIGHT METHODS THAT WERE ANALYZED.

14 MS. HABERLAND: I'M GOING TO BRIEFLY
15 DESCRIBE THE METHODOLOGIES THAT WE EVALUATED. AS
16 JOHN MENTIONED, WE STARTED OFF WITH A LIST OF
17 EIGHTEEN THAT WERE NARROWED DOWN TO EIGHT, FIVE
18 FOR THE NUMERATOR AND THREE FOR THE DENOMINATOR.
19 THE FIVE METHODS THAT WE LOOKED AT FOR
CALCULATING

20 THE RPPC NUMERATOR INVOLVED A VARIETY OF
DIFFERENT

21 SURVEY AND EXTRAPOLATION METHODS, SURVEYS
TARGETED

22 AT THE RECLAIMER, END USER, EXPORTER, PROCESSORS,

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23 OR RESPONDENTS FROM LAST YEAR'S SURVEYS OR
24 EXTRAPOLATION METHODS.
25 METHODS 1 THROUGH 3 ALL TARGET THE

1 RECLAIMER, END USER, AND EXPORTER PORTION OF
2 RESPONDENTS. AND JUST TO CLARIFY WHAT WE MEAN,
3 RECLAIMERS ARE DEFINED AS THOSE ENTITIES INVOLVED
4 IN WASHING, FLAKING, AND GRINDING. FOR END USERS
5 WE'RE REFERRING ONLY TO THOSE ENTITIES WHO
6 MANUFACTURE A PRODUCT USING UNWASHED, RECOVERED
7 PLASTIC, SUCH AS PLASTIC LUMBER. WE'RE NOT
8 TALKING ABOUT MANUFACTURERS WHO ARE USING
9 RECLAIMED PLASTICS AS THEIR FEEDSTOCK FOR THEIR
10 PRODUCT. EXPORTERS ARE THOSE ENTITIES WHO SHIP
11 RPPC BALES OVERSEAS.

12 FOR METHOD 1, WHICH IS CALLED CIWMB
13 STAFF CONDUCTS SURVEY, THIS IS REALLY A SURVEY OF
14 THE RECLAIMER, END USER, AND EXPORTERS THAT WOULD
15 BE CONDUCTED IN-HOUSE BY CIWMB STAFF. IT'S A
16 CENSUS SURVEY; AND AS WITH ANY CENSUS SURVEY, THE
17 RESPONSE IS MORE ACCURATE WITH THE HIGHER LEVEL OF
18 RESPONSE RATES. YOUR GOAL IS TO ACHIEVE 100-
19 PERCENT RESPONSE RATE.

20 IF THIS METHOD WERE CONDUCTED, STAFF
21 WOULD BE RESPONSIBLE FOR DEVELOPING AND MAIN-
22 TAINING A CONTACT LIST, CREATING THE SURVEY
23 INSTRUMENT, AND ADMINISTERING THAT SURVEY,
24 CONDUCTING THE ANALYSIS, AND SO FORTH. THIS IS

A

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25 SIMILAR SURVEY AS WAS CONDUCTED LAST YEAR, THE

1 DIFFERENCE BEING THAT STAFF WOULD CONDUCT THIS
2 SURVEY AS OPPOSED TO A CONTRACTOR.

3 THE ADVANTAGES OF THIS METHOD ARE
4 THAT STAFF WOULD HAVE ACCESS TO THE PRIMARY DATA
5 INSTEAD OF HAVING TO RELY ON A CONTRACTOR TO
6 OBTAIN INFORMATION OR IF THERE ARE QUESTIONS ABOUT
7 DATA, TO EXPLORE THAT DATA IN MORE DETAIL. STAFF
8 WOULD ALSO GAIN VALUABLE INSIGHT INTO THE PLASTICS
9 RECYCLING INDUSTRY, WHICH HAS CONSEQUENCES FOR
10 FURTHER MARKET DEVELOPMENT ACTIVITIES AS WELL.

11 THE DISADVANTAGES OF THIS APPROACH
12 ARE THAT IN ORDER FOR RECLAIMERS, END USERS, OR
13 EXPORTERS TO PROVIDE SENSITIVE INFORMATION TO
14 BOARD STAFF, THEY WOULD NEED TO HAVE CONFIDENTI-
15 ALITY ASSURANCES, AND THEY NEED TO TRUST THAT
16 THE
17 DATA THAT THEY PROVIDE WON'T GET LEAKED. OR NOT
18 NECESSARILY LEAKED, OR HAVE -- OTHER ENTITIES
19 WOULDN'T HAVE ACCESS TO THAT DATA.

20 THE CONTACT LIST IS ALSO DIFFICULT
21 TO MAINTAIN WITHOUT EXPERT KNOWLEDGE OF THE
22 INDUSTRY. IF STAFF WERE TO CONDUCT THIS SURVEY,
23 THE RESPONSE RATE IS LIKELY TO BE SIGNIFICANTLY
24 LOWER THAN THE 1995 RESPONSE RATE FOR THE
25 RECLAIMER, END USER, AND EXPORTER SURVEY.

METHOD 2 IS A REPEAT OF LAST

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YEAR ' S

1 RECLAIMER, END USER, AND EXPORTER SURVEY, WHICH
2 WAS CONDUCTED BY R.W. BECK. THE INITIAL CONCEPT
3 WAS TO PARTNER WITH A NATIONAL SURVEY. APC
4 CONDUCTS A SURVEY ANNUALLY, AND THE IDEA WAS JUST
5 TO PIGGYBACK ONTO THAT SURVEY AND ASK A FEW
6 ADDITIONAL QUESTIONS ABOUT CALIFORNIA.

7 IN FURTHER EXPLORATION OF THAT
8 METHOD, THAT'S NOT POSSIBLE FOR TWO REASONS: ONE,
9 THE SCHEDULE DOESN'T ALLOW THAT AND, TWO, THE
10 DEFINITION OF RPPC'S NECESSITATES A COMPLETELY
11 SEPARATE SURVEY. AGAIN, THIS IS A CENSUS SURVEY.
12 CIWMB STAFF WOULD HAVE A ROLE MANAGING THE
13 CONTRACT WITH THE CONTRACTOR; BUT ONCE AGAIN, IT
14 IS A DIFFERENT SURVEY THAN THE NATIONAL SURVEY.

15 THE ADVANTAGES OF THIS APPROACH ARE
16 THAT THE CONTRACTOR IS EXPERIENCED AND HAS
17 ESTABLISHED RELATIONSHIPS WITH THE SURVEY
18 RECIPIENTS DUE TO THE NATIONAL RECYCLING RATE
19 SURVEY AND HAVE OBTAINED A HIGH LEVEL OF
20 COOPERATION AND A HIGH RESPONSE RATE FROM
21 RECLAIMERS NATIONALLY. IT'S A REPEAT OF ONE OF
22 THE APPROACHES USED LAST YEAR WHICH WON
WIDESPREAD

23 SUPPORT FROM THE RECYCLING RATE ADVISORY
24 COMMITTEE.

25 THE DISADVANTAGES, AS I MENTIONED

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1 BEFORE, ARE THE DEFINITION OF RPPC'S AND SCHEDULE
2 CONFLICTS NECESSITATE A SEPARATE SURVEY, AND
3 ANOTHER DISADVANTAGE, WHICH ALSO APPLIES TO
4 METHODS 1 AND 3, ARE THAT EXPORT QUANTITIES ARE
5 SIGNIFICANTLY UNDER REPORTED. THE DEGREE TO WHICH
6 THIS UNDER REPORTING OCCURS IS DIFFICULT TO GAUGE,
7 BUT THERE WAS CONSENSUS ON THE PART OF AMERICAN
8 PLASTICS COUNCIL, R.W. BECK, AND CASCADIA THAT
9 THESE QUANTITIES WERE UNDER REPORTED LAST YEAR ON
10 THE RECLAIMER, END USER, EXPORTER LEVEL. THIS
11 APPROACH IS EXPENSIVE, BUT RESULTS ARE CREDIBLE
12 AND DEFENSIBLE, AND LAST YEAR'S RESULTS ARE A
13 TESTIMONY TO THAT.

14 METHOD 3 WOULD BE FOR A CIWMB STAFF
15 TO SURVEY THE RESPONDENTS FROM LAST YEAR'S
16 RECLAIMER, END USER, AND EXPORTER SURVEY.
17 FORTY-EIGHT RESPONSES WERE OBTAINED LAST YEAR.
18 CIWMB WOULD FOLLOW UP WITH THOSE 48 RESPONDENTS
19 AND OBTAIN INFORMATION ABOUT CURRENT YEAR
20 RECYCLING ACTIVITIES FOR 1996, 1997, 1998.

21 THE ADVANTAGES, IT'S A RELATIVELY
22 SMALL SAMPLE SIZE OF 48, SO IT'S VERY MANAGEABLE
23 AND THE CONTACT LIST IS EASY TO MANAGE BECAUSE IT
24 NEVER CHANGES. THE DISADVANTAGE IS THAT YOU'RE
25 NOT ACCOUNTING FOR THE FACT THAT PLAYERS ENTER AND

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1 LEAVE THE MARKETPLACE, SO YOU'RE PERHAPS EXCLUDING
2 SOME SIGNIFICANT PLAYERS BY CHOOSING TO ONLY LIMIT
3 YOUR SURVEY TO THOSE WHO HAVE ALREADY RESPONDED.
4 THIS IS THE LEAST ACCURATE OF THE FIVE NUMERATOR
5 OPTIONS BECAUSE IT FAILS TO ACCOUNT FOR CHANGES IN
6 THE INFRASTRUCTURE.

7 METHOD 4 IS A SURVEY OF THE RPPC
8 PROCESSORS. BY PROCESSORS WE'RE DEFINING THESE TO
9 BE ENTITIES WHO SORT AND/OR BALE RPPC'S. AND FOR
10 THIS METHOD CIWMB STAFF OR A CONTRACTOR WOULD
11 CONDUCT A SURVEY OF THE CALIFORNIA PROCESSORS WHO
12 HANDLE RPPC'S. AS WITH THE RECLAIMER, END USER,
13 EXPORTER SURVEY, THIS IS A CENSUS SURVEY, SO THE
14 HIGHER LEVEL OF RESPONSE RATE YOU OBTAIN, THE
15 HIGHER YOUR ACCURACY WILL BE.

16 THE ADVANTAGE OF THIS METHOD IS THAT
17 PROCESSORS ARE MORE LIKELY TO COOPERATE WITH THE
18 CIWMB STAFF THAN ARE RECLAIMERS, END USERS, AND
19 EXPORTERS, PRIMARILY BECAUSE THE PROCESSORS HAVE A
20 FAMILIARITY OF BOARD ACTIVITIES. IT ALSO MORE
21 DIRECTLY MEASURES CALIFORNIA RPPC RECYCLING.
22 RECLAIMERS NATIONALLY ARE OBTAINING MATERIALS FROM
23 CALIFORNIA AS WELL AS OTHER STATES, AND IT'S
24 SOMETIMES DIFFICULT FOR THEM TO EXTRACT WHICH
25 PORTION OF THE MATERIALS THEY'RE HANDLING ARE

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1 COMING FROM CALIFORNIA.

2 THE DISADVANTAGES ARE THAT IN THE
3 ANALYSIS PORTION OF THE SURVEY YOU MUST ACCOUNT
4 FOR DOUBLE COUNTING. IN THE STATE BALES ARE
5 GETTING BALED, SORTED, AND REBALED, AND YOU MUST
6 MAKE SURE THAT YOU'RE NOT COUNTING THE SAME
7 MATERIAL TWICE. AND AS WITH THE RECLAIMER, END
8 USER, EXPORTER SURVEY, CONFIDENTIALITY ASSURANCES
9 MUST BE GIVEN TO THE RESPONDENTS. THIS IS THE
10 MOST ACCURATE METHOD IF HIGH RESPONSE RATES ARE
11 OBTAINED, ALTHOUGH IT'S VERY DIFFICULT TO OBTAIN
12 HIGH RESPONSE RATES.

13 METHOD 5 IS AN ADJUSTMENT OF THE
14 1995 RPPC RECYCLING DATA. TO DO THIS WE WOULD
15 SPLIT THE RECYCLING QUANTITY FROM 1995 INTO THREE
16 SEPARATE SUBTOTALS, ONE FOR PET, ONE FOR PRIVATE
17 COLLECT PROGRAM RECYCLING. PRIVATE COLLECT
18 PROGRAMS INCLUDE FACILITIES SUCH AS DROPOFFS,
19 COMMERCIAL COLLECTION PROGRAMS, BUY-BACK CENTERS,
20 AND SO FORTH. THE THIRD SPLIT WOULD BE MUNICIPAL
21 CURBSIDE COLLECTION PROGRAMS. IN COMBINING THE
22 DATA FROM THE 1995 STUDY WITH UPDATED INFORMATION
23 FROM THE DEPARTMENT OF CONSERVATION, WE WOULD
24 REBUILD UP THE 1996 OR 1997 RECYCLING QUANTITY.
25 THE ADVANTAGE IS THAT THIS APPROACH

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1 IS STRAIGHTFORWARD AND USES A BLEND OF ADJUSTMENT
2 FACTORS TO REFLECT CHANGES IN RPPC RECYCLING
3 INFRASTRUCTURE IN THE STATE. THE DISADVANTAGE IS
4 THAT IT CAN ONLY BE USED TO CALCULATE AN AGGREGATE
5 RATE, AND IT LOSES ACCURACY OVER THE YEARS WITHOUT
6 DOING SOME DATA CHECKS ON THE DATA FROM 1995,
7 PARTICULARLY IN THE AREA OF THE PRIVATE RECYCLING
8 ACTIVITIES.

9 THE APPROACH IS COST EFFECTIVE AND
10 EASILY REPEATED, BUT ACCURACY SUFFERS IN THE
11 FUTURE YEARS. AGAIN, WITHOUT SPECIFICALLY GOING
12 OUT AND DOING SOME RESEARCH ON CHANGES IN THE
13 PRIVATE RECYCLING -- LEVELS OF RECYCLING IN
14 PRIVATE RECYCLING FACILITIES, THE OPPORTUNITIES
15 FOR ERROR ARE INTRODUCED INTO THIS METHOD.

16 SWITCHING OVER TO THE DENOMINATOR,
17 WE EVALUATED THREE METHODS. ONE WAS TO CONDUCT A
18 WASTE COMPOSITION STUDY, ONE WAS TO PRORATE THE
19 NATIONAL RESIN SALES DATA, AND THE THIRD WAS TO
20 EXTRAPOLATE THE 1996 RPPC GENERATION USING THE
21 1995 DATA. CONDUCTING A WASTE COMPOSITION STUDY
22 WOULD BE A REPEAT OF THE STUDY OR SIMILAR STUDY AS
23 WAS CONDUCTED LAST YEAR, USING A CIWMB APPROVED
24 PROTOCOL. AND THIS COULD BE CONDUCTED EITHER BY
25 CIWMB STAFF OR A CONTRACTOR. THE WASTE COULD BE

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1 SAMPLED ACROSS THE STATE TO DETERMINE THE
QUANTITY
2 OF RPPC'S DISPOSED; AND TO DETERMINE THE QUANTITY
3 GENERATED, YOU WOULD ADD THE QUANTITY YOU
DISPOSED
4 TO THE QUANTITY YOU RECYCLED.

5 THE ADVANTAGES OF THIS METHOD IS IT
6 DIRECTLY MEASURES THE QUANTITY OF RPPC'S BEING
7 DISPOSED IN CALIFORNIA, AND IT COULD BE COMBINED
8 WITH THE BROADER WASTE CHARACTERIZATION STUDY AT
9 LITTLE ADDITIONAL COST. THE DISADVANTAGES ARE
THE
10 TIMING. IT'S TOO LATE TO USE FOR CALCULATING THE
11 1996 RATE AND MOST LIKELY FOR CALCULATING THE
1997
12 RATE.

13 BOARD MEMBER CHESBRO: MAY I ASK YOU A
14 QUESTION ABOUT THAT?

15 MS. HABERLAND: YES.

16 BOARD MEMBER CHESBRO: WHEN WE WERE
17 DETERMINING THE PREVIOUS RATE, WERE WE ABLE TO
18 COMPLETE ALL OF THOSE SURVEYS DURING THE CALENDAR
19 YEAR, THE SURVEYS THAT WE WERE MEASURING THE RATE
20 FOR?

21 MS. HABERLAND: THE SURVEYS OCCURRED
OVER

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22 THE SUMMER OF 1995 AND EARLY 1996.

23 BOARD MEMBER CHESBRO: SO THEY DID GO

24 INTO JANUARY AND FEBRUARY OF 1996?

25 MS. HABERLAND: YES.

1 THE OTHER DISADVANTAGE IS THAT THE
2 TOTAL DISPOSAL FIGURE IS COMPILED BY THE BOARD OF
3 EQUALIZATION. THERE WAS A LOT OF DISCUSSION
4 AROUND THIS NUMBER WITH THE RECYCLING RATE
5 ADVISORY COMMITTEE LAST YEAR, AND IT'S POSSIBLE
6 THAT THERE WOULD BE A LOT OF DISCUSSION AROUND
7 THAT NUMBER AGAIN THIS YEAR. THE APPROACH IS
8 TIME-CONSUMING AND COSTLY, BUT IT'S VERY ACCURATE.

9 METHOD 7 IS PRORATING THE NATIONAL
10 RESIN SALES DATA, AND THIS WOULD BE TO TAKE DATA
11 FROM THE SPI RESIN SALES DATA AND MAKE SEVERAL
12 ADJUSTMENT FACTORS FOR THINGS SUCH AS
13 MANUFACTURING AND DISTRIBUTION LOSS TO COME UP
14 WITH AN ESTIMATE OF RPPC GENERATION IN CALIFORNIA.
15 TO DO THIS YOU NEED TO TAKE MEASUREMENTS OF
16 MANUFACTURING DISTRIBUTION LOSS, IMPORT, EXPORT,
17 ETC., AND DO THAT FROM THE CHAIN OF THE RESIN SALE
18 ALL THE WAY DOWN TO THE BOTTLE OR RPPC GENERATION.
19 IT'S VERY DIFFICULT TO DO WITHOUT DOING A LOT OF
20 INDEPENDENT RESEARCH. THIS IS A METHOD THAT THE
21 BOARD STAFF EVALUATED LAST YEAR, IN AUGUST, AND
22 DETERMINED THAT IT WAS NOT FEASIBLE WITHIN CURRENT
23 COST CONSIDERATIONS.

24 THE ADVANTAGES OF THIS METHOD ARE
25 THAT NATIONAL RESIN SALES DATA ARE COLLECTED

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1 CONSISTENTLY BY SPI USING KIND OF ACCOUNTING-BASED
2 PRINCIPLES. THE DISADVANTAGES ARE THAT YOU ARE
3 RELYING ON NATIONAL DATA ABOUT RAW MATERIAL SALES
4 TO INFER CALIFORNIA SPECIFIC INFORMATION ON
5 PRODUCT AND ASSOCIATED PACKAGING SALES. IF DONE
6 CORRECTLY, IT'S EXTREMELY EXPENSIVE BUT ALSO
7 ACCURATE. IF NOT DONE WELL, IT'S HIGHLY
8 INACCURATE.

9 METHOD 8 IS -- THE CONCEPT IS
10 SIMILAR TO THE PRORATING OF THE NATIONAL RESIN
11 SALES, BUT INSTEAD OF TRYING TO MEASURE AT EACH
12 POINT ALONG THE WAY WHERE THERE COULD BE LOSSES,
13 THE IDEA IS TO COMPARE THE RESULTS FROM THE 1995
14 STUDY ON RPPC'S GENERATED TO NATIONAL RESIN SALES
15 FOR THOSE RESINS THAT GO INTO MANUFACTURING
16 RPPC'S. SO THE IDEA IS TO DETERMINE THE RATIO OF
17 THE MEASURED RPPC GENERATION TO THE RESIN SALES
18 FOR THE SALES CATEGORIES AND THE SPI DATA THAT
19 APPROXIMATE THE RPPC DEFINITION.

20 AND JUST A NOTE OF CLARIFICATION
21 HERE, THE INTERESTED PARTIES WERE VERY ADAMANT
22 THAT IF THIS APPROACH IS USED, THAT WE USE THE SPI
23 DATA AS OPPOSED TO DATA IN SUCH PUBLICATIONS AS
24 "MODERN PLASTICS" AND SO FORTH. THOSE PUBLICA-
25 TIONS TEND TO MAKE ADJUSTMENTS ON THE DATA OR USE

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1 PARTIAL YEAR DATA TO INFER TOTAL YEAR SALES
2 INFORMATION.

3 THE RATIO OBTAINED FROM 1995 WOULD
4 THEN BE APPLIED TO THE 1996 SALES DATA FOR THE
5 SAME RESIN CATEGORIES. AND THE ONE IMPORTANT PART
6 OF THIS METHOD IS THAT THE RESIN SALES CATEGORIES
7 MUST REMAIN CONSTANT FROM YEAR TO YEAR, OR YOU'D
8 HAVE TO GO BACK AND CALCULATE YOUR RATIO.

9 THE ADVANTAGES OF THIS METHOD ARE
10 THAT NATIONAL RESIN SALES ARE COLLECTED
11 CONSISTENTLY BY SPI; AND BY LOOKING AT THE SALES
12 DATA, YOU'RE ALSO TAKING INTO ACCOUNT HOW RESINS
13 CHANGE IN THEIR APPLICATIONS. THE APPROACH IS
14 ALSO STRAIGHTFORWARD.

15 THE DISADVANTAGES ARE THAT YOU'RE
16 NOT RELYING ON PRIMARY DATA COLLECTED IN
17 CALIFORNIA IN THE GIVEN CALENDAR YEAR, AND THE
18 REPORTING CATEGORIES ARE NOT CONSISTENT WITH THE
19 DEFINITION OF THE RPPC'S. SO YOU'RE MAKING SOME
20 GUESSES ABOUT WHICH CATEGORIES TO INCLUDE VERSUS
21 WHICH CATEGORIES TO EXCLUDE. THIS APPROACH IS

THE
22 MOST COST-EFFECTIVE APPROACH FOR THE

DENOMINATOR,
23 BUT MAY LOSE ACCURACY OVER THE YEARS.

24 WITH THAT, I WILL TURN IT BACK

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OVER

25

TO JOHN.

1 MR. NUFFER: MR. CHAIRMAN, I'LL BRIEFLY
2 SUMMARIZE FOR YOU. THE INTERESTED PARTIES AND
3 CASCADIA WEIGHTED QUALITY OF DATA MORE HEAVILY
4 THAN COST. THE INTERESTED PARTIES, IN FACT,
5 WEIGHTED QUALITY OF DATA, IN OTHER WORDS,
6 ACCURACY, DEFENSIBILITY, AND PRECISION, AS 12
7 TIMES MORE IMPORTANT THAN COST. CASCADIA WEIGHTED
8 ACCURACY AND DEFENSIBILITY AS THREE TIMES MORE
9 IMPORTANT THAN COST.

10 SINCE THE BOARD'S GOAL WAS TO
11 DEVELOP A COST-EFFECTIVE METHODOLOGY FOR
12 CALCULATING THE RPPC RECYCLING RATE AND SINCE THE
13 BOARD'S BUDGET IS LIKELY TO CONTINUE SHRINKING AS
14 WASTE IS SUCCESSFULLY DIVERTED FROM DISPOSAL,
15 STAFF BELIEVES IT'S ALSO IMPORTANT TO BALANCE
16 QUALITY OF DATA WITH THE COST OF COLLECTING IT.

17 THEREFORE, FOR THE NUMERATOR,
STAFF
18 IS RECOMMENDING METHOD 2, A STAFF SURVEY OF
19 CALIFORNIA PROCESSORS. IF WE CAN GET HELP FROM
20 ANOTHER STATE AGENCY OR IF WE CAN GET HELP
21 COLLECTING DATA FROM A CONTRACTOR, THIS IS ONE
22 OF
23 THE THREE METHODS RECOMMENDED BY THE INTERESTED
24 PARTIES. IT WOULD BE THE MOST ACCURATE OF THE
THREE NUMERATOR ALTERNATIVES IF WE WERE TO GET A

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25 HIGH SURVEY RESPONSE RATE. IT HAS ABOUT A
MEDIUM

1 PRICE TAG. HOWEVER, IF STAFF CAN'T GET HELP FOR
2 THIS METHOD, THEN WE RECOMMENDED ADJUSTING 1995
3 RECYCLING DATA. STAFF COULD DO THIS IN-HOUSE,
4 FAIRLY EASILY, AT A RELATIVELY LOW COST.

5 FOR THE DENOMINATOR, STAFF IS
6 RECOMMENDING METHOD 8, AN EXTRAPOLATION OF THE
7 1996 RPPC GENERATION DATA. THIS IS CURRENTLY THE
8 MOST AFFORDABLE METHOD OF THE THREE METHODS
9 ANALYZED FOR THE DENOMINATOR. THE INTERESTED
10 PARTIES, HOWEVER, RECOMMENDED CONDUCTING A WASTE
11 COMPOSITION STUDY. BUT BECAUSE OF THE COST OF A
12 WASTE COMPOSITION STUDY, THE INTERESTED PARTIES
13 SUGGESTED DOING IT ONCE EVERY THREE TO FIVE YEARS,
14 AND IT WOULD NOT BE POSSIBLE FOR 1996. THE OTHER
15 ALTERNATIVE, PRORATING NATIONAL RESIN SALES DATA,
16 WOULD ALSO BE EXPENSIVE AND NOT VERY RELIABLE.

17 THAT CONCLUDES OUR PRESENTATION. WE
18 WOULD BE HAPPY TO ANSWER ANY QUESTIONS.

19 CHAIRMAN PENNINGTON: QUESTIONS OF THE
20 STAFF? OKAY. FIRST, WE HAVE TWO PEOPLE IN THE
21 AUDIENCE WHO WISH TO ADDRESS THIS.

22 MR. JOHN SHEDD.

23 BOARD MEMBER CHESBRO: MR. CHAIRMAN,
24 WHILE HE'S COMING UP, LET ME SAY WE USED TO HAVE
25 THE ARTIST KNOWN AS PRINCE, AND NOW WE HAVE THE

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1 INTERESTED PARTIES FORMERLY KNOWN AS THE RECYCLING
2 RATE ADVISORY COMMITTEE. I'M NOT SURE WHAT
3 HAPPENED TO THE RECYCLING RATE ADVISORY COMMITTEE.
4 THEY ARE ALL REFERRED TO NOW AS THE INTERESTED
5 PARTIES. SO WE HAVE A NEW EUPHEMISM THAT'S BEEN
6 SOMEHOW DROPPED IN. I'M SURE SOMEBODY CAME UP
7 WITH IT.

8 MS. TRGOVCICH: I THINK MAYBE JUST TO
9 EXPLAIN VERY BRIEFLY, WHEN WE BEGAN OR INITIATED
10 THE APPROACH FOR 1996 AND BEYOND, WE WENT OUT WITH
11 A BROADER MAILING THAN PRIOR YEARS' RECYCLING RATE
12 ADVISORY COMMITTEE. WE MADE A DECISION THAT WE
13 WERE GOING TO GO OUT TO EVERYONE, SEE IF THERE
14 WERE ANY OTHER INTERESTED PARTIES OUT THERE.
15 THUS, WE JUST MADE A CHANGE SO FOLKS WOULDN'T
16 CONFUSE THE FACT THAT WAS THE MEMBERSHIP. WE
HAD
17 MEMBERSHIP PUBLISHED IN PRIOR YEARS. WE JUST
MADE
18 AN ATTEMPT TO BROADEN PARTICIPATION.

19 BOARD MEMBER CHESBRO: SO IT'S A
BROADER
20 CONSULTATION. THAT IS A GOOD EXPLANATION.
THANK
21 YOU, CAREN.

22 CHAIRMAN PENNINGTON: MR. SHEDD?

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23 MR. SHEDD: THANK YOU. JOHN SHEDD,
24 PRESIDENT OF TALCO PLASTICS. WE'RE CATEGORIZED,
I
25 BELIEVE, AS A RECLAIMER. I LIKE TO THINK OF

1 MYSELF AS A RECYCLER. WE TAKE PLASTIC FROM THE
2 CURBSIDE COLLECTION PROGRAM THAT'S DELIVERED TO
US
3 BY THE MRF'S, AND GRIND IT, WASH IT, AND
4 REPALLETIZE IT.

5 FIRST OF ALL, I WOULD LIKE TO
6 COMPLIMENT CASCADIA. I THINK THAT THEY'RE A
VERY
7 CAPABLE GROUP. I THINK THEY UNDERSTAND OUR
8 BUSINESS PRETTY WELL, AND I WANT TO REMIND THE
9 BOARD THAT THE TOP LEVEL PICTURE HERE THAT WE'RE
10 LOOKING AT IS THAT WE ALL AGREE ON HOW TO
11 CALCULATE THE NUMERATOR. THE DENOMINATOR IS A
12 PROBLEM STILL, IN MY OPINION.

13 AND I THINK STAFF, PERHAPS, DID
14 THEIR DUTY IN PRESENTING IT THE WAY THEY DID,
BUT
15 TO ME IT LOOKED LIKE IT WAS -- THEY PUT A LITTLE
16 DIFFERENT SPIN ON IT THAN I WOULD HAVE EXPECTED.
17 THEY DID, IN FACT, PRESENT WHAT THE RRAC OR THE
18 INTERESTED PARTY COMMITTEE CAME OUT WITH ON THE
19 NUMERATOR. THAT WAS AFTER ALL THIS WORK AND ALL
20 THIS EVALUATION WE CAME OUT WITH, I BELIEVE,
THAT

21 THE RRAC IS GOING TO RECOMMEND THE METHODOLOGY
22 THAT WAS PRESENTED HERE FOR THE NUMERATOR. BUT

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ON

23 THE DENOMINATOR THEY DEPARTED FROM THAT. I

DIDN'T

24 HEAR THEM SAY THAT THE RRAC CHOSE A DIFFERENT

25 METHOD. THE RRAC CHOSE, WITHOUT COMPLETE

1 KNOWLEDGE OF BUDGETS AND FINANCES, THAT THE BEST
2 METHOD AND THE METHOD THAT WE WOULD LIKE TO SEE
3 WOULD BE A WASTE CHARACTERIZATION STUDY.

4 WE ALWAYS HEAR THAT WE CAN'T AFFORD
5 THINGS. IN MY BUSINESS THAT'S TRUE EVERY DAY, BUT
6 SOME THINGS NEED TO BE DONE, AND IT'S ALL RELATIVE
7 WHAT YOU CAN AFFORD AND WHAT YOU CAN'T AFFORD. IF
8 WE HAD TO, WE COULD AFFORD, TALCO, A SMALL
9 BUSINESS, COULD AFFORD TO DO A WASTE
10 CHARACTERIZATION STUDY. IF WE HAD TO. AND I
11 SUBMIT THAT THE WASTE BOARD CAN DO A WASTE
12 CHARACTERIZATION STUDY IF THEY DEEM IT NECESSARY,
13 AND THAT'S WHAT THE RRAC DEEMED NECESSARY.

14 SOME THINGS ARE OUR RESPONSIBILITY,
15 AND I'VE ALWAYS ADMIRERD THE WAY THAT THE WASTE
16 BOARD WAS CREATED. IT WAS CREATED AS AN
17 INDEPENDENT, FREE OF THE POLITICAL PROCESS, BOARD.
18 AND I WOULD LIKE TO SEE THAT BE THE CASE IN
19 LOOKING AT OUR PROBLEM ON ESTABLISHING A RECYCLING
20 RATE FOR 1996. I DON'T FOR A MINUTE THINK THAT IF
21 MY PEOPLE WERE TOLD THEY COULDN'T GET IT DONE IN
22 THE BALANCE OF 1996 THAT I WOULD ACCEPT THAT, BUT
23 THAT'S WHAT I HEARD HERE AS A REASON PERHAPS FOR
24 NOT DOING IT.

25 I BELIEVE THAT THERE WAS ENOUGH

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1 DISPARITY IN THE OPINIONS OF THE COMMITTEE LAST
2 YEAR AND ENOUGH REASON TO THINK THAT THERE SHOULD
3 HAVE BEEN A FEELING OF CONSENSUS AT THE END OF THE
4 PROJECT, AND THAT WE GLOSSED OVER VERY QUICKLY
5 WHAT THE DENOMINATOR RATE WAS WHEN IT DIDN'T
6 MEASURE UP TO WHAT I THOUGHT, WHAT SOME OF US
7 THOUGHT, WAS GOING TO BE AN INDEPENDENT BENCHMARK.
8 WE LEFT IT FOR THAT REASON TO THE END AND THEN,
9 AGAIN, WITHOUT GOING ON AD NAUSEUM, THE STAFF
10 GLOSSED OVER VERY QUICKLY THE FACT THAT THE
11 BENCHMARK DIDN'T AGREE WITH WHAT THE WASTE
12 CHARACTERIZATION CAME OUT WITH AND WENT AHEAD AND,
13 I THINK, RAILROADED THE PROCESS.

14 I WANT TO PROPOSE, INSTEAD OF JUST
15 LOOKING AT IT AS ANOTHER WASTE CHARACTERIZATION
16 STUDY FOR THE RECYCLING RATE, I WANT TO ASK THE
17 BOARD WHETHER THEY DON'T THINK THAT A RECYCLING
18 RATE OR A WASTE CHARACTERIZATION STUDY FOR ALL
19 MATERIALS WOULD BE IN THEIR PROVINCE AND
DESIRABLE

20 AND SHOULD BE DONE. IF THAT WERE DONE, WE COULD
21 PIGGYBACK THE PLASTICS RECYCLING WASTE
22 CHARACTERIZATION STUDY ON THAT.

23 DO YOU, IN FACT, HAVE ALL THE
24 INFORMATION THAT YOU NEED FOR PAPER, ALUMINUM,

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25 GLASS AND PLASTIC? DO YOU KNOW WHAT'S GOING
INTO

1 THE WASTE CHARACTERIZATION STUDY? WOULDN'T THAT
2 BE A PROGRAM THAT PERHAPS THE WASTE BOARD COULD
3 SEE FIT TO FINANCE ONE TIME? AND WOULDN'T THAT BE
4 HELPFUL TO YOU IN YOUR BUSINESS?

5 NOW, I DON'T KNOW THE ANSWER TO
6 THAT, BUT IT SEEMS TO ME LIKE IT WOULD BE. AND
7 RATHER THAN LOOKING AT PLASTICS AS HAVING TO
8 FINANCE THE COST OF A WASTE CHARACTERIZATION
9 STUDY, SHOULDN'T YOU BE THINKING OF DOING IT FOR
10 ALL MATERIALS?

11 I THINK WE HAVE AGREEMENT ON THE
12 NUMERATOR, AND I FEEL THAT THE STAFF RECOMMEN-
13 DATION FOR THE DENOMINATOR IS BASED ON FLAWED
14 MATERIAL FROM LAST YEAR. AND IF YOU TAKE
15 FLAWED MATERIAL AND EXTRAPOLATE IT, YOU'RE GOING TO
16 GET A FLAWED ANSWER THIS YEAR. I WOULD LIKE YOU
17 TO GO BACK AND RECONSIDER A UNIVERSAL WASTE
18 CHARACTERIZATION STUDY AND LET PLASTICS RIDE
19 PIGGYBACK ON THAT WITHOUT SADDLING PLASTICS
20 WITH THE TOTAL COST OF A WASTE CHARACTERIZATION
21 STUDY.

THANK YOU.

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22 CHAIRMAN PENNINGTON: QUESTIONS OF

23 MR. SHEDD?

24 THANK YOU, MR. SHEDD.

25 MS. TRGOVCICH: MR. CHAIRMAN, COULD

I

1 RESPOND TO TWO POINTS THAT MR. SHEDD RAISED?
2 FIRST, MAYBE WE DIDN'T SAY IT LOUD AND CLEAR
3 ENOUGH, BUT WE CERTAINLY APPRECIATE THE SUPPORT OF
4 ALL OF THE INTERESTED PARTIES, ALL THE MEETINGS
5 THEY HAVE ATTENDED. AND JOHN TRIED TO DESCRIBE
6 THE FACT THAT THE STAFF RECOMMENDATION IS
7 DIFFERENT THAN THAT OF THE INTERESTED PARTIES AND
8 DIFFERENT FROM THAT OF CASCADIA AS IT RELATES TO
9 THE DENOMINATOR. I APOLOGIZE IF THAT WASN'T CLEAR
10 ENOUGH.

11 WE DID APPLY A DIFFERENT SET OF
12 WEIGHTING TO THE FACTORS THAT THE INTERESTED
13 PARTIES HAD PREVIOUSLY DISCUSSED. SO I APOLOGIZE
14 IF THAT WASN'T CLEAR, BUT WE DO WANT TO
15 ACKNOWLEDGE WE DO, IN FACT, DIFFER FROM THE
16 INTERESTED PARTIES.

17 AND JUST THE SECOND POINT, IF WE
18 COULD AT ALL GET THE WASTE COMPOSITION STUDY DONE,
19 I THINK THAT WE WOULDN'T BE HERE BEFORE YOU SAYING
20 THAT WE COULDN'T. WHAT WE'RE TRYING TO SAY IS
21 IT'S PHYSICALLY IMPOSSIBLE TO DO A WASTE COMP
22 STUDY FOR CALENDAR YEAR 1996, WHICH HAS PASSED.

23 THANK YOU.

24 CHAIRMAN PENNINGTON: THANK YOU.
25 NEXT WE HAVE MR. GEORGE LARSON.

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1 MR. LARSON: MR. CHAIRMAN, MEMBERS, THANK
2 YOU FOR THE OPPORTUNITY TO SPEAK. I WOULD LIKE TO
3 PREFACE MY COMMENTS WITH A FEW THOUGHTS AND ALSO A
4 DISCUSSION I HAD WITH SUSIE HABERLAND.

5 I'M CONVEYING TODAY THROUGH A LETTER
6 I DROPPED OFF AT THE BEGINNING OF THE MEETING TO
7 ALL BOARD MEMBERS, MR. CHANDLER, AND ONE COPY TO
8 STAFF, COMMENTS PREPARED BY MR. RON PERKINS,
9 RECYCLING MANAGER FOR APC. HOWEVER, SUSIE BROUGHT
10 TO MY ATTENTION THAT THERE ARE SOME COMMENTS IN
11 THE LETTER THAT CASCADIA FEELS DO NOT ACCURATELY
12 REFLECT THEIR POSITION, PARTICULARLY AS IT RELATES
13 TO RECOMMENDATIONS OF -- THAT APC CONCURRED WITH
14 THAT IN OUR INTERPRETATION WE FELT CASCADIA AT THE
15 TIME CONCURRED WITH.

16 I THINK THAT WAS GOING ON, FORTUNATE
17 FOR MANY OF YOU, YOU DIDN'T HAVE TO SIT THROUGH A
18 LOT OF THIS. WE DID GO THROUGH A VERY ARDUOUS
19 SCORING PROCESS, WHICH ENDED UP IN A RANKING OF
20 VARIOUS WAYS TO EVALUATE DIFFERENT APPROACHES.
21 AND THAT RANKING COULD BE INTERPRETED TO BE A
22 RECOMMENDATION, BUT IN CASE -- IN THIS CASE IN
23 POINT IT IS NOT; IT'S JUST THE RANKING. AND
24 CASCADIA, TO QUOTE SUSIE, HASN'T REALLY MADE
25 RECOMMENDATIONS.

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1 BUT WITH THAT IN MIND, WE FEEL THAT
2 THE OUTCOME OF THE LOCAL ASSISTANCE AND PLANNING
3 COMMITTEE MEETING CONFLICTS WITH THE CONSENSUS OF
4 THE INTERESTED PARTIES GROUP. AND IF IT IS NOT TO
5 INCLUDE CASCADIA, THERE ARE A NUMBER OF OTHER
6 INTERESTED PARTIES IN THERE WHO FELT THAT THE
7 PARTNERING OF THE AMERICAN PLASTICS COUNCIL WITH A
8 CONTRACTOR WHO'S DOING THE NATIONAL SURVEY OF
9 RECLAIMERS AND EXPORTERS WOULD HAVE BEEN THE MOST
10 EFFECTIVE WAY TO UNDERTAKE THE NUMERATOR
11 EVALUATIONS.

