

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

Minutes of September 18, 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
John McTaggart, League of California Cities-Los Angeles Division
David Roberti, General Public Representative

COMMITTEE MEMBERS REPRESENTED BY OTHERS:

James A. Noyes, represented by Shari Afshari, County of L.A. Dept. of Public Works
Betsey Landis, rep. by Marsha McLean, Environmental Organization Representative
Jim Stahl, rep. by Don Nellor, County Sanitation Districts of Los Angeles County
Thomas L. Garthwaite, rep. by Virginia Maloles, County of L.A. Dept. of Health Services
Ben Wong, rep. by Mike Miller, League of California Cities-Los Angeles Division
Christopher J. Garner, rep. by Charlie Tripp, City of Long Beach

COMMITTEE MEMBERS NOT PRESENT:

Judith Wilson, City of Los Angeles Bureau of Sanitation
Barry Wallerstein, South Coast Air Quality Management District
Ron Deaton, City of Los Angeles Appointee
David Kim, City of Los Angeles Appointee
Joe Massey, Institute of Scrap Recycling Industries

OTHERS PRESENT:

David Treydte, City of La Mirada
Dave Peterson, City of Santa Clarita
Ron Saldana, LACDA
George De La O, County of L.A. DPW
Linda Lee, County of L.A. DPW
Richard Long, City of Lancaster
Brenda Bonnet, County of L.A. DPW
Mike Mohajer, Task Force Alternate,
General Public Representative

Martins Aiyetiwa, County of L.A. DPW
Paul Alva, County of L.A. DPW
Marie Pavlovsky, County of L.A. DPW
Isabel Schleif, City of Covina
Steve Uselton, CIWMB
Joshua Rosenbaum, City of Signal Hill
Maria Aquino, City of Arcadia

I. CALL TO ORDER

The meeting was called to order at 1:08 p.m.

II. APPROVAL OF MINUTES OF AUGUST 21, 2003

The minutes of August 21, 2003, were unanimously approved as presented.

III. REPORT FROM THE PUBLIC EDUCATION AND INFORMATION SUBCOMMITTEE

Ms. Emily Montanez of Public Works updated the Task Force on the status of the Public Education and Information Subcommittee. Copies of the Summer issue of the *Inside Solid Waste* newsletter were distributed. The Fall issue is due out in October with articles including the City of Santa Clarita's efforts in setting up recycling bins throughout city streets, an interview with the recycling coordinator from West Hollywood, and an article about construction and demolition debris recycling.

Ms. Montanez requested selection of a Task Force member to serve as Chair for the Public Education and Information Subcommittee. The Chair would be responsible to be present at the Subcommittee meetings on a quarterly basis (February, May, August, November) held on the same date as the Task Force meetings, at 10 a.m. Mr. Mike Mohajer volunteered to serve as the Chair on a temporary basis until a new volunteer is found.

A motion was made by the Task Force to appoint Mr. Mohajer as the Chair for the Public Education and Information Subcommittee, until a new volunteer is found. The motion was unanimously approved.

IV. STATUS OF RESPONSE TO TASK FORCE REQUESTS FOR INFORMATION ON BRADLEY LANDFILL

Mr. Martins Aiyetiwa from Public Works updated the Task Force regarding the non-responsiveness of Bradley Landfill. A copy of the letter sent to the Bradley Landfill facility manager dated September 4, 2003, on behalf of the Task Force was provided (attached). Mr. Aiyetiwa stated no response had been received to date. Once a response is received updates will be provided to the Task Force.

The Task Force expressed concern regarding the lack of responsiveness on behalf of Bradley Landfill. A recommendation was made to request County

Counsel to send a letter to advise Bradley Landfill of the consequences due to non-compliance.

After much discussion, a motion was made requesting County Counsel to send a letter to Waste Management, operator of the Bradley Landfill, addressing their lack of response despite the numerous correspondence sent by the Task Force. The motion was unanimously approved.

