

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

Minutes of October 17, 2002

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
Clarence Gieck, Greater Los Angeles Solid Waste Management Association
Betsey Landis, Environmental Organization Representative
Joe Massey, Institute of Scrap Recycling Industries
John McTaggart, League of California Cities-Los Angeles Division

COMMITTEE MEMBERS REPRESENTED BY OTHERS:

Ginger Bremberg, represented by Lois Shade, General Public Representative
Thomas L. Garthwaite, rep. by Virginia Maloles, County of L.A. Dept. of Health Services
James A. Noyes, represented by Mike Mohajer, County of L.A. Dept. of Public Works
Ed Shikada, represented by Charles Tripp, City of Long Beach
Jim Stahl, rep. by John Gulledege, County Sanitation Districts of Los Angeles County
Judith Wilson, rep. by Nady Maechling, City of Los Angeles Bureau of Sanitation
Ben Wong, rep. by Michael Miller, League of California Cities-Los Angeles Division

COMMITTEE MEMBERS NOT PRESENT:

Ron Deaton, City of Los Angeles Appointee
David Kim, City of Los Angeles Appointee
Barry Wallerstein, South Coast Air Quality Management District
Judith Wilson, City of Los Angeles Bureau of Sanitation

OTHERS PRESENT:

Paul Alva, County of L.A. DPW
Melinda Barrett, County of L.A. DPW
Susan Collins, HFH
Tess Da Silva, SCS Engineers
George De La O, County of L.A. DPW
M.J. Dube, City of Twentynine Palms
Mark Harmon, City of Claremont

Chris Ludlum, City of Arcadia
Carolyn Meredith, City of Pasadena
Ray Ramirez, City of Commerce
Ron Saldana, LACDA
Wes Thompson, City of Santa Monica
Steve Uselton, CIWMB

I. CALL TO ORDER

The meeting was called to order at 1:05 p.m.

II. APPROVAL OF MINUTES

Ms. Betsey Landis stated that line 14 of section IV of the minutes should be amended so that the word "design" replaces the word "amenities". Ms. Margaret Clark motioned to amend the minutes to reflect this change. The motion passed unanimously and the minutes of September 19, 2002, were approved as amended.

III. MONTHLY STATUS REPORT ON AB 939 REGIONAL AGENCY FORMATION

Ms. Nady Maechling from the City of Los Angeles Bureau of Sanitation provided the monthly status report. She stated the following cities have already joined the regional agency: Los Angeles, Manhattan Beach, Sierra Madre, Lynwood, Rancho Palos Verdes, Beverly Hills, Artesia, and Redondo Beach. Ms. Maechling stated that 15 cities are expected to join the regional agency by the end of November or the beginning of December. All of the cities that have joined the regional agency by the beginning of December will be the charter members. The charter members will draft bylaws to present to the California Integrated Waste Management Board (CIWMB) in December. Ms. Maechling stated the CIWMB is expected to approve and sign those bylaws in January 2003. The date the CIWMB approves and signs the bylaws will be the effective date of the creation of the regional agency. The close of enrollment for cities to join the regional agency is March 2003.

Ms. Betsey Landis asked if cities that join the regional agency must remain members for any specific length of time. Ms. Maechling explained that membership details will be defined in the bylaws that charter members will begin drafting in December.

In addition to the regional agency report, Ms. Maechling also stated that Steve Uselton and his group are reviewing the 2000 base year data for the City of Los Angeles. Once they finish their review of the data, Ms. Maechling stated the diversion rate for the City of Los Angeles is expected to be about 60 to 61 percent. Mr. Steve Uselton added that his group expects to complete their review in December.

IV. UPDATE ON IN-COUNTY DISPOSAL CAPACITY

Mr. Mike Mohajer distributed printed materials and conducted a presentation on Landfill Capacity & Siting Process in Los Angeles County. Mr. Mohajer explained that he originally provided the presentation to the CIWMB in September as a member of a panel formed to analyze remaining landfill disposal capacity in California.

