

Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force

Minutes of August 21, 2003

County of Los Angeles Department of Public Works
900 South Fremont Avenue
Alhambra, California

COMMITTEE MEMBERS PRESENT:

Albert Avoian, Business/Commerce Representative
Margaret Clark, League of California Cities-Los Angeles Division
Betsey Landis, Environmental Organization Representative
John McTaggart, League of California Cities-Los Angeles Division

COMMITTEE MEMBERS REPRESENTED BY OTHERS:

James A. Noyes, rep. by Shari Afshari, County of L.A. Dept. of Public Works
Judith Wilson, rep. by Karen Coca, City of Los Angeles Bureau of Sanitation
David Roberti, rep. by Mike Mohajer, General Public Representative
Jim Stahl, rep. by John Gulledge, County Sanitation Districts of Los Angeles County
Thomas L. Garthwaite, MD, rep. by Stan Uyehara, Department of Health Services
Ben Wong, rep. by Mike Miller, League of California Cities-Los Angeles Division
Barry Wallerstein, rep. by Jay Chen, South Coast Air Quality Management District

COMMITTEE MEMBERS NOT PRESENT:

Ron Deaton, City of Los Angeles Appointee
David Kim, City of Los Angeles Appointee
Joe Massey, Institute of Scrap Recycling Industries
Christopher Garner, City of Long Beach

OTHERS PRESENT:

Laura Cronin, City of Santa Monica
Isabel Schleif, City of Covina
Paul Alva, County of L.A. DPW
George De La O, County of L.A. DPW
Ben Lucha, City of Santa Clarita
Ron Saldana, LACDA
Maria Aquino, City of Arcadia

Jessica Vallerand, City of Santa Clarita
John Richardson, Community Recycling
Carolyn Meredith, City of Pasadena
Linda Lee, County of L.A. DPW
Steve Uselton, CIWMB
Tina Clark, City of Monterey Park
Toyasha Black, City of Arcadia

I. CALL TO ORDER

The meeting was called to order at 1:03 p.m.

II. SPECIAL RECOGNITION FOR GINGER BREMBERG AND LOIS SHADE

Ms. Margaret Clark announced the special recognition will be postponed until further notice as participants were unable to attend.

III. APPROVAL OF MINUTES OF JULY 17, 2003

Mr. Mike Mohajer stated section VII of the minutes should be amended to reflect that changes were made to the Solid Waste Management Fee Ordinance and not the Fee itself. The actual amount of the fee has remained the same. Mr. Mohajer also stated that Section VII, Page nine, first paragraph should be amended to state that the Fee Ordinance is applicable to the waste that is generated and disposed in the County and to what is sent out of the County of Los Angeles, with the exception of the waste that is recycled. The minutes were unanimously approved as amended.

IV. STATUS ON PROPOSED PHASE II CONSTRUCTION AND DEMOLITION DEBRIS REGULATIONS

Mr. George De La O of Public Works updated the Task Force on the status of Phase II of the proposed construction and demolition debris regulations. On Monday, August 4, 2003, the California Integrated Waste Management Board's (Waste Board) Permitting and Enforcement (P&E) Committee directed its staff to initiate an additional 15 day comment period and to develop alternatives for two issues raised by stakeholders at their meeting. This comment period ends August 28, 2003. The issues were whether or not the definition of Inert Debris Engineered Fill Operations should include the word "disposal" and the requirement for scales at facilities.

Waste Board staff developed alternatives for the two issues and will accept comments for consideration on September 8, 2003. The Committee will then select one alternative for each issue. The issues and their alternatives are documented in the CIWMB memo dated August 13, 2003, provided at the meeting. Therefore, this is the Task Force's final opportunity to comment on the proposed regulations. A workshop will also be held on Monday, August 25, 2003, which Public Works will attend.

With regard to the first issue, Alternative 1 is to not delete the term "disposal" and maintain the regulation as is. Alternative 2 replaces the term "disposal" with either "deposited" or "fill." Alternative 3 is to also delete the term

“disposal” and replace it with either “deposited” or “fill” along with an explanation that inert debris is not counted as diversion or disposal for a given jurisdiction.