12 THAT'S BASED UPON THE EXPERIENCE
13 LAST YEAR THAT COLLECTION OF INFORMATION FROM
14 PROCESSORS, AND PARTICULARLY MRF'S, WERE VERY
15 DIFFICULT TO OBTAIN AND IT REQUIRED A LOT OF
16 FOLLOW-UP. THIS RELATES TO STAFF TIME, IF THE
17 BOARD, IN FACT, IS -- STAFF IS TO CONDUCT SURVEYS
18 AND DO THE FOLLOW-UP. PROCESSORS -- PART OF THE
19 DIFFICULTY IS PROCESSORS REALLY HAVE NOT A LOT OF
20 MOTIVATION TO BE RESPONSIVE AND MAY BE RELUCTANT
21 TO RESPOND TO AN AGENCY THAT REGULATES THEM.

22 THIRDLY, THE WASTE BOARD, CIWMB
23 STAFF, IS UNLIKELY TO BE ABLE TO GUARANTEE
24 CONFIDENTIALITY DUE TO LAWS THAT EXIST IN THE
25 STATE THAT ALLOW OPEN ACCESS TO THE BUSINESS OF

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1 STATE AGENCIES. AND THERE MAY BE SOME WAY TO GET
2 AROUND THAT, BUT IT DEFINITELY WAS DISCUSSED AS A
3 PROBLEM DURING THE ENTIRE PROCESS.

4 PROBABLY A VERY IMPORTANT POINT TO
5 YOU, BOARD AND STAFF, IS IT'S UNLIKELY THAT THERE
6 ARE STAFF TIME AND RESOURCES TO CONDUCT THE SURVEY
7 IN THE MANNER THAT WOULD GET THE LEVEL OF
8 INFORMATION AND DETAIL WE ALL WOULD LIKE TO SEE.

9 AND TO THE NUMERATOR, THE FINAL
10 POINT, PROCESSORS ARE SUFFERING FROM CORPORATE
11 DOWNSIZING AND LOW RECYCLABLE MATERIALS MARKET,
12 WHICH COULD CONTRIBUTE SIGNIFICANTLY TO A LACK OF
13 COOPERATION TO PARTICIPATE AND PROVIDE
14 INFORMATION. CONVERSELY, WE FEEL THE NATIONAL
15 SURVEY, WHICH IS DONE UNDER SBI THROUGH THE
16 COMMITTEE ON RESIN STATISTICS, HAS A PROVEN TRACK
17 RECORD.

18 AS WAS NOTED IN PREVIOUS TESTIMONY,
19 IT'S NOT ABSOLUTELY GOING TO ANSWER EVERY QUESTION
20 THAT WE HAVE, BUT WHAT WE'RE LOOKING OUT THERE AT
21 ARE A NUMBER OF ALTERNATIVES, SOME OF WHICH ARE
22 NOT SO GOOD AND SOME WHICH ARE PRETTY GOOD. AT
23 LEAST WE HAVE TO PUT THIS IN THE CATEGORY OF THE
24 INFORMATION THAT IT COLLECTS IS VERY ACCURATE.
25 THE CHALLENGE, OF COURSE, IS TAKING THAT

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1 INFORMATION AND MAKING IT APPLY TO CALIFORNIA.

2 THIS METHODOLOGY OR THIS ACTIVITY,
3 INCIDENTALY, IS APPROVED OR ENDORSED BY THE
4 ASSOCIATION OF POSTCONSUMER PLASTIC RECYCLERS. I
5 CAN APPRECIATE THE BUDGET CONSTRAINTS THAT THE
6 BOARD IS GOING THROUGH, BUT WE FEEL THAT THE
7 RECOMMENDATION OF THE COMMITTEE WAS BASED
8 PRIMARILY ON COST SAVINGS AND AT THE COST OF THE
9 ACCURACY AND DEFENSIBILITY. WE WOULD LIKE VERY
10 MUCH TO SEE AN APPROACH THAT WILL ELEVATE THE
11 IMPORTANCE OF ACCURACY AND DEFENSIBILITY, WHILE
12 STILL CONSIDERING COST AS A CRITICAL FACTOR.

13 FOR THE DENOMINATOR, APC CONCURS
14 WITH THE CONSENSUS OF THE INTERESTED PARTIES,
AND
15 I BELIEVE THE CONSULTANT ALSO, THAT THE EXPENSE
OF
16 A STATEWIDE SURVEY, AT LEAST WAS POINTED OUT,
17 WOULD BE POTENTIALLY PROHIBITIVE AND,
THEREFORE,
18 NOT JUSTIFIED. THE EXTRAPOLATION OF 1996 RPPC
19 GENERATION DATA AND USING THE RESULTS OF THE
1995
20 STUDY, I THINK WE ALL DISCUSSED AS BEING
21 FAVORABLE. AT LEAST IT COULD LEAD TO AN
ACCURATE

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22 AND DEFENSIBLE ESTIMATE. HOWEVER, AS SUSIE
NOTED,

23 APC HAS VERY STRONG FEELINGS ABOUT THE
UTILIZATION

24 OF MODERN PLASTICS AS NOT BEING THE APPROPRIATE
25 DATA SOURCE AND THAT THE INFORMATION COMING OUT
OF

1 THE SOCIETY OF PLASTICS INDUSTRIES THROUGH THE
2 COMMITTEE OF RESIN STATISTICS WILL BE MUCH MORE
3 RELIABLE.

4 AGAIN, AFTER HAVING HEARD THE
5 TESTIMONY, I FEEL LIKE ONE OF THE PEOPLE AROUND
6 THE ELEPHANT WHO DOESN'T REALLY KNOW QUITE WHAT
7 THE OTHER SIDE LOOKS LIKE SOMEWHAT BECAUSE IT'S
8 STILL AS CONFUSING TODAY AS IT WAS THREE YEARS
9 AGO. BUT WITH PERSEVERANCE, APC WOULD BE
10 DELIGHTED TO CONTINUE TO PARTICIPATE IN THE
11 PROCESS OF WHATEVER NAME WE WANT TO CALL THE GROUP
12 OF OPEN INPUT, NOW CALLED THE INTERESTED PARTY,
13 AND LOOK TOWARD WORKING WITH BOARD STAFF, THEIR
14 CONSULTANTS, OTHER STATE AGENCIES, AND INTERESTED
15 PARTIES TO COME TO A RELIABLE CONCLUSION.

16 I WILL BE GLAD TO ANSWER ANY
17 QUESTIONS.

18 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
19 MR. LARSON?

20 BOARD MEMBER RELIS: MR. CHAIR, I HAVE A
21 QUESTION OF STAFF.

22 CHAIRMAN PENNINGTON: YES, MR. RELIS.

23 BOARD MEMBER RELIS: GEORGE MENTIONED
24 THAT THERE WAS SOME CONCERN CASCADIA HAD WITH
25 INTERPRETATION. I WONDER, HAVE WE BEEN IN

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1 COMMUNICATION WITH CASCADIA REGARDING THIS LETTER?
2 I JUST GOT THIS LETTER. I DIDN'T HAVE IT IN MY
3 PACKET, SO I'M JUST READING IT.

4 MS. TRGOVCICH: WE JUST RECEIVED THE
5 LETTER OURSELVES, SO WE HAVEN'T DISCUSSED IT. I'M
6 SURE SUSIE WOULD BE HAPPY TO GET UP AND DISCUSS IT
7 WITH YOU AS WELL; BUT AS I INTERPRET THE LETTER,
8 WHAT MR. LARSON IS SAYING -- AND I HOPE THIS IS
9 THE POINT YOU'RE TRYING TO MAKE. IF NOT, CORRECT
10 ME -- IS THAT THE RECOMMENDATIONS AROUND THE
11 NUMERATOR AS WE STATED THEM WERE NOT THE
12 RECOMMENDATIONS OF THE INTERESTED PARTIES. I
13 THINK THAT IT IS OUR INTERPRETATION, AND MY PACKET
14 IS RIGHT IN FRONT OF ME SO I DON'T KNOW THE PAGE,
15 BUT I BELIEVE IT'S PAGE 2 OF THE ITEM UNDER THE
16 SELECTION OR IDENTIFICATION OF THE NUMERATOR
17 METHODS.

18 THE INTERESTED PARTIES RECOMMENDED
19 THAT WE COULD PURSUE ANY OF THE TOP THREE
20 METHODOLOGIES. MAYBE, JOHN, YOU --

21 MR. NUFFER: THAT'S CORRECT, CAREN. AT
22 THE LAST MEETING OF INTERESTED PARTIES, AFTER
23 SCORING THE FIVE METHODS FOR THE NUMERATOR, THE
24 INTERESTED PARTIES CAME TO THE CONSENSUS THAT
25 USING ANY OF THE TOP THREE SCORED METHODS WOULD BE

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1 FINE WITH THEM. AND THE ONE WE'RE PICKING IS ONE
2 OF THOSE TOP THREE.

3 MS. TRGOVCICH: AND I BELIEVE THAT'S ON
4 PAGE 130 OF YOUR PACKET, IN THE MIDDLE OF THE
5 PAGE.

6 MS. HABERLAND: CASCADIA JUST SAW THE
7 LETTER THIS MORNING AS WELL, AND THE ONLY
8 EXCEPTION WE TAKE IS THAT WE RANKED -- WE DIDN'T
9 GO THROUGH THE SAME RANKING PROCESS AS THE
10 INTERESTED PARTIES DID, SO THEY DID NOT SEE THE
11 RESULTS OF OUR RANKING. SO FOR THEM TO
12 CHARACTERIZE IT -- WHAT OUR RECOMMENDATIONS ARE
13 WITHOUT SEEING THOSE IS THE ONLY EXCEPTION THAT WE
14 TAKE.

15 CHAIRMAN PENNINGTON: IF I UNDERSTAND
16 CORRECT THEN, THE COMMITTEE AND THE STAFF IS
17 RECOMMENDING STAFF SURVEY RECLAIMERS? AM I --

18 MR. NUFFER: PROCESSORS. THE STAFF
19 SURVEY OF PROCESSORS, IF WE CAN GET HELP IN DOING
20 THAT. AND IF WE CAN'T, WE RECOMMEND ADJUSTING THE
21 1995 RECYCLING DATA.

22 MS. TRGOVCICH: THOSE TWO OF THE TOP
23 THREE METHODOLOGIES THAT THE INTERESTED PARTIES
24 SAID COULD BE USED FOR NUMERATOR.

25 CHAIRMAN PENNINGTON: WHAT DID THE

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1 COMMITTEE RECOMMEND?

2 BOARD MEMBER CHESBRO: WE RECOMMENDED THE
3 FIRST SURVEY, THE STAFF SURVEY, FOR THE NUMERATOR.
4 WE DID NOT ADDRESS THE QUESTION OF PROVIDING THEM
5 NECESSARY CONTRACT MONEY, BUT IT SEEMS TO ME THAT
6 THE BOARD HAS TO AT LEAST INFORMALLY THINK ABOUT
7 THAT IF IT'S GOING TO MOVE FORWARD WITH THE
8 COMMITTEE'S RECOMMENDATION, THAT THERE WOULD BE
9 SOME COST INVOLVED IN ESTABLISHING THE NUMERATOR
10 BY THAT METHOD.

11 BUT I'M PREPARED TO MOVE THE
12 RECOMMENDATION AS LONG AS THE BOARD MEMBERS
13 UNDERSTAND WE'LL HAVE TO LOOK AT SOME COSTS,
14 HOPEFULLY, WITH ANOTHER STATE AGENCY. I THINK ONE
15 OF THE EXPECTATIONS WAS THAT -- THE EXPENDITURE
16 WOULD BE WITH ANOTHER STATE AGENCY THAT WOULD HAVE
17 THE DATA OR WOULD ASSIST WITH THE DATA.

18 CHAIRMAN PENNINGTON: YOU'RE MOVING THAT?

19 BOARD MEMBER FRAZEE: THE NUMERATOR.

20 BOARD MEMBER CHESBRO: THE NUMERATOR,
21 RIGHT. WE HAD AN AGREEMENT ON THAT.

22 CHAIRMAN PENNINGTON: YOU MOVE THAT,
23 WE'LL NEED A SECOND.

24 BOARD MEMBER RELIS: SECOND.

25 CHAIRMAN PENNINGTON: MR. RELIS WILL

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1 SECOND.

2 MS. GOTCH: I'M SORRY. COULD YOU REPEAT
3 THAT?

4 CHAIRMAN PENNINGTON: HE'S MOVING THAT
5 THE NUMERATOR SHOULD BE THE STAFF SURVEY FOR THE
6 CALIFORNIA PROCESSORS, ITEM 3.

7 MS. TRGOVCICH: IS THAT -- JUST FOR
8 CLARIFICATION, IS THAT WITH THE FALLBACK, THE
9 SECOND PART TO THE STAFF RECOMMENDATION THAT THE
10 COMMITTEE ADOPTED?

11 BOARD MEMBER CHESBRO: WELL, I PRESUME
12 YOU WILL -- RALPH OR SOMEBODY WILL BRING FORWARD
13 THE QUESTION OF HOW WE GO ABOUT THIS FROM A COST
14 STANDPOINT; AND IF THE BOARD DECIDES THAT IT CAN'T
15 DO IT FINANCIALLY, I MEAN, THEN WE'D HAVE TO GO TO
16 A FALLBACK POSITION, BUT --

17 MR. CHANDLER: I THINK YOU'RE CORRECT IN
18 THAT REGARD, AND I THINK CAREN'S QUESTION GOES A
19 BIT FARTHER IN THAT THE STAFF RECOMMENDATION IS IN
20 THE EVENT THAT WE FIND, EVEN AFTER WE'VE ALLOCATED
21 CONTRACT DOLLARS, THAT THERE'S NON -- AND CORRECT
22 ME IF I'M WRONG HERE, CAREN -- IF THERE'S
23 NONRESPONSIVENESS OR WE JUST NOT AREN'T GETTING
24 THE RESULTS WE HAD HOPED TO, THAT WE WOULD HAVE A
25 FALLBACK POSITION OF GOING TO NO. 1.

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1 IS THAT RIGHT, JOHN?

2 MR. NUFFER: THAT IS CORRECT.

3 MR. CHANDLER: IN OTHER WORDS, WE WANTED
4 TO MAKE SURE THAT WE HAD A GUARANTEED BACKUP, IF
5 YOU WILL, IF OUR STAFF SURVEY RESULTS ARE NOT
6 RESPONSIVE TO THAT SURVEY, REGARDLESS OF WHETHER
7 WE HAVE AN IDENTIFIED STATE AGENCY HELPING US,
8 THAT WE WOULD THEN MOVE TO, I BELIEVE IT WAS, NO.
9 1 IN YOUR PACKET ON 130. AND I WON'T REPEAT IT
10 SINCE IT'S RIGHT THERE.

11 BOARD MEMBER CHESBRO: THE COMMITTEE DID
12 NOT ADDRESS THAT, AND MY SENSE IS THAT IT WOULD
13 BE -- THE REASON I THINK WE DIDN'T, ALTHOUGH IT
14 WASN'T PUSHED LIKE THIS, YOU KNOW, GEE, YOU NEED
15 TO DECIDE THIS AS WELL, WAS THAT I ASSUMED THAT WE
16 WOULD -- THE COMMITTEE AND BOARD WOULD TAKE A LOOK
17 AT IT AT THAT TIME. IF IT WASN'T WORKING, COME
18 BACK AND SAY THIS ISN'T WORKING NOW. CAN WE GO
19 OFF WITH THIS OTHER OPTION.

20 MS. TRGOVCICH: THAT WAS -- THE STAFF
21 RECOMMENDATION AT THE COMMITTEE MEETING WAS TO
22 ADOPT THE METHODOLOGIES WITH THE FALLBACK.
23 REMEMBER, ONE OF THE DISADVANTAGES THAT SUSIE
24 DESCRIBED WHEN SHE WENT THROUGH THAT METHODOLOGY
25 WAS THE ABILITY TO GET THOSE KIND OF RESPONSES.

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1 SO WHAT WE WANTED TO BE ABLE TO DO WAS HAVE THAT
2 FALLBACK NOW SO WE KNEW WHAT TO PROCEED WITH
NEXT.

3 BOARD MEMBER CHESBRO: I RECALLED
4 INCORRECTLY THEN, I GUESS. I DON'T REMEMBER
5 REALLY DISCUSSING THAT PART OF THE
RECOMMENDATION.

6 BUT YOU'RE SAYING THAT THE COMMITTEE ACTION
7 INCLUDED THE FALLBACK?

8 MS. TRGOVCICH: IT'S MY UNDERSTANDING
THE
9 COMMITTEE ADOPTED STAFF RECOMMENDATION, AND THE
10 STAFF RECOMMENDATION WAS THE TWO-PART
11 RECOMMENDATION.

12 BOARD MEMBER CHESBRO: OKAY. WE MAYBE
13 INADVERTENTLY DID THAT. BUT THAT BEING THE CASE,
14 I GUESS WE CAN GO AHEAD AND MOVE IT. I WOULD
LIKE

15 TO HAVE THE UNDERSTANDING THAT IT WOULD BE --
16 BEFORE AUTOMATICALLY MAKING THAT DECISION, THERE
17 WOULD BE A REPORT TO THE COMMITTEE ON THE
DECISION

18 TO DO THAT, JUST SO WE'RE ENGAGED IN THAT SWITCH.

19 MS. TRGOVCICH: I WOULD PROBABLY SEE
THAT

20 THE COMMITTEE WOULD BE RECEIVING VERY FREQUENT

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21 REPORTS ON ITS COMMITTEE AGENDA AS THIS PROCEEDS.

22 BOARD MEMBER CHESBRO: SO I GUESS THE

23 MOTION IS TO APPROVE THE COMMITTEE

RECOMMENDATIONS

24 WHICH INCLUDES THE FALLBACK.

25 CHAIRMAN PENNINGTON: SECOND HOLDS.

1 ARE YOU CLEAR ON THAT, MS. KELLY?

2 BOARD SECRETARY: UH-HUH.

3 CHAIRMAN PENNINGTON: OKAY. IF YOU ARE,
4 AND THERE IS NO FURTHER DISCUSSION, YOU WANT TO
5 CALL THE ROLL?

6 BOARD SECRETARY: BOARD MEMBER CHESBRO.

7 BOARD MEMBER CHESBRO: AYE.

8 BOARD SECRETARY: FRAZEE.

9 BOARD MEMBER FRAZEE: AYE.

10 BOARD SECRETARY: GOTCH.

11 BOARD MEMBER GOTCH: AYE.

12 BOARD SECRETARY: JONES.

13 BOARD MEMBER JONES: AYE.

14 BOARD SECRETARY: RELIS.

15 BOARD MEMBER RELIS: AYE.

16 BOARD SECRETARY: CHAIRMAN PENNINGTON.

17 CHAIRMAN PENNINGTON: AYE.

18 NOW WE NEED TO DO THE DENOMINATOR.

19 BOARD MEMBER CHESBRO: MR. CHAIRMAN,

THE

20 INTERESTED PARTIES, FORMERLY KNOWN AS THE
21 RECYCLING RATE ADVISORY COMMITTEE, FOR THE FIRST
22 TIME IN TWO YEARS I THINK HAD SOME AGREEMENT, IN
23 FACT, IT WAS UNANIMOUS, THAT CONDUCTING A WASTE
24 COMPOSITION STUDY WAS THE BEST OPTION. NOW,

THEY

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25 DIDN'T ADDRESS THE COST QUESTION. AND THE

1 COMMITTEE, THE LOCAL ASSISTANCE COMMITTEE, WITH
2 TWO MEMBERS PRESENT, WERE NOT ABLE TO AGREE WITH
3 THE RECOMMENDATION TO THE BOARD ABOUT WHAT TO DO
4 ABOUT THAT.

5 I WOULD LIKE TO POINT OUT, AS I
6 QUESTIONED THE CONSULTANT A LITTLE WHILE AGO,
THAT
7 THE DATA FOR THE PREVIOUS RATE WAS COLLECTED IN
8 PART OUTSIDE OF THE YEAR THAT WE WERE TRACKING
THE
9 RATE FOR. AND I THINK THAT'S AN IMPORTANT
10 CONSIDERATION THAT WE DIDN'T DISCUSS AT THE TIME
11 WE WERE TRYING TO DETERMINE A RATE.

12 I THINK THAT THERE'S A VERY
13 IMPORTANT QUESTION THAT RELATES TO BROADER BOARD
14 DATA NEEDS AND STATEWIDE DATA NEEDS FOR
INTEGRATED
15 WASTE MANAGEMENT IN GENERAL, AND THAT IS WHETHER
16 OR NOT THERE IS -- THERE ARE A RANGE OF USES FOR
17 WASTE GENERATION DATA IN THE STATE THAT COULD BE
18 MET BY A BROADER WASTE GENERATION STUDY THAT
COULD
19 HELP TO -- ON THE SIDE, WE COULD PIGGYBACK
GETTING
20 THE PLASTICS DENOMINATOR DATA FROM THAT.

21 AND I DON'T THINK THAT WE HAVE

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22 EXHAUSTED THAT, AND IT IS MY PREFERENCE WE DIRECT
23 STAFF TO SEEK A WAY TO CONDUCT A BROADER WASTE
24 COMPOSITION STUDY TO DEVELOP THE 1996 WASTE
25 GENERATION NUMBER. THAT WOULD INCLUDE TRYING TO

1 ATTRACT PARTNERS WHO MIGHT HELP TO FUND SUCH A
2 STUDY AND ALSO LOOK AT OTHER BOARD PROGRAMS WHICH
3 MIGHT BENEFIT FROM A BROADER WASTE COMPOSITION
4 STUDY. SO THAT MY MOTION IS TO DIRECT STAFF TO
5 CONDUCT A WASTE COMPOSITION STUDY TO DEVELOP THE
6 1996 WASTE GENERATION NUMBER AND TO SEEK PARTNERS
7 IN BROADER DATA NEEDS TO UTILIZE THAT STUDY FOR
8 AND ALSO ACCOMPLISH FUNDING.

9 CHAIRMAN PENNINGTON: MR. CHANDLER, WOULD
10 YOU LIKE TO TELL US THE COST OF DOING SOMETHING
11 LIKE THAT?

12 MR. CHANDLER: I THINK YOU'RE ALL AWARE
13 BECAUSE THE ITEM LAYS IT OUT, AND I WOULD JUST
14 POINT TO 135. I THINK THAT THE SCORES BY CASCADIA
15 AND THE INDEPENDENT PARTIES ARE PRETTY CLOSE FOR
16 RANKED ITEM NO. 1, WHICH, AS MR. CHESBRO JUST
17 POINTED OUT, WAS TO CONDUCT THE WASTE COMPOSITION
18 SURVEY, ESTIMATED TO BE ABOUT A QUARTER MILLION
19 DOLLARS.

20 NO. 2 WAS THE EXTRAPOLATION OF THE
21 1996 RATE OF SIMPLY FIVE POINTS LOWER AT \$3,600.
22 I THINK THE POINT I WAS TRYING TO MAKE IS JUST
23 THAT WITH \$400,000 OF DISCRETIONARY CONTRACT
24 MONIES AVAILABLE FOR YOUR NEXT YEAR'S BUDGET, I
25 HAVE \$800,000 ON MY IN-BASKET RIGHT NOW FROM STAFF

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1 AND ADVISORS. I THINK AS YOU LOOK AT THE NO. 1
2 RANKED PROPOSAL OF \$250,000, YOU NEED TO BE
3 THINKING ABOUT HOW MUCH OF YOUR NEXT YEAR
4 DISCRETIONARY CONTRACT BUDGET YOU WANT TO DEDICATE
5 TO THIS EFFORT. I WOULD JUST KEEP THAT IN MIND.

6 THE NARRATIVE AT THE BOTTOM OF 135
7 DOES SPEAK TO STAFF'S RECOMMENDATION, THAT THE
8 SCORE OF 32 IS FIVE POINTS LOWER THAN THE FIRST
9 RANKED WASTE COMPOSITION SURVEY, AND THAT
10 CASCADIA'S SCORING INDICATES THAT THE
11 EXTRAPOLATION IS A CLOSE SECOND-BEST SOLUTION AT
12 SUBSTANTIALLY LOWER COST. SO THAT'S THE
13 FOUNDATION OF STAFF'S RECOMMENDATION, AND I WOULD
14 JUST WANT TO PUT IT IN CONTEXT TO WHAT KIND OF
15 BUDGET YOU'RE LOOKING AT FOR YOUR NEXT YEAR
16 CONTRACT DOLLARS.

17 MS. TRGOVCICH: MR. CHAIRMAN, MAYBE TO
18 PROVIDE JUST AS WELL FURTHER INFORMATION TO
19 MR. CHESBRO'S EARLIER QUESTION, SUSIE JUST HANDED
20 ME A MEMO THAT SHE PREPARED IN RESPONSE TO THE
21 QUESTION THAT WAS RAISED IN THE LOCAL ASSISTANCE
22 AND PLANNING COMMITTEE MEETING. THE SAMPLES THAT
23 WERE TAKEN -- THERE WERE 406 SAMPLES TAKEN BETWEEN
24 JULY AND SEPTEMBER OF '95 TO CALCULATE THE '95 --
25 TO DO THE '95 WASTE COMPOSITION STUDY. AND THEN

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1 484 SAMPLES WERE TAKEN FROM JANUARY TO FEBRUARY OF
2 '96.

3 BOARD MEMBER CHESBRO: HALF THE SAMPLES
4 WERE OUTSIDE THE CALENDAR YEAR THAT WE WERE
5 MEASURING.

6 MS. TRGOVCICH: HALF THE SAMPLES WERE IN
7 THE FIRST TWO MONTHS OF THE FOLLOWING CALENDAR
8 YEAR. AND WE ARE NOW IN THE FOURTH MONTH OF THE
9 SUBSEQUENT CALENDAR YEAR FOR '96.

10 BOARD MEMBER CHESBRO: I WOULD LIKE TO
11 POINT OUT THAT IT'S JUST AS STATISTICALLY
12 JUSTIFIABLE TO EXTRAPOLATE BACKWARD AS IT IS TO
13 EXTRAPOLATE FORWARD.

14 BOARD MEMBER RELIS: MR. CHAIR?

15 CHAIRMAN PENNINGTON: YES.

16 BOARD MEMBER RELIS: I'M INTERESTED
17 ACTUALLY NOT FOR THIS YEAR BECAUSE I DON'T
18 THINK -- AT LEAST ELABORATE FOR ME, 1996 STAFF HAS
19 SAID YOU COULDN'T -- EVEN IF WE WERE TO WANT TO DO
20 A WASTE CHARACTERIZATION STUDY AND WE BUDGETED TO
21 DO THAT, WE WOULDN'T BE ABLE TO DO THAT? COULD
22 YOU EXPLAIN?

23 MS. TRGOVCICH: I THINK BASICALLY WHAT
24 WE'RE SAYING, AND THAT JUST GOES ALONG WITH THE
25 CONVERSATION THAT WE WERE JUST CONTINUING WITH,
IS

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1 THAT CALENDAR YEAR 1996 IS OVER AND DONE WITH.
2 THAT WE WOULD BE TAKING SAMPLES -- THE EARLIEST
3 POSSIBLE THAT WE COULD COLLECT SAMPLES LIKELY,
4 GIVEN THE CONTRACT'S PROCESS, AND THAT THIS WOULD
5 BE A 1997-98 CONTRACT, WHICH MEANS THAT FUNDS
6 COULD NOT EVEN BE LET -- CONTRACTS COULDN'T EVEN
7 BEGIN TO GO OUT UNTIL JULY. WE WOULD BE VERY
8 LUCKY TO GET A SAMPLING SEASON IN DURING THE 1997
9 CALENDAR YEAR FOR A 1996 STUDY.

10 BOARD MEMBER RELIS: WITH THAT IN MIND,
11 I'M INTERESTED IN PURSUING -- FIRST OF ALL, I
12 THINK THAT THE SHORT TERM IS NOT AN EASY ONE FOR
13 US TO ANSWER BECAUSE I'M NOT WILLING TO COMMIT
14 TODAY TO 250,000 TO DO A WASTE CHARACTERIZATION
15 STUDY WITH THE PRIORITIES AND THE ISSUES FACING US
16 BUDGETARILY AND WITH THOSE CONTRACT DOLLARS, THOSE
17 SCARCE CONTRACT DOLLARS. BECAUSE BOARD MEMBERS
18 HAVE IDEAS ABOUT HOW THOSE SHOULD BE USED THAT I
19 THINK REFLECT A -- MORE FORCEFULLY ON OUR MAIN
20 MISSION ON DIVERSION.

21 BUT I AM INTERESTED IN LOOKING AT
22 THE POSSIBILITY OF DOING A BROAD WASTE
23 CHARACTERIZATION STUDY BECAUSE I BELIEVE, IF NOT
24 THIS YEAR, NEXT YEAR, AND I REALIZE THE

BUDGETARY

25 PROBLEMS ARE VERY REAL, IT IS AN IMPORTANT STEP

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IN

1 THIS BOARD'S ONGOING ROLE OF UNDERSTANDING HOW
2 IT'S ALLOCATING ITS RESOURCES. AND THE WASTE-
3 STREAM IS LIKELY TO BE CHANGING; IT'S A DYNAMIC
4 STREAM.

5 SO I DON'T SEE HOW WE COULD DO IT
6 THIS YEAR, BUT I WOULD LIKE TO LOOK INTO, AS AN
7 ALTERNATIVE TO WHAT MR. CHESBRO HAS PROPOSED, TO
8 TASK STAFF WITH LOOKING INTO THAT BROADER
9 CHARACTERIZATION STUDY, A BROADER SOURCE OF
10 FUNDING POSSIBLY FOR IT. BUT I DON'T SEE HOW WE
11 COULD DO IT THIS YEAR.

12 CHAIRMAN PENNINGTON: WHEN YOU SAY A
13 BROADER STUDY, ARE YOU TALKING MORE IN TERMS LIKE
14 WHAT MR. CHESBRO --

15 BOARD MEMBER RELIS: YES. I'M INTRIGUED
16 BY MR. SHEDD'S IDEA. I THINK THAT A NARROW FOCUS
17 STRICTLY ON THE PLASTICS STREAM, I THINK, IS
18 IMPORTANT, BUT NOT IMPORTANT ENOUGH TO DO A WHOLE
19 CHARACTERIZATION STUDY. WE WOULD HAVE TO LOOK AT
20 THE BROAD WASTESTREAM, ALL MATERIALS. I THINK
21 THAT'S WHERE ITS USE WOULD BE TO THIS BOARD, ITS
22 PRIMARY USE.

23 BOARD MEMBER CHESBRO: MR. CHAIR, THE
24 FRUSTRATING THING FROM MY STANDPOINT IS THAT
25 THERE'S BEEN VERY LITTLE DISCUSSION FROM STAFF

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1 ABOUT OR AT THIS POINT FROM THE BOARD, AMONGST THE
2 BOARD, ABOUT WHO ELSE OUT THERE HAS AN INTEREST IN
3 KNOWING THE WASTE CHARACTERIZATION OF CALIFORNIA.
4 THERE ARE SOME VERY LARGE LOCAL GOVERNMENTS, SUCH
5 AS THE CITY OF LOS ANGELES AND OTHER PLACES, BY
6 WHICH LARGE CHUNKS OF THIS WASTESTREAM MIGHT BE
7 BITTEN OFF AND PAID FOR BY THE LOCAL INTERESTS.
8 THERE'S ALSO POTENTIAL PRIVATE SECTOR PARTNERS, I
9 WOULD THINK, WHO HAVE A VERY REAL INTEREST IN
10 KNOWING WHAT THE BROAD WASTE CHARACTERIZATION OF
11 CALIFORNIA IS.

12 AND I THINK THAT IT IS DISTINCTLY
13 POSSIBLE THAT WE GET A GREAT BROAD STATEWIDE
14 DATABASE BASED ON SAMPLING. I'M NOT TALKING ABOUT
15 SAMPLING ALL THE WASTESTREAMS IN THE STATE, BUT
16 BASED ON A SELECTED SAMPLE, A SCIENTIFICALLY
17 SELECTED SAMPLE, THAT WOULD NOT PUT ALL THE
18 FINANCIAL BURDEN FOR GENERATING THAT ON THE WASTE
19 BOARD, BUT YET WOULD GIVE US BROAD TOOLS FOR A
20 VARIETY OF WASTE BOARD PROGRAMS BESIDES JUST THE
21 PLASTICS PROGRAM.

22 I MAY BE WRONG, THAT THERE AREN'T
23 ENOUGH PARTNERS OUT THERE AND THERE ISN'T ENOUGH
24 INTEREST, BUT YOU DON'T KNOW UNTIL YOU TRY.

AND I

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25 HAVE A SUSPICION THAT THERE WOULD BE A BROADER

1 INTEREST IN THE PRIVATE SECTOR AND AMONG LOCAL
2 GOVERNMENTS TO PITCH IN AND GENERATE THIS DATA,
3 WHICH THEN COULD BE UTILIZED, I THINK, AS A
4 DATABASE AND EXTRAPOLATED AND BUILT ON FOR A WIDE
5 VARIETY OF PURPOSES.

6 BOARD MEMBER FRAZEE: MR. CHAIRMAN?

7 CHAIRMAN PENNINGTON: YES, MR. FRAZEE.

8 BOARD MEMBER FRAZEE: MY -- FIRST OF
ALL,

9 I WANT TO AGREE WITH MR. RELIS, THAT I THINK THAT
10 AT SOME POINT IN THE PROCESS, IT IS APPROPRIATE
11 TO
12 DO A BROAD-BASED WASTE CHARACTERIZATION STUDY,
13 BUT
14 IN THE CONTEXT OF THE ITEM THAT'S BEFORE US WE'RE
15 LOOKING AT THE TIMING. I THINK IT'S AN AMBITIOUS
16 STATEMENT BY CAREN THAT WE COULD BE READY IN
17 JULY.

18 I WOULD DOUBT THAT, JUST ALL OF THE TIME LINES
19 THAT HAVE TO GO ALONG WITH THAT.

20 AND THEN THAT GETS US INTO MAYBE
21 DOING A WINTER SORT AT BEST IN '97 AND THEN THE
OTHER HALF IN '98, SO YOU'RE NOT USING JUST
ONE-YEAR-OLD DATA, BUT YOU'RE USING TWO-YEAR-OLD
INFORMATION THAT'S ACTUALLY GENERATED IN '98.

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AND

22 BY THAT TIME, HOPEFULLY, WE COULD GET A MORE
23 COMPREHENSIVE STUDY. BUT FOR THE PURPOSES OF

THIS

24 EXERCISE, ANYTHING WE DO, IN MY VIEW, IS GROSSLY
25 INACCURATE. BUT YOU HAVE TO DO YOUR BEST, AND I

1 THINK THE METHODOLOGY SELECTED BY STAFF IS -- FOR
2 THE DENOMINATOR IS THE BEST WE CAN DO IN GETTING
3 TO THAT POINT WITHIN THE BUDGET.

4 CHAIRMAN PENNINGTON: I, TOO, WOULD AGREE
5 WITH THAT. PERHAPS WE COULD RESOLVE THIS ISSUE
6 HERE TODAY AND THEN ASK THE STAFF TO LOOK AT A
7 MORE BROAD CHARACTERIZATION STUDY AND TO LOOK AT
8 MR. CHESBRO'S SUGGESTION THAT WE MIGHT FIND SOME
9 OTHER PARTNERS OUT THERE. MAYBE EVEN MR. SHEDD
10 WOULD LIKE TO PARTNER WITH US.

11 MR. SHEDD: GET APC.

12 CHAIRMAN PENNINGTON: PERHAPS. TO SEE
13 WHO WE CAN FIND AND IF WE COULD RAISE THE KIND OF
14 FUNDS THAT ARE NEEDED TO DO IT.

15 BOARD MEMBER CHESBRO: I'M TRYING TO
16 THINK OF HOW TO SAY THIS WITHOUT STIRRING UP A
17 HORNET'S NEST, BUT WE TRIED TO DO THAT WITHOUT
18 GIVING UP CONTROL OVER IT SEVERAL YEARS AGO,
19 MR. SHEDD. IT KIND OF FOUGHT TO A DEADLOCK AND
20 DIDN'T WORK, BUT I APPRECIATED THE SUGGESTION.

21 MR. CHANDLER: MR. CHAIRMAN, WE'LL DO
22 THAT, AND THE COMMITTEE SEEMS TO BE IN AGREEMENT
23 THAT THE BOARD WOULD BE WELL-SERVED IN A VARIETY
24 OF PROGRAM AREAS WITH A BROADER WASTE
25 CHARACTERIZATION STUDY THAT EMBRACED THE

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1 PARTNERSHIP APPROACH THAT I THINK MR. CHESBRO IS
2 LOOKING FOR AND GETTING A COMMITMENT AND A
3 CONTRIBUTION TO OUR OBJECTIVES THERE.

4 SO WE WILL RESEARCH THAT AND BEGIN
5 TO PUT TOGETHER IDEAS ON HOW WE CAN APPROACH LOCAL
6 GOVERNMENT AND INDUSTRY PARTNERS TO SEEK COLLABOR-
7 ATIVE EFFORT IN THAT REGARD. BUT I THINK
8 MR. FRAZEE IS CORRECT, THAT IS A FUTURE EFFORT WE
9 WILL UNDERTAKE, AND WE STILL HAVE THE MATTER OF
10 SPECIFICALLY WHAT DIRECTION WOULD YOU LIKE TO
11 OFFER STAFF ON THE DENOMINATOR.

12 CHAIRMAN PENNINGTON: WITH THAT IN MIND,
13 I MOVE THAT WE TAKE THE STAFF'S RECOMMENDATION ON
14 THE DENOMINATOR, WHICH IS THE SECOND ITEM.

15 BOARD MEMBER FRAZEE: SECOND.

16 CHAIRMAN PENNINGTON: ANY FURTHER
17 DISCUSSION ON THAT? IF NOT, WILL THE SECRETARY
18 CALL THE ROLL?

19 BOARD SECRETARY: BOARD MEMBER CHESBRO.

20 BOARD MEMBER CHESBRO: NO.

21 BOARD SECRETARY: FRAZEE.

22 BOARD MEMBER FRAZEE:

AYE.

23 BOARD SECRETARY: GOTCH.

24 BOARD MEMBER GOTCH: NO.

25 BOARD SECRETARY: JONES.

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1 BOARD MEMBER JONES: AYE.

2 BOARD SECRETARY: RELIS.

3 BOARD MEMBER RELIS: AYE.

4 BOARD SECRETARY: CHAIRMAN PENNINGTON.

5 CHAIRMAN PENNINGTON: AYE.

6 MOTION CARRIES.

7 BOARD MEMBER GOTCH: MR. CHAIR, POINT OF
8 CLARIFICATION. MY UNDERSTANDING IS THAT THE ALL
9 MATERIALS VERSUS PLASTICS ONLY IS RELATIVELY THE
10 SAME COST, WITHIN MAYBE \$50,000; IS THAT CORRECT?

11 MS. TRGOVCICH: I THINK THAT'S WHAT WE
12 DID DETERMINE. THERE'S APPROXIMATELY A \$50,000
13 DIFFERENCE. THERE'S SOME STATIC COSTS ASSOCIATED
14 WITH SENDING FOLKS OUT INTO THE FIELD TO DO WASTE
15 SORTS THAT WOULD STAND WHETHER YOU WERE LOOKING AT
16 RPPC'S ONLY OR THE BROADER WASTESTREAM OF 38
17 CATEGORIES PLUS.