Mr. Mohajer stated that it is critical to define "capacity" when discussing remaining landfill capacity. He detailed the definitions of design capacity, permitted disposal capacity, and daily permitted capacity. Design capacity is the potential capacity of a landfill based on engineering criteria, not permit requirements. Permitted disposal capacity is the total quantity of solid waste allowed to be disposed based on permit conditions. Permitted disposal capacity is typically significantly less than design capacity. Daily permitted capacity is the amount of solid waste allowed per day to be disposed based on permit conditions. Mr. Mohajer stated that it is critical to recognize the differences between these definitions and used the Puente Hills Landfill as an example to illustrate this. He stated that the design capacity of the Puente Hills Landfill is 76 million tons, and it has a remaining design capacity of 38 million tons. However, it has only 3.8 million tons remaining of permitted capacity according to its current land use permit. In addition, the daily permitted capacity of the Puente Hills Landfill is 13,200 tons per day, not to exceed 70,000 tons per week. Mr. Mohajer stated that based on the remaining permitted capacity and daily permitted capacity, the Puente Hills Landfill will have to close in October 2003 when it reaches its total permitted capacity unless the Landfill obtains a new land use permit that allows the remainder of its design capacity to be used.

Mr. Mohajer detailed a three-pronged approach to the problem of potential landfill capacity shortfalls. The first prong of the approach is to continue to pursue in-County capacity, mainly through landfill expansions, as the outlook for new landfills is not promising. The second prong of the approach is to continue to pursue out-of-County or remote landfill capacity by exploring rail and truck transportation options to landfills such as Eagle Mountain, Mesquite, and El Sobrante. The third prong of the approach is to aggressively pursue alternatives to landfilling and incineration through legislation and other local level means.

Mr. Mohajer then explained the Finding of Conformance process and distributed two letters regarding the Finding of Conformance (FOC) for the Bradley Landfill and Recycling Center. He stated that State law mandates that the majority of the cities containing the majority of the population must approve any amendments to the Countywide Siting Element. In addition, the Countywide Siting Element states that a FOC must be filed prior to facility creations or expansions.

Mr. Mohajer stated that although the expansion of the Bradley Landfill is on hold until after the November election, the Bradley Landfill has begun expansion and has requested a Solid Waste Facility Permit revision without a FOC. Referring to the letters he distributed, Mr. Mohajer stated that a letter explaining that a FOC is required prior to expansion and permit revision was sent to the City of Los Angeles, Bradley Landfill and Recycling Center, and the CIWMB. He stated that the City of Los Angeles Local Enforcement Agency (LEA) sent a letter in reply, which stated that their agency is processing the Bradley Landfill and Recycling Center Permit Revision. Mr. Mohajer explained that he intends to fully enforce the FOC requirement, as it is part of the Countywide Siting Element document which was approved by the majority of the cities, including the City of Los Angeles.

Mr. Albert Avoian asked whether the State could still issue a Solid Waste Permit to the Bradley Landfill if it does not receive a FOC. Mr. Mohajer explained that there is no State law that mandates that a facility receive a Finding of Conformance prior to receiving a Solid Waste Permit.

Mr. M.J. "Mac" Dube asked if Mr. Mohajer could provide an update on the revised EIR challenges for Eagle Mountain, which was mentioned earlier. Mr. John Gulledge stated that it is not an EIR challenge, but a group out by Eagle Mountain has sent a notice of intent to sue on the basis that Eagle Mountain is in violation of its conditional use permits. Mr. Dube asked about the status of a Greenpeace lawsuit as well as other lawsuits pending against Eagle Mountain. Mr. Gulledge replied that the original lawsuit is still in the District Court and will not come forward in the District Court until spring.

V. LEGISLATIVE UPDATE

Mr. Paul Alva reminded the Task Force that the 2001-2002 Legislative Session has ended. The Governor had until September 30, 2002, to either sign or veto enrolled Bills. Any enrolled bills that are not signed or vetoed automatically become law. Mr. Alva stated that the 2003-2004 Legislative Session will begin on December 3, 2002, and provided updates on three Bills that were of previous interest to the Task Force.

- SB 1523- Introduced by Sher and
SB 1619- Introduced by Romero and Sher

These two Bills are companion Bills regarding e-waste. On September 30, 2002, the Governor vetoed both Bills. However, the Governor gave a veto message, which stated that his reason for vetoing was the budget constraints the State is currently facing. The veto message also stated that the Governor might sign a similar Bill next year.

As a result, there are reports that Senator Sher has already begun drafting a bill that incorporates and addresses private sector concerns.

- AB 2308- Introduced by Chavez

This Bill states that inert waste will not be counted as disposal provided that it is taken to a mine reclamation facility until the CIWMB adopts regulations regarding C&D and inert waste at gravel pits. The Governor signed this Bill on September 27, 2002.