With regard to the second issue, Mr. De La O explained Alternative 1 keeps the previously stated language, regarding scale requirements, unchanged. Alternative 2 gives exceptions to the scale requirements as follows:

- 1) Allowing one year after the effective date of regulations for weight of material to be determined by a conversion factor authorized by the Enforcement Agency (EA) for each waste type received.
- 2) Operations that are in a rural city/county and operations that will cease activities within three years from the effective date of regulations may determine the weight of materials received by use of conversion factors authorized by the EA for each waste type or combination thereof received.

Alternative 3 deletes the scale requirement altogether. Mr. De La O explained that for the Registration and Full Solid Waste Facility Permit tiers Alternative 2 would apply to operations that will cease activities within five years. These facilities can determine the weight of materials received by use of conversion factors.

The Task Force members discussed the possible ramifications of including the term “disposal” in the definition of inert debris engineered fill operation. The Task Force recommended supporting either of the two alternatives that does not use the word “disposal” and wants to make clear that these requirements for inert debris engineered fill operations would not apply to fully permitted landfills.

Task Force members expressed concerns regarding current proposed scale requirements. They recommended the Waste Board develop criteria based on facilities’ remaining capacity, in cubic yards, to determine which facilities should be required to use scales. The Task Force members were concerned it would be more difficult for small facilities to comply with this requirement.

A motion was made for the Task Force to send a letter to the Waste Board recommending an alternative with language using the words “fill” or “deposited” instead of “disposal” and to clarify that the proposed regulations are limited to construction and demolition and inert debris operations and facilities and not apply to fully permitted Class III landfills. The motion passed with one member abstaining.

Another motion was made to add language to the letter to the Waste Board regarding issue two. The language would state that the Waste Board should develop criteria based on facilities' remaining capacity, in cubic yards, to determine which facilities should be required to use scales. The motion was unanimously approved.

V. STATUS ON CONVERSION TECHNOLOGY REGULATIONS

Mr. Paul Alva from Public Works updated the Task Force on the status of the Conversion Technology regulations. The Waste Board held a workshop regarding these regulations on August 1, 2003, which was attended by many stakeholders.

Mr. Alva explained the Waste Board is attempting to place conversion technology facilities into tiers, similar to Transfer/Processing Facilities' tiers. Four types of facilities are being addressed. The first tier includes conversion technology facilities that have less than 15 cubic yards of daily processing capacity and are in a closed environment. These facilities are exempt from the regulations. The Enforcement Agency Notification Tier includes facilities considered limited-volume conversion technology facilities as long as their daily processing capacity is less than 15 tons, or the facility is a conversion technology research operation and its daily processing capacity is less than 15 tons.

The third tier is called the Registration Tier. The facilities under this tier are medium-volume conversion technology facilities processing between 15 and 100 tons per day. Finally, any conversion technology facility processing over 100 tons per day would be considered a large-volume facility, and would need to obtain a Full Solid Waste Facility Permit (SWFP).

Two issues were brought up by Public Works at the workshop. These conversion technologies would be considered disposal facilities if they classify as medium or large-volume facilities. Several repercussions arise as a result of considering these sites disposal facilities, and not recycling facilities. If they are considered disposal facilities then they would need to be incorporated into the Countywide Siting Element which means the Siting Element would need to be revised. The preliminary cost for revising the Siting Element in the County of Los Angeles has been estimated at \$250,000 over a two year period. Therefore, the conversion technology regulations will have a significant detrimental impact in the development of these technologies.

Also, Mr. Alva discussed a concern regarding AB 2770, Chapter 740, 2002 Statutes, that gave gasification diversion credit. A question arose regarding how gasification facilities will be treated under these new regulations. In

response, the Waste Board handed out a letter of clarification from the California Legislature which stated that it was not their intention to give gasification technologies diversion credit. (see attached).