18 MS. GOTCH: THANK YOU.

19 CHAIRMAN PENNINGTON: OKAY. WE MOVE TO
20 ITEM 22.

21 MS. RICE: MR. CHAIRMAN AND MEMBERS --

22 CHAIRMAN PENNINGTON: LET ME GET ON THE
23 RIGHT PAGE BEFORE I GET LOST HERE.

24 OKAY. ITEM 22. CONSIDERATION OF
25 THE REALLOCATION OF UNUSED FY '96/97 TIRE PROGRAM

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1 FUNDING ALLOCATIONS.

2 DOROTHY RICE, CAREN TRGOVCICH, MARIE
3 LAVERGNE, THE TROOPS.

4 MS. RICE: THANK YOU VERY MUCH.

5 MR. CHAIRMAN AND MEMBERS, I'M
6 DOROTHY RICE, DEPUTY DIRECTOR OF PERMITTING AND
7 ENFORCEMENT DIVISION. I WILL BE MAKING THIS
8 PRESENTATION JOINTLY WITH CAREN TRGOVCICH OF THE
9 WASTE PREVENTION AND MARKET DEVELOPMENT DIVISION,
10 WITH ONGOING TECHNICAL ASSISTANCE PROVIDED BY
11 MARIE LAVERGNE, DEPUTY DIRECTOR OF THE
12 ADMINISTRATION AND FINANCE DIVISION.

13 RIGHT, MARIE?

14 CHAIRMAN PENNINGTON: CAN I INTERRUPT YOU
15 LONG ENOUGH --

16 MS. RICE: ABSOLUTELY.

17 CHAIRMAN PENNINGTON: I WAS JUST HANDED A
18 COUPLE OF MINUTES AGO AN EX PARTE FROM SENATOR
19 JOHNSTON OF THE FIFTH SENATORIAL DISTRICT IN
20 SUPPORT OF THE EXISTING RRAC ROLE. OKAY?

21 MS. RICE: AS YOU KNOW, THIS IS AN ITEM
22 FOR REALLOCATION OF UNUSED FISCAL YEAR 1996/97
23 TIRE DOLLARS. IN NOVEMBER THE BOARD ARRIVED AT
24 THE '96/97 FUND ALLOCATIONS FOR THE TIRE PROGRAM
25 IN NOVEMBER, FOLLOWING A SEPTEMBER WORKSHOP

WHERE

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1 WE GOT SUBSTANTIAL INPUT FROM INTERESTED PARTIES
2 ON HOW THE FUNDS SHOULD BE ALLOCATED. NOVEMBER
3 FUNDING ALLOCATIONS ARE LISTED ON PAGES 203 AND
4 204 OF YOUR PACKET.

5 AT THAT TIME IN NOVEMBER, IT WAS
6 RECOGNIZED AND DISCUSSED BY THE BOARD THAT NOT ALL
7 OF THE ALLOCATED FUNDS WOULD BE UTILIZED FOR THE
8 PURPOSES IDENTIFIED IN THE ALLOCATIONS. FOR THAT
9 REASON, STAFF WERE REQUESTED TO RETURN TO YOU IN
10 THE APRIL TIME FRAME TO DISCUSS REALLOCATION OF
11 ANY FUNDS THAT HAD NOT BEEN FULLY UTILIZED. SO
12 THAT IS THE PURPOSE OF THE ITEM BEFORE US TO
13 TODAY, TO LOOK AT THE REALLOCATION OF THOSE FUNDS.

14 THE AREAS WHERE ALLOCATED FUNDS HAVE
15 NOT BEEN FULLY UTILIZED ARE SHOWN ON THOSE TABLES
16 ON PAGES 203 AND 204 IN YOUR PACKETS. AND YOU CAN
17 SEE IN THE AREA DELINEATED AS PERMIT AND
18 ENFORCEMENT THAT THERE ARE TWO AREAS WHERE FUNDS
19 HAVE NOT BEEN FULLY UTILIZED. ONE IS FOR THE
20 PILOT LEA GRANT PROGRAM, WHERE IN NOVEMBER YOU
21 ALLOCATED \$200,000 FOR THIS NEW ACTIVITY, AND WE
22 RECEIVED APPLICATIONS TOTALING \$110,031 FOR THOSE
23 GRANTS. AND WE WILL BE BEFORE THE ADMINISTRATION
24 COMMITTEE AND THE BOARD IN MAY RECOMMENDING
25 APPROVAL OF GRANTS TOTALING THAT FULL AMOUNT. SO

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1 IN THAT CATEGORY, SHOULD YOU AGREE WITH THAT STAFF
2 RECOMMENDATION IN MAY, THAT WOULD LEAVE \$89,969
3 NOT UTILIZED FROM THAT \$200,000.

4 MOVING ON TO OUR OTHER ITEM, WHICH
5 IS THE LOCAL GOVERNMENT MATCH AND CLEANUP GRANTS,
6 IN NOVEMBER YOU AUTHORIZED AN ALLOCATION OF
7 \$250,000 FOR A GRANT OFFERING -- A MATCHING GRANT
8 OFFERING IN THIS AREA. AGAIN, A FIRST-TIME
9 OFFERING OF ITS TYPE, WE RECEIVED APPLICATIONS
10 TOTTALLING \$40,000 FROM TWO JURISDICTIONS. UPON
11 REVIEW, STAFF WILL BE AGAIN BEFORE THE
12 ADMINISTRATION COMMITTEE IN MAY, AND THE BOARD,
13 RECOMMENDING APPROVAL OF ONE OF THOSE APPLICATIONS
14 FOR A TOTAL OF \$25,000, THUS LEAVING 225,000
15 UNALLOCATED OR UNUTILIZED.

16 THIS DIFFERS SLIGHTLY FROM MY
17 COMMITTEE PRESENTATION A FEW WEEKS AGO WHEN WE HAD
18 JUST RECEIVED THE TWO APPLICATIONS AND DID NOT YET
19 KNOW THAT WE WOULD NOT BE RECOMMENDING FULL
20 FUNDING OF THE 40,000 REQUESTED. SO AGAIN, WE'LL
21 ONLY BE RECOMMENDING 25,000 FROM THAT CATEGORY.

22 WITH THAT, THEN, I'LL TURN IT OVER
23 TO CAREN TRGOVCICH TO TALK ABOUT UNUTILIZED FUNDS
24 IN THE MARKET DEVELOPMENT AREA.

25 MS. TRGOVCICH: AS YOU CAN SEE FROM THE

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1 CHART ON PAGE 204 OF YOUR PACKET, THERE'S AN
2 IDENTIFICATION OF ALL OF THE ACTIVITIES THAT THE
3 BOARD ALLOCATED FUNDS FOR FISCAL YEAR 1996/97.
4 THE ONLY ACTIVITY THAT HAS SPECIFICALLY IDENTIFIED
5 DOLLAR SAVINGS ASSOCIATED WITH IT, IF YOU LOOK AT
6 THE MIDDLE OF THAT LISTING, IS CEMENT KILN
7 INFORMATION DISSEMINATION. THAT ALLOCATION BY THE
8 BOARD LAST NOVEMBER WAS INTENDED AS A SHOW OF
9 SUPPORT FOR THE GREAT POTENTIAL THAT THAT INDUSTRY
10 HAS IN TERMS OF USING OR INCORPORATING TIRES AS A
11 FUEL SUPPLEMENT, AND THE BOARD WISHED TO MAKE
12 FUNDS AVAILABLE IN THE EVENT THAT WE HAD
13 INFORMATION THAT WAS READY TO BE PRODUCED,
14 DISTRIBUTED, ANALYZED, ETC., THAT WOULD SUPPORT
15 THAT USE.

16 TO DATE, WE HAVE NOT YET COMPLETED
17 THE PRIOR YEAR, '95/96, EVALUATION BEING CONDUCTED
18 BY DAMES & MOORE, WHICH WAS TO BECOME ONE OF THE
19 BASES OF THE EDUCATIONAL OR USE OF THOSE FUNDS FOR
20 INFORMATION DISSEMINATION. AND THUS YOU WILL SEE
21 THAT WHAT WE'RE RECOMMENDING IS THAT MONEY OR
22 OTHER MONIES BE MADE AVAILABLE DURING 1997/98 FOR
23 THIS AND OTHER PURPOSES RELATING TO INFORMATION
24 DISSEMINATION. HOWEVER, FOR PURPOSES OF '96/97,
25 THAT \$50,000 IS NOW AVAILABLE FOR REALLOCATION.

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1 THAT IS THE ONLY SPECIFICALLY IDENTIFIED ACTIVITY
2 THAT IS NOT PROCEEDING AT THIS POINT AND WAS
3 PRESENTED TO THE COMMITTEE.

4 MS. RICE: THE POLICY COMMITTEE
5 RECOMMENDATIONS FOR REALLOCATION OF THESE FUNDS
6 THAT HAVE JUST BEEN DESCRIBED ARE LISTED IN TABLE
7 1 ON PAGE 200 IN YOUR PACKET, WHICH IS PAGE 22 OF
8 THE ITEM. THE TABLE SHOWS PROPOSED AUGMENTATIONS
9 TO VARIOUS ACTIVITIES TOTALING \$350,000. BASED ON
10 THE ADDITIONAL FUNDING THAT I DESCRIBED FROM THE
11 MATCHING CLEANUP GRANT PROGRAM, THAT WOULD LEAVE
12 AN ADDITIONAL 15,000 AVAILABLE FOR REALLOCATION
13 DISCUSSION AT THIS TIME.

14 IN ADDITION, I WOULD LIKE TO OFFER
15 ONE CLARIFICATION. ONE OF THE AUGMENTATIONS
16 PROPOSED IN THE POLICY COMMITTEE MEETINGS SEVERAL
17 WEEKS AGO WAS TO AUGMENT THE CIVIL ENGINEERING
18 CONTRACT BY \$75,000. THAT WOULD HAVE BEEN, I
19 THINK, 30 PERCENT OF \$250,000. THE CONTRACT IS,
20 IN FACT, FOR \$245,000 SO AS WE MUST STAY WITHIN 30
21 PERCENT OF THE CONTRACT AMOUNT FOR AN
22 AUGMENTATION, THE ACTUAL CEILING ON HOW MUCH YOU
23 CAN AUGMENT IS 73,500 RATHER THAN 75,000. SO I
24 SUPPOSE THAT LEAVES AN ADDITIONAL \$1,500 FOR
YOUR

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25 REALLOCATION DISCUSSIONS TODAY.

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1 STOCKPILES THE BEST, IS THE USE OF WASTE TIRES AS
2 A FUEL SUPPLEMENT. I TOURED THE MITSUBISHI PLANT
3 YESTERDAY. I ALWAYS WONDERED WHAT FUEL SUPPLEMENT
4 WAS, JUST WHAT THAT RATIO WAS. WE'RE TALKING
5 ABOUT USING -- I'M TALKING ABOUT A POLICY THAT
6 THE -- THAT THIS BOARD ADOPTED IN 1992 TO ENDORSE
7 TIRE-DERIVED FUEL AS BEING USED IN CEMENT KILNS AS
8 A POSITIVE USE TO DEAL WITH THE LEGACY PILES AND
9 HAVING A REAL DEVELOPMENT OF NEW MARKETS.

10 THERE ARE 19 CEMENT KILNS IN THE
11 STATE OF CALIFORNIA. THREE BURN TIRES. BUT I
12 WANT TO KNOW IF PEOPLE UNDERSTAND THAT WHEN A
13 CEMENT KILN MAKES A DETERMINATION TO SUPPLEMENT
14 THEIR FUEL SOURCE, THEY ARE TALKING ABOUT TAKING
15 3,000,000 TIRES OUT OF THE WASTESTREAM A YEAR,
16 WHICH IS ONLY GOING TO REPRESENT 15 PERCENT OF
17 THEIR FUEL NEEDS. IT'S NOT 100 PERCENT OF THEIR
18 FUEL NEED; IT'S NOT 20 PERCENT OF THEIR FUEL
19 NEEDS. IT'S 15 PERCENT OF THEIR FUEL NEEDS.
20 THEY'RE STILL GOING TO BURN IN EXCESS OF 25 TO 30
21 TONS OF COAL AN HOUR. SO I THINK THAT IT'S
22 IMPORTANT THAT PEOPLE UNDERSTAND THAT BECAUSE WHEN
23 WE'RE TALKING 3,000,000 TIRES A YEAR PER PLANT,
24 THAT HAS GOT AN INCREDIBLE IMPACT, AND I THINK
25 THAT THE BOARD UNDERSTANDS THAT.

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1 I BELIEVE THAT WE SHOULD MAKE EVERY
2 EFFORT TO REMOVE BARRIERS TO EXPAND THE USE OF THE
3 WASTE TIRES IN CEMENT KILNS AND COAL COGEN PLANTS.
4 THE REASON IS THAT WHEN THEY BURN TIRES AS FUEL,
5 THE NOX READINGS GO DOWN, CARCINOGENS GO DOWN,
6 THEY GET A CLEANER BURN. IT'S UNBELIEVABLE. I
7 DON'T KNOW HOW MANY PEOPLE HAVE GONE TO A CEMENT
8 KILN AND SEEN THE PROCESS THAT THEY GO THROUGH.
9 YESTERDAY WAS A GOOD DAY FOR ME. I WENT TO BAS
10 RECYCLING AND SAW CRUMB RUBBER. WENT TO A CEMENT
11 KILN AND LOOKED AT HOW TIRE-DERIVED FUEL WORKS.

12 TO ACCOMPLISH THIS, WE NEED TO
13 DISSEMINATE THE BEST SCIENTIFIC INFORMATION ABOUT
14 THE EFFECTS OF USING TIRES AS A FUEL SUPPLEMENT ON
15 AIR QUALITY EMISSIONS. AND THIS BOARD HAS DONE
16 THAT WHEN THEY COMMISSIONED THE DAMES & MOORE
17 STUDY, TO PUT ALL THAT AVAILABLE INFORMATION
18 TOGETHER AND BE ABLE TO PRESENT IT IN ENGLISH.

19 I THINK THAT IS A VERY IMPORTANT
20 FACTOR BECAUSE WE'RE NOT ALL -- I AM NOT ABLE TO
21 UNDERSTAND EVERYTHING THAT COMES OUT OF THESE
22 REPORTS, BUT I'M CAPABLE OF READING ENGLISH. AND
23 I THINK HAVING A PRODUCT OR HAVING A DOCUMENT FROM
24 THIS BOARD THAT WE CAN GIVE OUR STAFF, GIVE PEOPLE
25 IN HEARINGS, SO THAT THEY CAN UNDERSTAND WHAT FUEL

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1 SUPPLEMENTATION IS, THAT THEY CAN UNDERSTAND WHAT
2 THE EMISSIONS STANDARDS ARE, WHAT THE SCIENCE IS,
3 TAKE SOME OF THE VOODOO HYSTERIA OUT OF THE
4 PERMITTING PROCESS.

5 I THINK EVERYBODY ON THIS BOARD
6 UNDERSTANDS IT'S A PERMIT. A FACILITY IS A LOCAL
7 ISSUE. NO MATTER WHAT THE SCIENCE, NO MATTER WHAT
8 THE ISSUES ARE, IT ALWAYS BOILS DOWN TO A LOCAL
9 ISSUE AND WHETHER OR NOT THEY WANT IT THERE OR
10 NOT. I AM NOT ADVOCATING THAT WE BECOME -- DO
11 ANYTHING MORE THAN EDUCATE PEOPLE ABOUT THE
12 SCIENCE, THE SCIENCE -- THE REALITY OF THE
SCIENCE
13 AND ENDORSE THAT SCIENCE.

14 I WANT TO BE ABLE TO RECOMMEND
THAT
15 OUR STAFF BE MADE AVAILABLE TO APPEAR AT LOCAL
16 PERMIT HEARINGS TO PRESENT THE RESULTS OF THOSE
17 STUDIES AND DESCRIBE THE BOARD POLICY ON THE USE
18 OF TIRES AS A FUEL SUPPLEMENT. OUR TIRE PROGRAM
19 HAS ACCOMPLISHED MUCH OVER THE PAST SEVERAL
YEARS.

20 I BELIEVE IT NEEDS MORE FOCUS AND STRATEGIC
21 DIRECTION. I BELIEVE THIS COULD BE ACCOMPLISHED
22 IF WE IMPROVE OUR CAPABILITY TO ANALYZE THE

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COST-

23 EFFECTIVE STRATEGIES ON A REGIONAL BASIS FOR
24 BRINGING TIRES FROM BOTH LEGACY PILES AND THE
FLOW
25 TIRES TO THE END USE MARKETS.

1 THEREFORE, I WOULD LIKE TO DIRECT
2 STAFF TO UPDATE THE INFORMATION CONTAINED IN THE
3 1992 TIRE REPORT BY UPDATING POPULATION, TIRE
4 PILES, AVAILABLE END USES, AND USE THAT
5 INFORMATION TO HELP SET STRATEGIC, QUANTITATIVE
6 TARGETS FOR GETTING WASTE TIRES FROM WHATEVER
7 SOURCE TO A POSITIVE END MARKET.

8 OVERALL, I BELIEVE THAT THE PROPOSED
9 FUNDING ALLOCATIONS THAT WE HAVE BEFORE US TODAY
10 IS A BALANCE BETWEEN MARKET DEVELOPMENT AND
11 CLEANUP. AND IN THIS MARKET DEVELOPMENT ARENA,
12 THE BULK OF THE FUNDS ARE DIRECTED TOWARDS
13 EXPANDING THE USE OF WASTE TIRES BY SUPPORTING THE
14 MOST HIGHLY VALUED END USES. MORE SPECIFICALLY,
15 OUR FUNDING PLAN SUPPORTS PROJECTS TO EXPAND THE
16 USE OF RRAC, USE WASTE TIRES IN CIVIL ENGINEERING
17 PROJECTS, AND HELP CREATE OTHER MARKETS FOR THE
18 CRUMB RUBBER MANUFACTURERS.

19 AS A BOARD, WE NEED TO ENDORSE THIS
20 COMPREHENSIVE APPROACH AND, WITH OUR LIMITED
21 FUNDS, ATTACK THE PILES, ELIMINATE THE PILES, AND
22 THEN LET THE MARKET DRIVE THE END USES AND WHERE
23 THOSE TIRES ARE GOING TO GO FOR THE DAILY FLOW OF
24 TIRES IN THE FUTURE.

25 I BRING THAT FORWARD IN THAT -- IN

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1 THIS FORMAT BECAUSE I THINK THIS BOARD HAS DONE A
2 GOOD JOB, BUT I THINK WE NEED CLEAR DIRECTION TO
3 STAFF FROM THIS BOARD OF HOW WE ARE GOING TO
4 CREATE OTHER MARKETS WITHOUT DISLODGING FLOW,
5 WHICH EVERY TIME WE DO A CLEANUP, WE END UP TAKING
6 LEGACY TIRES FROM ONE PLACE AND PUTTING THEM INTO
7 SOMEWHERE WHERE WE HAVE LIMITED MARKETS, WE
8 DISRUPT THE FLOW.

9 WE NEED TO CREATE MARKETS THAT CAN
10 ACCEPT NOT ONLY LEGACY PILES, BUT FLOW TIRES TO
11 OPEN UP THOSE MARKETS. AND WHEN WE HAVE SOMETHING
12 THAT'S AS VIABLE AS THAT, I THINK IT WOULD BE
13 REMISS IF WE DIDN'T GO AFTER BREAKING DOWN THOSE
14 BARRIERS. SO THAT WE CAN DO EXACTLY WHAT WE SAW
15 THE AIR RESOURCES BOARD DO AND THE LOCAL AIR
16 QUALITY DISTRICTS DO IN ASSEMBLYWOMAN BOWEN'S
17 COMMITTEE, WHEN THEY TALKED ABOUT OPTIONS ON THE
18 FIRESTONE BILL AND ISSUES CAME FORWARD IN THE AIR
19 RESOURCES BOARD AND THE AIR QUALITY PEOPLE WERE
20 SITTING AT THE TABLE ABLE TO OFFER THE SCIENCE,
21 ABLE TO ENDORSE THE SCIENCE. AND THAT'S WHAT

THIS

22 BOARD NEEDS TO DO.

23 WE NEED TO GO OUT AND ENDORSE THE
24 SCIENCE, NOT THE SPECIFIC PROJECT. THAT'S NOT

OUR

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25 ROLE. BUT IT IS OUR ROLE TO ENDORSE AND CLARIFY

1 THE SCIENCE AND TAKE SOME OF THE VOODOO OUT OF
THE
2 PERCEPTIONS AND GET THE EMOTIONS OUT OF THESE
3 THINGS, OR WE'RE NEVER GOING TO SOLVE THIS
4 PROBLEM.

5 I DO WANT TO SAY ONE THING, OR A
6 COUPLE OF OTHER THINGS ON THE ALLOCATION OF
7 DOLLARS THAT CAME THROUGH THE COMMITTEE. WE LEFT
8 TWO ITEMS UNTOUCHED THAT WE NEED TO DISCUSS,
WHICH

9 I BROUGHT UP IN MY COMMITTEE MEETING THIS
MORNING.

10 ONE OF THEM WAS THE PRUDENT RESERVE THAT HAS
11 \$560,000 IN IT. THAT PRUDENT RESERVE HAD
12 ORIGINALLY BEEN PUT ASIDE FOR -- TO ASSIST IN
13 WHATEVER IT WAS GOING TO TAKE TO BRING -- TO DEAL
14 WITH THE MELP/OXFORD/PG&E ISSUES THAT, YOU KNOW,
15 SURROUND IT. I THINK IT'S IMPORTANT THAT THOSE
16 DOLLARS STAY THERE WHILE WE FIGURE THIS ISSUE
OUT.

17 THE OTHER ISSUE WAS THE 50
18 PERCENT -- THE 50/50 RRAC MATCHING GRANTS,
19 \$200,000. I THINK THAT'S ANOTHER GOOD PROGRAM
20 THAT MAKES A LOT OF SENSE. I HAVE NO PROBLEM
WITH

21 DOING THAT KIND OF A PROGRAM. I HAD MADE AN

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OFFER

22 TO MOVE IT INTO '97/98 BECAUSE I DIDN'T THINK THE
23 PROCESS HAD BEEN DONE. AND I'M NOT TALKING ABOUT
24 THE PROCESS. THERE WAS A DEATH AND SOME OTHER
25 THINGS. I DON'T THINK SOME THINGS GOT TAKEN CARE

1 OF THE WAY THEY COULD HAVE. I WAS TRYING TO MOVE
2 IT INTO '97/98 SO IT DIDN'T GET DESTROYED. WE'RE
3 TALKING THREE MONTHS DOWN THE ROAD FROM TODAY,
4 BASICALLY, IS WHEN THAT FISCAL YEAR ENDS.

5 THERE'S BEEN A LOT OF CONCERN THAT
6 THAT MAY NOT BE AN APPROPRIATE ACTION, YOU KNOW.
7 I MEAN AS FAR AS I'M CONCERNED, WHATEVER THIS
8 BOARD WANTS TO DO ON THAT ISSUE, THAT'S FINE, BUT
9 I'M NOT TALKING ABOUT DESTROYING RRAC. I WAS
10 TALKING ABOUT MOVING IT, AND EVERYBODY UNDERSTOOD
11 THAT, FROM BEING A QUESTIONABLE WHETHER OR NOT WE
12 WERE GOING TO GET IT DONE AND LOSING THOSE FUNDS
13 OR MOVING IT THREE MONTHS DOWN THE ROAD TO MAKE
14 SURE IT GOT DONE.

15 YOU KNOW, I COME FROM AN INDUSTRY
16 THAT IS RESULT ORIENTATED. IF I CAN'T GET THE JOB
17 DONE, THEN IT DOESN'T MAKE ANY SENSE AND THAT'S
18 EXACTLY WHY I TRIED TO DO THAT. I DIDN'T TRY TO
19 KILL IT. I THINK IT NEEDS TO BE THERE. I OFFERED
20 TO PUT IT INTO '97/98. THE DISCUSSION CAN GO ON.
21 I JUST HOPE THE DISCUSSION OVER THIS \$200,000
22 MATCHING GRANT RRAC ISSUE DOESN'T CLOUD ANY VALUE
23 THAT ANYBODY COULD GET OUT OF WHAT THIS OVERALL
24 PROGRAM IS DOING. I THINK IT'S IMPORTANT THAT
25 THIS BOARD STAYS ON FOCUS AND UNDERSTANDS AND

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1 MAKES A COMMITMENT TO TEAR DOWN BARRIERS SO
THAT
2 WE CAN OPEN MARKETS. I WOULD HOPE THAT THIS
3 ALLOCATION OF FUNDS CANNOT BE SPENT ON DEALING
4 WITH DATES. I THINK I'M GOING TO WAIT AND SEE
IF
5 THERE ARE ANY AMENDMENTS.

6 BOARD MEMBER GOTCH: MAY I ASK A
QUESTION
7 OF MR. JONES?

8 CHAIRMAN PENNINGTON: YES, MRS. GOTCH.

9 BOARD MEMBER GOTCH: REGARDING THE
RRAC
10 GRANTS, WHAT HAPPENS TO THIS MONEY IN THE
CURRENT
11 YEAR IF YOU'RE NOT ALLOCATING IT FOR THE RRAC
12 GRANTS NOW?

13 BOARD MEMBER JONES: WHAT I SAID -- IF
WE
14 WANT TO ALLOCATE IT RIGHT NOW AND IT DOESN'T
GET
15 USED, THEN WE LOSE IT. WE CAN'T USE IT NEXT
YEAR.

16 IT DOESN'T COME UP UNTIL THE YEAR AFTER. IT'S
A
17 PUT OR PAY, AS I SEE IT.

1 THE PRUDENT RESERVE. I THINK IF THE PRUDENT
2 RESERVE DOLLARS WERE ALLOCATED FOR THE PURPOSE
3 THAT THEY WERE INTENDED, THAT'S FINE. IF NOT,
4 THEY COULD BE ROLLED, I AM ASSUMING, IN JUNE TO
5 TIRE STABILIZATION OR WHATEVER.

6 THE RMDZ LOANS, WE NEED \$100,079
7 TO -- NO, THAT'S YOUR REPORT, SORRY. WE NEED --
8 MS. TRGOVCICH: 120,000.

9 BOARD MEMBER JONES: 120,000 FOR THE RMDZ
10 LOANS. WHEN THE ITEM CAME FORWARD IN COMMITTEE,
11 WE HAD ALLOCATED \$93,000 TO THE PLAYGROUND MATS.
12 WE HAVE FOUND OUT SINCE THEN THAT A TOTAL OF
13 \$100,079 FULLY FUNDS ALL THE ELIGIBLE REQUESTS
14 UNDER THE PLAYGROUND MAT PRACTICE OR ISSUE. AND
15 IT WOULD MAKE SENSE TO AUGMENT THAT TO \$100,079 SO
16 THAT ALL OF THOSE QUALIFIED PROJECTS WOULD GET
17 FUNDED.

18 \$12,000 TO THE EMISSIONS AND
19 ANALYST -- I'M SORRY -- ANALYSIS AUGMENTATION, THE
20 DAMES & MOORE STUDY. \$50,000 TO PRINT -- FOR
21 PRINTED MATERIAL FOR TIRE HAULER PROGRAM. I GUESS
22 NOW THE NUMBER IS \$73,500 TO AUGMENT CIVIL
23 ENGINEERING PROJECTS. I THINK THAT WAS THE NUMBER
24 THAT YOU HAD SAID INSTEAD OF THE 75. I'M NOT
25 DOING THE MATH AS I'M GOING ALONG SO -- AND THEN

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1 AN ISSUE THAT CAME UP, WE HAD IT IN THE '97/98
2 ALLOCATION, WAS -- AND IT'S A PRETTY NEAT PROJECT
3 BECAUSE IT CAME TO US FROM MRS. GOTCH'S OFFICE AND
4 WENT TO MR. RELIS' OFFICE AND ENDED UP IN MY
5 OFFICE. AND THE WHOLE BOARD HAS HAD A PIECE OF
6 THIS THING -- IS AN IDEA ON LEVEE CONSTRUCTION
7 THAT HAS GOT THE CIVIL -- HAS GOT THE CORPS OF
8 ENGINEERS PRETTY EXCITED AS WELL AS MARTHA FROM
9 OUR STAFF. THERE IS POTENTIAL THAT THIS COULD
10 WORK.

11 WE'RE LOOKING AT THE POTENTIAL OF
12 SOMEWHERE AROUND 44,000 TIRES A MILE TO BE IN USE.
13 THAT'S A PROJECT THAT THE CORPS OF ENGINEERS WOULD
14 LIKE TO BE ABLE TO DO THE FEASIBILITY STUDY NOW,
15 RATHER THAN WAIT AND DO THE FEASIBILITY STUDY AND
16 THEN LATER, IN '97/98, DOING A PILOT PROJECT. SO
17 I'M PROPOSING THAT WE PUT 35,000 AND TO ENCUMBER
18 THOSE FUNDS RIGHT AWAY, ENTER INTO AN INTERAGENCY
19 AGREEMENT WITH THE CORPS OF ENGINEERS TO MAKE SURE
20 THAT THAT GOT GOING, OR HOWEVER THAT NEEDS TO
21 WORK.

22 AND PLAYGROUND MATS, WE HAVE. I'VE
23 GOT THAT AT \$100,000. I'M MISSING SOMETHING. NO,
24 I DON'T THINK I AM. I THINK WE'RE OKAY. WE MIGHT
25 BE \$2500 SHORT OR SOMETHING. THAT'S HOW I

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1 PROPOSED TO DO THIS.

2 IF WE DON'T DO IT, IF WE KEEP THE
3 \$200,000 IN THIS YEAR ON THE RRAC MATCHING GRANTS
4 AND TRY TO GET IT DONE IN THREE WEEKS, I DON'T
5 KNOW. I DON'T KNOW HOW PRUDENT THAT IS.
6 OBVIOUSLY, THE RRAC PROGRAMS, THOSE TYPES OF
7 PROGRAMS NEED TO CONTINUE. YOU KNOW, I MEAN, THAT
8 WAS MY BEST CUT AT '96/97. BY ADDING, JUST SO
9 PEOPLE KNOW, THAT BY PUTTING \$172,890 INTO TIRE
10 STABILIZATION IN '96/97, WHAT WE HAD DONE, WE HAD
11 ORIGINALLY ALLOCATED '97/98. AND WE'RE NOT
12 SWITCHING YEAR DOLLARS. WE'RE JUST TALKING ABOUT
13 MONEY. WE ORIGINALLY ALLOCATED \$2 AND A HALF
14 MILLION TO TIRE STABILIZATION AND CLEANUPS. I
15 THINK IF WE DO THE -- IF WE JUST SWITCH THOSE
16 AREAS AROUND, WE WOULDN'T PUT TWO AND A HALF
17 MILLION INTO CLEANUPS. WE'D PUT \$2,342,000 IN THE
18 CLEANUPS. SO TRYING TO KEEP THINGS EQUAL, MAKE
19 THEM BALANCE OVER THE COURSE OF TIME.

20 THOSE WERE MY -- THOSE WERE MY
21 PROPOSALS. LIKE I SAY, I THINK IT'S VALID TO HAVE
22 THE DEBATE AS FAR AS THE TIMING OF THE RRAC
23 ISSUES. GOD KNOWS WE'RE GETTING LETTERS FROM
24 EVERYBODY THAT WANTS IT. I HAVE A PROBLEM WITH
25 THE LETTERS THAT SAY WE'RE INTERESTED IN DOING
THE

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1 PROJECT. AND I THINK THAT'S MY ISSUE IS, YOU
2 KNOW, CAN THESE CITIES AND COUNTIES BE ABLE TO
3 MEET A DEADLINE THAT DOESN'T PUT US IN A POSITION
4 OF LOSING THE MONIES. THAT IS WHAT ALL MY
5 CONCERNS ARE.

6 IF THEY DON'T TAKE AN ACTION, IF IT
7 DOESN'T GET IN FRONT OF A CITY COUNCIL OR BOARD OF
8 SUPERVISORS TO ALLOCATE THE DOLLARS TO MATCH THE
9 FUNDS, THEN BASICALLY WE DON'T HAVE ANYTHING. THE
10 OTHER THING WE DON'T HAVE -- I JUST DON'T WANT TO
11 SEE US LOSE THAT MONEY. THAT'S WHY I ASKED THAT
12 THAT MONEY GET PUT INTO '97/98 TO KEEP THE PROGRAM
13 ALIVE, TAKE ADVANTAGE OF MORE TIME TO GET IT DONE.
14 BUT I, YOU KNOW, THE DEBATE CAN GO ON. I HOPE WE
15 DON'T LOSE SIGHT OF WHAT THE GOAL IS HERE, AND THE
16 GOAL IS TO INCREASE MARKETS, RRAC MARKETS, CRUMB
17 RUBBER MARKETS, TDF MARKETS, TO GET THE PILES
18 DOWN. THAT'S WHAT OUR GOAL HAS TO BE. SO I JUST
19 WILL DO THAT FOR NOW.

20 CHAIRMAN PENNINGTON: YOU WANT TO PUT
21 THAT IN THE FORM OF MOTION, OR DO YOU WANT TO WAIT
22 OR --

23 BOARD MEMBER CHESBRO: MR. CHAIRMAN,
24 MR. JONES --
25 BOARD MEMBER JONES: I WANT TO PUT MY

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1 OPENING REMARKS OR THE ISSUE OF MY OPENING REMARKS
2 AS FAR AS THE DIRECTION TO STAFF AND THIS
3 ALLOCATION OF DOLLARS FOR '96/97 IN THE FORM OF A
4 MOTION.

5 CHAIRMAN PENNINGTON: OKAY.

6 MR. CHANDLER: MR. CHAIRMAN, WOULD IT BE
7 HELPFUL IF I HAD STUFF PUT ON THE SCREEN,
8 MR. JONES' ALLOCATIONS? I THINK HE --

9 BOARD MEMBER CHESBRO: WHAT'S THE POINT
10 DEBATING THE MOTION WHEN WE HAVEN'T HAD A CHANCE
11 FOR OTHER BOARD MEMBERS TO COMMENT. WE HAVE ONE
12 BOARD MEMBER'S COMMENTS HERE NOW, SO I WOULD
13 APPRECIATE THE OPPORTUNITY TO GET ON THE FLOOR.

14 CHAIRMAN PENNINGTON: YOU CERTAINLY MAY,
15 BUT HE HAS THE RIGHT TO PUT A MOTION ON THE FLOOR.
16 WE CAN DEBATE THAT MOTION.

17 MR. CHANDLER: ALL I WAS SUGGESTING, IF
18 THERE'S CLARITY IN ALL YOUR MINDS AS TO THE DOLLAR
19 AMOUNTS FOR EACH ONE OF THOSE CATEGORIES, FINE. I
20 THOUGHT IT MIGHT BE HELPFUL FOR STAFF TO HAVE UP
21 THERE, AS YOU DEBATE THE MOTION, WHAT THE
22 ALLOCATIONS THAT MR. JONES JUST REFERENCED WERE
23 FOR THE AUGMENTATION TO THE PLAYGROUND MATS OR
24 WHAT WE WERE GOING TO DO WITH CIVIL ENGINEERING.
25 I THINK THERE WAS QUITE A BIT THERE. I KNOW, FOR

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1 ONE, THAT I'M NOT ABLE TO RECALL FROM MEMORY WHAT
2 WE HAVE BEFORE YOU IN THE FORM OF A POTENTIAL
3 MOTION, SO I WAS SUGGESTING STAFF MIGHT ABLE TO
4 HELP OUT.

5 I THINK CAREN HAS GOT THE OVERHEAD,
6 IF SHE'S GOT A PIECE OF PAPER THERE.

7 MR. TRGOVCICH: WE'RE PREPARED TO PUT
THE
8 NUMBERS UP IF THEY COULD BE REPEATED ONE TIME.

9 MR. CHANDLER: SURE. MR. JONES, DO YOU
10 HAVE YOUR NOTES THAT YOU REFERRED TO? THIS IS
FOR
11 CURRENT YEAR.

12 BOARD MEMBER JONES: UNDER TIRE
13 STABILIZATION AND CLEANUP, \$172,890; PRUDENT
14 RESERVE, \$560,000; PLAYGROUND MATS, \$100,079;

RMDZ
15 LOANS, \$120,000; THE EMISSIONS ANALYSIS
16 AUGMENTATION, DAMES & MOORE, \$12,000; THE

PRINTING
17 MATERIAL FOR TIRE HAULER PROGRAMS, \$50,000;
18 AUGMENT THE CIVIL ENGINEERING PROJECTS BY
19 SEVENTY-THREE FIVE, \$73,500; THE LEVEE

FEASIBILITY
20 STUDY WITH THE CORPS OF ENGINEERS SHOULD BE
21 PROBABLY \$36,500. I THINK THAT'S THE DIFFERENCE

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22 IN THAT ONE -- IN THAT ONE ITEM. FOR A TOTAL OF
23 \$1,110,000.

24 MS. TRGOVCICH: WHAT I'M GOING TO DO IS
25 PUT SOME CHICKEN SCRATCH UP THERE, AND WE WILL

1 REWRITE IT AS YOU CONTINUE YOUR DISCUSSIONS. AND
2 AS LONG AS I'VE GOT THE MIKE, IF I CAN JUST
3 BRIEFLY ASK MR. JONES, WHO WENT THROUGH THIS
4 ALLOCATION, ON THE LEVEE CONSTRUCTION FEASIBILITY
5 STUDY, IT IS OUR INTENT TO PURSUE THAT WITH THE
6 ARMY CORPS OF ENGINEERS. HOWEVER, GIVEN TIMING
7 AND THEIR BUDGET SITUATION, IT MAY NEED TO BE THAT
8 WE WOULD NEED TO PURSUE THAT THROUGH THE
9 UNIVERSITY THAT THEY ARE DOING WORK WITH CURRENTLY
10 AS WELL, SO I WOULD LIKE TO HAVE THE FLEXIBILITY.

11 BOARD MEMBER JONES: ABSOLUTELY.

12 CHAIRMAN PENNINGTON: MR. JONES HAS MADE
13 A MOTION.

14 BOARD MEMBER FRAZEE: I GUESS I'LL SECOND
15 IT FOR PURPOSES OF GETTING IT BEFORE US.

16 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND
17 SECONDED. NOW MR. CHESBRO I BELIEVE WOULD LIKE
18 TO --

19 BOARD MEMBER CHESBRO: MR. CHAIRMAN AND
20 MR. JONES, AS I TOLD YOU BOTH INDIVIDUALLY, I HAVE
21 A GREAT DEAL OF CONFIDENCE THAT THE RECYCLED
22 ASPHALT CONCRETE PROJECTS CAN BE AND WILL BE
23 ACCOMPLISHED IN THIS FISCAL YEAR. YOU'VE ASKED ME
24 CAN IT BE GUARANTEED. AND, NO, I DON'T THINK ANY
25 OF THESE EXPENDITURES CAN BE GUARANTEED TO COME

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1 OUT THE WAY THE BOARD HAS INTENDED. I HAVE A VERY
2 HIGH DEGREE OF CONFIDENCE, THESE COMMUNITIES HAVE
3 INDICATED THEIR LEVEL OF SUPPORT.

4 AND THERE IS A CONCLUSION WHICH
5 YOU'RE AWARE OF, MR. JONES, WHICH COULD ADDRESS
6 THIS, AND I WOULD LIKE TO AMEND THE MOTION TO
7 PROPOSE THIS WITH THE MOTION IN A MOMENT. BUT
8 WE'RE STILL OVER TWO MONTHS AWAY FROM THE END OF
9 THE FISCAL YEAR AND THE IDEA THAT, GEE, IF
10 CONTRACTS AREN'T FINALIZED AT THE END OF APRIL,
11 THEN IT'S LIKELY THAT WE'RE NOT GOING TO HAVE
12 THESE CONTRACTS FINALIZED IS NOT A CORRECT
13 ASSUMPTION.