- AB 2770- Introduced by Matthews

Mr. Alva stated this is the conversion technology Bill that originally included a ten percent diversion credit for conversion technology provided that certain conditions were met. The Assembly passed the original Bill, however Senator Sher amended it by removing the ten percent diversion credit. This amendment essentially turned the Bill into a study Bill. The Governor signed this Bill on September 20, 2002.

Mr. Mike Mohajer provided an update on SB 1970, which was introduced by Senator Romero. Mr. Mohajer stated that the Governor vetoed the Bill and issued an Executive Order imposing a moratorium on disposal of decommissioned nuclear material. Mr. John Gulledge stated that he received a copy of the Executive Order as well as a clean-up and abatement order. The clean-up and abatement order was issued to all landfills and it states that landfills can no longer accept decommissioned material until the State Department of Health Services can conduct further detailed studies per the Governor's Executive Order. Mr. Gulledge stated that compliance with the abatement order also includes provisions that detail requirements for signage and notification to facilities that might have been sources of decommissioned material. Mr. Gulledge stated that the notification requirement might be problematic for landfills. DHS has the list of facilities that are sources of decommissioned material but has not released the list because of possible terrorism-related concerns.

Mr. Clarence Gieck asked if any dead Bills were going to be reintroduced during the next Legislative Session. Mr. Paul Alva stated that at the end of every two-year Legislative Session, all remaining Bills are considered dead. Dead bills must be rewritten in order to be reintroduced during the next Legislative Session.

VI. INERT WASTE AND AB 2308 IMPLEMENTATION

Mr. Carlos Ruiz stated that AB 2308 was approved unanimously by both the State Assembly and Senate and was signed by the Governor on September 27, 2002. The Bill requires jurisdictions to deduct from their disposal amounts inert waste that is removed from the solid waste stream and not disposed of in a solid

waste landfill, but is instead sent to a mine reclamation facility. The Bill requires jurisdictions to deduct the inert waste from their 2001 disposal tonnages and also requires jurisdictions to indicate the deduction and the tonnage amount in their annual reports to the CIWMB. The Bill also states that a jurisdiction must deduct the tonnage from its base year disposal in an amount equal to the amount that is being deducted from the 2001 disposal tonnage. A jurisdiction that deducts inert waste will have to deduct inert waste for all subsequent years. Mr. Ruiz stated that these deductions could increase diversion rates for some jurisdictions. Mr. Albert Avoian asked whether a jurisdiction that did not claim inert waste in their base year would be able to deduct inert waste in following years. Mr. Ruiz stated in response that jurisdictions will be able to deduct the inert waste in subsequent years.

Mr. Steve Uselton further explained that the purpose of this Bill is to neutralize the impact of inert disposal at mine reclamation facilities on the ability of jurisdictions to achieve their diversion quotas. Mr. Uselton stated that the CIWMB will be calculating for the jurisdictions the amounts that will be deducted from their 2001 disposal reports.

If a jurisdiction's base year included disposal at mine reclamation facilities, the CIWMB will deduct up to the same amount from the base year. The deduction from the base year only happens once and then it is considered the revised base year. From that point forward, the CIWMB will not count the inert waste at those facilities until the Bill sunsets. The Bill will sunset with the development of the CIWMB's proposed C&D regulations. The C&D regulations will discuss how mine reclamation facilities should be tiered in the permitting process as well as possibly including language on how the reporting at these facilities should be handled.

Mr. Uselton stated that the CIWMB is conducting a workshop regarding AB 2308 on November 4 at their Long Beach Office.

VII. REPORT FROM THE CIWMB

Mr. Steve Uselton distributed an update from the CIWMB (see attached) and provided an update on the CIWMB's 10th Annual Waste Reduction Awards Program (WRAP). The WRAP Awards are given to businesses to recognize their diversion activities. Mr. Uselton stated that 2,152 businesses throughout California received WRAP Awards and 524 of those winners were from Los Angeles County. Mr. Albert Avoian asked how the CIWMB disseminates information regarding this award program to businesses. Mr. Uselton stated that the CIWMB promotes the program through their website, by visiting major corporate headquarters to encourage their participation in the program, and through promotion on the local level. Mr. Uselton stated that most of the promotion for the program occurs on the local level because the CIWMB

encourages local jurisdictions to promote the program to their local businesses. In addition, Mr. Uselton stated that there are events that recognize WRAP Award winners and these events further promote the WRAP Award program. Mr. Avoian suggested that the CIWMB promote the program through local Chambers of Commerce via their newsletters and bulletins. He also suggested running radio and newspaper Public Service Announcements that list the businesses that won WRAP Awards in order to further promote the program.