Mr. Alva explained that the Waste Board concluded the workshop by stating the next step would be to bring these proposed regulations before the full Waste Board most likely at their November 2003 meeting. A stakeholder present requested the regulations not be subject to the five-day notification period prior to committee hearings since it's not sufficient time for review and comment. The Waste Board is considering this request, and will provide status once a decision is reached.

Mr. Alva added that last year the Legislature under AB 2770 required the Waste Board to prepare two reports regarding the technical feasibility of conversion technologies as well as their marketability. The Waste Board awarded the contracts earlier this year and those reports are set to be finalized by December 2003. The reports are presently under peer review by numerous stakeholders.

Mr. Alva stated the Waste Board was questioned why they were considering adopting regulations before those reports were finalized. The Waste Board is considering implementing the regulations after reviewing the finalized reports, as they may shed some light on the difficulty of starting up a conversion technology and how that issue can best be approached.

Mr. Alva also emphasized the final paragraph of the California Legislature letter where it was stated the Legislature looks forward to seeing the reports on conversion technologies, and may reconsider the issue of diversion credits for this technology.

A motion was made for the Task Force to send a letter to the Waste Board requesting time to review the revised conversion technology regulations prior to them going to the Permitting and Enforcement Committee. The letter will also include the Task Force's support of the position and comments made by Ms. Kay Martin from the County of Ventura in a letter dated August 18, 2003 (see attached). A comment will also be included stating because these processes involve materials that have already been source-separated, calling them "disposal" when they have been diminished by at least 85 percent is ludicrous, ill-founded, and senseless. The motion was unanimously approved.

VI. REPORT ON THE CIWMB'S CONFORMANCE FINDING POLICY

Ms. Shari Afshari from Public Works reported on the Waste Board's discussion of their conformance finding policy. The policy states once an expansion is identified in the Waste Board-approved Siting Element, if a facility has any expansions following that original development it is considered to be in compliance. The Waste Board's policy is being revisited as a result of recent findings. On August 4, 2003, Waste Board staff asked for direction on this policy. Their recommendation to the Waste Board is if the property boundary of any facility before the Waste Board extends beyond what was identified in the Siting Element at the time of approval, it is not in compliance and has to go through the Siting Element revision process.

Waste Board staff also stated that although it was not expressly addressed at the time of implementation, it is not completely different from the adopted "dot on a map" policy. Ms. Afshari expressed her concern regarding the implication of such a process when dealing with a jurisdiction the size of the County of Los Angeles. Every time an expansion arises, the expansion would need to be placed on hold and the County would need to go through a two year process at a cost of \$250,000.

The jurisdictions in the County may be unable to provide or accommodate the disposal needs of all their citizens if the landfill expansions have to be placed on hold until compliance with the proposed policy is achieved. Ms. Afshari asked the Waste Board's Sustainability and Market Development Committee to consider the Finding of Conformance process in the County of Los Angeles. Their position is that by State law they cannot accept that process in lieu of the double-majority approval.

Ms. Afshari also recommended to the Waste Board to achieve acceptance of the County's Finding of Conformance process either via a statutory change or, if the Waste Board feels it has the authority, by re-interpreting current statute, to avoid the impact the proposed process would have on the County of Los Angeles. Waste Board members were receptive to the concerns of the County of Los Angeles.

A motion was made for the Task Force to send a letter to the Waste Board requesting they consider the Finding of Conformance process that already existed within the County of Los Angeles as a part of the Siting Element. The letter will also explain that the Waste Board's proposed process is expensive, time consuming, and unfeasible for the County of Los Angeles. The motion was unanimously approved.

A motion was made for the Task Force to send a letter to Waste Management regarding Bradley Landfill's non-responsiveness to the Task Force's request

for additional information. This issue is also to be placed as an agenda item for the following Task Force meeting for September 18, 2003.

VII REPORT FROM CIWMB

Mr. Steve Uselton from the Waste Board addressed the items and updates from the Waste Board's August 2003 meeting. The Regional Agency item that was previously continued to the August 2003 meeting was not addressed. The Regional agency manager is addressing certain issues and thus the item was not considered at the August Board meeting. It will be brought back to the Board at a future time.