14 AND I THINK THE OTHER CONTINGENCY,
15 THE OTHER APPROACH THAT COULD BE TAKEN IS TO
16 EITHER AT THE JUNE BOARD MEETING, OR WE COULD EVEN
17 DO IT TODAY, TO SET UP WHERE THOSE FUNDS WOULD BE
18 REALLOCATED TO IN EXISTING CONTRACTS IF, IN FACT,
19 BY A SET DATE THOSE CONTRACTS HAVE NOT BEEN
20 CONSUMMATED AND THE FUNDS INCORPORATED --
21 ENCUMBERED, THE FUNDS FOR THE RRAC PROJECTS.

22 I THINK AT A TIME WHEN THE FOUR
23 COMMUNITIES HAVE BEEN IDENTIFIED AND HAVE
24 EXPRESSED THEIR INTEREST AND WE'RE IN THE PROCESS
25 OF DEVELOPING CONTRACT AGREEMENTS, GRANT

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1 AGREEMENTS WITH THEM, IS THE WRONG TIME TO BE
2 JUMPING TO THE CONCLUSION THAT THEY ARE NOT GOING
3 TO COME TO COMPLETION. I HAVE SEEN CONTRACTS THAT
4 ARE APPROVED THIS TIME OF YEAR THAT ARE COMPLETED
5 IN MUCH SHORTER PERIOD OF TIME BEFORE THE END OF
6 THE FISCAL YEAR.

7 SO MY SUBSTITUTE MOTION WOULD BE TO
8 AMEND THE MOTION ON THE FLOOR TO CONTINUE THE
9 ALLOCATION OF THE FOUR RRAC GRANTS. IF BY THE
10 15TH OF JUNE THOSE CONTRACTS HAVE NOT BEEN SIGNED
11 AND THE FUNDS ENCUMBERED, THEN THOSE MONIES WOULD
12 GO TO ENHANCE THE PLAYGROUND MAT CONTRACTS.

13 I'M OPEN TO OTHER SUGGESTIONS AS TO
14 WHERE THE BOARD MEMBERS WOULD LIKE TO SEE THEM
15 PLACED, BUT THERE'S ABSOLUTELY NO REASON WHY WE
16 HAVE TO LOSE THOSE FUNDS TO THIS YEAR'S
17 EXPENDITURE BECAUSE WE'RE NOT GUARANTEED THAT
18 THOSE CONTRACTS WERE IN PLACE. IF YOU APPLIED
19 THAT SAME CRITERIA TO OTHER CONTRACTS, THERE WOULD
20 BE OTHER CONTRACTS THAT WOULD BE AT STAKE HERE.

21 I HAD PUT A LOT OF THOUGHT INTO AND
22 WRITTEN UP NOTES HERE ABOUT WHY IT IS THAT THESE
23 CONTRACTS HAVE BEEN SINGLED OUT. I HOPE TO NOT GO
24 INTO THAT. I PREFER TO FOCUS ON THE POSITIVE HERE
25 AND HOPE THAT THE BOARD WILL MAINTAIN ITS

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1 COMMITMENT MADE AT THE NOVEMBER MEETING OF LAST
2 YEAR TO FOUR RRAC PROJECTS. THAT WAS A COMMITMENT
3 THAT WAS NOT ONLY ACTIVELY SUPPORTED BY ME, BUT
4 ALSO ACTIVELY SUPPORTED BY MR. FRAZEE, AND I HAVE
5 HANDED OUT A COPY OF THE MINUTES.

6 AND AGAIN, I WILL HOLD OFF GOING
7 INTO THAT IN DETAIL, ALTHOUGH I WILL IF NEED BE,
8 AND HOPE THAT THE BENEFIT OF THE DOUBT WILL BE
9 GIVEN TO THESE FOUR COMMUNITIES, THAT THEY HAVE
10 ACTIVE INTEREST -- THEY HAVE ENOUGH ACTIVE
11 INTEREST TO HAVE CONTACTED THEIR LEGISLATORS TO
12 LET US KNOW THAT THEY WANT THIS MONEY.

13 ALL OF THE QUESTIONS YOU HAVE RAISED
14 WITH ME INDIVIDUALLY ABOUT HOW DO WE GET THE
15 GUARANTEES FROM THESE JURISDICTIONS THEY WILL
16 PERFORM ARE THINGS THAT GET WORKED OUT IN THE
17 CONTRACT. WE NEED TO GET THOSE CONTRACTS PINNED
18 DOWN, AND THAT PROCESS IS UNDERWAY AS WE SPEAK.
19 SO THERE WILL BE NO CONTRACTS IF WE DO NOT GET
20 THOSE CONCERNS TAKEN CARE OF IN THE CONTRACT
21 THAT -- SET OF CONTRACTS THAT ARE APPROVED BY
THIS
22 BOARD.

23 THE 15TH IS PROBABLY THE LONG
DATE.

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24 IT'S PROBABLY THE DAY OF THE BOARD MEETING IN
JUNE
25 THAT WE WOULD WANT TO HAVE IT REALLOCATED
BECAUSE

1 THAT WOULD PROBABLY BE THE LATEST THAT WE COULD
2 HAVE THE CONTRACTS BEFORE US FOR ALLOCATION FOR
3 GRANT CONTRACTS. SO THAT IS MY AMENDMENT.

4 CHAIRMAN PENNINGTON: MR. FRAZEE?

5 BOARD MEMBER FRAZEE: IS THERE GOING TO
6 BE A SECOND TO THAT AMENDMENT?

7 BOARD MEMBER GOTCH: YES. IN FACT, I
8 HAVE A QUICK COMMENT TO MAKE ALSO. I WOULD BE
9 HAPPY TO MAKE A SECOND ON THAT SUBSTITUTE MOTION.
10 THE MONEY, IF THE MONEY DID BECOME AVAILABLE FROM
11 THE RRAC THOUGH, IT'S NOT NECESSARY THAT IT GOES
12 TO THE PLAYGROUND MATS. THAT IS GOING TO BE
13 FUNDED NOW, BUT I'M SURE THAT THERE ARE OTHER
14 AREAS THAT WE MIGHT BE ABLE TO AUGMENT. THANK
15 YOU.

16 BOARD MEMBER FRAZEE: THAT WAS THE FIRST
17 QUESTION I WAS GOING TO RAISE BECAUSE THIS
18 PROPOSAL BEFORE US FULLY FUNDS ALL THE
19 APPLICATIONS FOR PLAYGROUND MATS. AND SO IF
20 YOU -- THEN YOU WOULD BE IN ANOTHER CYCLE, SO
21 THERE WOULD HAVE TO BE SOME OTHER ALLOCATION.

22 BOARD MEMBER CHESBRO: IF YOU PREFER SOME
23 OF THE PROJECTS MR. JONES HAS PROPOSED HERE TO
24 ENHANCE NOW AND MAKE THAT A CONTINGENCY THAT WOULD
25 OCCUR IN JUNE IF WE DON'T HAVE THOSE CONTRACTS

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1 BEFORE US TO APPROVE AND THEY'RE NOT APPROVED IN
2 JUNE, THAT WOULD BE SATISFACTORY TO ME. THE ISSUE
3 TO ME IS NOT WHERE WE REALLOCATE THIS TO. IT'S
4 MAKING SURE WE HAVE THE OPPORTUNITY TO COMPLETE
5 THESE CONTRACTS THIS YEAR. THAT'S THE ISSUE.

6 CHAIRMAN PENNINGTON: JUST AS A MATTER OF
7 CLARIFICATION, I DON'T THINK ANY OF THE AUGMENTA-
8 TIONS THAT MR. JONES HAS PUT UP THERE HAS COME OUT
9 OF THE 200,000.

10 BOARD MEMBER JONES: YEAH. CLEANUP AND
11 STABILIZATION WOULD AND THE LEVEE.

12 CHAIRMAN PENNINGTON: OKAY. I STAND
13 CORRECTED.

14 BOARD MEMBER FRAZEE: THEN IF I COULD
15 CONTINUE, MR. CHAIRMAN.

16 CHAIRMAN PENNINGTON: GO AHEAD.

17 BOARD MEMBER FRAZEE: I HAVE NO PROBLEM
18 AT ALL WITH THE FOUR JURISDICTIONS THAT MY
19 COLLEAGUE HAS IDENTIFIED AS HAVING SOME DESIRE TO
20 PARTICIPATE IN THIS PROGRAM, EVEN THOUGH THEY'RE
21 ALL VERY NARROW GEOGRAPHIC AREA, AT LEAST IT IS IN
22 MY CONTEXT. BUT I HAVE CONTINUED TO EXPRESS TO
23 MR. CHESBRO CONCERN OVER SAN FRANCISCO, FOR
24 EXAMPLE. AND THE GENERAL COMMUNICATIONS FROM ALL
25 OF THE JURISDICTIONS SEEM TO BE A LITTLE VAGUE AS

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1 TO WHETHER THEY'RE REALLY READY TO GO, WHETHER THE
2 TIMING IS THERE OR NOT.

3 BUT IN THE CASE OF SAN FRANCISCO,
4 THAT ONE ON THE SURFACE HAS APPEARED TO BE
5 CONTINUALLY NOT A RRAC PROJECT, BUT A CONTINUATION
6 OF A STUDY THAT WE PREVIOUSLY FUNDED A PORTION OF.
7 AND I HAVE NOT SEEN ANYTHING THAT GIVES US ANY
8 ASSURANCE THAT THEY'RE PREPARED TO GO AHEAD, THAT
9 THEY'VE EVEN IDENTIFIED A PROJECT WHERE THEY CAN
10 USE THE MATERIAL.

11 AND I HAVE CONTINUED TO EXPRESS MY
12 CONCERN OVER HOW MUCH INCREMENT OF GOOD USED
13 RUBBER ARE WE GETTING OUT OF THESE PROJECTS. AND
14 WHEN I -- AS WE DISCUSSED PRIVATELY, I HAD SOME
15 INTEREST IN SEEING THE BICYCLE PATH ITEM, AND THEN
16 I SEE THAT IT'S FOR THE OVERLAY OF ONE MILE OF
17 BICYCLE PATH. AND THAT CAUSES ME SOME CONCERN
18 THAT THAT'S NOT BUYING THE RUBBER SUPPLEMENT, BUT
19 IS PAYING FOR TRULY HALF OF THE TOTAL PROJECT.
20 AND THAT'S AN ITEM THAT I THINK THAT WE HAVE
21 DISCUSSED IN OTHER -- ON ANOTHER TIME.

22 ONE OF THE THINGS THAT I WANT TO
23 BRING UP IN CONTEXT OF THAT ALSO IS A DOCUMENT
24 THAT IS IN OUR FILE, NOTICE OF FUNDS AVAILABLE
25 TIRE RECYCLING PROGRAM, RUBBERIZED ASPHALT

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1 CONCRETE GRANTS, AND HAS AN APPLICATION DEADLINE
2 OF MARCH 17TH. WHAT WAS THE PROCESS AND HOW DOES
3 THIS FIT INTO THE CONTEXT OF THIS?

4 MS. TRGOVCICH: FOLLOWING THE NOVEMBER
5 ALLOCATION OF THE BOARD FOR THE '96/97 FUNDS,
6 STAFF PROCEEDED TO DEVELOP PROCESSES TO CARRY OUT
7 THE GRANT PROGRAMS APPROVED BY THE BOARD. AS
8 BEING ONE OF THE PROCESSES, STAFF PROPOSED A
9 NOTICE OF FUNDS AVAILABLE AND IT WAS FORWARDED UP
10 TO THE MEMBERS' OFFICES, TO ADVISORS, FOR THEIR
11 CONSIDERATION.

12 IN ORDER TO TRY TO GET TO THE
13 COMMENTS RAISED AT THE BOARD MEETING LAST
14 NOVEMBER, STAFF INCLUDED PREFERENCE CRITERIA THAT
15 FOCUSED ON THE FIRST-TIME USERS AND TYING THE
16 AVAILABILITY OF THE GRANTS TO THE STATEWIDE CENTER
17 THAT THE BOARD HAD ALSO APPROVED. THERE WAS A
18 DESIRE TO LOOK AT AN ALTERNATIVE PROCESS TO
19 ATTEMPT TO GET AT THE MORE NARROWING OF THE
20 PROSPECTIVE APPLICANTS, AND THAT PROCESS HAS BEEN
21 ENSUING AT THE MEMBERS' OFFICES' LEVEL FOR THE
22 LAST SEVERAL MONTHS.

23 BOARD MEMBER FRAZEE: SO THIS DOCUMENT
24 NEVER WENT OUT?

25 MS. TRGOVCICH: CORRECT.

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1 BOARD MEMBER FRAZEE: OKAY. BUT I DO SEE
2 ONE THING, AND THIS IS IN CONTEXT OF THE CITY OF
3 SACRAMENTO'S PROJECT, ELIGIBLE ACTIVITIES, GRANT
4 FUNDS ARE AVAILABLE FOR CONSTRUCTION AND MATERIALS
5 COSTS OF RUBBERIZED ASPHALT CONCRETE, MAINTENANCE-
6 TYPE ACTIVITIES. FOR EXAMPLE, CHIP SEALS, SLURRY
7 SEALS ARE NOT ELIGIBLE. I BELIEVE THE SACRAMENTO
8 CITY PROJECT WAS A SLURRY SEAL PROJECT, SO I DON'T
9 KNOW HOW THAT ONE MATCHES.

10 BOARD MEMBER CHESBRO: THIS WAS A, I
11 BELIEVE, A STAFF CONCEPT THAT -- I DON'T RECALL
12 ANYTHING IN THE BOARD DISCUSSION ABOUT WHETHER OR
13 NOT CHIP OR SLURRY SEAL WAS ELIGIBLE, BUT -- WHICH
14 WAS BROUGHT FORWARD THAT RAN CONTRARY TO WHAT THE
15 BOARD DIRECTED AT THE NOVEMBER MEETING. THAT'S
16 THE REASON WHY IT NEVER WENT OUT AND IT WASN'T
17 PROCEEDED WITH.

18 AND I WAS NOT, INCIDENTALY, EVEN
19 THOUGH THERE'S BEEN LANGUAGE ALONG THE WAY THAT
20 SAYS THIS, IT WAS NOT A CHANGE IN DIRECTION FROM
21 THE BOARD OR BOARD OFFICES. IT WAS, AND I REFER
22 BACK AGAIN TO THE TRANSCRIPT, A LENGTHY

DISCUSSION

23 THAT WE HAD THAT WAS, IN FACT, AN ARGUMENT FROM
24 MS. TRGOVCICH HERSELF AT THE MEETING.

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25

FOR THIS AMOUNT OF GRANT MONEY, IT

1 WAS NOT JUSTIFIED TO SPEND THE KIND OF STAFF TIME
2 AND MONEY TO ACHIEVE FOUR \$50,000 GRANTS. YET
3 STAFF WENT AHEAD AND PROCEEDED THAT WAY, AND THEN
4 THERE WAS A DISCUSSION AND A DETERMINATION THAT'S
5 BEEN DESCRIBED AS A CHANGE IN DIRECTION BY THE
6 BOARD. IT WAS NOT A CHANGE. THE BOARD, IN FACT,
7 HAD INTENDED NOT TO GO TO A BROADLY ADVERTISED
8 COMPETITIVE PROCESS FROM THE BEGINNING.

9 WITH REGARDS TO YOUR FIRST TWO
10 POINTS, YOUR FIRST POINT ABOUT THE PROJECTS, I
11 HAVE ASSURED YOU AND OTHER BOARD MEMBERS THAT I
12 AGREE. SAN FRANCISCO NEEDS TO HAVE AND THEY HAVE
13 VERBALLY EXPRESSED TO ME AND MY OFFICE THE
14 INTENTION FOR THIS TO BE A PAVING PROJECT. AND
15 IF
16 IT'S NOT, IT'S NOT GOING TO GET THE MONEY.
17 THAT'S
18 NOT WHAT THE BOARD APPROVED.

19 I THINK THAT WE NEED TO IN THE
20 CASE
21 OF THE SACRAMENTO COUNTY PROJECT, I HATE TO USE
22 THE WORD "NEGOTIATE" BECAUSE WE HAVE THE CARDS,
23 BUT I THINK WE NEED TO INDICATE TO THEM THAT, AS
24 YOU HAVE RAISED THE CONCERN REPEATEDLY, THAT
25 WE'RE

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22 PAYING FOR RUBBER HERE AND WE HOPE -- WE INTEND
TO
23 SEE THAT MORE PAVEMENT IS LAID THAT'S MORE
24 RELATIVE TO OUR CONTRIBUTION BEING FOR THE COST
OF
25 THE RUBBERIZED ASPECT OF THE PROJECT, NOT SIMPLY

1 BUYING BIKE PATHS FOR SACRAMENTO COUNTY.

2 AND SO AGAIN, I HAVE CONCURRED AND
3 WE'VE MADE A LIST OF THE SPECIFIC CONCERNS WITH
4 THE INDIVIDUAL PROJECTS AND INTEND TO BE WORKING
5 WITH STAFF ON MAKING SURE THAT THESE PROJECT
6 DESCRIPTIONS AND INDIVIDUAL GRANT AGREEMENTS
7 REFLECT THE CONCERNS THAT THE BOARD MEMBERS HAVE.
8 AND IF THEY DON'T, BASED ON MY AMENDED MOTION
9 HERE, THEY WON'T GET THE MONEY AND THE MONEY WOULD
10 THEN -- WE WON'T HAVE A CONTRACT BEFORE US TO
11 APPROVE IN JUNE. THE MONEY WILL REVERT TO THE
12 PROJECTS THAT MR. JONES HAS SUGGESTED THAT THE
13 MONEY BE REVERTED TO.

14 BOARD MEMBER FRAZEE: SO UNDER MR. JONES'
15 PROPOSAL, HE WOULD GUARANTEE THAT MONEY WHERE
16 UNDER YOUR PROPOSAL, IF IT FAILS TO HAPPEN, THEN
17 IT'S GONE.

18 BOARD MEMBER CHESBRO: IT'S A
19 CONTINGENCY. IT'S GONE, WHAT DO YOU MEAN BY IT'S
20 GONE?

21 BOARD MEMBER FRAZEE: WELL, IT ROLLS NOT
22 TO NEXT YEAR, BUT --

23 BOARD MEMBER CHESBRO: NO. IF THE BOARD
24 ACTS -- MY MOTION IS -- MY MOTION IS THAT THAT
25 MONEY WOULD BE REALLOCATED -- IF WE DON'T APPROVE

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1 A CONTRACT IN JUNE, IT WOULD BE REALLOCATED TO
2 THIS YEAR'S CONTRACTS.

3 BOARD MEMBER FRAZEE: OKAY. BUT HIS
4 PROPOSAL WAS TO PUT THAT \$200,000 IN NEXT YEAR --

5 BOARD MEMBER CHESBRO: IT'S GONE INTO THE
6 RRAC.

7 BOARD MEMBER FRAZEE: IF YOU ROLL IT
8 HERE, YOU CAN'T HAVE --

9 BOARD MEMBER CHESBRO: THE NEXT AGENDA
10 ITEM, WHICH YOU'RE STARTING THE DISCUSSION ON, WE
11 CAN BUILD IN SOME PROTECTION FOR THAT BY INCLUDING
12 SOME MONEY FOR RRAC FOR THE COMING YEAR, WHICH I
13 INTEND TO SUPPORT. BUT I DON'T THINK THAT THAT IS
14 A JUSTIFICATION FOR SLOWING DOWN AND DELAYING
15 PROJECTS FOR WHICH WE'VE ALREADY IDENTIFIED
16 COMMUNITIES AND THEY'RE WORKING WITH US TO
17 NEGOTIATE CONTRACTS. IT'S REALLY AN
UNPRECEDENTED

18 APPROACH HERE TO, IN THE MIDDLE OF A PROCESS,
YANK

19 BACK THE CONTRACTS.

20 BOARD MEMBER RELIS: MR. CHAIR?

21 CHAIRMAN PENNINGTON: MR. RELIS.

22 BOARD MEMBER RELIS: MR. FRAZEE HAS
23 EXPRESSED MANY OF THE CONCERNS THAT I HAVE,

JUST

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24 REGARDING THE PERFORMANCE ASPECT OF THE
CONTRACTS,
25 WHICH IS WHAT WE'RE INTERESTED IN. I WOULD
JUST

1 ADD, AND I KNOW MR. CHESBRO AND I HAVE HAD THIS
2 DISCUSSION, AND I FIND IT IN THE RECORD AS WELL
3 BACK IN THE TRANSCRIPT, THAT WE DISCUSSED THE
4 LINKAGE TO THE L.A. TECHNICAL ASSISTANCE CONTRACT
5 THAT'S -- TO RESTATE THAT POINT, THE L.A.
6 TECHNICAL ASSISTANCE CONTRACT IS A STATEWIDE
7 CONTRACT. IT'S NOT A SOUTHERN CALIFORNIA
8 CONTRACT. IT'S STATEWIDE. SO THESE PROGRAMS
9 SHOULD BENEFIT IMMENSELY FROM THEIR WORK. AND WE
10 WANT TO MAKE SURE THE BOARD'S LEVERAGING ITS
11 EFFORT.

12 THE OTHER IS LINKAGE AND
13 DEMONSTRATION THAT THESE FOUR PROJECTS UNDER
14 CONSIDERATION WOULD REVEAL A LARGER POTENTIAL THAN
15 SPECIFICALLY THE PROJECT THEY'RE DOING. THAT THEY
16 WOULD DEMONSTRATE TO US THAT IF THEY GO INTO THIS,
17 THAT THIS WOULD LEAD TO AN ENLARGED MARKET FOR
18 RRAC BECAUSE THAT IS OUR ULTIMATE PURPOSE, LARGE
19 SCALE DIVERSION. AND THAT'S WHY WE GOT AWAY FROM
20 THE SMALL GRANTS PROGRAM. SO THAT WOULD BE VERY
21 IMPORTANT TO THIS MEMBER, TO MAKE SURE THAT THOSE
22 POINTS ARE SPELLED OUT IN WHATEVER COMES BACK TO
23 US.

24 THEN I WOULD LIKE TO HEAR JUST
25 EXACTLY WHAT WOULD BE THE PROCESS IF -- WHAT IS

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1 OUR TIMING IF WE WERE TO GO DOWN THIS DIRECTION
2 AND PROJECTS DID NOT MATERIALIZE, AS WE'VE
3 DISCUSSED. THE MONEY WOULD KICK BACK WITHIN THIS
4 FISCAL YEAR INTO -- BY WHAT DATE WOULD WE HAVE TO
5 MAKE DECISIONS FIRM AND FAST, MR. CHANDLER, FOR
6 YOUR PURPOSES ADMINISTRATIVELY?

7 MR. CHANDLER: MARIE, YOU MIGHT WANT TO
8 HELP ME HERE, BUT I HAVE DISCUSSED WITH MR.
9 CHESBRO INASMUCH AS THERE WAS NOT A FORMAL
10 APPLICATION PROCESS ON THE STREET, WHICH WOULD, OF
11 COURSE, RETURN TO US PROJECT DESCRIPTIONS,
12 MILESTONES, DUE DATES, DELIVERABLES, THE MODE
13 WE'RE IN RIGHT NOW IS TO COMMUNICATE WITH THESE
14 JURISDICTIONS THAT HAVE EXPRESSED INTEREST, TO GET
15 THAT VERY TYPE OF INFORMATION BACK IN IN-HOUSE
16 FROM WHICH WE COULD THEN CRAFT A SOLID GRANT
17 AGREEMENT THAT REFLECTS THE SCOPES OF THE
18 PROJECTS, THE INTENTS, THE OUTCOMES WE EXPECT TO
19 HAVE.

20 WE'RE IN THE PROCESS NOW OF TRYING
21 TO OBTAIN THAT MATERIAL FROM THESE FOUR SELECTED
22 JURISDICTIONS SO THAT WE CAN BUILD THAT. ASSUMING
23 THAT MATERIAL COMES IN TIMELY AND WE HAVE EVIDENCE
24 OF THE 50-PERCENT MATCH AS WELL, THEN THE GRANT
25 AGREEMENTS ARE SIMPLY PUT TOGETHER AND WE HAVE, IN

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1 EFFECT, DOCUMENTS THAT WOULD SERVE AS ENCUMBRANCE
2 DOCUMENTS FOR \$200,000. IN THE EVENT THAT ANY OF
3 THAT MATERIAL ISN'T FORTHCOMING, THERE ISN'T A 50-
4 PERCENT COMMITMENT FROM THE BOARD OF SUPERVISORS
5 OR THE CITY COUNCIL OR THERE ISN'T THE DEFINITIONS
6 WE NEED TO BUILD A SOLID GRANT AGREEMENT, THEN, AS
7 MR. CHESBRO HAS OUTLINED, WE WOULD BE BACK BEFORE
8 YOU IN THE LAST BOARD MEETING OF THE FISCAL YEAR
9 WITH THAT INFORMATION AND REQUEST THAT YOU
10 CONSIDER --

11 BOARD MEMBER FRAZEE: SO THAT WOULD BE
12 THE JUNE BOARD MEETING?

13 MR. CHANDLER: THAT WOULD BE THE JUNE
14 BOARD MEETING.

15 BOARD MEMBER CHESBRO: CAN WE NOT -- MY
16 INTENTION WAS, I DON'T KNOW IF THIS IS POSSIBLE,
17 BUT MY INTENTION WAS CAN WE NOT DIRECT WHERE THAT
18 ALLOCATION WOULD GO NOW RATHER THAN HAVING IT
19 OCCUR AS AN AGENDA ITEM AT THAT POINT AND JUST SAY
20 WHAT DATE WOULD TRIGGER THAT SO THAT WE'VE MADE
21 THAT PROVISION IN ADVANCE? THAT'S THE INTENTION
22 OF MY MOTION, BUT I DON'T KNOW IF WE CAN DO THAT.

23 MR. CHANDLER: I DON'T SEE WHY NOT,
24 ALTHOUGH I WOULD ASSUME YOU'D WANT TO BE BACK IN A
25 PUBLIC SETTING WHERE I WOULD REPORT THAT WE DON'T

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1 HAVE THE INFORMATION AVAILABLE AND THEN REMIND YOU
2 OF WHAT YOUR ACTION WAS. IF THAT'S THE --

3 BOARD MEMBER CHESBRO: I'M JUST LOOKING
4 TO PROVIDE THE MAXIMUM ASSURANCE TO MY COLLEAGUES
5 HERE WHO HAVE EXPRESSED CONCERN ABOUT WHAT IF,
6 THAT THINGS ARE LOCKED IN AS MUCH AS POSSIBLE,
7 ABOUT NOT LOSING THE MONEY TO THIS OR NEXT YEAR'S
8 FISCAL EXPENDITURE CAPABILITY, THAT WE'RE ABLE TO
9 PUT THE MONEY OUT FOR OTHER THINGS. I CAN GO
10 EITHER WAY IN TERMS OF, YEAH, PUT IT ON THE AGENDA
11 IN JUNE OR WE TRY TO DIRECT THAT TODAY, BUT I WANT
12 TO PROVIDE AN ASSURANCE THAT THE MONEY IS NOT
13 GOING TO BE LOST TO OUR EXPENDITURE AUTHORITY.

14 MS. TRGOVCICH: MR. CHAIRMAN, IF I COULD
15 JUST ADD FROM STAFF'S PERSPECTIVE, IT WOULD BE
16 YOUR DIRECTION THAT PART OF THOSE MONIES, IF THOSE
17 MONIES WERE NOT BE COMMITTED TO THE RRAC PROJECTS,
18 THEY WOULD SOMETIME IN JUNE BECOME AVAILABLE THEN
19 FOR THE LEVEE CONSTRUCTION FEASIBILITY PROJECT,
20 THAT WE WOULD REALLY NEED TO BEGIN DISCUSSIONS
21 TOMORROW, WHICH WE HAVE ALREADY ACTUALLY BEGUN TO
22 NEGOTIATE AND DEVELOP AN AGREEMENT WITH THE CORPS
23 OF ENGINEERS OR UNIVERSITY THAT'S WORKING IN THIS
24 AREA AS WELL TO BE ABLE TO HAVE THAT AGREEMENT
25 READY TO GO. BECAUSE WE WOULD STILL NEED TO -- IT

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1 STILL NEEDS TO GO THROUGH AND BE PROCESSED BY DGS
2 LEGAL AT THAT POINT, GENERAL SERVICES, SO WE WOULD
3 NEED TO BE SIMULTANEOUSLY WORKING TO DEVELOP THAT
4 AGREEMENT AT THE SAME TIME.

5 CHAIRMAN PENNINGTON: RIGHT. IT WOULD
6 SEEM TO ME THAT WE WOULD HAVE TO SET A DATE THAT'S
7 EARLIER THAN THE JUNE BOARD MEETING. LET'S
8 REMEMBER THAT LAST YEAR, AT THE VERY END OF THE
9 FISCAL YEAR, WE WERE TRYING TO GET A CONTRACT OUT
10 THAT ENDED UP BEING A PROBLEM TO US.

11 BOARD MEMBER CHESBRO: MY PURPOSE, AND
12 MAYBE I'M MISUNDERSTANDING THE -- MY PURPOSE WAS
13 TO TALK ABOUT ENHANCING EXISTING CONTRACTS RATHER
14 THAN -- AND I THINK WE SHOULD PUT THE MONEY INTO
15 AREAS WHERE THERE'S AN EXISTING CONTRACTUAL NEED,
16 SO WE WOULDN'T -- AND MAYBE I MISREAD THE
17 PROPOSAL.

18 CHAIRMAN PENNINGTON: I THINK THAT'S
19 RIGHT.

20 BOARD MEMBER CHESBRO: RATHER THAN
21 GENERATING A NEW CONTRACT IN TWO WEEKS, YOU KNOW,
22 OR TRYING TO GET THE MONEY OUT THE DOOR WITH A NEW
23 CONTRACT BETWEEN THE BOARD MEETING IN JUNE AND THE
24 END OF THE MONTH.

25 CHAIRMAN PENNINGTON: MR. FRAZEE.

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1 BOARD MEMBER FRAZEE: FOR A PRACTICAL
2 MATTER, IF YOU LOOK AT THE LIST OF THESE, THERE'S
3 ONLY ONE PLACE IT CAN GO, AND THAT IS IN
4 ADDITIONAL CLEANUP CONTRACTS. THE PLAYGROUND MATS
5 ARE FULLY FUNDED, THE RMDZ LOAN PROBABLY ISN'T
6 GOING TO HAVE ROOM TO DO ANYTHING, EMISSION
7 ANALYSIS AUGMENTATION, I THINK, IS CAPPED,
8 PRINTING MATERIALS, THE CIVIL ENGINEERING
9 AUGMENTATION IS CAPPED. WE DON'T KNOW ABOUT THE
10 LEEVE CONSTRUCTION FEASIBILITY. SO THAT LEAVES
11 CLEANUP AND PRUDENT RESERVE. AND IT SEEMS TO ME
12 THAT CLEANUP IS AN ONGOING CONTRACT WHERE YOU CAN
13 EXPEND ADDITIONAL MONIES ON THAT ONE, AND THAT'S
14 REALLY THE ONLY PLACE IT CAN GO.

15 BOARD MEMBER CHESBRO: WELL, THEN, THAT'S
16 WHERE WE SHOULD PUT IT, YOU KNOW. THERE IS
17 OBVIOUSLY ADDITIONAL NEED THERE.

18 CHAIRMAN PENNINGTON: I ONLY HAVE -- I
19 THINK WE'RE WORKING TOWARDS A RESOLUTION HERE, BUT
20 I AM CONCERNED ABOUT THE FACT THAT WE'VE HAD NO
21 SOLICITATION ON THIS AND THAT IF THERE ARE OTHER
22 COMMUNITIES OUT THERE WHO WOULD LIKE TO HAVE
23 PARTICIPATED, WE REALLY HAVEN'T GIVEN THEM AN
24 OPPORTUNITY TO DO THAT, THAT WE SOMEHOW CAME UP
25 WITH THESE FOUR JURISDICTIONS.

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1 I HAVE AGREED WITH YOU CONSTANTLY
2 THAT I HAVE NO PROBLEM WITH THESE JURISDICTIONS IF
3 THEY FIT WITHIN THE SCOPE OF THE THING. SO I
4 GUESS IT'S TOO LATE TO TRY TO RESOLVE THAT
5 CONCERN, BUT I MUST SAY THAT I WOULD LIKE FOR
6 WHATEVER WE DO TO AT LEAST FOLLOW THE STATUTE, AND
7 THE STATUTE DOES REQUIRE THAT WE EVALUATE SOME
8 KIND OF AN APPLICATION, WHETHER IT'S A LETTER OR
9 WHETHER IT IS IN TERMS OF THE TIRES THAT IT'S
10 GOING TO USE AND HOW IT APPLIES. SO THERE'S
11 SPECIFIC STATUTE LANGUAGE THAT TELLS US WHAT WE
12 MUST DO WHEN WE GIVE A GRANT OF THIS NATURE. AND
13 I WOULD CERTAINLY LIKE THAT ADDRESSED BY HOWEVER
14 WE'RE COMMUNICATING WITH THESE PEOPLE.

15 I LOOK AT THE CITY OF RICHMOND, I
16 HAVE NO IDEA FROM THAT LETTER WHAT IT IS THAT THEY
17 PLAN ON DOING. THE FIRST HINT I GOT WAS FROM
18 SENATOR LEE WHO SAID THEY'RE GOING TO WORK WITH
19 THE PORT AUTHORITY. TO DO WHAT, I HAVE NO IDEA.
20 I WOULD LIKE TO KNOW THESE THINGS BEFORE WE SPEND
21 MONEY.

22 BOARD MEMBER CHESBRO: WELL, AND THAT'S
23 GOING TO BE, AS I SAID, PINNED DOWN. I JUST WANT
24 TO POINT OUT THAT WE HAVE A VASTLY, FOUR OR FIVE
25 TIMES LARGER CONTRACT WITH THE COUNTY OF L.A. THAT

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1 WAS APPROVED BY THE BOARD IN NOVEMBER. IT WAS
2 ESSENTIALLY A GRANT CONTRACT, WHATEVER YOU WANT TO
3 CALL IT, LEGALLY I BELIEVE IT'S THE SAME THING,
4 WHICH WAS APPROVED WITHOUT A COMPETITIVE PROCESS,
5 EVEN THOUGH WE HAD BOTH PRIVATE AND PUBLIC
6 ENTITIES WHO EXPRESSED AN INTEREST IN THE
7 COMPETITIVE PROCESS. THE BOARD SAID, NO, WE WANT
8 TO GO WITH L.A. COUNTY.

9 CHAIRMAN PENNINGTON: ACTUALLY, THAT'S
10 NOT TOTALLY CORRECT BECAUSE THE CITY OF L.A. SAID
11 THAT THEY WANTED TO MAKE A PROPOSAL AND WE ASKED
12 THEM TO GIVE US A PROPOSAL. AND WE DIDN'T GRANT
13 THE L.A. COUNTY CONTRACT UNTIL AFTER THEY TOLD US
14 THEY DID NOT WANT TO MAKE A PROPOSAL.

15 BOARD MEMBER CHESBRO: WELL, MAYBE WE
16 SHOULD HAVE PUT A NOFA OUT AND GIVEN THEM MORE
17 TIME. IN ADDITION TO THAT, IN THE FINAL ROUND --
18 THE OTHER EXAMPLE IS IN THE FINAL ROUND OF -- THE
19 MOST RECENT ROUND OF THE COMPOST DEMONSTRATION
20 PROJECTS, WHICH, AGAIN, IF YOU CHECK THE
21 TRANSCRIPT OF THE YUBA COUNTY MEETING, WE
22 PATTERNED THIS PROJECT AFTER -- WE WERE SEEKING
23 UNDERUTILIZED PORTIONS OF THE STATE -- IT'S KIND
24 OF A REVERSE OF THE SITUATION WITH COMPOST WHERE
25 L.A. COUNTY WAS THE UNDERUTILIZED AREA WITH

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1 COMPOST. AND WE SAID, LET'S NOT DO A COMPETITIVE
2 PROCESS. LET'S GO IN AND TRY TO FIND --

3 BOARD MEMBER RELIS: MR. CHAIR, I'M GOING
4 TO HAVE TO RESPOND TO THAT.

5 BOARD MEMBER CHESBRO: PLEASE DON'T
6 INTERRUPT ME. MAY I FINISH MY COMMENTS?

7 BOARD MEMBER RELIS: OKAY. GO AHEAD.

8 BOARD MEMBER CHESBRO: IN ADDITION TO
9 THAT, IN RECENT YEARS WE'VE GIVEN A MILLION
10 DOLLARS TO THE LEAGUE OF CALIFORNIA CITIES, A
11 MILLION DOLLARS TO THE COUNTY SUPERVISORS
12 ASSOCIATION, A MILLION DOLLARS TO THE CALIFORNIA
13 BROADCASTERS ASSOCIATION, ALL WITHOUT COMPETITIVE
14 PROCESSES. AND IT IS NOT -- THIS IS -- FOR SOME
15 REASON THESE PROJECTS WERE SINGLED OUT FOR THIS
16 KIND OF FOCUS, WHEN, IN FACT, WE DISCUSSED IN
17 NOVEMBER IN GREAT DETAIL THE QUESTION ABOUT
18 WHETHER IT WAS WISE TO GO TO A COMPETITIVE PROCESS
19 OR NOT.

20 AND IF YOU'LL READ THAT TRANSCRIPT,
21 IT IS ABUNDANTLY CLEAR THAT THE OPPORTUNITY TO
22 RAISE THESE ISSUES EXISTED THEN. AND NO BOARD
23 MEMBER RAISED CONCERNS ABOUT WHETHER WE SHOULD

GO

24 TO A COMPETITIVE PROCESS. THE ARGUMENTS WERE
25 ALMOST EXCLUSIVELY IN THE DIRECTION OF HOW DO

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WE

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1 L.A. PROGRAM, THAT WAS THE STATEWIDE ASSISTANCE
2 CONTRACT. IT'S NOT A SPECIFIC JURISDICTION. I'M
3 NOT RAISING THIS TO PUT A DAMPER ON YOUR PROPOSAL,
4 MR. CHESBRO, BUT THEY ARE DIFFERENT AND DISTINCT
5 AND THE CONDITIONS ARE DIFFERENT.

6 MR. PENNINGTON HAS RAISED, I THINK,
7 APPROPRIATE POINTS. WE NEED TO BE CONSISTENT, WE
8 NEED TO BE ABLE TO BACK THIS UP. WE ARE SEEKING
9 FROM YOU AS THESE PROPOSALS COME FORWARD THAT
10 ASSURANCE. THAT'S ALL. SO I DON'T THINK WE NEED
11 TO GO INTO HISTORY. I THINK WE -- YOU KNOW WHAT
12 THE ISSUES ARE, AND WE JUST NEED TO SEE THE
13 RESPONSE BACK AND THEN DEAL WITH IT.

14 BOARD MEMBER CHESBRO: WELL, I'VE OFFERED
15 EACH OF YOU INDIVIDUALLY, AND ALSO ON THE RECORD
16 HERE TODAY, THAT WE WILL COMPLETELY ADDRESS THOSE
17 ISSUES THAT YOU HAVE RAISED. AND SO AGAIN, I'M
18 OFFERING YOU THAT ASSURANCE. AND I -- YOU'RE
19 RIGHT. WE'RE GOING BACK AND REDEBATING THE ISSUE,
20 SO I WILL WITHHOLD DOING THAT FURTHER.

21 CHAIRMAN PENNINGTON: OKAY. WOULD YOU
22 LIKE TO -- OH, WAIT A MINUTE. WE GOT SO -- WE
23 HAVE ONE PERSON FROM THE PUBLIC THAT WOULD LIKE TO
24 ADDRESS THIS ISSUE. I CAN'T IMAGINE WHY THEY'D
25 WANT TO GET INTO THE MIDDLE OF THIS.

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THE

MR. BARRY TAKALOU?