A second motion was made to include an item providing the status of the Bradley Landfill issue on every upcoming Task Force agenda until the matter is resolved. The motion was unanimously approved.

V. CALIFORNIA AIR RESOURCES BOARD'S PROPOSED SOLID WASTE COLLECTION VEHICLE RULE

Mr. Mike Mohajer provided an update on the California Air Resources Board's (CARB) solid waste collection vehicle rule. A letter was sent to CARB informing them the Task Force was opposed to requiring cities and counties to enforce compliance for the solid waste collection vehicles. Mr. Mohajer stated on September 4, 2003, CARB staff and the League of California Cities developed new regulations that would eliminate most of the requirements on local governments.

However, municipalities would still need to submit a report to the Executive Officer including municipalities' name, address, telephone number, fax number, and contact name. For each contract (for contracts or franchise agreements only, not for haulers holding permits or licenses issued by municipalities) the following information should be provided: Contractor's name, owners name, business address, business telephone number, business fax number, and address of each terminal. In addition, CARB still included a compliance requirement maintaining that if the information is not sent or is incorrect, then the municipalities are subject to a penalty of \$10,000 per day. This compliance requirement is applicable to municipalities with which the haulers have a contract or franchise agreement. If the municipality has only issued a license or permit and does not hold a contract or franchise agreement with the hauler, then they are exempt from this penalty.

Mr. Mohajer stated the Task Force position is that CARB should impose the requirements on the solid waste collection vehicles themselves.

Mr. Mohajer stated that Title 14 of the Code of Regulations requires that the haulers are to file their address, telephone number, contact person, and other pertinent information with their local enforcement agency (LEA). This is the same information CARB is requiring from the municipalities. The Code of Regulations states each LEA over solid waste collection companies shall maintain a complete listing of all persons holding written approval to provide

solid waste collection services within their jurisdictions. The listing must contain the name, address, telephone number, emergency telephone number of each person, the number and type of vehicles employed by such person providing such solid waste collection services. Therefore, the information that is being required from the municipalities is already reported to the LEA. The California Highway Patrol also collects this information from the vehicle haulers. CARB could obtain the information from the LEA or other enforcement agencies rather than hold municipalities responsible. Imposing penalties for information collection where accuracy is not within the municipalities' control is unjust and unrealistic.

Mr. Mohajer also informed the Task Force that the California Refuse Removal Council and Waste Management, Inc., have been lobbying to include language in the CARB regulations to require cities and counties to compensate the waste haulers for the costs for compliance by the waste haulers. They have also approached Senator Chesbro to attempt to change the law to increase the State's landfill disposal fee from \$1.40 per ton to \$1.90 per ton through SB 1078. Landfill operators would pay the extra fifty cents to the Board of Equalization. The Board of Equalization would then retain a percentage of the fee and forward the remaining money to those haulers who need to retrofit their vehicles in order to meet the CARB standards.

VI. STATUS ON PHASE II CONSTRUCTION AND DEMOLITION DEBRIS REGULATIONS

Mr. George De La O stated that at the last Task Force meeting a motion was passed to send a letter to the Waste Board providing the Task Force's comments on the proposed Phase II Construction and Demolition Debris Regulations. There were two issues, each with three alternatives which the Waste Board was considering for implementation. The first issue was whether or not the definition of inert debris engineered fill operations should contain the word "disposal." The second was the requirement for scales at facilities.

The comments, in the Task Force letter, were that the definition for the inert debris engineered fill operation should not contain the word "disposal." Any of the alternatives that would fulfill that would be acceptable. For the scales requirement, the Task Force commented that the Waste Board should develop criteria for the scales based on the remaining capacity in cubic yards and implement scales for the large facilities only.

These regulations were heard at the Waste Board's Permitting and Enforcement Committee meeting on September 8, 2003, and at the main Waste Board meeting on September 17, 2003. The Waste Board received many comments from industry representatives and stakeholders.