Mr. Uselton stated the Task Force will be notified once dates are selected for the workshops given by the Waste Board for the Conformance Finding Policy.

Mr. Uselton addressed the issue with the City of Gardena, regarding their delay in submitting the work plan agreement required as part of their Compliance Order. As a result of the delay a penalty meeting of the Waste Board has been scheduled for September and will be addressed at their Board meeting on September 16, 2003.

Mr. Uselton stated there has been communication with all recycling coordinators regarding the delay in Annual Reports. The Waste Board is pending receipt of Board of Equalization data. The required information has not yet been received thus the report will not be released until receipt of that data. The Waste Board does anticipate providing the Disposal Reporting System data beginning September 1, 2003.

Mr. Uselton announced a Grant Writing Workshop will be held on August 26, 2003, in downtown Los Angeles. Interested parties are invited to attend. The purpose of the workshop is to obtain information on how to participate in grants that the Waste Board offers, to assist those who have been unsuccessful in obtaining grants and to obtain more information on Waste Board grants. Copies of the registration pamphlet were provided (see attached).

Mr. Uselton provided information regarding the Waste Board soliciting partners to apply for external funding for organic materials management projects. The Waste Board website provides information on the partnership organics webpage. The website is www.ciwmb.ca.gov, select the organics tab for more information on that process.

Mr. Uselton was asked if the action taken against the City of Gardena would force them to go to a single contractor for their residential and commercial

waste. Mr. Uselton stated the work with the City of Gardena does not require that they select any specific type of structure, but instead the focus is on end results. The jurisdiction can make the decision on how they would like to structure the agreement, but they must make a commitment that the program that they put in place will provide desired results.

VIII LEGISLATIVE UPDATE

Mr. Alva provided the legislative update. Mr. Alva explained there has only been one major movement in Sacramento due to the focus on the Governor's recall election.

- SB 20 – Introduced by Sher

The proposed Bill continues to define hazardous electronic devices to mean a cathode ray tube, a CRT device, or any hazardous material determined by DTSC.

Mr. Alva stated SB 20 would also require the following:

- ◆ The DTSC to adopt regulations to phase out hazardous materials from electronic devices.
- ◆ Require manufacturers to collect a recycling fee between \$3.00 and \$10.00 at time of consumer purchase.
- ◆ Manufacturers will be required to have a recovery plan which meets specified recycling rates or provide money to reimburse the Waste Board to recycle the items for them.
- ◆ Utilizing these collected revenues, the Waste Board is required to establish an E-Waste management program, including providing grant funding to local governments and non-profit agencies and financial incentives to manufacturers to implement or maintain existing E-Waste collection programs.
- ◆ Manufacturers must notify the CIWMB if they plan on exporting electronic waste to other countries.

Mr. Alva indicated staff recommends the Task Force continue to support the Bill. There are ten days until all Bills must be out of all committees. Updates will be provided at the next Task Force meeting.

A motion was made for the Task Force to send a letter by Wednesday August 27, 2003, for the scheduled Assembly Appropriations Committee

meeting requesting a mandated reimbursement to local government to recover costs from the recyclers of electronic waste, to clarify the discrepancy between hazardous waste, hazardous materials and hazardous devices, and to ensure the recovering fee (the proposed range of \$3 to \$10) will cover the cost for collection and recycling by the local jurisdictions. The motion was unanimously approved.

IX OPEN DISCUSSION/PUBLIC COMMENT

Mr. Mike Mohajer informed the Task Force that Senator David Roberti's mother-in-law passed away. He requested that a sympathy card be sent on the Task Force's behalf.

Ms. Margaret Clark requested all correspondence generated by the Task Force be filtered through Mike Mohajer for review before sending to her for signature.

Ms. Karen Coca announced one of the City of Los Angeles' local processors was awarded an RMDZ Loan at the Waste Board's meeting to set-up a new recycling facility for mixed construction and demolition materials.

X NEXT MEETING DATE

The next meeting is tentatively scheduled for September 18, 2003.

XI. ADJOURNMENT

The meeting was adjourned at 3:09 p.m.

Attach.