MR. TAKALOU: CHAIRMAN PENNINGTON,
MEMBERS OF THE BOARD, JUST ON THE SUBJECT OF THE
CITY OF SAN FRANCISCO, SINCE WE'RE RESPONSIBLE
CONSULTING DEVELOPMENT OF THE -- WE'RE DEVELOPING
RUBBER ASPHALT SPECIFICATION FOR THEM, JUST AS FAR
AS PROGRESS ON THAT PROJECT, THE SPECIFICATION IS
COMPLETED. THE DEPARTMENT OF PUBLIC WORKS, THE
PROJECT FOR RUBBER ASPHALT IS SELECTED FOR PAVING.
AND I THINK THEY'RE GOING TO START USING RUBBER AS
ASPHALTING THIS YEAR, AND THEY'RE GOING TO DO THE
PAVING. THAT WAS THE COMMENT. THANK YOU.

CHAIRMAN PENNINGTON: THANK YOU,
MR. TAKALOU.

OKAY. MR. FRAZEE?

BOARD MEMBER FRAZEE: MR. RELIS RAISES AN
INTERESTING POINT. THIS LIST THAT WE'RE WORKING
OFF OF HERE DOES NOT HAVE THE 200,000 IN IT, SO
YOU'RE GOING TO HAVE TO REDUCE THAT 200,000 OUT OF
THESE ITEMS IN ORDER TO ACCOMMODATE IT.

BOARD MEMBER CHESBRO: I PRESUMED THEY
WERE REDUCED BY THE AMOUNTS THAT MR. JONES HAD
PROPOSED TO RAISE THEM PRIOR TO THIS PROPOSAL.

MR. CHANDLER: MR. FRAZEE, IF IT WOULD
HELP, WHAT I'VE ASKED CAREN TO DO IS PUT UP ON

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1 SCREEN A DISPLAY THAT WOULD REFLECT MR. CHESBRO'S
2 MOTION SO YOU'LL HAVE BEFORE YOU MOTION NO. 1
3 PRESENTED BY MR. JONES, AND, IF YOU WILL, THE
4 ALTERNATIVE MOTION BY MR. CHESBRO WITH THE DOLLAR
5 AMOUNTS.

6 BOARD MEMBER RELIS: WOULD THAT STILL
7 GIVE US THE LEVEE WORK?

8 MR. CHANDLER: WELL, LET'S LOOK AT IT.

9 BOARD MEMBER GOTCH: I HAVE A QUESTION
10 FOR STAFF, IF I MAY, REGARDING THE ENGINEERING
11 MONIES. WHAT IS THE BASIS FOR THIS AUGMENTATION?
12 I UNDERSTAND THAT THEY'RE NOT GOING TO BE COMING
13 BEFORE THE BOARD WITH AN EXPLANATION OR A
14 COMMITTEE ITEM UNTIL NEXT MONTH OR THE MONTH
15 AFTER. AND I'M WONDERING IF WE SHOULD HAVE THE
16 INFORMATION FIRST TO JUSTIFY AUGMENTING THIS.

17 MS. LAVERGNE: WE'RE HAPPY TO COME BEFORE
18 THE BOARD ANYTIME TO DISCUSS CIVIL ENGINEERING
19 APPLICATIONS BEING WORKED ON. I CAN GIVE YOU A
20 VERBAL UPDATE AT THIS TIME. THE CONTRACT, AS YOU
21 KNOW, WAS FOR \$245,000. WE HAVE APPROXIMATELY
22 30,000 IN WORK ORDERS OUT AT THE CURRENT TIME.
23 AND IN WORKING WITH THE CONTRACTOR AND STAFF AND
24 BOARD CONSULTANTS HAVE COME UP WITH A NUMBER OF
25 VERY PROMISING APPLICATIONS TO DO ADDITIONAL WORK

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1 ON. THAT LIST HAS BEEN PROVIDED TO BOARD MEMBERS
2 IN THE FORM OF A MEMO FROM MYSELF WITH AN
3 ATTACHMENT PROVIDING THE WORK OF THE CONTRACTOR,
4 AND I WOULD BE HAPPY TO PROVIDE ADDITIONAL COPIES
5 OF THAT PRIOR MEMO. IT WAS SENT TO YOU PERHAPS A
6 MONTH AGO.

7 IT INDICATES PROMISING WORK IN SUCH
8 AREAS AS LANDFILL CLOSURE FOUNDATION LAYER,
9 LANDFILL LEACHATE DRAINAGE SYSTEMS, LANDFILL GAS
10 COLLECTION MEDIA, SEISMIC BASE ISOLATION FOR
11 STRUCTURES, SEWAGE SLUDGE COMPOSTING, AND A NUMBER
12 OF OTHER PROJECTS. LOOKING AT THOSE PROJECTS
13 TOGETHER AND THE KIND OF PORK THAT THE CONTRACTOR
14 WOULD PROPOSE DOING WITH BOARD STAFF, WE'RE
15 LOOKING AT ANYWHERE IN THE NEIGHBORHOOD OF
16 \$250,000 TO \$350,000 IN ADDITIONAL VERY PROMISING
17 WORK. THE RANGE THERE IS DEPENDENT UPON WHAT IS
18 FOUND IN THE VARIOUS INITIAL FEASIBILITY STUDIES
19 THAT WOULD BE DONE BEFORE THEY DO TESTING.
20 THERE'S A RANGE OF COSTS THERE, A HIGH AND LOW.

21 CHAIRMAN PENNINGTON: BUT THESE ARE
22 EXISTING CONTRACTS.

23 MS. LAVERGNE: THIS IS THE EXISTING
24 GEOSYNTECH CONTRACT THAT YOU WERE DISCUSSING
25 AUGMENTING BY \$73,500.

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1 CHAIRMAN PENNINGTON: SO WE ALREADY HAVE
2 AN IDEA WHAT THEY'RE DOING.

3 MS. LAVERGNE: THAT'S CORRECT. AND WE
4 HAVE BEEN REPORTING TO THE COMMITTEE AND IN
5 PERSONAL COMMUNICATION WITH BOARD MEMBERS ABOUT
6 THE CONTRACT.

7 CHAIRMAN PENNINGTON: MR. CHESBRO, WOULD
8 YOU LIKE TO RESTATE YOUR SUBSTITUTE MOTION?

9 BOARD MEMBER CHESBRO: IT IS TO REINSTATE
10 THE \$200,000 RRAC GRANT ITEM. CAREN, IS THAT
11 REFLECTED UP THERE?

12 MS. TRGOVCICH: WELL, I DIDN'T INCLUDE
13 RRAC BECAUSE WHAT THIS SHOWS ARE THE
REALLOCATION

14 OF FUNDS. AND AS I UNDERSTAND, MR. CHESBRO,
WHAT

15 YOU'RE STATING, THAT THE RRAC FUNDS ARE NOT
16 AVAILABLE FOR REALLOCATION.

17 BOARD MEMBER CHESBRO: RIGHT. SO IT
18 WOULD PUT THAT BACK INTO THE PREVIOUS
ALLOCATION

19 AND THAT WOULD CHANGE THESE ALLOCATIONS, I
20 BELIEVE, TO AS THEY READ THERE. AND
FURTHERMORE,

21 WOULD REALLOCATE -- IF THE CONTRACTS, THE FOUR
22 RRAC CONTRACTS, ARE NOT COMPLETED AND APPROVED

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BY

23 THE BOARD MEETING IN JUNE, THEN IT WOULD
24 REALLOCATE THE \$200,000 TO CLEANUP CONTRACTS

AT

25 THAT TIME.

1 MS. TRGOVCICH: IF THIS WILL HELP OUT
THE
2 MEMBERS, WHAT THIS REPRESENTS, THEN, IS THE
3 COMMITTEE RECOMMENDATION, PLUS THE ADDITIONAL
4 \$7,079 FOR PLAYGROUND MATS. I NEVER CLAIMED
TO BE
5 A MATH WIZARD.

6 BOARD MEMBER CHESBRO: CAN YOU PUT
THOSE
7 FORWARD SO WE CAN GET THIS LIST RIGHT, THEN,
TO
8 MAKE SURE THAT IT'S --

9 BOARD MEMBER JONES: I WANT TO MAKE
SURE
10 THE MATH IS RIGHT. IT'S AMAZING. IT'S
EXACTLY
11 WHAT I THOUGHT WE WERE GOING TO SPEND. I'LL
HAVE
12 TO REDO MY SPEECH AGAIN SO WE STAY FOCUSED ON
13 WHAT'S REAL IMPORTANT HERE.

14 WE'VE GOT -- OKAY. YOUR
AMENDMENT
15 TO MY MOTION WAS TO INCLUDE RRAC?

16 BOARD MEMBER CHESBRO: WELL, TO
REINSTATE
17 RRAC.

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18 BOARD MEMBER JONES: AT A LEVEL OF
19 200,000?

20 BOARD MEMBER CHESBRO: RIGHT.

21 BOARD MEMBER JONES: ALL RIGHT. THEN
22 I --

23 MR. CHANDLER: IF I UNDERSTAND WHAT

CAREN

24 HAS ATTEMPTED TO DO, IF YOU DO THAT, THEN YOU

HAVE

25 BEFORE YOU, IN OPTION 2, THE ALLOCATION THAT
WOULD

1 RESULT WITH THE REINSTATEMENT OF 200,000 TO
2 PLAYGROUND MATS, THE LOAN, EMISSION ANALYSIS,
3 PRINTING MATERIALS, CIVIL ENGINEERING, PRUDENT
4 RESERVE. IS THAT CORRECT, CAREN?

5 MS. TRGOVCICH: YES.

6 MS. LAVERGNE: YOU HAVE ESSENTIALLY THE
7 COMMITTEE RECOMMENDATION FROM 200 -- PAGE 200 OF
8 YOUR PACKET WITH THE ADDITIONAL MONEY SHOWING FOR
9 THE PLAYGROUND MATS.

10 BOARD MEMBER JONES: OKAY. BUT IF THIS
11 MOTION OF MR. CHESBRO'S IS VOTED DOWN, THEN DOES
12 IT GO BACK TO MY ORIGINAL MOTION?

13 CHAIRMAN PENNINGTON: RIGHT.

14 BOARD MEMBER JONES: ALL RIGHT.

15 MR. CHANDLER: YOU WANT TO PUT THAT BACK
16 UP JUST TO SEE IF THOSE NUMBERS ARE ACCURATE?

17 BOARD MEMBER JONES: WELL, WE'RE GOING TO
18 HAVE A PROBLEM IN THE NUMBERS THAT ARE UP THERE
19 RIGHT NOW BECAUSE WE HAVE \$35,000 WE NEED FOR A
20 FEASIBILITY STUDY, AND THAT'S -- AND THAT'S NOT ON
21 THAT LIST.

22 MR. CHANDLER: THAT'S NOT IN YOUR MOTION?

23 BOARD MEMBER JONES: NOT ON THIS

24 SECONDARY MOTION THAT I SAW UP THERE.

25 MR. CHANDLER: YOU'RE TALKING ABOUT THE

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1 LEVEE PROJECT?

2 BOARD MEMBER JONES: I'M TALKING ABOUT
3 THE LEVEE FEASIBILITY. THOSE ARE MY -- THAT'S MY
4 MOTION. THIS IS THE AMENDED MOTION, AS I
5 UNDERSTAND IT.

6 BOARD MEMBER CHESBRO: IF I MAY,
7 MR. JONES, I WOULD SUGGEST EITHER THE CONTINGENCY
8 OR THE CIVIL ENGINEERING AUGMENTATION TO BE ONE OF
9 THEM. I'M OPEN, OF COURSE, BUT I THINK THERE ARE
10 OTHER WAYS TO ACHIEVE REINSTATING THAT.

11 BOARD MEMBER RELIS: WOULD THERE BE A
12 PROBLEM DOING IT OUT OF THE CONTINGENCY OR THE
13 PRUDENT RESERVE IN THIS -- WHAT WOULD -- THERE
14 ISN'T A LEGAL PROBLEM WITH THAT, IS THERE?

15 MR. CHANDLER: I THINK MR. CHESBRO NEEDS
16 TO BE CLEAR ON WHAT HE WANTS THE ALLOCATIONS TO
17 LOOK LIKE IN HIS ALTERNATIVE MOTION. AND IF YOU'D
18 LIKE TO PUT ANOTHER 35,000 INTO A FEASIBILITY
19 STUDY, THEN I THINK -- I DON'T WANT TO MAKE YOUR
20 MOTION FOR YOU, BUT --

21 BOARD MEMBER CHESBRO: I'M FEELING MY WAY
22 HERE IN TERMS OF WHAT IS ACCEPTABLE TO OTHER BOARD
23 MEMBERS. I DON'T WANT TO THROW IT OUT THERE.

24 THOSE ARE TWO OPTIONS THAT I COULD PUT

INTO THE
25

AMENDMENT TO MAKE SURE THAT THAT --

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1 CHAIRMAN PENNINGTON: WHAT --

2 BOARD MEMBER JONES: 35,000.

3 MS. TRGOVCICH: MR. JONES, PERHAPS THE
4 NUMBERS CLARIFICATION, I DON'T KNOW IF THIS HELPS
5 YOU OUT AT ALL, BUT WHAT I JUST REALIZED, WE WERE
6 WORKING OFF THE ORIGINAL NUMBERS WHICH DIDN'T
7 ACCOUNT FOR THE ADDITIONAL 15,000 AVAILABLE
8 THROUGH THE GRANT PROGRAM, PLUS THE \$1,500 WHICH
9 BECAME AVAILABLE WHEN WE REALIZED THAT 30 PERCENT
10 OF 243 IS NOT 75. SO IN REALITY, WHAT WE SHOW AS
11 AN ADDITIONAL \$5,579 OVER THE ORIGINAL 350, BUT
12 THEN THAT WOULD MEAN YOU STILL HAVE REMAINING
13 SOMEWHERE AROUND 9,000.

14 BOARD MEMBER CHESBRO: IF YOU WOULD LIKE,
15 MR. JONES, I'LL JUST CUT TO THE CHASE AND SUGGEST
16 THAT WE TAKE \$35,000 FROM THE PRUDENT RESERVE TO
17 FUND THE LEVEE ITEM THAT YOU HAD PROPOSED.

18 MS. LAVERGNE: IT MAY ALSO BE HELPFUL TO
19 POINT OUT THAT WHEN YOU ACTED IN NOVEMBER AND SET
20 UP THE ORIGINAL ALLOCATIONS, THE AMOUNT ALLOCATED
21 FOR THE PRUDENT RESERVE WAS, IN FACT, 500,000, NOT
22 560,000. THE AMOUNT WENT UP BASED ON A NUMBER OF
23 BUDGETING ISSUES THAT OCCURRED. YOUR ALLOCATION
24 WAS FOR 500,000 AT THAT TIME.

25 BOARD MEMBER CHESBRO: I WILL STICK WITH

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1 THE PRUDENT RESERVE AS THE SOURCE OF IT.

2 MR. CHANDLER: SO, CAREN, WHY DON'T YOU
3 REFLECT ANOTHER 35,000 ON OPTION 2 FOR THE
4 FEASIBILITY STUDY, AND THE BOARD WILL HAVE BEFORE
5 THEM TWO OPTIONS, TWO PROPOSED MOTIONS THAT
6 ALLOCATE THE FUNDING BY SPECIFIC CATEGORIES. I
7 READ YOUR DISCUSSIONS.

8 IS THAT ACCURATE, MEMBERS? I DON'T
9 WANT TO -- I MEAN, IT SEEMS TO ME WE NEED TO PUT
10 THIS ITEM BEFORE YOU IN A FORM WHERE WE CAN GET
11 SOME DIRECTION AND MOVE ON. WHAT WE STILL HAVE IS
12 A LONG AGENDA AHEAD OF US TODAY.

13 CHAIRMAN PENNINGTON: ARE YOU CLEAR ON
14 THE NUMBERS?

15 BOARD MEMBER JONES: CLEAR ON THE
16 NUMBERS, BUT NOT HAPPY WITH --

17 CHAIRMAN PENNINGTON: WELL, I'M NOT HAPPY
18 WITH TAKING IT ALL OUT OF THE PRUDENT RESERVE.

19 BOARD MEMBER CHESBRO: SUGGEST SOMETHING
20 ELSE.

21 CHAIRMAN PENNINGTON: I DID. I SUGGESTED
22 WE SPLIT IT BETWEEN THE PRUDENT RESERVE AND THE
23 PLAYGROUND MATS. WE'VE GIVEN OVER
300,000 TO

24 PLAYGROUND MATS, WE'RE AUGMENTING

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IT BY \$100,000,
25 AND WE CAN'T GIVE UP \$15,000 OUT
OF THERE?

1 BOARD MEMBER GOTCH: LET
ME REMIND YOU

2 ALSO WE DO HAVE THAT \$73,500 FOR
THE CIVIL

3 ENGINEERING MONEY THAT ARE NOT --
ACTUALLY, WE DO

4 NOT HAVE AN ANSWER BACK YET AND WE
WILL NOT

5 UNTIL --

6 CHAIRMAN PENNINGTON:
WHAT DO YOU MEAN WE

7 DON'T HAVE AN ANSWER BACK? WE
HAVE AN EXISTING

8 CONTRACT.

9 BOARD MEMBER GOTCH: WE
HAVE EXISTING

10 CONTRACT, I AGREE. THEY'RE GOING
TO BE GETTING

11 BACK TO US IN A MONTH OR TWO AT
THE COMMITTEE --

12 AM I CORRECT IN THIS?

13 MS. LAVERGNE: WE WERE
NOT PLANNING ANY

14 PRESENTATION UNLESS WE ARE
DIRECTED TO DO SO

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15 TODAY. AS I INDICATED, WE HAD
COMMUNICATED WITH

16 POLICY COMMITTEE SOMETIME BACK AND
HAVE BEEN

17 PROVIDING PERIODIC REPORTS TO
BOARD MEMBERS ON THE

18 PROGRESS OF THE CONTRACT. AND WE
DO HAVE PLANS TO

19 FULLY EXPEND THE CONTRACT.

20 BOARD MEMBER GOTCH: I'M
OKAY TO VOTE.

21 CHAIRMAN PENNINGTON:
OKAY. THE

22 SUBSTITUTE MOTION IS BEFORE US.
WOULD YOU CALL

23 THE ROLL?

24 BOARD SECRETARY: BOARD
MEMBER CHESBRO.

25 BOARD MEMBER CHESBRO:
AYE.

1 BOARD SECRETARY: FRAZEE.
2 BOARD MEMBER FRAZEE: NO.
3 BOARD SECRETARY: GOTCH.
4 BOARD MEMBER GOTCH: AYE.
5 BOARD SECRETARY: JONES.
6 BOARD MEMBER JONES: NO.
7 BOARD SECRETARY: RELIS.
8 BOARD MEMBER RELIS: NO.
9 BOARD SECRETARY: CHAIRMAN PENNINGTON.
10 CHAIRMAN PENNINGTON: NO.
11 OKAY. NOW WE GOT TO --
12 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I'LL
13 MAKE ANOTHER SUBSTITUTE MOTION TO SPLIT IT THREE
14 WAYS, BETWEEN THE RESERVE, CIVIL ENGINEERING, AND
15 THE PLAYGROUND MATS FOR THE -- TO COME UP WITH THE
16 SOURCE OF THE \$35,000.
17 CHAIRMAN PENNINGTON: YOU'LL NEED A
18 SECOND.
19 BOARD MEMBER GOTCH: I WILL SECOND.
20 CHAIRMAN PENNINGTON: THE THINK THE MOOD
21 IS THAT WE SPLIT IT BETWEEN THE PRUDENT RESERVE
22 AND THE PLAYGROUND MATS.
23 YOU'VE SECONDED. YOU
HAVE HEARD
24 THAT. WILL THE SECRETARY CALL THE
ROLL?

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25

BOARD SECRETARY: BOARD

MEMBER CHESBRO.

1 BOARD MEMBER CHESBRO: AYE.
2 BOARD SECRETARY: GOTCH.
3 BOARD MEMBER GOTCH: AYE.
4 BOARD SECRETARY: FRAZEE.
5 BOARD MEMBER FRAZEE: NO.
6 BOARD SECRETARY: SORRY ABOUT THAT.
7 JONES.
8 BOARD MEMBER JONES: NO.
9 BOARD SECRETARY: RELIS.
10 BOARD MEMBER RELIS: NO.
11 BOARD SECRETARY: CHAIRMAN PENNINGTON.
12 CHAIRMAN PENNINGTON: NO.
13 MOTION FAILS.
14 BOARD MEMBER CHESBRO: MR. CHAIRMAN,
I'D
15 LIKE TO MAKE A MOTION TO AMEND THAT WE ADOPT A
NEW
16 BOARD POLICY THAT ALL LOCAL GRANT AGREEMENTS BE
17 COMPETITIVE, INCLUDING THE L.A. COUNTY PROJECT
AND
18 THE FOUR RRAC PROJECTS.
19 BOARD MEMBER RELIS: THERE'S A MOTION
ON
20 THE FLOOR.
21 BOARD MEMBER CHESBRO: THIS IS A MOTION
22 TO AMEND THAT MOTION.

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23 CHAIRMAN PENNINGTON: OKAY. YOU WANT

TO

24 STATE YOUR MOTION AGAIN?

25 BOARD MEMBER CHESBRO: THAT THE BOARD

1 ESTABLISH A NEW POLICY THAT ALL LOCAL GOVERNMENT
2 GRANT AGREEMENTS MUST BE COMPETITIVE, GO TO A
3 COMPETITIVE PROCESS, INCLUDING THE L.A. COUNTY
4 PROJECT, WHICH IS IN THIS YEAR'S ALLOCATION, AND
5 THE FOUR RRAC PROJECTS.

6 BOARD MEMBER RELIS: PROCEDURALLY, DO WE
7 HAVE A NOTICE ON THAT ITEM?

8 BOARD MEMBER CHESBRO: IS THERE ANY
9 NOTICING OF PULLING THE FOUR RRAC PROJECTS?

10 CHAIRMAN PENNINGTON: YES, THERE WAS A
11 NOTICE THAT WE WERE GOING TO REALLOCATE FUNDS.

12 OKAY. WANT TO -- DID SOMEBODY
13 SECOND THAT?

14 BOARD MEMBER GOTCH: I HAVE SECONDED IT.

15 CHAIRMAN PENNINGTON: OKAY. ANY FURTHER
16 DISCUSSION ON THAT? WILL THE SECRETARY CALL THE
17 ROLL?

18 BOARD SECRETARY: WHICH MOTION ARE WE ON?

19 CHAIRMAN PENNINGTON: YOU'RE ON MOTION
20 THAT --

21 BOARD MEMBER CHESBRO: ANOTHER AMENDMENT.

22 BOARD SECRETARY: THE SAME ONE THAT WE
23 HAD BEFORE THIS ONE EXCEPT WITH THIS AMENDMENT
24 INSTEAD OF THE THREE-WAY?

25 CHAIRMAN PENNINGTON: NO.

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1 BOARD SECRETARY: IT'S MR. JONES'
MOTION,

2 RIGHT?

3 CHAIRMAN PENNINGTON: NO. HE'S MADE A
4 SUBSTITUTE MOTION THAT SAYS THAT ALL LOCAL
5 GOVERNMENT GRANTS HAVE TO GO THROUGH A
COMPETITIVE

6 PROCESS.

7 BOARD SECRETARY: RIGHT.

8 CHAIRMAN PENNINGTON: IS THAT CORRECT?

9 BOARD SECRETARY: WITH WHICH OPTION?

10 CHAIRMAN PENNINGTON: NO OPTION.

11 BOARD MEMBER CHESBRO: THIS IS TO AMEND
12 MR. JONES' OPTION.

13 CHAIRMAN PENNINGTON: IT'S A SUBSTITUTE
14 MOTION TO --

15 BOARD MEMBER CHESBRO: IT DOESN'T
REPLACE

16 THAT, IT DOESN'T SUGGEST --

17 MR. FRAZEE: IS THIS AN INDEPENDENT
18 MOTION?

19 BOARD MEMBER CHESBRO: NO, IT'S TO AMEND
20 MR. JONES' MOTION TO -- TO ADD THE ITEMS WHICH I
21 HAVE STATED.

22 BOARD SECRETARY: OPTION 1 PLUS --

23 BOARD MEMBER CHESBRO: IT DOESN'T

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REPLACE

24 MR. JONES' MOTION.

25 BOARD SECRETARY: IT'S MR. JONES' MOTION

1 PLUS YOU ADDED THE LOCAL --

2 BOARD MEMBER CHESBRO: THIS IS TO AMEND

3 IT, AND THEN YOU'D HAVE TO --

4 MR. FRAZEE: NO.

5 BOARD MEMBER CHESBRO: -- HAVE A VOTE ON

6 THE MAIN MOTION. THIS IS AN AMENDMENT, JUST AS

7 THE OTHER TWO ATTEMPTS -- IT'S AN AMENDMENT.

8 CHAIRMAN PENNINGTON: IT'S A SEMANTICS

9 THING. I CALL IT A SUBSTITUTE MOTION.

10 CALL THE ROLL.

11 BOARD SECRETARY: BOARD MEMBER CHESBRO.

12 BOARD MEMBER CHESBRO: AYE.

13 BOARD SECRETARY: FRAZEE.

14 BOARD MEMBER FRAZEE: NO.

15 BOARD SECRETARY: GOTCH.

16 BOARD MEMBER GOTCH: AYE.

17 BOARD SECRETARY: JONES.

18 BOARD MEMBER JONES: NO.

19 BOARD SECRETARY: RELIS.

20 BOARD MEMBER RELIS: NO.

21 BOARD SECRETARY: CHAIRMAN

PENNINGTON.

22 CHAIRMAN PENNINGTON: NO.

23 BOARD MEMBER RELIS: MR. CHAIR, I

WOULD

24 LIKE TO MAKE A MOTION.

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25

CHAIRMAN PENNINGTON: WE HAVE MR.

JONES '

1 MOTION.

2 BOARD MEMBER RELIS: COULD I MAKE A
3 SUBSTITUTE MOTION AS I UNDERSTAND IT?

4 CHAIRMAN PENNINGTON: CERTAINLY.

5 BOARD MEMBER RELIS: IT WOULD BE,
6 MR. CHAIR, YOUR MOTION THAT WHAT WAS DESCRIBED
7 THERE WOULD BE FUNDED WITH THE RRAC PROGRAM
8 REINSERTED AND THE LEVEE PROJECT WOULD BE FUNDED
9 FROM THE BALANCE OF THE STABILIZATION AND THE --
10 WHAT IS IT, THE LEVEE OR THE MATS?

11 MS. TRGOVCICH: THAT'S STABILIZATION OR
12 THE CIVIL ENGINEERING?

13 BOARD MEMBER RELIS: CIVIL ENGINEERING
14 AND THE PLAYGROUND MATS.

15 CHAIRMAN PENNINGTON: PLAYGROUND MATS,
16 50/50.

17 MR. CHANDLER: MR. RELIS, YOU REFERRED TO
18 MR. PENNINGTON'S MOTION, AND I DON'T BELIEVE HE --
19 IT IS MR. JONES' MOTION.

20 BOARD MEMBER RELIS: OKAY. HIS POINT.
21 MR. JONES' MOTION. THERE HAVE BEEN SO MANY.

22 MR. CHANDLER: SO YOU'RE PUTTING A
23 SUBSTITUTE MOTION TO BASICALLY --

24 BOARD MEMBER RELIS: CORRECT.

25 MR. CHANDLER: -- REINSTATE THE RRAC

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1 PROJECTS, AND YOU IDENTIFIED WHERE YOU THOUGHT THE
2 FUNDING SHOULD COME FROM?

3 BOARD MEMBER RELIS: CORRECT.

4 MR. CHANDLER: OKAY. I THINK I
5 UNDERSTAND WHAT'S BEFORE US. ARE YOU CLEAR?

6 BOARD SECRETARY: I'M NOT SURE WHICH
7 OPTION WE'RE ON. ARE WE LOOKING AT JONES' OR
8 CHESBRO'S MOTION?

9 CHAIRMAN PENNINGTON: WE'RE TAKING
10 MR. CHESBRO'S ORIGINAL -- HE IS SUGGESTING
11 MR. JONES' -- MR. CHESBRO'S MOTION TO REINSTATE
12 THE RRAC AND TO HAVE THE PROJECTS DISENCUMBERED BY
13 THE JUNE BOARD MEETING IF HE DOES NOT SUPPLY US
14 WITH THE PROPER DOCUMENTATION WE HAVE ALL AGREED
15 ON.

16 BOARD MEMBER FRAZEE: THAT IS AN
17 AMENDMENT?

18 CHAIRMAN PENNINGTON: IT'S AN AMENDMENT
19 TO MR. JONES' MOTION. AND THE FUNDING OF THE
20 35,000 IS TO BE SPLIT BETWEEN PLAYGROUND MATS AND
21 THE CIVIL ENGINEERING, CORRECT?

22 BOARD MEMBER RELIS: CORRECT.

23 CHAIRMAN PENNINGTON:
OKAY.

24 BOARD SECRETARY: BOARD
MEMBER CHESBRO.

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25

BOARD MEMBER CHESBRO :

AYE .

1 BOARD SECRETARY: FRAZEE.
2 BOARD MEMBER FRAZEE: AYE.
3 BOARD SECRETARY: GOTCH.
4 BOARD MEMBER GOTCH: NO.
5 BOARD SECRETARY: JONES.
6 BOARD MEMBER JONES: AYE.
7 BOARD SECRETARY: RELIS.
8 BOARD MEMBER RELIS: AYE.
9 BOARD SECRETARY: CHAIRMAN PENNINGTON.
10 CHAIRMAN PENNINGTON: AYE.
11 MOTION CARRIES.
12 BOARD MEMBER JONES: MR. CHAIRMAN, MAY I
13 ASK A QUESTION? A LONG TIME AGO, WHEN WE STARTED
14 THIS PROCESS, AND I WAS AFRAID THAT THIS WAS GOING
15 TO HAPPEN, AND IT HAPPENED, I MADE SOME COMMENTS
16 THAT DIRECTED STAFF. AND I WOULD ASK MR. RELIS IF
17 THOSE -- I HAD IDENTIFIED THEM IN MY ORIGINAL
18 MOTION, THE DIRECTION OF STAFF TO AUGMENT THE TDF
19 POPULATION STUDIES AND ALL THOSE THINGS, TO BE
20 ACTIVE, TO GET THE DAMES & MOORE STUDY DONE, TO
21 HAVE STAFF ACTIVE TO BRING DOWN BARRIERS. THAT
22 WAS IN MY ORIGINAL MOTION. AND I'M ASKING FOR
23 CLARIFICATION THAT ALL THOSE THINGS STAY IN MY
24 ORIGINAL MOTION.
25 BOARD MEMBER RELIS: THESE ARE INTENT

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1 STATEMENTS. THEY DON'T CHANGE THE BUDGET.

2 BOARD MEMBER JONES: THEY DON'T CHANGE
3 THE BUDGET, BUT THEY'RE VERY, VERY IMPORTANT TO
ME
4 AND TO THIS BOARD THAT WE COME OUT AND VERBALLY
5 SAY WE ARE HERE TO TAKE DOWN BARRIERS, EVEN THOSE
6 WE CREATE OURSELVES.

7 BOARD MEMBER RELIS: THAT'S FINE.

8 CHAIRMAN PENNINGTON: OKAY. ITEM --

9 BOARD MEMBER CHESBRO: WE REQUIRE A VOTE
10 ON THE MAIN MOTION.

11 CHAIRMAN PENNINGTON: THAT WAS THE MAIN
12 MOTION.

13 BOARD MEMBER CHESBRO: YOU MADE A MOTION
14 THAT COVERED THE WHOLE THING, NOT JUST THE -- SO
15 IT WAS A SUBSTITUTE MOTION.

16 CHAIRMAN PENNINGTON: IT WAS AN
17 AMENDMENT.

18 BOARD MEMBER CHESBRO: IF IT WAS AN
19 AMENDMENT TO THAT MOTION, THEN WE STILL NEED TO
20 VOTE ON MR. JONES' MOTION. WELL, THEN, IT HAD TO
21 BE A SUBSTITUTE MOTION BECAUSE THERE WAS STILL A
22 MOTION ON THE FLOOR.

23 CHAIRMAN PENNINGTON: IF YOU WOULD FEEL
24 MORE COMFORTABLE, WE CAN TAKE ANOTHER VOTE.

25 BOARD MEMBER CHESBRO: I'M TRYING TO

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MAKE

1 SURE WE COVER IT LEGALLY HERE.

2 MS. TOBIAS: I THOUGHT WHAT I HEARD WAS
3 MR. RELIS WAS MAKING A SUBSTITUTE MOTION, WHICH I
4 TOOK TO REPLACE THE MOTION OF MR. JONES. IF IT
5 WAS AN AMENDMENT TO MR. JONES' MOTION, THEN WE
6 NEED TO TAKE A VOTE ON THE MAIN MOTION.

7 BOARD MEMBER CHESBRO: WAS THE MOTION
8 SECONDED?

9 BOARD SECRETARY: THERE IS NO SECOND
NOW.

10 MR. CHANDLER: I JUST SAW FROM STAFF
11 THERE WAS NO SECOND.

12 BOARD MEMBER CHESBRO: MR. RELIS' MOTION
13 WAS NOT SECONDED? I WILL RETURN TO THE MOMENT
AND

14 SECOND IT, IF THAT'S PERMITTED.

15 MS. TOBIAS: IS THAT A SUBSTITUTE MOTION
16 THEN?

17 BOARD SECRETARY: BUT IS IT A SUBSTITUTE
18 OR AN AMENDMENT? I HAVE BOTH DOWN HERE. IT
19 STARTED OUT AS A SUBSTITUTE.

20 BOARD MEMBER RELIS: I CALLED IT A
21 SUBSTITUTE, I BELIEVE.

22 CHAIRMAN PENNINGTON: AND MR. CHESBRO
23 SECONDED IT.

24 MS. TRGOVCICH: MR. CHAIRMAN?

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25

CHAIRMAN PENNINGTON: HE DID. YOU

DIDN'T

1 HEAR HIM.

2 MS. TRGOVCICH: MR. CHAIRMAN, CAN -- WE
3 REDID THESE NUMBERS. I KNOW YOU VOTED, BUT I
WANT

4 TO MAKE SURE THIS REFLECTS WHAT YOU DID. AS WE
5 UNDERSTOOD, YOU TOOK THE 35,000 AND SPLIT IT
6 BETWEEN PLAYGROUND MATS AND THE CIVIL ENGINEERING
7 AUGMENTATION. THAT REDUCES THE AVAILABLE FUNDS
8 THAT ARE BEING ADDED INTO THE PLAYGROUND MAT
GRANT

9 PROGRAM DOWN TO 82,579, AND IT REDUCES THE
10 AUGMENTATION TO THE CIVIL ENGINEERING CONTRACT TO
11 56,000.

12 CHAIRMAN PENNINGTON: CORRECT.

13 MS. TRGOVCICH: OKAY.

14 MR. CHANDLER: AND YOU ADD THE 200, I
15 KNOW THAT WAS THE ORIGINAL COMMITTEE --

16 MS. TRGOVCICH: CORRECT.

17 MR. CHANDLER: -- REFLECTION, BUT I WANT
18 TO MAKE SURE EVERYTHING IS CLEAR, WE GOT THOSE
19 PROJECTS.

20 CHAIRMAN PENNINGTON: OKAY. WE'LL MOVE
21 TO ITEM 23.

22 BOARD MEMBER CHESBRO: MR. CHAIRMAN,
I'VE

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23 HAD A REQUEST --

24 CHAIRMAN PENNINGTON: I'M SORRY.

25 BOARD MEMBER CHESBRO: I'VE HAD A
REQUEST

1 FROM SUPERVISOR LARRY WALKER THAT WE TAKE THE
2 APPEAL ITEM, IT'S UP TO YOU, MR. CHAIRMAN, BUT HE
3 HAD ASKED -- I THINK HE'S GONE BACK UPSTAIRS, BUT
4 HE IS INTERESTED IN HAVING THAT ITEM TAKEN UP.
5 THE QUESTION OF WHETHER OR NOT WE HEAR THE APPEAL
6 ON -- WHAT NUMBER IS THAT -- 31.

7 BOARD SECRETARY: WE NEED A PAPER BREAK
8 FOR THE COURT REPORTER.

9 CHAIRMAN PENNINGTON: I THINK I NEED A
10 BREAK, TOO. TAKE A FIVE-MINUTE BREAK HERE.

11 (BREAK TAKEN.)

12 CHAIRMAN PENNINGTON: OKAY. WE'RE BACK
13 ON. WE'RE GOING TO MOVE ITEM 31, WHICH IS
14 CONSIDERATION OF WHETHER TO SCHEDULE A HEARING
15 FOR
16 AN APPEAL FROM A DECISION OF THE SAN BERNARDINO
17 COUNTY SOLID WASTE INDEPENDENT HEARING PANEL
18 FILED
19 BY PACIFIC SOUTHWEST FARMS.

20 BOARD MEMBER CHESBRO: I HAVE SOME EX
21 PARTES, IF I MAY, MR. CHAIRMAN, ON THIS ITEM. I
22 SPOKE TO SUPERVISOR LARRY WALKER OF SAN
23 BERNARDINO
24 COUNTY. WE'RE GOING TO HEAR FROM, SHORTLY, BETSY
25 STARBUCK.

26 CHAIRMAN PENNINGTON: THANK YOU. ANY

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24

OTHER EX PARTES?

25

OKAY. ELLIOT?

1 MR. BLOCK: GOOD AFTERNOON. I'M ELLIOT
2 BLOCK, STAFF COUNSEL WITH THE BOARD. TODAY MUST
3 BE MY DAY FOR EXPEDITED PRESENTATIONS. I'M GOING
4 TO CUT THIS ONE FAIRLY SHORT BECAUSE OF THE TIME
5 PRESSURES AND JUST NOTE THAT IN YOUR AGENDA
6 PACKET, STARTING ON PAGE 300, THERE ARE
ADDITIONAL

7 DETAILS WHICH I'M NOT GOING TO GO INTO IN MY
8 PRESENTATION. AND, OF COURSE, OBVIOUSLY, I CAN
9 ANSWER ANY QUESTIONS YOU HAVE.

10 BASICALLY, THE ITEM BEFORE YOU IS
11 THE RESULT OF AN APPEAL THAT WAS FILED BY PACIFIC
12 SOUTHWEST FARMS TO A HEARING PANEL DECISION BY
THE

13 SAN BERNARDINO COUNTY LOCAL INDEPENDENT HEARING
14 PANEL. THE STATUTE PROVIDES THAT THE BOARD HAS -
-

15 THERE'S ACTUALLY FOUR OPTIONS, BUT THREE OPTIONS
16 THAT ARE RELEVANT IN DETERMINING THIS MATTER FOR
17 TODAY'S AGENDA ITEM: DETERMINING NOT TO HEAR THE
18 APPEAL IF NO SUBSTANTIAL ISSUE IS RAISED,
19 DETERMINING TO HEAR THE APPEAL AND DECIDE BASED
ON

20 THE RECORD AND/OR WRITTEN ARGUMENTS SUBMITTED BY
21 THE PARTIES, OR TO DETERMINE TO HEAR THE APPEAL
22 AND HOLD THE HEARING WITHIN 60 DAYS.

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23 FOR REASONS THAT ARE DETAILED IN
THE
24 AGENDA ITEM, PRIMARILY TO DEAL WITH PROCEDURAL
DUE
25 PROCESS ISSUES, STAFF'S RECOMMENDATION IS THAT
THE

1 BOARD DETERMINE TO HEAR THE APPEAL AND SCHEDULE A
2 HEARING WITHIN 60 DAYS OR A LATER DATE IF AGREED
3 TO BY THE PARTIES. THAT RECOMMENDATION IS NOT
4 BASED ON THE SUBSTANCE OF THE ISSUES AT PLAY. IT
5 IS BASED PURELY UPON THE FACT THAT THIS IS THE
6 FIRST APPEAL FROM A HEARING PANEL DECISION THAT
7 THE BOARD HAS HEARD AND WE HAVE NO PROCEDURES, NO
8 WAY OF ENSURING THAT WE HAVE ALL THE RELEVANT
9 DOCUMENTS BEFORE US FOR THE BOARD'S CONSIDERATION.