Mr. De La O explained after hearing comments and conducting deliberations, the Waste Board adopted regulations that:

- a. Delete the term "disposal" from the definition of inert debris engineered fill operations and use the terms "deposited" and "fill" in place of the terms "disposed" or "disposal," along with an explanation that inert debris is not counted as diversion or disposal for a given jurisdiction.
- b. For the Enforcement Agency Notification tier (inert debris engineered fill operations fall under this tier) there would be no requirement for scales.
- c. For the Registration and Full Solid Waste Facility Permit tiers, the Waste Board selected Alternative Two which provides some exemptions for scales. These exemptions are:
 1. Can use conversion factors for up to one year after the effective date of the regulations
 2. Operations in rural cities or rural counties can use conversion factors
 3. Operations that will cease in five years can use conversion factors

Mr. De La O stated the Waste Board will work with the Office of Administrative Law to make the regulations effective. The operative date for these regulations is January 17, 2004, which is one year after the Office of Administrative Law first publicly noticed the regulations.

Discussion among the Task Force members ensued amid concerns that the regulations might cover too many construction activities and should have been changed prior to the Waste Board adopting them. Mr. De La O provided clarification on construction activities excluded by the regulations.

VII. STATUS ON ALTERNATIVE DAILY COVER REGULATIONS

Mr. Martins Aiyetiwa stated that on September 8, 2003, the Waste Board's Permitting and Enforcement Committee considered the Alternative Daily Cover Regulations. The Committee sent these regulations for public review from September 15 to September 30, 2003. There are outstanding issues that the Waste Board needs to address. These include the impact on jurisdictions and whether retroactive corrections to the Disposal Reporting System would be necessary if the Waste Board determines there was an overuse of ADC. The issues also included what criteria would be used to determine if ADC was overused and clarification on the definition for green materials.

A motion was made to write a letter to the Waste Board by September 30, 2003, requesting:

- a. The Waste Board provide specific criteria and procedures to be used when determining if ADC overuse has occurred.
- b. The Waste Board to address the impact on local jurisdictions of a determination by the Waste Board that overuse of ADC has occurred, and notify the impacted jurisdictions of its decision/findings.
- c. Clarification regarding whether the Waste Board will require jurisdictions to correct Disposal Reporting System data retroactively if overuse of ADC is determined.
- d. The Waste Board to review the definition of "green material" to include green waste from "dirty" materials recovery facilities. The Task Force believes this will have a significant impact on jurisdictions that use a "dirty" MRF.

The motion was unanimously approved.

VIII. REPORT FROM THE CIWMB

Mr. Steve Uselton brought one item before the Task Force. On September 16, 2003, the Waste Board considered imposing penalties on the City of Gardena for failure to implement its Source Reduction and Recycling Element, and to complete the requirements of its Compliance Order. The specifics of that Compliance Order required the City of Gardena to work with Waste Board staff on a Local Assistance Plan due by June 30, 2003. Progress was made with the City in developing that Plan but because of changes in the City Council's direction on the selection of a service provider it delayed the ability of the City to agree to the Waste Board's joint Plan.

The City was found in violation of the Compliance Order and the Waste Board considered issuing penalties. After considering some of the history of the City of Gardena and the Compliance Order, the Waste Board determined that a penalty was warranted and imposed it in the amount of \$70,000. If the City fails to comply with the Local Assistance Plan agreed to, then additional penalties in the amount of \$1,100 per day would be put into effect at the discretion of the Executive Director. Those penalties would not be enforced until after January 1, 2004, and only if the City does not fully implement the Local Assistance Plan that was agreed to.

An additional condition was placed in the Waste Board's resolution that the fine could be brought up to over \$2,000 per day if the City continues to fail to

implement the Local Assistance Plan beyond 60 days after January 1, 2004. The Executive Director would make that determination.

Mr. Mike Mohajer requested the Waste Board provide clarification and expand on the Phase II C&D Debris Regulations resolution reached at the September 17, 2003, meeting. Examples were requested in order to better understand the amendments and Resolution 2003-449. Mr. Uselton will include the requested information in his October update.