In regard to the Biennial Reviews, Mr. Uselton stated that they have completed 64 Biennial Reviews and an additional six time extensions will be presented to their Board in November. The CIWMB originally expected to complete Biennial Reviews for all 89 jurisdictions in the County by December, but now expect to complete all Biennial Reviews by February 2003.

Mr. Uselton also provided an update on the 2001 Electronic Annual Report. The CIWMB is still waiting for the Board of Equalization (BOE) to release their taxable sales data for 2001. Once the BOE releases their data and the CIWMB announces the release, jurisdictions will have 30 days to submit their reports.

Mr. Uselton reiterated that the CIWMB is conducting a workshop regarding AB 2308 and its implementation on November 4 from 1 p.m. to 3 p.m. at the CIWMB's Long Beach office.

VIII. UPDATE ON STATUS OF CIWMB PROPOSED REVISIONS TO REGULATIONS FOR ALTERNATIVE DAILY COVER (CIWMB OCTOBER 2002 AGENDA ITEM 1)

Mr. Carlos Ruiz stated that the CIWMB's Permitting and Enforcement Committee met on October 7 to discuss proposed revisions to CIWMB regulations for alternative daily cover (ADC). The proposed revisions provide new State minimum standards for beneficial uses at solid waste landfills and include additional specifications for ADC materials that relate to minimizing contamination of ADC. These additional specifications require site-specific demonstrations at landfills that commingle or layer different ADC materials. These additional specifications would also exclude fruit waste from the definition of processed green material and would require the processing of green materials for use as ADC to meet certain site specifications. Mr. Ruiz stated that the Permitting and Enforcement Committee accepted these revisions under three conditions. The first condition is that the revisions are noticed for a 60-day comment period, rather than the 45-day comment period that was originally allotted. The second condition is that the staff must seek stakeholder input. The third condition is that the Committee will conduct a workshop during the comment period. The noticing of the regulations will start no later than January 2003. The committee will meet again in February 2003 or March 2003 to further discuss these revisions.

IX. BRIEF ANNOUNCEMENTS

Mr. George De La O provided brief announcements regarding conflict of interest regulations, new staff, and e-waste collection. Mr. De La O stated that the Board of Supervisors replaced the old Conflict of Interest Code with the State's Regulations of the Fair Political Practices Commission (see attached) and required that all other commissions also adopt these regulations. The major changes that occurred with the replacement are regarding loans and amounts for gifts, loans, and income. Mr. De La O stated that another copy of these regulations will be sent to Task Force members in March along with the Form 700. In addition, the regulations are also available online at the Fair Political Practices Commission website (www.fppc.ca.gov). Ms. Margaret Clark asked Mr. De La O to highlight the changes on the regulations that will be sent to Task Force members in March.

Mr. De La O introduced a new staff member, Stacey Haro. Ms. Haro is replacing Amy Sloboda and is responsible for the administrative functions of the Task Force as well as other aspects of AB 939-related programs.

Mr. De La O stated that the County began accepting all electronics waste at the County's household hazardous waste collection events as of October 1. There have been two collection events since October 1. The first event was held in Beverly Hills where 2,600 lbs. of e-waste and 47 cathode ray tubes (CRTs) were collected. The second event was held at two sites, Acton and Palmdale. In Acton, 50 lbs. of e-waste and 11 CRTs were collected. In Palmdale, 7,200 lbs. of e-waste and 433 CRTs were collected. Mr. De La O stated that the amount collected should increase as people become aware that all e-waste is accepted. Mr. Joe Massey asked what is done with the e-waste after it is collected. Ms. Melinda Barrett responded that the County Sanitation Districts contract with NextCycle, which sends the e-waste to Minnesota to be recycled.

X. OPEN DISCUSSION/PUBLIC COMMENT

There were no public comments at the meeting.

XI. NEXT MEETING DATE

The next meeting date is tentatively scheduled for November 21, 2002.

XII. ADJOURNMENT

The meeting adjourned at 2:40 p.m.

Attach.