10 THE 60-DAY TIME FRAME WOULD ACTUALLY
11 RESULT IN A BOARD HEARING AT THE MAY BOARD MEETING
12 BECAUSE 60 DAYS FROM TODAY WOULD RUN OUT ABOUT
13 THREE DAYS BEFORE THE JUNE BOARD MEETING.

14 HOWEVER, IF THE PARTIES WERE TO STIPULATE, WE
15 COULD SCHEDULE THE HEARING FOR THE JUNE BOARD
16 MEETING, WHICH HAPPENS TO BE IN PASADENA. AND
17 THAT MAY BE MORE CONVENIENT FOR THE PARTIES. WE
18 WILL BE, AT A FUTURE DATE, COMING BACK WITH SOME
19 PROCEDURES FOR DEALING WITH THESE APPEALS, AND WE
20 JUST -- AS WE RECEIVED THIS APPEAL BASICALLY LESS
21 THAN 30 DAYS AGO, OBVIOUSLY, DIDN'T HAVE TIME TO
22 COME FORWARD WITH SOME PROCEDURES TO DEAL WITH IT.

23 THAT'S REALLY THE EXTENT OF THE
24 COMMENTS I WAS GOING TO MAKE. I UNDERSTAND THAT
25 BOTH PARTIES ARE HERE AND THEY WANT TO MAKE

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1 COMMENTS ABOUT THIS DECISION, SO I THINK THAT, FOR
2 NOW, I'LL SIMPLY DEFER TO THEM. I CAN ANSWER ANY
3 SPECIFIC QUESTIONS YOU MIGHT HAVE AFTER THEIR
4 PRESENTATIONS ARE DONE.

5 CHAIRMAN PENNINGTON: DOES ANYBODY HAVE
6 ANY SPECIFIC QUESTIONS OF ELLIOT? IF NOT, I'LL
7 CALL SUSAN NASH FIRST.

8 MS. NASH: GOOD AFTERNOON. MY NAME IS
9 SUSAN NASH, DEPUTY COUNTY COUNSEL. I REPRESENT
10 THE LOCAL ENFORCEMENT AGENCY.

11 THE LOCAL ENFORCEMENT AGENCY WOULD
12 LIKE TO RESPECTFULLY DISAGREE WITH THE STAFF'S
13 RECOMMENDATION ON THE ISSUE OF WHETHER, IN FACT,
14 YOU CAN HEAR THIS -- HEAR THE ISSUE ABOUT WHETHER
15 TO REJECT THE APPEAL BECAUSE THERE ARE NO
16 SUBSTANTIAL ISSUES. WE DON'T BELIEVE THAT
17 ANYBODY'S DUE PROCESS RIGHTS WILL BE VIOLATED IF
18 THE BOARD DETERMINES NOT TO HEAR THE APPEAL FROM
19 THE WRITTEN DECISION OF THE INDEPENDENT HEARING
20 PANEL.

21 IF THE BOARD CAN DECIDE THE MATTER
22 ON THE BASIS OF THE RECORD BEFORE THE HEARING
23 PANEL ALONE, THEN THE BOARD CAN CERTAINLY DECIDE,
24 AS IS STATED IN THE STATUTE, THAT THE APPELLANT
25 FAILS TO RAISE SUBSTANTIAL ISSUES ON THE BASIS OF

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1 THE APPEAL AND THE WRITTEN DECISION OF THE HEARING
2 PANEL.

3 WE CONTEND IF ANYONE'S DUE PROCESS
4 RIGHTS HAVE BEEN VIOLATED, IT IS ONLY THE LEA AS
5 WE WERE NOT NOTIFIED BY APPELLANT THAT AN APPEAL
6 HAD BEEN FILED BEFORE THE HEARING PANEL'S DECISION
7 ON THE HEARING PANEL'S DECISION. AND WE WAIVE ANY
8 IRREGULARITY THAT THAT MAY HAVE CAUSED.

9 A PLAIN READING OF THE STATUTES
10 MAKES IT CLEAR, AS MY LETTER, WHICH WAS ATTACHED
11 AND THAT I'M SURE THAT YOU HAVE READ, THAT THE
12 APPELLANT FAILED TO RAISE SUBSTANTIAL ISSUES.
13 FURTHER, WE CONTEND THAT THE RECORD IN THIS CASE
14 IS LIMITED TO THE RECORD BEFORE THE HEARING PANEL,
15 WRITTEN OR ORAL ARGUMENTS SUBMITTED BY THE PARTIES
16 IN ANY MATTER WHICH THE BOARD MAY TAKE JUDICIAL
17 NOTICE. THE ROLE OF THE BOARD IN REVIEWING THE
18 WRITTEN DECISION OF THE HEARING PANEL IS LIMITED
19 TO DETERMINING WHETHER OR NOT THERE WAS
20 SUBSTANTIAL EVIDENCE IN THE RECORD, ADMINISTRATIVE
21 RECORD, TO SUPPORT THAT DECISION.

22 THE BOARD'S REVIEW IS NOT A NEW
23 TRIAL, AND THEREFORE, IT IS OUR OPINION THAT NO
24 INFORMATION, NO MATTER HOW RELEVANT IT IS
25 CONSIDERED BY EITHER PARTY, MAY BE SUBMITTED TO

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1 THE BOARD FOR ITS CONSIDERATION IN MAKING THAT
2 DECISION. AND THAT, THEREFORE, THERE IS NO REASON
3 TO HAVE A FULL HEARING ON THIS BECAUSE THE HEARING
4 IS LIMITED TO EVERYTHING THAT'S IN THE ADMINIS-
5 TRATIVE RECORD.

6 BASED ON THAT, WE RESPECTFULLY
7 REQUEST THAT THE BOARD TODAY FIRST DETERMINE NOT
8 TO HEAR THE APPEAL AS APPELLANT FAILS TO RAISE
9 SUBSTANTIAL ISSUES. IF THAT IS NOT YOUR CHOICE,
10 SECOND, THAT YOU SIMPLY DETERMINE THE MATTER ON
11 THE BASIS OF THE RECORD BEFORE THE HEARING PANEL.
12 THIRD, IF YOU DETERMINE NOT TO DO THAT, TO BASE --
13 DECIDE THE MATTER BASED ON A WRITTEN ARGUMENT
14 SUBMITTED BY THE PARTIES AND THE ADMINISTRATIVE
15 RECORD.

16 IF THAT'S YOUR DECISION, WE ASK THAT
17 YOU SET A BRIEFING SCHEDULE AND DETERMINE WHAT,
18 EXACTLY, ARE THE CONTENTS OF THE ADMINISTRATIVE
19 RECORD; I.E., SIMPLY THOSE MATTERS THAT WERE
20 SIMPLY BEFORE THE HEARING PANEL. WE DON'T BELIEVE
21 THAT YOU HAVE TO REACH THE DECISION TO MAKE THE
22 HEARING; BUT IF THAT IS YOUR DECISION, TO HOLD THE
23 HEARING, WE ASK THAT IT BE HELD IN MAY, ON MAY
24 28TH, NOT IN JUNE. AND AGAIN, THAT A

BRIEFING

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25 SCHEDULE BE SET AND THE EVIDENCE SUBMITTED
BE

1 LIMITED TO THE EVIDENCE THAT WAS BEFORE THE
2 HEARING PANEL AND THEIR FINAL DECISION.

3 THANK YOU VERY MUCH FOR YOUR
4 CONSIDERATION OF OUR CONCERNS AND COMMENTS.

5 CHAIRMAN PENNINGTON: THANK YOU. ANY
6 QUESTIONS OF MS. NASH?

7 NEXT WE'LL HEAR FROM LARRY WALKER,
8 COUNTY SUPERVISOR.

9 MR. WALKER: THANK YOU VERY MUCH,
10 MR. CHAIRMAN, MEMBERS OF THE BOARD. PLEASE LEAVE
11 THAT THERE FOR A MOMENT, IF YOU WOULD. I WANT --
12 I ASK THAT TO BE LEFT THERE BECAUSE I WANT TO
13 EMPHASIZE IN RESPECTFUL DISAGREEMENT TO YOUR STAFF
14 COUNSEL THAT YOU DO, IN FACT, HAVE A PROCEDURE FOR
15 THIS QUESTION AND IT'S AS OUTLINED BEFORE YOU.
16 THE FACT IS THERE'S A VERY IMPORTANT BACKGROUND
17 FOR THE FACT THAT THE QUESTION ON APPEAL IS
18 WHETHER ANYTHING NEW HAS BEEN RAISED OR WHETHER
19 YOU'RE SIMPLY BEING ASKED TO DO THE LEA'S JOB, AND
20 THAT IS CONSIDER THE MATTER FROM THE BEGINNING.

21 IF YOU READ THROUGH THE APPEAL,
22 YOU'LL NOTE THAT IT'S SIMPLY A RESTATEMENT, A
23 REARGUMENT OF WHAT WAS ARGUED AT THE EARLIER
24 HEARING. THERE IS NOTHING NEW IN THAT APPEAL.
25 ALL THE ALLEGATIONS THAT WE CONSIDER INCORRECT,

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1 ALL OF THE REPRESENTATIONS REGARDING WHAT IS
2 HAPPENING ON THAT SITE, IT'S ALL THERE AND IT WAS
3 ALL DECIDED IN THE APPEAL. THAT IS THE BASIS THAT
4 WE WOULD SUGGEST TO YOU FOR MAKING A FINDING
5 TODAY, PURSUANT TO YOUR PROCEDURES, SELECTING
6 OPTION NO. 1, OR SELECTING THE FIRST OPTION ON THE
7 OVERHEAD THERE, THAT INDICATES SIMPLY THAT NO
8 SUBSTANTIVE ISSUES HAVE BEEN RAISED.

9 I WOULD LIKE TO -- BY THE WAY, I
10 WANTED TO WELCOME YOU TO OUR CHAMBERS. I WANTED
11 TO MENTION THAT IF I HAD BEEN AROUND WHEN THIS
12 BUILDING WAS DESIGNED, WE WOULD HAVE HAD AT LEAST
13 SEVEN SEATS UP THERE. I DO HOPE YOUR HEARINGS
14 TODAY HAVE BEEN COMFORTABLE AND YOUR EXPERIENCE IS
15 A POSITIVE ONE.

16 I WOULD LIKE TO EMPHASIZE THAT TIME
17 IS CRITICAL IN THIS ISSUE. THIS IS NOT SOMETHING
18 THAT HAS COME UP RECENTLY. THIS IS SOMETHING
19 THAT'S BEEN GOING ON FOR A NUMBER OF YEARS NOW. A
20 LOT HAS HAPPENED. A FEW YEARS AGO YOUR BOARD
21 GRANTED VERMICOMPOSTING AN EXEMPTION FROM THE NEED
22 TO BE LICENSED AS A WASTE FACILITY BECAUSE, AS YOU
23 ENVISIONED IT, VERMICOMPOSTING LACKED THE SAME
24 HEALTH AND SAFETY CONCERNS, SUCH AS FLAMMABILITY
25 AND ODOR, AS OTHER FORMS OF COMPOSTING.

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1 SINCE THEN YOU FOUND OUT THAT WASN'T
2 QUITE TRUE IN ALL CASES. IN FACT, ON FEBRUARY
3 26TH YOU ADOPTED NEW EMERGENCY REGULATIONS TO
4 MODIFY THAT EXCLUSION, TO REQUIRE SOME
5 VERMICOMPOSTING OPERATIONS TO COME UNDER THE
6 JURISDICTION THAT YOU HAD PREVIOUSLY EXEMPTED THEM
7 FROM.

8 ON THAT SAME DATE, IRONICALLY, THE
9 INDEPENDENT HEARING PANEL SIGNED AN ORDER TO
10 PACIFIC SOUTHWEST FARMS ORDERING THEM TO CLEAN UP
11 THE 40,000 TONS OF FOUR-INCH SCREENED WASTE THAT
12 THEY HAD PILED UP ON THIS 55-ACRE SITE. THESE ARE
13 SOME PICTURES THAT WERE TAKEN IN NOVEMBER. WE
14 HAVE A SECOND SET THAT WERE TAKEN IN MARCH AND
15 THEY'RE ABOUT THE SAME. YOU WOULDN'T BE ABLE TO
16 TELL THE DIFFERENCE. I WOULD PUT THEM UP ON
17 REQUEST.

18 THAT ORDER WAS SIGNED AFTER MONTHS
19 OF NOTICES, TWO FIRES, AND A BOARD OF
SUPERVISORS

20 DECISION ON APPEAL FROM THE PLANNING COMMISSION
21 THAT WITHOUT A CONDITIONAL USE PERMIT, THE
22 OPERATION IS AN ILLEGAL LAND USE. AND I WOULD
23 ASSERT TO YOU THAT THE PRESENTATION IN THE
APPEAL

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24 ON THAT POINT IS DEAD WRONG. IN FACT, THERE IS

A

25 CONDITIONAL USE PERMIT REQUIRED FOR THIS USE IN

1 THE AGRICULTURAL PRESERVE, AND WE HAVE NEVER
2 RECEIVED AN APPLICATION FOR THAT CONDITIONAL USE
3 PERMIT.

4 PACIFIC SOUTHWEST FARMS IS WORKING
5 TO RESTORE THE LOOPHOLE THAT YOU SUBSTANTIALLY
6 CLOSED ON FEBRUARY 26TH AND TO BUY TIME IN THIS
7 PROCESS. AND THAT'S WHY THE JURISDICTIONAL ISSUE
8 OF WHETHER THE APPEAL IS APPROPRIATE -- APPROPRI-
9 ATELY HEARD IS AN IMPORTANT ONE BECAUSE TIME IS AN
10 IMPORTANT ISSUE HERE AND DOES HAVE A SUBSTANTIAL
11 IMPACT ON THE SUBSTANCE OF THIS SITUATION.

12 THE INDEPENDENT HEARING PANEL TOLD
13 PACIFIC SOUTHWEST FARMS ESSENTIALLY TO GET THE
14 TRASH OFF THE SITE AND NOT TO ACCEPT ANY MORE
15 TRASH UNLESS THEY HAD A SOLID WASTE FACILITY
16 PERMIT. THEIR ORDER IS CONSISTENT WITH YOUR
17 REGULATIONS. THE APPELLANT HAS FAILED TO OFFER,
18 SAY, SUBSTANTIAL NEW INFORMATION REGARDING THIS
19 ISSUE. THE APPELLANT IS MERELY ASKING YOU TO TAKE
20 OVER THE PROCESS, SUBSTITUTE YOUR PROCESS FOR THAT
21 OF THE LOCAL INDEPENDENT HEARING PANEL, AND TO
22 HEAR THE CASE ANEW, THEREBY INVALIDATING AND
23 UNDERMINING YOUR WHOLE PROCESS OF INDEPENDENT
24 HEARING PANELS ALL OVER THE STATE.

25 A DECISION TO HEAR THIS APPEAL
WOULD

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1 BE 180 DEGREES OPPOSITE OF THE EMERGENCY
2 REGULATIONS YOU ADOPTED IN FEBRUARY, AND I
3 RESPECTFULLY URGE THAT YOU REJECT THE APPEAL AND
4 SUSTAIN THE DECISION THAT WAS MADE PREVIOUSLY ON
5 THE SAME PRESENTATIONS THAT YOU HAVE BEFORE YOU
6 TODAY. THANK YOU VERY MUCH.

7 CHAIRMAN PENNINGTON: THANK YOU,
8 MR. SUPERVISOR, AND THANK YOU FOR LETTING US USE
9 YOUR CHAMBERS TODAY. THEY HAVE BEEN VERY
10 PLEASANT.

11 ANY QUESTIONS OF THE SUPERVISOR?

12 OKAY. NEXT WE HAVE BARRY MEIJER.

13 MR. MEIJER: THANK YOU FOR LETTING ME
14 SPEAK, BOARD MEMBERS. FIRST OF ALL, I WOULD LIKE
15 TO THANK MY SECRETARY FOR ALL OF THIS WORK SHE DID
16 WHILE I WAS OUT OF TOWN.

17 I'M HERE TO ASK YOU TO PLEASE HEAR
18 THIS MATTER, AND THERE ARE THREE REASONS WHY I
19 WANT YOU TO HEAR THE MATTER. THE FIRST ONE GOES
20 TO THE ZONING ISSUES, AS SUPERVISOR WALKER SAYS.
21 OBVIOUSLY, COUNTIES HAVE THE RIGHT TO MAKE CERTAIN
22 ZONING ORDINANCES. WE DON'T HAVE A PROBLEM WITH
23 THAT. WHAT WE HAVE AN ISSUE WITH IS THAT THE
24 COUNTY IS SUPERSEDING THE STATE IN MAKING
25 DECISIONS NOT BASED ON THEIR OWN LAWS, BUT ON

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1 FACTS THAT THEY JUST FEEL ARE RIGHT OR POLICIES
2 THAT THEY STATE ARE IN EXISTENCE WITHOUT THEM EVER
3 BEING WRITTEN DOWN.

4 THE FIRST ISSUE I PRESENT TO YOU IS
5 THE CALIFORNIA FOOD -- THE CALIFORNIA FOOD AND
6 AGRICULTURE CODE 23.7, WHICH IN ITS LAST SENTENCE
7 CLEARLY STATES, "VERMICULTURE AND ITS PROCESSING,
8 PACKAGING, SALE, AND USE OF ITS BYPRODUCTS SHALL
9 BE CONSIDERED A BRANCH OF THE AGRICULTURAL
10 INDUSTRY."

11 THE SECOND ISSUE IS THE CALIFORNIA
12 MARKETING ACT, WHICH CLEARLY SAYS THAT THE
13 PRODUCTION OF VERMICULTURE PRODUCTS IS PART OF
14 AGRICULTURE, WHICH IS CODE 58605. CAN YOU READ
15 THAT NOW? OKAY.

16 THE NEXT ISSUE THAT COMES UP IS LAND
17 USES. WE ARE TOTALLY COMPATIBLE WITH THE LAND
18 USES AS DEFINED BY THE COUNTY OF SAN BERNARDINO.
19 THERE IS NOTHING IN THEIR CODES THAT DOES PROHIBIT
20 WORM FARMING. THE ISSUE IN THE COUNTY DOES NOT GO
21 TO WHETHER WE ARE COMPATIBLE WITH SURROUNDING
22 AGRICULTURE. WE ARE, IN FACT, AGRICULTURE.
23 THEREFORE, THE BOARD OF SUPERVISORS DOES NOT HAVE
24 THE RIGHT TO DETERMINE IF WE'RE COMPATIBLE.
25 AND THE COUNTY CAME TO US AND

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1 REQUESTED A PREAPPLICATION DETERMINATION, AND WE
2 DID, IN FACT, FILE FOR A CONDITIONAL USE PERMIT.
3 IT WAS FILED ON THE 23RD OF MAY, 1996. AND IF YOU
4 LOOK IN YOUR PACKAGE THERE, YOU WILL SEE THAT, IN
5 FACT, WAS DENIED IN OCTOBER. AND WE HAVE APPEALED
6 THAT MATTER.

7 WE SUBSEQUENTLY HAVE RECEIVED A
8 LETTER FROM SUPERVISOR WALKER THAT REALLY GOES TO
9 THE HEART OF THE MATTER, WHETHER WE ARE, IN FACT,
10 ALLOWED TO BE WITHIN THIS ZONING AREA. AND I WILL
11 READ THE SENTENCE TO YOU. I HAD A MEETING WITH
12 SUPERVISOR WALKER IN APPROXIMATELY -- IN FEBRUARY
13 APPROXIMATELY, AND I SAID, WHAT ARE THE MAJOR
14 ISSUES? THE FIRST ISSUE WAS THAT WE WERE A
15 NONDAIRY USE IN WHAT HE CALLED A DAIRY PRESERVE.
16 THE SECOND ISSUE WAS THAT WE WOULD BRING IN WASTE
17 INTO, AS HE CALLS IT, THE DAIRY PRESERVE.

18 AND SUPERVISOR WALKER WAS KIND
19 ENOUGH TO SEND A RESPONSE, WHICH I HAVE INCLUDED
20 IN YOUR PACKAGE, TO MY CONSULTANT AND IT BASICALLY
21 READS AS FOLLOWS: "THE SECOND QUESTION YOU RAISED
22 WITH REGARD TO DOCUMENTATION OF A TEN-YEAR GREEN
23 WASTE POLICY FOR THE DAIRY PRESERVE, I DO NOT
24 BELIEVE THAT YOU WILL FIND ANY ONE DOCUMENT TO
25 SUPPORT THIS POLICY. RATHER, YOU MAY REVIEW THE

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1 APPLICATIONS FILED OVER THE PAST TEN-YEAR PERIOD
2 TO DETERMINE THE NUMBER OF APPLICATIONS APPROVED
3 FOR THE GREEN WASTE COMPOSTING AND THE DAIRY
4 PRESERVE. HOWEVER, YOUR APPLICATION, YOU MAY HAVE
5 SOME DIFFICULTY IN LOCATING ANY APPLICATIONS.
6 MOST APPLICATIONS SIMPLY DO NOT FILE THE FORMAL
7 APPLICATION WHEN THEY HAVE LEARNED THAT THE USE IS
8 NOT ALLOWED. HOWEVER, IF YOU WISH TO PURSUE THIS,
9 TALK TO" SO AND SO.

10 AT THE HEART OF THIS MATTER IS THAT
11 SUPERVISOR WALKER BELIEVES THAT WE SHOULD NOT BE
12 ABLE TO FEED OUR WORMS GREEN WASTE, THAT HE FEELS
13 THAT THAT IS A VIOLATION OF A POLICY THAT IS NOT
14 WRITTEN, BUT A POLICY THAT HE HIMSELF OR SOMEBODY
15 HAS JUST ESTABLISHED THAT IS OUT THERE. THAT
16 POLICY IS IN TOTAL CONFLICT WITH THE GENERAL PLAN
17 OF THE COUNTY OF SAN BERNARDINO, SW-6, WHICH SAYS
18 CLEARLY THAT THE COUNTY SHOULD ENCOURAGE THE
19 TAKING OF ORGANIC MATERIAL TO BE USED WITH COW
20 MANURE TO DISPOSE OF MATERIAL.

21 AND THAT IS MY FIRST REASON IS I
22 BELIEVE THAT THE REASON WE ARE BEING PROSECUTED IS
23 THE COUNTY SUPERVISOR BELIEVES THERE SHOULD BE NO
24 WASTE COMING INTO THE DAIRY PRESERVE OR
25 AGRICULTURE PRESERVE, AS IT IS CORRECTLY CALLED.

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1 THE COUNTY TOOK US TO THE LOCAL SUPERIOR COURT AND
2 WON. I'VE INCLUDED THAT IN YOUR PACKAGE. WE
3 APPEALED THAT TO THE APPELLATE COURT.

4 THE APPELLATE COURT CAME BACK WITH
5 THE RULING THAT SAYS TO THE COUNTY THERE ARE TWO
6 ITEMS. ONE IS YOU NEED TO EXPLAIN TO US UNDER
7 WHAT LAWS UNDER THE WILLIAMSON ACT DID YOU CREATE
8 A PRESERVE THAT -- AN AGRICULTURAL PRESERVE
9 LIMITED TO DAIRYING. AND SECONDLY, WHAT PAPERWORK
10 DID YOU FILL OUT TO CREATE A DAIRY PRESERVE.

11 THE RESPONSE TO THE COUNTY TO THE
12 APPELLATE COURT WAS THERE ARE A LOT OF COWS OUT
13 THERE, ESSENTIALLY, AND THEREFORE IT'S A DAIRY
14 PRESERVE. WE FUNDAMENTALLY DISAGREE WITH THAT.
15 THEREFORE, WE HAVE BEEN PERSECUTED BY THE LEA
16 BASED PURELY ON THE DECISION BY SUPERVISOR WALKER.

17 THEN I GO TO MY SECOND ISSUE.

18 CHAIRMAN PENNINGTON: MR. MEIJER, I DON'T
19 WANT TO INTERRUPT YOU, BUT WE REALLY WANT TO KEEP
20 TO THE ISSUE THAT WHETHER WE SHOULD HEAR IT OR
21 NOT, NOT THE MERITS OF THE HEARING. OKAY?

22 MR. MEIJER: I'M NOT -- SIR, I'M JUST
23 SAYING THAT THAT WAS ONE OF THE REASONS BECAUSE, I
24 MEAN, THERE'S A DECISION NOT TO BRING GREEN WASTE
25 INTO THE COUNTY. AND THAT IS WHAT -- THE SECOND

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1 ISSUE THAT OBVIOUSLY GOES TO THE MERIT HERE IS
2 THERE WAS A HEARING SET BY AN INDEPENDENT HEARING
3 PANEL. THE INDEPENDENT HEARING PANEL WAS -- THERE
4 WAS A PROTOCOL ESTABLISHED. SORRY. AND IN THE
5 PROTOCOL WE WERE NOT ALLOWED TO BRING UP ANY
6 EVIDENCE OTHER THAN THE FACT THAT DID WE, IN FACT,
7 COMPLY WITH THE NOTICE AND ORDERS.

8 THE PROTOCOL CLEARLY STATES THAT THE
9 ONLY ISSUE BEFORE THE INDEPENDENT BOARD IS NOT
10 WHETHER WE ARE A SOLID WASTE FACILITY OR ANYTHING
11 LIKE THAT. THE ONLY ISSUE BEFORE THE INDEPENDENT
12 BOARD WAS DID WE COMPLY WITH THE LEA'S DECISION OF
13 A NOTICE AND ORDERS. IT IS MY OPINION THAT THAT
14 RESTRICTION TOTALLY VIOLATED OUR RIGHT TO DUE
15 PROCESS. AND THEREFORE, THE ISSUES THAT WE HAVE
16 RAISED WITH THE BOARD ARE, IN FACT, SUBSTANTIVE
17 ISSUES THAT WE COULD NOT RAISE BEFORE THE
18 INDEPENDENT HEARING PANEL. THE INDEPENDENT
19 HEARING PANEL WAS, IN MY OPINION, BECAUSE OF THE
20 PROTOCOL, INFORMED THAT YOU ARE GUILTY BEFORE WE
21 EVEN GOT THERE.

22 THANK YOU VERY MUCH.

23 CHAIRMAN PENNINGTON: THANK YOU. ANY
24 QUESTIONS OF MR. MEIJER?
25 IF NOT --

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1 MR. WALKER: MR. CHAIRMAN, IF I MAY, I
2 DON'T WANT TO BELABOR THE SITUATION, BUT I WANT TO
3 CORRECT A MISTAKE I MADE IN MY PRESENTATION. THE
4 CUP WAS FILED, AS A PERSON WOULD HAVE TO FILE FOR
5 A DAIRY OR ANY OTHER AGRICULTURAL USE, AND IT WAS
6 DENIED. I SPOKE INCORRECTLY WHEN I SAID IT HAD
7 NOT BEEN FILED. I WAS REFERRING TO AN EARLIER
8 PROCESS THAT I HAD LUMPED TOGETHER IN MY MIND.

9 CHAIRMAN PENNINGTON: THANK YOU.

10 UVALDO MARTINEZ?

11 MR. MARTINEZ: THANK YOU, MR. CHAIRMAN,
12 MEMBERS OF THE BOARD. MY NAME IS UVALDO MARTINEZ,
13 4811 CIRCLE DRIVE, SAN DIEGO, CALIFORNIA. I'M A
14 CONSULTANT TO PACIFIC SOUTHWEST FARMS. I THINK
15 THE REASON YOU NEED TO HEAR THIS APPEAL IS A
16 FUNDAMENTAL ONE, AND THAT IS THE BASIC LAND USE
17 ASSOCIATED WITH THIS PROJECT IS AGRICULTURE.
18 STATE LAW SCREAMS THAT IT'S AGRICULTURE.

19 THE COUNTY OF SAN BERNARDINO HAS
20 TAKEN AN ARBITRARY AND QUITE CAPRICIOUS APPROACH
21 TO THIS WHOLE MATTER, FAILING IT BY DENYING THE
22 CONDITIONAL USE PERMIT, WHICH IS PRESENTLY UNDER
23 LITIGATION. WE HAVE COME BACK WITH A FAVORABLE
24 RULING FROM THE APPELLATE COURT AT THIS POINT
25 STAYING THEIR EXECUTION. SO NOW, FAILING THAT,

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1 NOW WE'RE A TRANSFER STATION BECAUSE WE FEED OUR
2 WORMS AND THEY DON'T EAT TIN CANS, SO THEREFORE
3 THE TIN CANS HAVE TO BE TRANSPORTED BACK TO THE
4 FILL.

5 ALL FEED FOR ALL AGRICULTURAL STOCK
6 HAS TO BE PROCESSED IN SOME MANNER ON SITE, AND
7 THAT'S EVEN WITH PRECIOUS DAIRIES LOCATED IN THE
8 AREA. THEY DO NOT FEEL THEIR CATTLE OR THEIR COWS
9 EAT STRAIGHT STRAW. IT HAS TO BE MIXED,
10 PROCESSED, ETC., ON SITE. HOW IS THIS ACTIVITY
11 ANY DIFFERENT THAN IMPORTING FEED TO FEED CATTLE
12 THAT GENERATE ANOTHER AGRICULTURAL COMMODITY,
13 MILK, WHERE WE FEED WORMS WHO GENERATE SOMETHING
14 CALLED WORM CASTINGS, WHICH IS A GROWING INDUSTRY
15 IN THE STATE OF CALIFORNIA. IS IT BEING PROMOTED
16 BY THE STATE LEGISLATURE AS A FUTURE GROWTH
17 INDUSTRY IN THIS STATE.

18 WE HAVE ALREADY DONE PRELIMINARY
19 MARKETING AND IDENTIFIED A MARKET IN JAPAN. WE
20 ARE ATTEMPTING TO GET TEST MARKETS IN THE STATE OF
21 CALIFORNIA IN THE WINE INDUSTRY. WE HAVE ALREADY
22 PRELIMINARY TEST RESULTS FROM AUSTRALIA WHICH SHOW
23 IT INCREASES THEIR PRODUCTIVITY. AN IMPORTANT
24 PRODUCT, AN IMPORTANT INDUSTRY, TOXIC FREE,
25 ENVIRONMENTALLY SENSITIVE TO THE STATE OF

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1 CALIFORNIA, AND WE HAVE A COUNTY ARBITRARILY
2 TAKING THE POSITION THAT YOU ARE NOT AN AG USE AND
3 WE DON'T WANT YOU.

4 IT'S NOT ONLY AGAINST STATE LAW IN
5 TERMS OF THE CODE 23.7. IT'S JUST NOT RIGHT. SAN
6 DIEGO, CALIFORNIA, WE'VE ALREADY MADE SOME
7 PRELIMINARY INQUIRIES TO SAN DIEGO COUNTY. WE
8 FALL INTO ANIMAL RAISING ACTIVITY. THE PARTICULAR
9 ZONE THAT WE WERE LOOKING AT WAS AGRICULTURE IN
10 SAN DIEGO COUNTY. WE WERE TOLD THAT BECAUSE YOU
11 HAVE MORE THAN 25 WORMS, BECAUSE YOU'RE IN THE
12 SMALL ANIMAL AGRICULTURAL ZONE, MORE THAN 25
13 WORMS, YOU MUST HAVE -- YOU MUST GO THROUGH A
14 PERMIT PROCESS. WE COME TO SAN BERNARDINO, NOW
15 WE'RE TOLD WE NOT ONLY DON'T WANT YOU, BUT YOU'RE
16 A TRASH PLANT, SO YOU'VE GOT TO HAVE A TRASH
17 PERMIT. AND FURTHERMORE, YOU'RE NOT ONLY A
18 TRANSFER STATION, WE'RE GOING TO HIT YOU WITH A
19 TENTATIVE COMPLAINT, YOU ARE NOW A LANDFILL.

20 SO IF YOU DON'T HEAR THIS APPEAL,
21 WE'RE GOING TO HAVE THESE PROBLEMS THROUGHOUT THE
22 STATE OF CALIFORNIA BECAUSE THIS IS A GROWING
23 INDUSTRY. IT NEEDS TO BE ADDRESSED AT THIS
LEVEL.

24 BAKERSFIELD, WE ARE UP AND OPERATING.

BAKERSFIELD

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25 SAYS YES. SAN DIEGO COUNTY SAYS YOU HAVE MORE

1 THAN 25 WORMS, SO WE NEED TO DO SOMETHING ELSE
2 WITH YOU. HERE IN SAN BERNARDINO WE'RE TOLD
3 YOU'RE A LANDFILL, YOU'RE A TRANSFER STATION FOR
4 TRASH.

5 BUT DAIRIES ARE OKAY. YOU CAN
6 IMPORT FEED, YOU CAN FEED THE CATTLE, YOU CAN
7 GENERATE MILK, BUT WE CAN'T HAVE AN ONGOING
8 GROWING ACTIVITY IN THE STATE OF CALIFORNIA
THAT'S

9 BEING PROMOTED BY THE STATE. IT'S SPECIFICALLY
10 IDENTIFIED IN THE AGRICULTURE CODE. THAT'S WHY
11 YOU SHOULD HEAR IT BECAUSE IT'S THE RIGHT THING
12 TO
13 DO AND THIS BATTLE NEEDS TO BE FOUGHT NOW.

14 I THINK THAT THE LOCAL
15 JURISDICTIONS
16 NEED TO KNOW, NEED TO UNDERSTAND THAT THIS IS AN
17 IMPORTANT INDUSTRY TO THE FUTURE OF THE STATE OF
18 CALIFORNIA. AND IF WE REQUIRE DEVELOPMENT
19 STANDARDS WITHIN ANY ZONE, WE'RE AMENABLE TO
20 THOSE
21 THINGS BECAUSE THAT'S REASONABLE. IT FALLS
22 WITHIN
23 THE CODE, WITHIN THE PROTECTION OF HEALTH AND
24 SAFETY AND GENERAL WELFARE GRANTED BY THE STATE

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OF

21 CALIFORNIA, LOCAL JURISDICTIONS TO PROVIDE FOR
22 THEIR LOCAL CITIZENS.

23 BUT I THINK THE LOCAL JURISDICTIONS
24 NEED TO REMEMBER THIS, AND AS A FORMER ELECTED
25 OFFICIAL, I DO. NO MATTER HOW BLATANT WE WERE IN

1 THE CITY OF SAN DIEGO, AND WE'RE KNOWN FOR BEING
2 VERY CREATIVE IN LAND USE REGULATIONS IN THE CITY
3 OF SAN DIEGO, STATE LAW PREVAILED. FOR SOME
4 REASON IT MATTERED. AND IN THIS PARTICULAR CASE
5 IT DOESN'T.

6 SO I THINK THAT THE ISSUE IS ONE
7 THAT CRIES TO BE HEARD AT THIS LEVEL. IF, IN
8 FACT, THERE'S A THRESHOLD IN WHICH VERMICULTURE
9 WILL PENETRATE AND BECOME A TRANSFER STATION OR
10 BECOME A LANDFILL, I THINK YOU ARE THE BODY THAT
11 NEEDS TO DEFINE THAT IN YOUR EMERGENCY
12 REGULATIONS.

13 I'VE ALREADY BEEN TOLD BY EXPERTS IN
14 THE FIELD THAT THE NUMBER THAT YOU'RE PROPOSING IN
15 YOUR EMERGENCY REGS WILL LITERALLY STARVE OUR
16 STOCK. I DON'T KNOW OF ANY REGULATION IN YOUR
17 REGS THAT PERMITS DAIRY CATTLE BEING STARVED OR
18 ANY OTHER LIVESTOCK. SO IF THERE'S AN ISSUE THAT
19 NEEDS TO BE HEARD BEFORE THIS BOARD, THIS ONE
20 SCREAMS FOR IT. IT NEEDS TO BE RESOLVED AT THIS
21 PARTICULAR LEVEL.

22 THANK YOU VERY MUCH.

23 CHAIRMAN PENNINGTON: THANK YOU. ANY
24 QUESTIONS OF MR. MARTINEZ?
25 OKAY. AND FINALLY, WE HEAR FROM

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1 GEORGE HAHN.

2 MR. HAHN: THANK YOU, BOARD. I
3 APPRECIATE YOUR SUPPORT OF THE VERMICULTURE
4 INDUSTRY. I AM ON THE OTHER SIDE. I'M LIKE THE
5 KILNS THAT ARE TAKING THE TIRES. I'M BUYING THE
6 CASTINGS AND THEY HAVE A REAL VALUE. THE TESTING
7 DONE BY CORNELL AND OHIO STATE SHOWS THAT THEY'RE
8 ESSENTIALLY TEN TIMES MORE VALUABLE THAN
9 FERTILIZER. IN THE TOBACCO INDUSTRY, FOUR TONS OF
10 CASTINGS HAD A ONE-THIRD INCREASE IN PRODUCTION IN
11 THE TOBACCO INDUSTRY, MORE THAN 35 TONS OF
12 FERTILIZER. THE SAME THING IS BEING SHOWN IN THE
13 WINE INDUSTRY AND THE ALMOND INDUSTRY AND EVERY
14 PLACE THAT THEY'VE USED THE CASTINGS. SO THERE IS
15 A MARKET.

16 THE PROBLEM HAS BEEN PREVIOUSLY THAT
17 NOT ENOUGH PRODUCT HAS BEEN MADE TO BE ABLE TO
18 COMMERCIALY MARKET IT. I'VE BEEN TO A LOT OF
19 FACILITIES. THIS IS THE FIRST ONE THAT CAN MAKE
20 ENOUGH PRODUCT -- THEY HAVE THE CAPACITY TO MAKE,
21 I BELIEVE, OVER 500 TONS OF CASTINGS A DAY. NOW,
22 THAT MAY SOUND LIKE A LOT OF MATERIAL, BUT THE
23 MARKETS THAT ARE IN PLACE RIGHT NOW, THE PEOPLE
24 THAT ARE REQUESTING THIS, THIS COULD EASILY EXCEED
25 2,000 TONS A DAY OF CASTINGS GOING OUT AND BEING

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1 USED IN OTHER AGRICULTURE USES. PLEASE HEAR THIS
2 CASE SO THAT THIS PRODUCT CAN BE TAKEN AND USED IN
3 CALIFORNIA AGRICULTURE AND REALLY IMPROVE THE
4 AGRICULTURE IN THE STATE.

5 THANK YOU VERY MUCH.

6 MR. MARTINEZ: MR. CHAIRMAN, JUST ONE
7 FINAL COMMENT. IN MY RUSH TO LEAVE THE
8 MICROPHONE, WHICH I GENERALLY DON'T DO, YOU WERE
9 VERY FORTUNATE, THE CLIENT AND I WOULD LIKE TO
10 TAKE POSITION SUPPORTING STAFF, AND WE WOULD ALSO
11 STIPULATE TO THEIR TIME FRAME. WE BELIEVE THAT
12 THEY'RE ON THE RIGHT TRACK.

13 CHAIRMAN PENNINGTON: THANK YOU.

14 GENTLEMEN, LADIES, ANY QUESTIONS?

15 MR. WALKER?

16 MR. WALKER: MR. CHAIRMAN, IF I CAN REBUT
17 ON A COUPLE OF POINTS AND INFORM THE BOARD MORE
18 SPECIFICALLY. FIRST OF ALL, WE'RE NOT -- THE
19 COUNTY'S NOT --

20 CHAIRMAN PENNINGTON: THE ONLY THING, I
21 DON'T WANT TO GET A DEBATE GOING HERE.

22 MR. WALKER: NO. I'M GOING TO PRETTY
23 MUCH LIMIT MYSELF TO TALKING ABOUT WHAT'S BEEN
24 SAID ALREADY. I'M NOT GOING TO RAISE ANY NEW
25 POINTS OTHER THAN THE FACT THAT FROM THE COUNTY'S

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1 PERSPECTIVE, WE'RE NOT IN A POSITION TO STIPULATE
2 TO ANY EXTENSIONS OF TIME BEYOND THE STATUTORY
3 LIMITATIONS.