IX. LEGISLATIVE UPDATE

Mr. Paul Alva provided the legislative update. Mr. Alva explained that September 12, 2003, ended the first half of the 2003-2004 legislative session. All Bills had to be out of Committees and on the floor of each legislative House by August 29. The Bills had to be approved by each house by September 12, 2003, and forwarded to the Governor for signature.

- AB 28 – Introduced by Hannah-Beth Jackson

This Bill was gutted and amended to increase the CRV values for beverage containers. The Bill would increase the refund value on beverage containers to 4 cents (8 cents for containers larger than 24 ounces) with an automatic step-up to 5 cents (and 10 cents for containers larger than 24 ounces), if recycling rates fail to reach 75 percent by 2006. This Bill passed the Legislature and is currently on the Governor's desk. Currently every beverage container less than 24 ounces gets assessed a 2.5 cent redemption fee, and anything above is assessed a 5 cents redemption fee.

- SB 20 – Introduced by Sher and Romero

Mr. Alva stated that at the last Task Force meeting the consensus was to support the Bill as long as some deficiencies in the Bill were addressed. The Task Force sent a letter to the Assembly Appropriations Committee on August 28, 2003, supporting the Bill provided it was amended. SB 20 was amended twice in early September on the Senate floor. The Bill now removes the electronic manufacturers shared responsibility in managing electronic waste and focuses only on the management of cathode-ray tubes (TVs and computer monitors). The Waste Board will be administering the CRT management program by levying a \$6.00 to \$10.00 fee on each television and computer sold in the State.

Mr. Alva explained that the money obtained will go into an electronic management fund jointly controlled by the Waste Board and Department of Toxic Substances Control (DTSC). The monies collected will be given out in payments to the collectors of CRT devices including non-profit

organizations, cities and counties. Payments will also be made to CRT recyclers. The Waste Board will be working jointly with DTSC to determine a specific formula for how the money will be distributed.

- SB 1078 – Introduced by Chesbro

This Bill was gutted and amended to increase the State's solid waste disposal fee from \$1.40 to \$1.90 per ton between January 1, 2004, and December 31, 2010, to fund the California Air Resources Board's new requirements to retrofit solid waste collection vehicles to reduce particulate matter from diesel engines. The Bill died, but it is a two year Bill, and thus may be considered in 2004.

- SB 204 – Introduced by Perata, Alpert, Kuehl & Romero

As a follow-up to this Bill which the author pulled from consideration in May 2003, Mr. Alva informed the Task Force that the City of Santa Clarita's pilot diaper recycling program may be discontinued since staff has recommended to their City Council to terminate the program due to its high operating costs. SB 204 would have imposed a fee (25 cents on every 100 diapers) on each child or adult diaper sold in California.

- AB 1497 – Introduced by Montanez

Mr. Alva explained that this proposed law would extend the LEA's review time from 30 to 60 days when making the determination on the adequacy of a SWFP application. The time between the filing period and commencing facility operation would be extended from 150 days to 180 days. The proposed law requires the CIWMB to adopt regulations that define the term "significant change in the design or operation of the solid waste facility that is not authorized by the existing permit" by 2005. The proposed law would also change the due process procedure for disposal facilities when the LEA is considering penalizing the facility for failing to take appropriate corrective actions.

X. OPEN DISCUSSION/PUBLIC COMMENT

A motion was made for the Task Force to designate Mr. Mike Mohajer as the contact person on behalf of the Task Force on Task Force correspondence to be signed by Vice-Chair Margaret Clark. In addition, the motion would require if there are any changes in decisions that are made by staff then those should be brought before the Task Force or to Mr. Mohajer. The motion was passed with one Task Force member abstaining and Mr. Mohajer excluded from the vote.

Mr. Mohajer requested that presentors placed on the Task Force agenda be notified with ample time to prepare.

XI. NEXT MEETING DATE

The next meeting is tentatively scheduled for October 16, 2003.

XII. ADJOURNMENT

The meeting was adjourned at 3:06 p.m.