4 IF YOU SORT OUT THE APPELLANT'S
5 ATTEMPT TO LITIGATE THE LAND USE ISSUE, WHICH
6 OBVIOUSLY IS NOT GERMANE TO THIS PROCEEDING, YOU
7 DON'T HAVE MUCH LEFT. THAT PROCEDURE IS, IN FACT,
8 IN LITIGATION. CONTRARY TO WHAT YOU JUST HEARD,
9 THE MATTER HAS BEEN STAYED AT THE APPEALS COURT
10 LEVEL ON AN EX PARTE PROCEDURE, AND THE COUNTY WAS
11 THEN, FOLLOWING THAT ORDER, GIVEN THE OPPORTUNITY
12 TO RESPOND. SO THERE'S BEEN NO ENGAGING OF THE
13 ISSUE AT THE APPELLATE COURT LEVEL, BUT I
14 ACKNOWLEDGE THAT'S NOT BEFORE YOU.

15 I WOULD LIKE TO EMPHASIZE THAT FROM
16 THE APPELLANT'S OWN REPRESENTATIVE YOU HEARD THAT
17 YOUR INTERIM REG -- THAT YOUR EMERGENCY REGULA-
18 TIONS THAT I REFERRED TO FROM FEBRUARY 26TH WOULD,
19 IN FACT, LIMIT THIS OPERATION BELOW THE LEVEL THAT
20 IT'S BEING OPERATED AT. THE ISSUE ISN'T ABOUT
21 AGRICULTURE HERE. THE ISSUE IS THAT THIS WOULDN'T
22 BE BEFORE YOU IF IT WASN'T A FACILITY PROCESSING
23 MUNICIPAL SOLID WASTE. THAT'S WHY YOU HAVE
24 JURISDICTION, AND THAT'S HOW THE COUNTY'S LEA HAS
25 RESPONDED, PURSUANT TO YOUR REGULATIONS AND

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1 CONSISTENT WITH THE EMERGENCY REGULATIONS YOU HAVE
2 ADOPTED. THERE'S NOTHING NEW, YOU HEARD NOTHING
3 NEW FROM THE APPELLANT TODAY THAT WASN'T HEARD AT
4 THE LEA. THERE'S NO LEGAL BASIS FOR THIS APPEAL.

5 CHAIRMAN PENNINGTON: THANK YOU.

6 BOARD MEMBER JONES: MR. CHAIRMAN.

7 CHAIRMAN PENNINGTON: MR. JONES.

8 BOARD MEMBER JONES: I THINK I WANT TO
9 MAKE A MOTION THAT WE DETERMINE TO ACCEPT THE
10 APPEAL AND HOLD THE HEARING WITHIN 60 DAYS UNLESS
11 ALL THE PARTIES STIPULATE TO EXTENDING THE HEARING
12 DATE.

13 BOARD MEMBER GOTCH: SECOND.

14 CHAIRMAN PENNINGTON: ANY DISCUSSION?

15 THERE BEING NO DISCUSSION, WILL THE
16 SECRETARY CALL THE ROLL?

17 BOARD SECRETARY: BOARD MEMBER CHESBRO.

18 BOARD MEMBER CHESBRO: NO.

19 BOARD SECRETARY: FRAZEE.

20 BOARD MEMBER FRAZEE: AYE.

21 BOARD SECRETARY: GOTCH.

22 BOARD MEMBER GOTCH: AYE.

23 BOARD SECRETARY: JONES.

24 BOARD MEMBER JONES: AYE.

25 BOARD SECRETARY: RELIS.

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1 BOARD MEMBER RELIS: AYE.

2 BOARD SECRETARY: CHAIRMAN PENNINGTON.

3 CHAIRMAN PENNINGTON: AYE.

4 MOTION CARRIES.

5 OKAY. 23 IS ANOTHER TIRE
6 ALLOCATION -- 23 IS ANOTHER TIRE ALLOCATION FOR
7 NEXT YEAR. IT'S NOW 5:15. THE MELP AND OXFORD
8 PEOPLE HAVE BEEN HERE ALL DAY. I ASSUME THEY ARE
9 GOING TO SPEND THE NIGHT THOUGH NOW. WHAT'S YOUR
10 PLEASURE? DO YOU WANT TO TRY TO TAKE ONE OF THEM
11 UP TONIGHT AND ROLL OVER UNTIL TOMORROW WITH THE
12 TIRE ALLOCATION?

13 MR. CHANDLER: MR. CHAIRMAN, I WOULD
14 INDICATE THAT I KNOW THERE'S A LOT OF PEOPLE IN
15 THE AUDIENCE THAT HAVE COME IN FOR THE TIRE
16 ALLOCATION; AND IF YOU'RE SENSITIVE TO THE
17 SCHEDULES AND THE IMPACT ON PEOPLE'S SCHEDULES,
18 YOU MIGHT WANT TO CONSIDER --

19 CHAIRMAN PENNINGTON: OKAY. I'M --

20 BOARD MEMBER CHESBRO: IT'S ALSO A
21 QUESTION OF TRYING TO FIGURE OUT WHAT WE'RE MOST
22 LIKELY TO COMPLETE IN A HALF HOUR OR 45 MINUTES, I
23 GUESS.

24 MR. CHANDLER: THAT'S A GOOD POINT, TOO.

25 CHAIRMAN PENNINGTON: WELL, CERTAINLY, WE

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1 OUGHT TO BE ABLE TO DO THE TIRE ALLOCATION IN TWO
2 OR THREE HOURS. OKAY. WE'LL TRY TO DO THAT. AND
3 THEN ONCE WE'VE DONE THIS, WE'LL HAVE TO ROLL OVER
4 UNTIL TOMORROW THE REMAINDER.

5 CONSIDERATION OF THE 1997/98 WASTE
6 TIRE MANAGEMENT PROGRAM FUNDING ALLOCATION.

7 MR. CHANDLER, WERE YOU GOING TO DO
8 THIS?

9 MR. CHANDLER: I WILL CALL ON STAFF AS WE
10 HAVE IN THE PREVIOUS ITEM ON THE ALLOCATION OF THE
11 UNSPENT DOLLARS IN THE CURRENT YEAR. CAREN
12 TRGOVCICH, IT LOOKS LIKE, IS READY AT THE MIKE TO
13 BEGIN TO INTRODUCE THE ITEM AND WALK US THROUGH
14 THE STAFF RECOMMENDATIONS, AS WELL AS THE
15 COMMITTEE RECOMMENDATIONS. SO, CAREN, WILL YOU DO
16 THAT?

17 MS. TRGOVCICH: I THINK WHAT I'M GOING TO
18 DO, IN THE INTEREST OF TIME, IS I THINK WE CAN
19 PROBABLY STREAMLINE THE PRESENTATION TO BASICALLY
20 SUMMARIZE FOR YOU THAT FOR PURPOSES OF FISCAL YEAR
21 1997/98, THERE WERE -- AND I DON'T HAVE THE EXACT
22 DOLLAR FIGURE IN FRONT OF ME BECAUSE I'M TRYING TO
23 CUT THIS DOWN AS MUCH AS POSSIBLE, BUT THERE WAS
24 APPROXIMATELY \$8 AND A HALF MILLION AVAILABLE,
25 BASED UPON EITHER FUNDING OR ALLOCATIONS

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1 IDENTIFIED AS NONDISCRETIONARY IN NATURE. THAT
2 LEAVES AVAILABLE FOR THE BOARD'S CONSIDERATION THE
3 ALLOCATION OF FUNDS TOTALING, I BELIEVE,
4 \$7,353,000.

5 AND WHAT I HAVE PUT UP ON THE SCREEN
6 FOR YOU IS AN IDENTIFICATION OF THE ALLOCATIONS
7 THAT THE COMMITTEE, THE POLICY, RESEARCH, AND
8 TECHNICAL ASSISTANCE COMMITTEE, CONSIDERED AND
9 VOTED ON AT ITS APRIL COMMITTEE MEETING.

10 I WOULD LIKE TO POINT OUT FOR
11 PURPOSES OF CLARIFICATION, BECAUSE I THINK THAT WE
12 TEND TO CONFUSE TERMS A LOT, IS THAT WHAT YOU SEE
13 IS AN ORGANIZATIONAL DELINEATION OF ACTIVITIES UP
14 ON THE SCREEN. THE ITEMS REFLECTED UNDER
15 PERMITTING AND ENFORCEMENT ARE THOSE ACTIVITIES
16 WHERE THE PERMITTING AND ENFORCEMENT DIVISION IS
17 IDENTIFIED AS LEAD. THE ACTIVITIES IDENTIFIED
18 UNDER MARKET DEVELOPMENT ARE THOSE ACTIVITIES
19 WHERE THE MARKET DEVELOPMENT DIVISION MAY BE LEAD,
20 AS IS THE CASE WITH THE, FOR EXAMPLE, CCC LCC
21 GRANT PROGRAM.

22 UNDER MARKET DEVELOPMENT, ONE OF THE
23 PURPOSES OF THOSE -- THAT PROGRAM WILL BE TO SERVE
24 DISPOSAL CLEANUP PURPOSES. AS WITH UNDER
25 PERMITTING AND ENFORCEMENT, IF YOU LOOK AT THE

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1 STABILIZATION AND REMEDIATION, FOR EXAMPLE, WHERE
2 THE BOARD HAS DIRECTED THAT THE TIRES BE DIRECTED
3 TOWARDS AN END USE, THAT WOULD IN ITSELF SERVE THE
4 MARKET DEVELOPMENT FUNCTION AS WELL AS THE
5 DISPOSAL CLEANUP FUNCTION.

6 SO I JUST WANTED TO CLARIFY FOR THE
7 RECORD THAT THIS REPRESENTS AN ORGANIZATIONAL
8 DELINEATION, NOT A FUNCTIONAL DELINEATION. WE
9 WOULD BE HAPPY, BOTH DOROTHY AND MYSELF, TO ANSWER
10 ANY OF THE QUESTIONS THAT YOU HAVE ON ANY OF THE
11 ITEMS. IF YOU WOULD LIKE US TO MAKE A PRESENTA-
12 TION LINE BY LINE, WE CAN CERTAINLY DO THAT AS
13 WELL.

14 CHAIRMAN PENNINGTON: OKAY. ANY
15 QUESTIONS OF STAFF?

16 OKAY. WE HAVE TWO SPEAKERS FROM THE
17 AUDIENCE THAT WOULD LIKE TO ADDRESS THE ISSUE.
18 FIRST, MICHAEL GERSICK.

19 MR. GERSICK: THANK YOU, CHAIRMAN
20 PENNINGTON AND MEMBERS. CAN YOU WAVE SO I CAN SEE
21 WHERE YOU ARE APPROXIMATELY.

22 CHAIRMAN PENNINGTON: WE DON'T WANT YOU
23 TO KNOW WHERE WE ARE.

24 MR. GERSICK: I CAN ALWAYS FIND YOU. THE
25 COUNTY OF SAN BERNARDINO IS THE LARGEST COUNTY IN

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1 CALIFORNIA, AND I PRESUME WHAT THE PHILOSOPHY IS
2 THAT IF YOU'VE GOT THE SPACE, YOU MAY AS WELL DAMN
3 WELL USE IT. EITHER THAT OR THE SUPERVISORS OF
4 THE FAIR COUNTY FEEL THE NEED TO KEEP THEMSELVES
5 SECURELY REMOTE FROM THEIR CONSTITUENTS. BUT I
6 KNOW YOU'RE THERE BECAUSE I HEARD YOU A FEW
7 MINUTES AGO.

8 VERY QUICKLY, WE'RE HERE TODAY FOR
9 THE PURPOSE, I HOPE, OF CLARIFICATION. THE PACE
10 WHICH THE BOARD IS OBSERVING THIS YEAR IN THE
11 DETERMINATION OF ITS WASTE TIRE MANAGEMENT BUDGET
12 ALLOCATIONS IS TRULY DIZZYING, AND WE -- AND I
13 WILL TELL YOU WHO WE ARE IN JUST A MOMENT -- ARE
14 HAVING A BIT OF A HARD TIME KEEPING UP WITH THE
15 RATHER INCREDIBLE EFFICIENCY THAT THE BOARD HAS
16 DISPLAYED.

17 THE ONE THAT I REFER TO IS THE
18 CALIFORNIA TIRE RECLAMATION COUNCIL. THE COUNCIL
19 IS THE CREATION OF AND DEDICATED TO INCREASING THE
20 USE OF TIRE-DERIVED FUEL AT FIVE FLUIDIZED BED
21 COMBUSTER EQUIPPED CURRENTLY SOLID FUELED
22 CO-GENERATION FACILITIES WHICH PROVIDE PROCESSED
23 STEAM TO INDUSTRIAL HOSTS AND SELL ELECTRICITY TO
24 THE GRID.

25 THESE FIVE FACILITIES ARE LOCATED IN

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1 TWO LOCALES. TWO OF THEM ARE LOCATED IN STOCKTON;
2 THREE OF THEM ARE LOCATED IMMEDIATELY OUTSIDE OF
3 BAKERSFIELD. THE REASON WHY THE CURRENT
4 COAL-FIRED OR SOLID-FUELED CO-GENERATION INDUSTRY
5 IS CONSIDERING WASTE TIRE USE, I HOPE, IS
6 REASONABLY OBVIOUS.

7 VERY QUICKLY, IT IS AN EXCELLENT
8 TECHNOLOGICAL FIT. THE COMBUSTION TECHNOLOGY
9 CURRENTLY IN PLACE WAS DESIGNED TO USE SOLID FUEL.
10 IT HAS PROVEN IN SOME OTHER LOCATIONS TO BE
11 SUITABLE FOR TDF. THE SOLID FUEL HANDLING SYSTEM
12 IS IN PLACE, HAVE HAD YEARS OF EXPERIENCE AND HAVE
13 BEEN TRIED AND PROVEN. THE INFRASTRUCTURE IS IN
14 PLACE, THAT IS, TRUCK AND/OR RAIL. OFF LOADING
15 FACILITIES EXIST.

16 WHAT REMAINS, GENTLEMEN AND LADY,
17 BETWEEN THESE FIVE FACILITIES IN THEIR CURRENT
18 MODE AND THESE FIVE FACILITIES AS THE COLLECTIVE
19 USERS OF 10 MILLION TIRES A YEAR, 10 MILLION TIRES
20 A YEAR, ARE REGULATORY ISSUES WHICH WE ARE
21 CONFIDENT WILL BE RESOLVED AND ECONOMIC ISSUES
22 WHICH REMAIN TO BE ADDRESSED. THE INCENTIVES TO
23 UNDERTAKE THE NECESSARY MODIFICATIONS AND STEP
24 AWAY TO SOME DEGREE -- STEP AWAY FROM THE
25 CONVENTIONAL FAMILIAR AND CURRENTLY PERMITTED

FUEL

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1 STREAMS WHICH THOSE FIVE FACILITIES USE TO THE
2 MORE UNFAMILIAR AND ARGUABLY SOMEWHAT ECCENTRIC
3 MARKETS OF WASTE TIRES ARE PURELY ECONOMIC.

4 AT THIS TIME THE ECONOMICS LOOK VERY
5 POSITIVE, BUT THERE ARE ISSUES THAT REMAIN AND THE
6 SINGLE ISSUE AND THE ONE WHICH I BELIEVE THIS
7 BOARD MAY BE MOST INTERESTED IN FACILITATING IS
8 THE QUESTION OF WHETHER THESE FACILITIES CAN
9 ECONOMICALLY USE LEGACY TIRE TDF.

10 WITHIN A YEAR WE EXPECT TO BE
11 PERMITTED TO USE TDF AT THE FACILITIES. THE
12 INDUSTRY, BASED ON CURRENT LITERATURE AND
13 EXPERIENCE ELSEWHERE, BELIEVES IT KNOWS THE
14 OPTIMAL SIZE OF THE TDF FOR THE PARTICULAR
15 HARDWARE THAT THESE FACILITIES OPERATE. THE
16 QUESTION, OR RATHER THE OPPORTUNITY, IS WHETHER
17 THE COMBUSTION OF LEGACY TIRE TDF CAN BE
18 ECONOMICALLY COMPETITIVE WITH OTHER FUEL OPTIONS.
19 SPECIFICALLY, IF SOME PORTION OF THE 10 MILLION
20 TIRE ANNUAL DEMAND IS TO COME FROM LEGACY PILES,
21 THE FACTORS WHICH AFFECT THE COST OF LEGACY TDF
22 MUST BE IDENTIFIED, QUANTIFIED, AND EVALUATED.

23 FOR EXAMPLE, IF DEBRIS CONTAMINATION
24 INCREASES WEAR ON SIZE REDUCTION EQUIPMENT AND
25 REDUCES THE EFFICIENCY OF THE COMBUSTER, CAN WE

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1 VALUE THAT DEGRADATION AND JUSTIFY IT IN TERMS
OF
2 THE COST OF THE FUEL INITIALLY? CAN WE
COMPENSATE
3 FOR ADDITIONAL O&M COSTS THAT MAY OR MAY NOT BE
A
4 CONSEQUENCE OF LEGACY PILE DERIVED TDF? WHAT
5 EFFECT WOULD LARGER SIZE TDF HAVE ON THE ASH
6 CHARACTERISTICS OF THE COMBUSTION SYSTEM? WHAT
7 COSTS ARE ASSOCIATED WITH VARIOUS MODES OF
DEBRIS
8 REMOVAL; THAT IS, THE DEBRIS THAT WE WOULD FIND
IN
9 LEGACY TIRE PILES'. HOW CAN WE MITIGATE EFFECT
BY
10 MIXING LEGACY TDF WITH CLEAN-SIZE REDUCED
11 MATERIAL; THAT IS, FROM IN-TRANSIT TIRES? AND
IF
12 WE CAN, IN APPROXIMATELY WHAT PROPORTIONS
SHOULD
13 THAT MIX BE ATTEMPTED?
14 WITHOUT THE ANSWERS TO THESE
15 QUESTIONS, THIS INDUSTRY, THIS CAREFUL AND
PRUDENT
16 INDUSTRY WILL TAKE THE SAFE COURSE. AND I'M
17 CONCERNED THAT NONE OF THE 10 MILLION TIRES IT

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18 CONVERTS TO STEAM AND ELECTRICITY EACH YEAR
WILL
19 COME FROM LEGACY PILES. IT IS TO ANSWER SOME
OF
20 THOSE QUESTIONS THAT WE HAVE SUGGESTED AND
21 DISCUSSED WITH SOME OF YOU THE VALUE OF AN END
USE
22 PROCESSING FACILITY EVALUATION WHICH I BELIEVE
IS
23 THE CATEGORY UNDER WHICH THIS ACTIVITY WOULD
FALL.
24 AND THE ACTIVITY SPECIFICALLY AS WE CAN DEFINE
IT
25 NOW IS A TEST TO DETERMINE OPTIMAL FUEL SIZE
FOR

1 TDF TO BE USED IN FLUIDIZED BED COMBUSTION.

2 THE ECONOMICS THAT ARE ASSOCIATED
3 WITH EITHER SIDE OF THAT OPTIMAL SIZE, AND THE
4 DEGREE TO WHICH LEGACY TIRE PILE CONTAMINATION
5 AFFECTS THE ECONOMICS OF BEING ABLE TO PRODUCE
6 THAT FUEL SIZE IN A WAY THAT WOULD MAKE IT AN
7 ATTRACTIVE OR AT LEAST A COMPARABLE ALTERNATIVE TO
8 TDF THAT WAS AVAILABLE IN THE RUN OF THE MARKET,
9 COMMERCIAL MARKETPLACE, I FELT THAT I OWED THE
10 BOARD AND PARTICULARLY MEMBER JONES AN EXPLANATION
11 OF WHERE WE WERE GOING WITH THIS.

12 I CERTAINLY HAVE APPRECIATED HIS
13 INTEREST AND WILLINGNESS TO SHARE IDEAS WITH US TO
14 THIS POINT. AND AGAIN, I UNDERSTAND THAT YOU ARE
15 ACCUSTOMED TO HAVING BUDGET DECISIONS MADE ON
16 RATHER MORE SPECIFIC AND CAREFULLY CRAFTED
17 PROPOSALS THAN THIS. THIS IS A UNIQUE YEAR
18 BECAUSE OF THE TIMING THAT YOU HAVE IMPOSED UPON
19 THE BUDGET DETERMINATIONS, AND I ASK YOU AS YOU
20 CONSIDER WHAT IS STILL A SOMEWHAT UNFORMED
21 PROPOSAL, TO USE THE CRITERIA THAT I HAVE HEARD
22 REPEATED SO OFTEN IN THE PAST YEAR OR TWO, WHERE
23 ARE WE GOING TO GET THE LARGEST BANG FOR OUR
BUCK.

24 THIS COALITION, THIS COUNCIL WITH

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25 THE PERMITS HAVING BEEN WON, IS GOING TO BE

1 BURNING TIRES. AND THE STATE AND THIS BOARD AND
2 THE COUNCIL WILL BENEFIT THEREBY, WHETHER OR NOT
3 WE CAN EXTEND THAT BENEFIT AND WORK WITH THIS
4 BOARD TO PLAN SERIOUSLY AND REASONABLY FOR A
5 RELATIVELY RAPID BURN-DOWN OF THE 30, 40, HOWEVER
6 MANY MILLION TIRES THERE ARE IN LEGACY PILES, WILL
7 DEPEND UPON CERTAIN QUESTIONS BEING ANSWERED WHICH
8 I HOPE THIS BOARD FEELS IS WORTH THEIR TIME AND
9 THEIR MONEY TO HELP ANSWER.

10 IF YOU HAVE ANY QUESTIONS, I WOULD
11 BE HAPPY TO TRY AND ANSWER THOSE.

12 CHAIRMAN PENNINGTON: QUESTIONS OF
13 MR. GERSICK? IF NOT, NOW WE'LL HEAR FROM MICHAEL
14 HARRINGTON, ENVIRONMENTAL MOLDING CONCEPTS.

15 MR. HARRINGTON: HOWDY. I THINK THAT --
16 CHAIRMAN PENNINGTON, MEMBERS OF THE BOARD, MIKE
17 HARRINGTON FROM ENVIRONMENTAL MOLDING CONCEPTS
18 HERE IN SAN BERNARDINO. SO WELCOME TO SAN
19 BERNARDINO. I HOPE SOMEBODY WELCOMED YOU EARLIER
20 THAN I AM.

21 FIRST OF ALL, LET ME SAY, HEARKEN
22 BACK A BIT TO MEMBER JONES' COMMENTS DEALING WITH
23 THE WASTE TIRE PROBLEM AND THE CONCERTED EFFORT
24 THAT THE BOARD AND YOU ALL OF THE VARIOUS OPTIONS
25 FOR OR SOLUTIONS TO THE PROBLEM, WHETHER IT BE

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1 CEMENT KILNS, WHETHER IT BE COGEN, MELP, WHATEVER,
2 THEY ARE NEEDED. AND TO ACTUALLY COME TO SOME
3 TYPE OF A SOLUTION TO THE WASTE TIRE PROBLEM IN
4 CALIFORNIA. ONE OF THE SOLUTIONS ALSO IS GOING TO
5 BE RECYCLING, AND THAT'S WHAT WE ARE HERE TALKING
6 ABOUT.

7 TO JUST DIVERT JUST FOR A MINUTE TO
8 WHAT EVEN MICHAEL WAS SAYING MORE RECENTLY ABOUT
9 LEGACY TIRE PILES, KIND OF AS AN ASIDE, AS YOU GO
10 THROUGH AND ARE LOOKING AT HOW TO ALLOCATE FUNDS
11 AND HOW TO GET THE BIGGEST BANG FOR YOUR BUCK, I
12 THINK IT'S MAYBE ALMOST TOO OBVIOUS TO STATE THAT
13 WHEN YOU'RE TRYING TO LOOK AT LEGACY TIRE PILES,
14 THAT THERE IS NO REAL ECONOMIC VALUE THERE. THE
15 ONLY WAY THOSE THINGS ARE GOING TO GO AWAY IS WITH
16 SOME, AND UNFORTUNATELY, SOME TYPE OF GOVERNMENTAL
17 SUPPORT.

18 IT TRIED TO LOOK AT IT ANYWAY, I
19 KNOW, FROM A RECYCLING STANDPOINT. WE CERTAINLY
20 AREN'T GOING TO GO IN AND WANT TO JEOPARDIZE OUR
21 EQUIPMENT TO TRY TO CLEAN UP A LEGACY PILE OR
22 ACCEPT TIRES FROM A LEGACY PILE. IT'S JUST NOT
23 ECONOMICALLY PRUDENT FOR US. ANYWAY, JUST KIND
24 OF AN ASIDE.

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25

TO GET BACK NOW TO MY POINT ON TIRE

1 RECYCLING, THERE SEEMS TO BE, DUE TO LEGISLATIVE
2 ACTIVITY, QUITE A PUSH TO COME UP WITH SOME
3 CRITERIA FOR GRANT ALLOCATIONS FOR THE COMING
4 YEAR. I WOULD LIKE TO TALK ABOUT A BARRIER, NOT
5 ONE THAT YOU GUYS HAD EARLIER ON VARIOUS BARRIERS
6 TO DOING THIS AND DOING THAT, BUT OURS IS A SOUND
7 WALL BARRIER. WE'RE TALKING ABOUT EARMARKING OR
8 SET ASIDE FUNDS FOR THE DESIGN, ENGINEERING, AND
9 PURCHASING OF THE MOLDING EQUIPMENT AND PRESSES
10 NECESSARY FOR THE MANUFACTURE OF SOUND WALLS
11 PRODUCED FROM CRUMB RUBBER OR FROM WHOLE TIRE
12 RECYCLING.

13 I KNOW YOU'RE NOT IN A POSITION TO
14 MAKE ANY TYPE OF DETERMINATION AND I'M NOT ASKING
15 FOR THAT. ALL I'M ASKING IS THAT AS YOU GO DOWN
16 THE LISTS OF WHAT ITEMS YOU DO WANT TO LOOK AT,
17 REMEMBER THAT TIRE RECYCLING IS, EVEN IN THE
18 ORIGINAL '92 TDF REPORT, THAT ALL OTHER RECYCLING
19 OPTIONS SHOULD BE CONSIDERED.

20 WITH THE SOUND WALL BARRIER, WE'RE
21 TALKING ABOUT UP TO 92,000 TIRES RECYCLED PER MILE
22 OF BARRIER BASED ON THE ESTIMATES WE'VE COME UP
23 WITH. IT'S GETTING TO BE A LONG DAY. I'LL LEAVE
24 WITH THAT AND THANK YOU VERY MUCH FOR YOUR TIME.

25 CHAIRMAN PENNINGTON: ANY QUESTIONS OF

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1 MR. HARRINGTON?

2 BOARD MEMBER GOTCH: I HAVE A QUESTION
3 FOR STAFF REGARDING MR. HARRINGTON'S COMMENTS, AND
4 THAT IS WE HAVE DONE SOME OTHER SOUND WALL
5 PROJECTS IN THE PAST, IF YOU COULD PLEASE REMIND
6 ME OF THOSE.

7 MS. TRGOVCICH: ASK MARTHA GILDART TO
8 COME UP. SHE BROUGHT SOME OF THE SPECIFIC
9 INFORMATION WITH HER. WE HAVE A NUMBER OF SOUND
10 WALL PROJECTS THAT WE HAVE FUNDED. I BELIEVE ONLY
11 ONE OF THOSE HAVE BEEN BROUGHT TO SUCCESSFUL
12 COMPLETION, AND MAYBE MARTHA CAN DESCRIBE A LITTLE
13 BIT OF THAT TO YOU.

14 WHILE SHE'S COMING UP, I WOULD SAY
15 THAT AT THE STAFF WE DID HAVE DISCUSSION AROUND
16 THE SOUND WALLS AFTER THE COMMITTEE MEETING
17 EARLIER IN THE MONTH IN TERMS OF WHERE WOULD WE
18 PROPOSE TO TAKE IT NEXT. IT'S OUR VIEW THAT IF
19 THE BOARD WANTED TO CONSIDER FURTHER EVALUATION,
20 RESEARCH, OR EXPENDITURE OF FUNDS IN THIS AREA,
21 THAT IT WOULD BE APPROPRIATE TO BEGIN DISCUSSIONS
22 WITH CALTRANS ON THE TYPES OF STUDIES, INFORMA-
23 TION, ETC., THAT THEY WOULD WANT TO SEE AND
24 PERHAPS PARTICIPATE IN TO BE ABLE TO TAKE IT TO
25 THE NEXT STEP.

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1 MS. GILDART: GOOD EVENING. IT'S MARTHA
2 GILDART WITH MARKETS DEVELOPMENT DIVISION. WE
3 FUNDED ACTUALLY THREE DIFFERENT GRANTS THAT WERE
4 TO DEVELOP SOUND WALLS MADE FROM RECYCLED TIRE
5 RUBBER. ONE OF THEM WAS WITH THE COUNTY OF
6 SACRAMENTO AND IT WAS VERY SUCCESSFUL. THEY
7 DEVELOPED A PROTOTYPE AND BUILT IT. IT CONSISTS
8 OF POLYMER-COATED PANELS FILLED WITH TIRE RUBBER
9 THAT'S EXTRUDED IN A PLANK-LIKE SHAPE AND INSERTED
10 BETWEEN, LIKE, UPRIGHT SUPPORTS SO THAT YOU CAN
11 MAKE A WALL ALONG THE HIGHWAY.

12 THE OTHER TWO DID NOT GO THROUGH.
13 ONE COMPANY WENT OUT OF BUSINESS AND ANOTHER ONE
14 COULD NOT GET PERMITS FOR THEIR CONSTRUCTION.
15 THOSE MONIES RETURNED TO THE TIRE FUND AND WERE
16 AVAILABLE IN SUBSEQUENT YEARS.

17 WE FEEL THE SOUND WALL USE IS A VERY
18 APPROPRIATE USE. WHETHER THERE IS A NEED TO
19 DEMONSTRATE THE TECHNOLOGY, AGAIN, IS A QUESTION.
20 THERE MIGHT BETTER BE A QUESTION OF COMMERCIAL-
21 IZING THIS PROCESS. IT MIGHT BE POSSIBLE TO

WORK

22 WITH CALTRANS IN TRYING TO PROVIDE GREATER

MARKET

23 PENETRATION OF THIS KIND OF TECHNOLOGY. THE

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24 FORMER SPEAKER DID NOT REALLY MAKE A PROPOSAL
ON
25 HOW HE WOULD LIKE TO HAVE THE SOUND WALL
BARRIERS

1 ADVANCED, BUT I CAN SEE SOME PROJECT, PERHAPS,
2 THROUGH CALTRANS.

3 BOARD MEMBER GOTCH: THANK YOU.

4 BOARD MEMBER JONES: MR. CHAIRMAN?

5 CHAIRMAN PENNINGTON: MR. JONES.

6 BOARD MEMBER JONES: MR. CHAIRMAN, I
7 WOULD LIKE TO MAKE A -- THANK YOU, MARTHA -- I
8 WOULD LIKE TO MAKE A MOTION ON THE DISCRETIONARY
9 FUNDING FOR '97/98 TIRE FUNDS. THE -- AS IT SAYS
10 UP ON THE WALL, I'M GOING TO HAVE TO KIND OF DO
11 THIS WITH AND WITHOUT GLASSES BECAUSE I CAN'T SEE
12 ANYTHING AT THIS POINT.

13 THE PRUDENT RESERVE IS \$664,000,
14 AND

15 I THINK IT NEEDS TO BE THERE, AND I THINK WE NEED
16 TO CONTINUE TO HAVE DOLLARS AVAILABLE FOR THE
17 SAME

18 REASONS WE DID IN '96/97. THE LEA GRANT PROGRAM
19 OF \$500,000, THESE ARE IDENTICAL TO WHAT IS ON
20 THE

21 WALL. HIGHWAY PATROL FOR \$100,000. \$40,000 FOR
22 THE ATTORNEY GENERAL SERVICES. WE HAVE \$150,000
23 IN HERE FOR ENVIRONMENTAL SERVICES, WHICH
24 INCLUDES

25 THE SCIENCE OF MONOFILLS. AND THAT WAS PUT IN
26 SPECIFICALLY BECAUSE OF THE ISSUES THAT HAVE COME

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23 FORWARD BEFORE THE BOARD AND THE FACT THAT WE
HAVE

24 TO DEVELOP REGS AND WE NEED TO GUARANTEE THAT THE
25 SCIENCE INVOLVED WITH TIRE MONOFILLS IS FULLY

1 UNDERSTOOD BY THIS BOARD SO THAT WE DO NOT CREATE
2 ANOTHER ENVIRONMENTAL DISASTER AS PART OF A
3 SOLUTION.

4 \$2,500,000 IN STABILIZATION AND
5 REMEDIATION. 200,000 IN LOCAL GOVERNMENT CLEANUP
6 MATCHING GRANTS. AND I THINK THERE IS -- I THINK
7 THAT'S AN AREA WHERE WE CAN -- WHILE WE'RE GOING
8 TO ALLOCATE IT TO THAT AREA, I WOULD LIKE TO SEE
9 SOME DIALOGUE AT THE POLICY COMMITTEE ON SOME
10 POTENTIAL PLUSES IN LOOKING AT HOW WE CAN DEVELOP
11 THAT PROGRAM TO BE AS SUCCESSFUL AS WE CAN. I
12 WOULD ASK THAT AT SOME POINT THAT THAT WOULD COME
13 IN FRONT OF THE POLICY COMMITTEE. WASTE TIRE HAUL
14 MANIFEST DATABASE OF \$50,000 TO CREATE THE
15 DATABASE TO TRACK EVERYTHING THAT WE'RE ASKING
16 FOR. \$54,000, STUDENT ASSISTANCE.

17 UNDER MARKET DEVELOPMENT, THE RRAC
18 TECHNICAL ASSISTANCE CENTER UNDER AN RFP FOR
19 \$500,000. THE GRANT PROGRAM FOR MOLDED RUBBER
20 PRODUCTS. THESE ARE MATCHING GRANTS. THEY CAN --
21 I'M PROPOSING THEY CAN INCLUDE PLAYGROUND MATS FOR
22 UP TO A THIRD OF THAT \$500,000.

23 THE THIRD BIENNIAL TIRE RECYCLING
24 CONFERENCE FOR \$50,000. THE CCCLCC GRANT PROGRAM
25 OF \$200,000. THE DGS, STATE PROCUREMENT MATS AND

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1 THRESHOLD RAMPS FOR \$50,000. THE RMDZ LOAN
2 PROGRAM FOR A MILLION DOLLARS. THE LEVEE
3 CONSTRUCTION AND REPAIR AND OTHER CIVIL
4 ENGINEERING PROGRAMS FOR \$409,000.

5 I WOULD LIKE TO PREFACE THAT BY
6 SAYING THAT IN '96/97 WE ARE FUNDING A FEASIBILITY
7 STUDY TO MAKE SURE THIS PROJECT HAS MERIT TO GO
8 FORWARD. BASED ON THE RESULTS OF THAT FEASIBILITY
9 STUDY, WE GO FORWARD OR AT THAT POINT, IF IT
10 DOESN'T LOOK LIKE THAT IT IS GOING TO BE A VIABLE
11 PROJECT, THAT WE REALLOCATE THOSE DOLLARS. AND
12 I'M NOT GOING TO PICK A -- I THINK WE HAVE TO GO
13 THROUGH THE PROCESS AND REALLOCATE THE DOLLARS. I
14 WANT TO BE ABLE TO DEAL WITH THAT.

15 THE TDF CRUMB RUBBER EDUCATIONAL
16 VIDEO AND SUPPORT. I WANT TO CLARIFY THAT AS I
17 INTERPRETED THIS AT THE COMMITTEE MEETING, WHAT WE
18 HAD SAID WAS THAT THOSE FUNDS FOR TDF AND CRUMB
19 RUBBER EDUCATIONAL VIDEO SUPPORT, THAT A PORTION
20 OF THOSE FUNDS WOULD BE USED TO DISSEMINATE THE
21 RESULTS AND EVEN THE PRINTING, IF IT TAKES THAT,
22 OF THE DAMES & MOORE STUDY IN A READILY ACCESSIBLE
23 FORM. STAFF SHOULD BE ABLE TO USE THAT REPORT AS
24 A PUBLIC EDUCATION DOCUMENT. REPORTS TO THE
25 COMMITTEE OR RECOMMENDATIONS FOR USE OF THESE

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1 FUNDS NEEDS TO HAPPEN FROM -- AFTER WE GET THAT
2 DAMES & MOORE STUDY SO WE CAN DETERMINE WHETHER OR
3 NOT A VIDEO, PAMPHLETS, AN EXECUTIVE SUMMARY, A
4 BROCHURE, HOWEVER WE ARE GOING TO PUT THAT
5 INFORMATION OUT IN THE MOST COST-EFFECTIVE AND
6 EFFICIENT MANNER. AND I -- I AM HOPING THAT THAT
7 IS CLARIFIED, THAT'S HOW WE'RE GOING TO DEAL WITH
8 THAT ISSUE.

9 THE END USE PROCESSING FACILITY
10 EVALUATION AND UPDATE OF 1992 TIRE REPORT. THE
11 TIRE REPORT ISSUE I TALKED ABOUT IN '96/97. THE
12 END USE THAT MR. GERSICK TALKED ABOUT, I THINK
13 MR. GERSICK WAS CORRECT WHEN HE SAID THIS IS A
14 LITTLE LESS DEVELOPED THAN WE PROBABLY WANT TO
15 BUDGET DOLLARS FOR AT THIS POINT. BUT I WOULD
16 LIKE TO GET THE CONSENSUS OF THE BOARD TO KEEP
17 THAT DOLLARS, THAT LINE ITEM, AS WE WORK THROUGH
18 THE COMMITTEE WITH -- OR THAT STAFF TAKES THE
19 INITIATIVE TO TRY TO DEVELOP HOW WE CAN USE THIS.
20 WE'RE TALKING ABOUT THE POTENTIAL TO GET RID OF 10
21 MILLION TIRES A YEAR AS A SUPPLEMENTAL FUEL, AND I
22 THINK WE NEED TO DO EVERYTHING WE CAN TO MAKE SURE
23 THAT THAT'S VIABLE.

24 OKAY. STUDENT ASSISTANCE FOR
25 \$36,000.

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1 CHAIRMAN PENNINGTON: THAT'S YOUR MOTION.

2 BOARD MEMBER JONES: I WAS JUST READING
3 REAL QUICK. THAT IS MY MOTION.

4 BOARD MEMBER GOTCH: MR. CHAIR, I WOULD
5 LIKE TO MOVE TO AMEND MR. JONES' MOTION.

6 CHAIRMAN PENNINGTON: YOU HAVE TO WAIT
7 UNTIL WE GET A SECOND.

8 BOARD MEMBER RELIS: SECOND.

9 CHAIRMAN PENNINGTON: IT'S SECONDED.

10 BOARD MEMBER GOTCH: I WOULD LIKE TO
11 AMEND.

12 CHAIRMAN PENNINGTON: MRS. GOTCH.

13 BOARD MEMBER GOTCH: THANK YOU.

14 I WOULD LIKE TO ASK FOR A SEPARATE
15 LINE ITEM FOR THE PLAYGROUND MATTING. WE'VE SEEN
16 A GREAT DEAL OF INTEREST IN A VERY SHORT TIME. WE
17 HAD RECEIVED SOMETHING LIKE SOME 4,000 REQUESTS
18 FOR FUNDING.

19 CHAIRMAN PENNINGTON: 4,000?

20 MS. TRGOVCICH: 400.

21 BOARD MEMBER GOTCH: I'M SORRY. 487
22 REQUESTS -- THANK YOU, CAREN -- FOR THIS. WE HAVE
23 HAD TO AUGMENT IN THE CURRENT YEAR TO TRY TO COME
24 CLOSE TO MATCHING THE A-LIST TO ACHIEVE THIS.

25 ALSO, EARLIER, MR. JONES, IN YOUR

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1 COMMENTS THAT YOU HAD MENTIONED THAT YOU'RE FROM
2 AN INDUSTRY THAT'S RESULTS ORIENTED. THIS
3 PLAYGROUND MATS PROGRAM HAS PROVED THAT IT WORKS.
4 IN FACT, IT'S EXCEEDED OUR EXPECTATIONS.

5 WE HAVE RECEIVED APPLICATIONS FROM
6 CITIES, COUNTIES, SCHOOL DISTRICTS UP AND DOWN
THE
7 STATE, DIVERTING THOUSANDS OF POUNDS OF TIRES AND
8 ASSISTING LOCAL GOVERNMENTS WITH MEETING THE
9 SAFETY AND ACCESSIBILITY STANDARDS REQUIRED BY
LAW
10 AND WORKING TO ESTABLISH DEVELOPING MARKETS FOR
11 CRUMB RUBBER. I THINK THAT THIS SHOWS THAT THIS
12 IS A PROGRAM THAT WORKS.

13 TO ACCOMPLISH THIS SEPARATE LINE
14 ITEM, I'M SUGGESTING OR MOVING THAT WE REDUCE THE
15 LEA GRANTS BY \$200,000 SO THAT IT WOULD GO DOWN
TO
16 \$300,000 FOR THE LEA GRANTS. THE LEA GRANTS WERE
17 DECREASED BECAUSE THEY ONLY EXPENDED \$110,000 OUT
18 OF THE 200,000 THEY RECEIVED IN THE CURRENT YEAR.
19 I UNDERSTAND THAT EFFORTS ARE BEING REVAMPED, SO
I
20 INCREASED THE AMOUNT FROM 200,000 TO 300,000. IT
21 APPEARS A BIT PREMATURE TO JUSTIFY SPENDING
22 \$500,000 ON A PROGRAM WHEN OUR PAST EFFORT ONLY

1 PROCESSING. THE ELIMINATION OF THE END USE
2 PROCESSING FACILITIES IS JUSTIFIED BECAUSE WE
3 ALREADY FUNDED A MYRIAD OF STUDIES IN THIS AREA.
4 I FUNDED FOUR MARKET ANALYSIS TYPE PROJECTS SINCE
5 '92/93 AND OTHERS THAT ARE SIMILAR TO THAT. I'D
6 RATHER REVIEW THOSE REPORTS AND OUR CIVIL
7 ENGINEERING CONTRACT AT THIS JUNCTURE RATHER THAN
8 THROWING MONEY INTO THAT AREA AGAIN.

9 BOARD MEMBER CHESBRO: I WILL SECOND
THAT
10 AMENDMENT.

11 CHAIRMAN PENNINGTON: IF I UNDERSTAND --
12 IT'S BEEN SECONDED, MR. CHESBRO SECONDED. IF I
13 UNDERSTAND, THEN, THAT YOU HAVE AMENDED MR.

JONES'

14 MOTION BY REDUCING LEA GRANTS BY 200,000, TAKING
15 41 OUT OF PRUDENT RESERVE AND 200,000 OUT OF THE
16 END USE PROCESSING FACILITY EVALUATION, FOR A
17 TOTAL OF 441,000, PLUS YOU STILL WANT ONE-THIRD
18 OF
19 THE MOLDED RUBBER PRODUCTS?

20 BOARD MEMBER GOTCH: ACTUALLY, THE
MOLDED

21 RUBBER PRODUCTS, LET'S SEE, LET ME RUN DOWN THIS.
22 I BELIEVE YOU ALL RECEIVED A COPY OF THE PROPOSAL
THAT I HAVE AND THAT WAS -- I'M TRYING TO FIND

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IT .

23 SORRY .

24 CHAIRMAN PENNINGTON: I KNOW YOU'RE
25 AMENDING HIS MOTION, SO I NEED TO KNOW WHETHER
YOU

1 STILL INTEND TO TAKE ONE-THIRD BECAUSE HE SAID
2 ONE-THIRD OF THE 500,000.

3 BOARD MEMBER GOTCH: NO. THANK YOU FOR
4 CLARIFYING THAT. NO.

5 CHAIRMAN PENNINGTON: SO YOU'RE ASKING
6 FOR 441,000 FOR PLAYGROUND MATS.

7 BOARD MEMBER GOTCH: NO. I'M ASKING --
8 I'M SORRY. IN FACT, I HAVE NOT -- I HAVE ALSO --
9 LET -- I HAVE SOME OTHER INCREASES HERE. SO I
10 COVERED THE RESERVE, THE LEA GRANTS, THE WASTE --
11 EXCUSE ME -- THE STUDENT ASSISTANCE WOULD BE
12 RAISED 21,000 TO 75,000. WE'VE HEARD FROM STAFF
13 THAT --

14 CHAIRMAN PENNINGTON: UNDER WHICH --

15 BOARD MEMBER GOTCH: WELL, UNDER THE
16 POLICY -- EXCUSE ME -- THE PERMITTING AND
17 ENFORCEMENT.

18 CHAIRMAN PENNINGTON: ADD 21,000 TO THAT?

19 BOARD MEMBER GOTCH: CORRECT. ALSO I'VE
20 ADDED 6,000 --

21 CHAIRMAN PENNINGTON: AND WHERE ARE YOU
22 GETTING THAT 21 FROM?

23 BOARD MEMBER GOTCH: 21,000 COMES FROM --
24 IT MAY BE COMING FROM THE PRUDENT RESERVE. 41,000
25 FROM THE PRUDENT RESERVE. THIS WILL ALL ADD UP.

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1 LET ME GO DOWN MY LIST, IF I MAY.

2 CHAIRMAN PENNINGTON: OKAY.

3 BOARD MEMBER GOTCH: AND THEN LEVEE
4 CONSTRUCTION, REPAIR WOULD BE ADDING \$6,000 TO
5 MAKE IT 415,000, TOTAL. PLAYGROUND MATS AT
6 \$375,000, AND THEN ALSO RAISING STUDENT ASSISTANCE
7 IN THE MARKET DEVELOPMENT TO 75,000.

8 SO IF I CAN GO OVER THIS AGAIN, IT
9 WOULD BE A DIFFERENCE OF REDUCING 41,000 FROM THE
10 PRUDENT RESERVE, \$200,000 FROM THE LEA GRANT
11 PROGRAM, ADDING 21,000 TO THE STUDENT ASSISTANCE
12 IN THE PERMITTING AND ENFORCEMENT AREA, ADDING
13 \$6,000 TO THE LEVEE CONSTRUCTION AND REPAIR. A
14 SEPARATE ITEM WHICH WOULD ACTUALLY -- LET'S SEE,
15 I

16 CAN'T READ MY LINE HERE. I'M SORRY. FOR SOME
17 REASON MY EYES ARE A LITTLE TIRED. END USE
18 PROCESSING HAS BEEN DELETED FROM 200,000 AND A
19 SEPARATE LINE ITEM FOR \$375,000 FOR THE
20 PLAYGROUND

21 MATS. SO THAT'S ADDING \$175,000. AND THEN
22 FINALLY, ADDING 39,000 TO THE STUDENT ASSISTANCE
23 IN THE MARKET DEVELOPMENT, WHICH ENDS UP WITH THE
24 SAME TOTAL AS HAD COME OUT OF POLICY COMMITTEE.

MS. TRGOVCICH: I HAVE TRIED TO PUT THE
PROPOSAL THAT MS. GOTCH WAS REFERRING TO UP ON

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THE
25

SCREEN.

1 BOARD MEMBER GOTCH: YOU CAN SEE IN THE
2 LEFT-HAND COLUMN IS THE POLICY COMMITTEE --

3 BOARD MEMBER CHESBRO: COULD YOU MOVE IT
4 OVER? ON OUR SCREEN IT'S NOT QUITE -- THE FAR
5 RIGHT IS OFF THE GREEN A LITTLE BIT. ACTUALLY,
6 MAYBE YOU COULD JUST SHRINK IT A LITTLE BIT.

7 BOARD MEMBER GOTCH: I HAVE AN ADDITIONAL
8 COPY UP HERE AT THE DAIS IF ANYONE NEEDS IT.

9 BOARD MEMBER CHESBRO: MR. CHAIRMAN?

10 CHAIRMAN PENNINGTON: YES.

11 BOARD MEMBER CHESBRO: WHILE BOARD
12 MEMBERS ARE LOOKING AT THE NUMBERS AND MEDITATING
13 ON THEM, I WOULD LIKE TO MAKE AN ADDITIONAL
14 GENERAL ARGUMENT IN FAVOR OF THIS AMENDMENT. AND
15 THAT IS THAT YESTERDAY AT THE SENATE BUDGET
16 SUBCOMMITTEE, MOST OF THE QUESTIONS ON THIS ITEM
17 WERE RELATED TO THE QUESTION OF MARKETS AND
18 WHETHER OR NOT THE BOARD WAS PURSUING THEM IN A
19 WAY THAT WAS BALANCED WITH THE PERMITTING AND
20 ENFORCEMENT ACTIVITIES. SO, OBVIOUSLY, AS A SIDE
21 OF THE POINT, I'M COGNIZANT OF THE CONCERN OF THE
22 SENATE.

23 BUT IN ADDITION TO THAT, YOU MAY
24 RECALL THAT LAST YEAR THERE WAS A BIG POINT MADE
25 BY MR. RELIS, AND I BELIEVE THE BOARD CONCURRED

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1 WITH HIM, ABOUT TRYING AS BEST WE COULD TO ACHIEVE
2 A BALANCE, OR A 50/50 SPLIT OF SOME KIND BETWEEN
3 THOSE TWO. THE PROPOSAL THAT WAS -- MR. JONES PUT
4 FORWARD WAS OUT OF BALANCE IN THAT REGARD BY
5 \$800,000. AND WHAT MS. GOTCH HAS PUT FORWARD
6 COMES A LOT CLOSER.

7 I THINK THERE IS STILL A SLIGHT
8 IMBALANCE, BUT I THINK THERE'S A GREATER PARITY
9 BETWEEN OUR ATTEMPTS TO HANDLE THE PERMITTING AND
10 ENFORCEMENT ACTIVITY AND THE MARKET'S ACTIVITY.
11 AND I THINK THAT'S A STRONG REASON FOR OUR
12 APPROVING HER AMENDMENT.

13 CHAIRMAN PENNINGTON: I JUST WANT TO
14 POINT OUT TO YOU THAT IT'S 500,000.

15 MR. CHANDLER: I COULD SPEAK TO THAT, AND
16 MR. CHESBRO IS CORRECT. THE ISSUE OF MARKET
17 DEVELOPMENT DID COME UP, ALTHOUGH IT CAME UP IN A
18 MUCH BROADER CONTEXT OF HOW IS THE BOARD'S
19 STRATEGIC DIRECTION BEING FOCUSED? IS IT MOVING
20 TOWARDS LONG-TERM SUSTAINABLE MARKETS, OR IS IT
21 CONTINUING TO LOOK AT THE PLANNING REQUIREMENTS,
22 IF YOU WILL, AND REVIEWING THE PLANNING DOCUMENTS?
23 WHEN IT CAME TO THE TIRE ITEM, THAT WAS ACTUALLY
24 NOT DISCUSSED. THEY SIMPLY SAID WE'LL BRING THE
25 TIRE ITEM BACK IF THE BOARD FAILS TO ALLOCATE THE

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1 TIRE FUNDS.

2 BUT THIS ISSUE OF 50/50 BETWEEN
3 PERMITTING AND ENFORCEMENT AND MARKET DEVELOPMENT,
4 I FEEL, AS THE DIRECTOR, I MUST MAKE A POINT HERE.
5 I BELIEVE THE BOARD IS MISSING THE POINT IN THAT I
6 HAVE TRIED TO ALLOCATE WITH THESE HEADINGS SIMPLY
7 WHAT DIVISION IS GOING TO BE RESPONSIBLE FOR THE
8 IMPLEMENTATION. BUT I WOULD ARGUE THAT WHEN YOU
9 DIRECTED US TO DO CLEANUP PROJECTS AND ENSURE THAT
10 THOSE CLEANUP PROJECTS GO TO END USE MARKETS, THAT
11 THERE IS MARKET DEVELOPMENT GOING ON WITH OUR
12 CLEANUP EFFORTS. AND THAT I THINK IT IS A
13 MISREPRESENTATION TO SIMPLY LOOK AT THE CLEANUP
14 PROGRAM AND SAY THAT IT IS SIMPLY PERMITTING AND
15 ENFORCEMENT RELATED WORK WHEN WE FEEL WE'RE
16 ACTUALLY STIMULATING MARKETS AND SUSTAINING, IF
17 YOU WILL, THE INFRASTRUCTURE TO BUILD THOSE
18 MARKETS LONG TERM.

19 SO I TAKE A BIT OF EXCEPTION WITH
20 THE CONCEPT OF 50/50 AND ALLOCATING IT ACROSS THE
21 WAY THESE NUMBERS ARE DISPLAYED BECAUSE I'M TRYING
22 TO SHOW YOU WHICH DIVISIONS WOULD BE MANAGING
23 THESE EFFORTS. I WOULD NOT WANT YOU TO THINK THAT
24 I SEE THESE EFFORTS AS ONLY MARKET DEVELOPMENT OR
25 PERMITTING AND ENFORCEMENT IN THEIR NATURE. THEY

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1 ARE NOT. WE THINK THEY ARE INTEGRATED MUCH
2 BROADER THAN THAT, SO I JUST WANTED TO CLARIFY
3 THAT POINT.

4 BOARD MEMBER CHESBRO: I WOULD LIKE TO
5 CORRECT MY PREVIOUS STATEMENT, MR. CHAIRMAN, WHERE
6 I INDICATED AN \$800,000 IMBALANCE IN MR. JONES'
7 PROPOSAL. ACCORDING TO WHAT I CAN FIGURE, IT'S
8 MORE LIKE 500,000 AND THE GOTCH PROPOSAL IS
9 SOMEWHERE IN THE NEIGHBORHOOD OF A HUNDRED
10 THOUSAND DIFFERENCE.

11 BOARD MEMBER RELIS: MR. CHAIR?

12 CHAIRMAN PENNINGTON: YES, MR. RELIS.

13 BOARD MEMBER RELIS: I HAVE A COUPLE OF
14 POINTS OF INFORMATION AND CLARIFICATION. WOULD
15 YOU REFRESH MY MEMORY ON WHAT IS OUR -- WELL,
16 FIRST OF ALL, SIMPLY ADOPT A BUDGET SHORTLY. WHAT
17 IS OUR LATITUDE TO ADJUST AS WE GO DOWN THE LINE,
18 THAT JUST LIKE OTHER PROJECTS WHERE WE FOUND THAT
19 THEY DON'T MATERIALIZE AS EXPECTED, WHAT IS OUR
20 LATITUDE TO MOVE MONEY WITHIN THESE CATEGORIES
21 THAT ARE APPROVED BETWEEN THE LISTING THAT WE HAVE
22 BEFORE US? JUST WITHOUT NUMBERS.

23 MR. CHANDLER: I IT'S IMPORTANT THAT WHAT
24 THE LEGISLATURE IS LOOKING FOR IS A SUBMITTAL FROM
25 THIS BOARD AS TO HOW IT INTENDS, IN A BROAD

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1 CATEGORY WAY, TO ALLOCATE THE MONEY. SO SOMETHING
2 LIKE THIS OR WHATEVER YOU DECIDE TODAY IS
3 CERTAINLY GOING TO MEET THAT NEED.

4 BOARD MEMBER RELIS: SO THEY'RE LOOKING
5 AT THE -- CERTAINLY, IN PART, THE CATEGORIES --

6 MR. CHANDLER: THE LEA ACKNOWLEDGED THAT
7 THE RECEIPT OF THIS AGENDA ITEM, AGAIN, NOT
8 SPEAKING TO WHETHER OR NOT IT WAS RIGHT OR WRONG,
9 PROVIDED THE LEVEL OF SPECIFICITY THAT THEY WERE
10 LOOKING FOR TO ENSURE THAT THE BOARD WAS PROVIDING
11 THE KIND OF EARLY DIRECTION ON HOW WE INTEND TO
12 USE THE MONIES NEXT YEAR.

13 BUT WITH REGARD TO YOUR BROADER
14 QUESTION, I THINK, WHICH IS HOW WOULD WE DOWN THE
15 ROAD REALLOCATE OR ADJUST DOLLARS, IT WOULD BE
16 LIKE WE HAVE JUST PAINFULLY CONCLUDED, THAT WE
17 WOULD BE CONTINUING TO BRING BACK TO THIS BOARD
18 STATUS REPORTS ON WHERE WE ARE WITH THE
19 ENCUMBRANCE AND GIVE THE BOARD THE OPPORTUNITY TO
20 MAKE ADJUSTMENTS AS IT DEEMS NECESSARY TO ENSURE
21 THAT THE FUNDS ARE APPROPRIATELY ENCUMBERED AND
22 MEET THE OBJECTIVES THAT YOU'RE LOOKING FOR AS THE
23 FISCAL YEAR PROCEEDS.

24 MS. TRGOVCICH: MAYBE JUST TO PROVIDE AN
25 EXAMPLE OF THAT, YOU LOOK AT THE STATEWIDE CENTER,

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1 THE RRAC TECHNICAL ASSISTANCE CENTER, AT \$500,000,
2 I WAS GOING TO ASK FOR THIS CLARIFICATION ON THE
3 RECORD, BUT I WILL USE THIS OPPORTUNITY TO RAISE
4 IT. AT THE COMMITTEE MEETING THE STAFF PROPOSAL
5 WAS THAT THAT MONEY WOULD BE SET ASIDE FOR THIS
6 PURPOSE, BUT THAT THE STATEWIDE CENTER AGREEMENT
7 WOULD NOT BE AUGMENTED BY THAT AMOUNT IMMEDIATELY.
8 AND, IN FACT, THE STAFF WERE PROPOSING TO COME
9 BACK WITH A MIDFUNDING REVIEW BEFORE THE POLICY
10 COMMITTEE SO THAT THE POLICY COMMITTEE COULD LOOK
11 AT HOW THAT PROJECT WAS PROCEEDING AND DETERMINE
12 AT THAT POINT AS TO WHETHER OR NOT THE COMMITTEE
13 AND BOARD WANTED TO THEN INFUSE THAT ADDITIONAL
14 \$500,000. SO THIS IS A STATEMENT OF YOUR INTENT
15 WITH AN OPPORTUNITY TO REVIEW DOWN THE ROAD.

16 BOARD MEMBER RELIS: OKAY. IF I COULD
17 JUST COMMENT ON A COUPLE OF CATEGORIES IN HERE,
18 AND I WOULD SAY THAT IN THE FRAMEWORK THAT HAS
19 BEEN EXPRESSED BY THESE CATEGORIES, THE LEVEE AND
20 CONSTRUCTION AND REPAIR, OBVIOUSLY, WE'RE GOING
21 INTO THAT WITH A HARD LOOK AT THE FEASIBILITY. WE
22 WANT TO SPEND THAT MONEY CERTAINLY, IF IT'S
23 FEASIBLE. IF IT ISN'T, THEN WE HAVE ROUGHLY
24 400 -- WELL, 409,000 TO POTENTIALLY REALLOCATE,
25 CORRECT?

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1 CHAIRMAN PENNINGTON: THAT'S CORRECT.

2 BOARD MEMBER FRAZEE: THAT'S ALSO
3 INDICATED -- IT'S LIKE SOUND WALL CONSTRUCTION.

4 CHAIRMAN PENNINGTON: AND I WOULD POINT
5 OUT TO YOU THAT UNDER MRS. GOTCH'S PLAN IT'S 415.

6 BOARD MEMBER RELIS: UNDER, FOR
7 INSTANCE -- AND I WOULD CERTAINLY NEED MUCH MORE
8 DETAIL TO FEEL ANY CONFIDENCE THAT THE END USE
9 PROCESSING FACILITY -- I DON'T STILL HAVE REALLY A
10 CLEAR IDEA OF WHAT THAT WOULD BE; AND IF THAT
11 ISN'T SOLID, VERY SOLID, THEN WE WOULDN'T -- OKAY.
12 I JUST WANTED TO UNDERSTAND -- MAKE SURE I
13 UNDERSTOOD THAT. OKAY. THANK YOU.

14 CHAIRMAN PENNINGTON: I WOULD LIKE TO
15 COMMENT ON THAT I FELT VERY COMFORTABLE WITH WHAT
16 THE COMMITTEE HAD DONE. I THINK THAT THE
17 PLAYGROUND MATS, I WOULD BE WILLING TO DO SOME
18 ADJUSTMENT THERE, MAKE SURE THAT THERE IS A LINE
19 ITEM THAT IF WE HAVE LEFTOVERS, THAT WE COULD
20 TRANSFER TO. BUT I WOULD LIKE TO SEE SOME KIND OF
21 REPORT ON -- WE KNOW IT'S SUCCESSFUL BECAUSE THEY
22 APPLIED, BUT IS IT SUCCESSFUL WHEN IT GETS THERE
23 AND IS IT SUCCESSFUL ON THE PLAYGROUNDS? ARE WE
24 REALLY GETTING WHAT WE THINK WE'RE GETTING? AND I
25 WOULD LIKE TO SEE THAT BEFORE WE SPEND A GREAT

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1 DEAL MORE MONEY ON THIS. WE OUGHT TO EVALUATE
2 THEIR WORTH AND THE AMOUNT OF TIRES THAT GO INTO
3 THEM, WHETHER THEY ARE, YOU KNOW, A SUCCESSFUL
4 PROJECT. SO I WOULD ONLY AMEND --

5 BOARD MEMBER GOTCH: MR. CHAIR?

6 CHAIRMAN PENNINGTON: YES.

7 BOARD MEMBER GOTCH: WE HAVE DONE THAT
8 AND WE HAVE FUNDED THIS SINCE 1992, I BELIEVE. IN
9 FACT, I AM WONDERING, MARTHA, IF YOU COULD --
10 SORRY TO PUT YOU ON THE SPOT. IF YOU COULD
11 ADDRESS THAT, PLEASE, WITH THE --

12 MS. GILDART: AS YOU'RE AWARE, WE HAD
13 GIVEN A GRANT TO WHAT WAS THEN BAS FOR DEVELOPMENT
14 OF A PLAYGROUND SURFACE. WE'VE ALSO GIVEN, THIS
15 IS IN '92/93, ANOTHER \$20,000 GRANT TO ENVIROMED
16 FOR A PLAYGROUND SURFACE.

17 MS. TRGOVCICH: MARTHA, MAYBE JUST TELL
18 US -- PROVIDE SOME ADDITIONAL INFORMATION. WAS
19 THIS FOR DEVELOPMENT OF THE SURFACING MATERIAL OR
20 THE PLACEMENT OF THE MATERIAL?

21 MS. GILDART: THE BAS GRANT DID PLACE A
22 PLAYGROUND MAT. THEY FIRST DEVELOPED THE MATERIAL
23 AND THEN PLACED IT. THE OTHER TWO, I BELIEVE,
24 WERE FOR DEVELOPMENT OF THE MATERIAL. ACTUALLY,
25 IF MIKE HARRINGTON IS WILLING TO SPEAK TO THE

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1 SUCCESS OF HIS EARLY PROJECT, HE MIGHT GIVE YOU A
2 FIRSTHAND RATE.

3 BOARD MEMBER GOTCH: THE POINT I WAS
4 REALLY ASKING IS THAT WE'VE DONE THIS. WE HAVE
5 GONE THROUGH, ACTUALLY, WHAT MR. PENNINGTON HAS
6 ASKED, AND THAT FUNDING THIS IS BASICALLY CLOSING
7 THE LOOP FROM WHAT WE HAVE DONE WITH OUR STUDIES.

8 BOARD MEMBER RELIS: I THINK THE
9 QUESTION, THOUGH, IS -- AND I DON'T HAVE A
10 JUDGMENT ON THIS, BUT WHAT IS GOING TO BE THE
11 IMPACT ON TIRES DIVERTED, EXISTING TIRES,
12 CALIFORNIA TIRES BY PUTTING THEM INTO MATS?

13 MR. HARRINGTON: FOR EVERY TILE THAT IS
14 LAID, TWO FOOT BY TWO FOOT TILE, THREE TIRES ARE
15 RECYCLED. EACH MAT WEIGHS APPROXIMATELY 33
16 POUNDS, AND IT REQUIRES A RECYCLING OF THREE TIRES
17 TO GET THE CRUMB RUBBER NECESSARY TO PUT THE MAT
18 DOWN. SO IN A PLAYGROUND THAT ONLY USED, SAY, AS
19 FEW AS A THOUSAND MATS, YOU'RE LOOKING AT 3,000
20 TIRES RECYCLED. AND THAT WOULD BE, YOU KNOW, NOT
21 AN EXTREME --

22 BOARD MEMBER RELIS: PER THOUSAND SQUARE
23 FEET OF MAT, YOU MEAN?

24 MR. HARRINGTON: NO. A THOUSAND MATS.
25 BOARD MEMBER RELIS: A THOUSAND MATS?

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1 MR. HARRINGTON: SO THAT WOULD BE 4,000
2 SQUARE FEET. TILES, MATS. THEY ARE TWO FOOT BY
3 TWO FOOT BY THREE INCHES. AND THEY WERE, WHEN WE
4 GOT INTO THIS, AS WE WERE PROBABLY ONE OF THE
5 FIRST IN THE STATE AS A WHOLE TIRE RECYCLER INTO
6 CRUMB RUBBER, WE CAME BEFORE THE BOARD AND WERE
7 AWARDED A GRANT FOR -- TO EVALUATE THE
8 INCORPORATION OF CRUMB RUBBER INTO A PLAYGROUND
9 SURFACING TO MEET THE REQUIREMENTS OF NOT ONLY THE
10 CONSUMER PRODUCT SAFETY COMMISSION, BUT THE
11 AMERICANS WITH DISABILITIES ACT.

12 BOARD MEMBER RELIS: MR. HARRINGTON, IF I
13 COULD JUST -- ARE THOSE ALL CALIFORNIA TIRES,
14 CERTIFIED FROM CALIFORNIA, OR ARE THEY FROM
15 ANYWHERE?

16 MR. HARRINGTON: NO, THEY ARE -- YOU'RE
17 BASICALLY TALKING CALIFORNIA TIRES. WE'RE IN SAN
18 BERNARDINO. WE WOULD BE HAPPY TO GO ABOUT A MILE
19 AND A HALF OVER HERE AND TAKE A LOOK AT THEM.

20 BOARD MEMBER RELIS: WELL, I WOULDN'T
21 KNOW WHERE THEY WOULD COME FROM.

22 BOARD MEMBER GOTCH: OUR GRANT ALSO ASKS
23 THAT THESE BE CALIFORNIA TIRES THAT ARE UTILIZED.

24 MR. HARRINGTON: THAT IS ABSOLUTELY NO
25 PROBLEM. THE MAJORITY OF THE TIRES WE GET ARE ON

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1 A CONTRACT BASIS FOR LOCAL SUPPLIERS.

2 CHAIRMAN PENNINGTON: WHAT IS THE COST
3 INVOLVED? I MEAN THREE TIRES AT WHAT COST?

4 MR. HARRINGTON: I'M SORRY. I DON'T
5 UNDERSTAND THE QUESTION.

6 CHAIRMAN PENNINGTON: WELL, YOU'RE BUYING
7 THE TIRES. ARE YOU PAYING SOMEBODY FOR THE TIRES?

8 MR. HARRINGTON: WE'RE ACCEPTING THE
9 TIRES AT OUR FACILITY FOR RECYCLING.

10 CHAIRMAN PENNINGTON: AND WHAT DOES THE
11 MAT ITSELF COST?

12 MR. HARRINGTON: THE FINISHED PRODUCT
13 WITH COLOR IN IT AND MEETING A NINE-FOOT DROP
14 HEIGHT PER ASTM HAS A RETAIL GOVERNMENT COST IN
15 THE NEIGHBORHOOD OF \$8.50 CENTS PER SQUARE FOOT.

16 CHAIRMAN PENNINGTON: PER SQUARE FOOT.
17 THE TILE, THE TWO BY TWO TILE, WHAT DOES IT COST?

18 MR. HARRINGTON: ROUGHLY \$32.

19 CHAIRMAN PENNINGTON: SO THAT'S ABOUT 10
20 BUCKS A TIRE IT'S COSTING US?

21 MR. HARRINGTON: NOW YOU'RE TALKING ABOUT
22 TIRES -- NOW WE SELL ALSO EIGHTY AND A HUNDRED
23 MESH CRUMB RUBBER THAT WE'RE TALKING NOW PROBABLY
24 30 A TIRE. IF YOU WANT TO GET DOWN INTO AN EIGHT
25 AND A HUNDRED MESH THAT WE'RE PRODUCING FOR

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1 INCORPORATION INTO RUBBER COMPOUNDS, NOW YOU'RE
2 PROBABLY 30, \$35 A TIRE.

3 BOARD MEMBER GOTCH: MAY I ADD SOMETHING?
4 THIS MIGHT ANSWER MR. RELIS' QUESTION, AND THAT IS
5 WITH THIS CURRENT GRANT FOR THE PLAYGROUND
6 MATTING, STAFF ESTIMATES THAT THEY'RE DIVERTING
7 880,000 POUNDS OF TIRES AND 44,000 TIRES FROM
8 DISPOSAL. BUT IF THIS IS TO CONTINUE YEAR AFTER
9 YEAR, WHICH IS WHAT I WOULD LIKE TO SEE HAVE
10 HAPPEN, WE HAVE THE -- WE HAVE THE CAPABILITY OF
11 UTILIZING UP TO THREE MILLION TIRES SPECIFICALLY
12 FOR PUBLIC ELEMENTARY SCHOOLS. AND WITH THE
13 POSSIBILITY OF GOING AS HIGH AS 12 MILLION TIRES,
14 COVERING ALL THE PLAYGROUNDS IN THE STATE. AS WE
15 KNOW FROM EARLIER CONVERSATIONS, 90 PERCENT OF THE
16 PLAYGROUNDS HAVE TO BE RESURFACED.

17 BOARD MEMBER JONES: I'M NOT OPPOSED TO
18 PLAYGROUND MATS. I DON'T WANT THIS TO BE A
19 DISCUSSION BETWEEN WHAT IS THE APPROPRIATE USE OF
20 CRUMB RUBBER. BRING UP A POINT -- AND I WANT TO
21 MAKE SURE I DIDN'T MISHEAR THIS -- WE -- BY THIS
22 GRANT PROGRAM, WE GOT RID OF 44,000 TIRES?

23 BOARD MEMBER GOTCH: WE ACTUALLY GOT RID
24 OF THE TIRES. WE DIDN'T DO A STUDY; WE'RE NOT
25 DOING A VIDEO. WE GOT RID OF THE TIRES.

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1 BOARD MEMBER JONES: I UNDERSTAND. SO WE
2 GOT RID OF 44,000 TIRES FOR \$350,000. THAT IS A
3 BARGAIN. ESPECIALLY WHEN WE'RE GOING TO SPEND
4 \$200,000 TO SEE IF WE CAN GET RID OF 10 MILLION
5 TIRES. TEN MILLION TIRES. NOT 44,000 TIRES, 10
6 MILLION TIRES. I THINK CRUMB RUBBER NEEDS TO BE
7 THERE. I DON'T WANT TO SEE MR. HARRINGTON OR ANY
8 OF HIS PEOPLE GET CAUGHT UP IN A DISCUSSION
9 SIMILAR TO THE ONE THAT WE HAD ON '96/97 WHERE WE
10 LOST FOCUS WHAT WE'RE DOING. I MEAN, I'M JUST
11 SAYING, YOU BRING FORWARD THE 44,000 TIRES. THAT
12 COST US \$350,000.

13 BOARD MEMBER GOTCH: IT'S A DIFFERENCE
14 ALSO BETWEEN A STUDY WHERE WE'RE NOT DIVERTING
15 ANY
16 TIRES AND WHERE WE'RE ACTUALLY DIVERTING TIRES
17 AND
18 UTILIZING THEM. ALSO, IT'S GENERATING
19 MARKETS.

20 CHAIRMAN PENNINGTON: WHAT WE HAVE
21 HERE
22 IS WE HAVE A MOTION ON THE FLOOR, SO LET'S --

23 BOARD MEMBER CHESBRO: I HAVE ONE
24 QUICK
25 COMMENT, MR. CHAIRMAN.

26 CHAIRMAN PENNINGTON: SURE.

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22 BOARD MEMBER CHESBRO: AND THAT IS
THAT I

23 ALSO THINK, AS WITH THE RRAC, THE HOPE IS THAT
THE

24 UTILITY OF THE PROCESS AND THE PRODUCT IS

GOING TO

25 BE DEMONSTRATED IN THAT THESE THINGS WILL
CATCH ON

1 AND BY THEIR OWN -- FOR THE BENEFITS THAT ARE
2 INVOLVED AND THAT ULTIMATELY IT WON'T WIND UP
3 BEING A GOVERNMENT SUBSIDIZED PROGRAM. THAT'S
4 CERTAINLY THE INTENT WITH THE RRAC, AND I THINK
5 THAT SHOULD BE THE INTENT ALSO WITH THE PLAYGROUND
6 MATS. YOU KNOW, THE SCHOOL WILL FIND THAT THEY'RE
7 A REALLY GREAT PRODUCT AND THE MARKET WILL BE
8 ESTABLISHED. SO THERE IS MORE TO IT THAN JUST THE
9 SHORT-TERM COST OF THE PRODUCT.

10 CHAIRMAN PENNINGTON: BUT WE HAVE BEEN
11 DOING THAT, WHAT, SINCE '92?

12 BOARD MEMBER GOTCH: THE STUDY STARTED IN
13 '92.

14 CHAIRMAN PENNINGTON: AND HOW LONG HAVE
15 WE BEEN BUYING THESE MATS?

16 BOARD MEMBER GOTCH: THIS IS OUR FIRST
17 YEAR.

18 MR. HARRINGTON: THIS IS THE FIRST YEAR
19 THAT ANY FUNDS WERE MADE AVAILABLE. WHAT YOU ARE
20 DOING IS STIMULATING MARKETS. WE'RE NOT ONLY
21 SELLING THEM IN CALIFORNIA. WE'RE SELLING
22 THROUGHOUT THE UNITED STATES. WHAT -- THIS IS
23 WHAT MARKET DEVELOPMENT IS ALL ABOUT. I CERTAINLY
24 DON'T EXPECT THE STATE TO PURCHASE ALL OF THE MATS
25 THAT WE'RE CAPABLE OF PRODUCING.

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1 CHAIRMAN PENNINGTON: THAT'S AN
2 INTERESTING COMMENT YOU MADE. YOU'RE SELLING THEM
3 ALL OVER THE STATES?

4 MR. HARRINGTON: WE'RE SELLING THEM
5 THROUGHOUT THE SOUTHWEST, THAT'S CORRECT.

6 CHAIRMAN PENNINGTON: OTHER STATES ARE
7 SUBSIDIZING IT?

8 MR. HARRINGTON: NO. THE OTHER STATES
9 AREN'T SUBSIDIZING IT.

10 BOARD MEMBER GOTCH: IT'S A WHOLE
11 DIFFERENT ISSUE.

12 CHAIRMAN PENNINGTON: WE HAVE A MOTION ON
13 THE FLOOR.

14 MR. HARRINGTON: IT'S A DIFFERENCE
15 BETWEEN MARKET DEVELOPMENT AND EXISTING MARKETS.
16 THAT WAS ONE OF THE GOALS THAT YOU HAD SAID YOU
17 WANTED TO DO, WAS --

18 CHAIRMAN PENNINGTON: THANK YOU. WE HAVE
19 A MOTION BEFORE US HERE. I THINK -- ARE WE CLEAR
20 ON WHAT THE MOTION IS?

21 WILL THE SECRETARY CALL THE ROLL?

22 THIS IS MRS. GOTCH'S

AMENDMENT TO

23 SUBSTITUTE.

24 BOARD SECRETARY: BOARD

MEMBER CHESBRO.

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25

BOARD MEMBER CHESBRO:

AYE.

1 BOARD SECRETARY: FRAZEE.
2 BOARD MEMBER FRAZEE: NO.
3 BOARD SECRETARY: GOTCH.
4 BOARD MEMBER GOTCH: AYE.
5 BOARD SECRETARY: JONES.
6 BOARD MEMBER JONES: NO.
7 BOARD SECRETARY: RELIS.
8 BOARD MEMBER RELIS: NO.
9 BOARD SECRETARY: CHAIRMAN PENNINGTON.
10 CHAIRMAN PENNINGTON: NO.
11 MOTION FAILS. CAN I MAKE AN
12 SUBSTITUTE TO YOUR MOTION?
13 BOARD MEMBER JONES: OF COURSE,
14 MR. CHAIRMAN.
15 CHAIRMAN PENNINGTON: I WOULD MOVE THAT
16 WE TAKE A HUNDRED THOUSAND OUT OF THE LEA GRANT
17 PROGRAM, THAT WE TAKE 200,000 OUT OF THE MOLDED
18 RUBBER PRODUCTS, AND PUT THE 300,000 INTO THE
19 PLAYGROUND MATS. THAT WOULD LEAVE US 400,000 IN
20 THE LEA GRANTS, THAT WOULD LEAVE US 300,000 IN THE
21 MOLDED RUBBER PRODUCTS, AND STRIKE THE ONE-THIRD
22 THAT WAS THERE.
23 BOARD MEMBER JONES: THAT WILL WORK.
24 BOARD MEMBER GOTCH: I'LL SECOND IT.
25 CHAIRMAN PENNINGTON: OKAY. ANY FURTHER

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1 DISCUSSION?

2 MR. CHANDLER: IS STAFF CLEAR ON THE
3 ALLOCATIONS?

4 MS. TRGOVCICH: MAYBE JUST TO RESTATE,
5 DOROTHY, IF YOU WANT TO RESTATE CHANGES.

6 MS. RICE: YES. I UNDERSTOOD THE CHANGES
7 TO MR. JONES' MOTION, WHICH WAS ESSENTIALLY THE
8 COMMITTEE MOTION FROM POLICY COMMITTEE TO REDUCE
9 THE LEA GRANT PROGRAM FROM 500,000 TO 400,000 AND
10 TO CREATE A NEW CATEGORY OF PLAYGROUND MATS AT
11 300,000 AND TO REDUCE THE MOLDED RUBBER PRODUCTS
12 CATEGORY FROM \$500,000 TO \$300,000.

13 CHAIRMAN PENNINGTON: CORRECT.

14 YOU WANT TO CALL THE ROLL?

15 BOARD SECRETARY: BOARD MEMBER CHESBRO.

16 BOARD MEMBER CHESBRO: AYE.

17 BOARD SECRETARY: FRAZEE.

18 BOARD MEMBER FRAZEE: AYE.

19 BOARD SECRETARY: GOTCH.

20 BOARD MEMBER GOTCH: AYE.

21 BOARD SECRETARY: JONES.

22 BOARD MEMBER JONES: AYE.

23 BOARD SECRETARY: RELIS.

24 BOARD MEMBER RELIS: AYE.

25 BOARD SECRETARY: CHAIRMAN PENNINGTON.

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

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CHAIRMAN PENNINGTON: AYE.

OKAY. THAT'S GOING TO DO IT FOR THE
DAY, FOLKS. WE WILL RECESS NOW AND RECONVENE
TOMORROW MORNING AT 9:30 IN THE LIBRARY. WE WILL
BE IN THE LIBRARY AT 555 WEST 6TH STREET.

(THE MEETING WAS THEN RECESSED AT 6:10 P.M.)

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