

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

**Amended Minutes of July 17, 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:

Christopher Garner, rep. by Charles Tripp, City of Long Beach  
Thomas L. Garthwaite, rep. by Virginia Maloles, County of L.A. Dept. of Health Services  
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

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  
Barry Wallerstein, South Coast Air Quality Management District  
Ben Wong, League of California Cities-Los Angeles Division

OTHERS PRESENT:

Paul Alva, County of L.A. DPW  
Bob Barker, County of L.A. DPW  
Brenda Bonnett, County of L.A. DPW  
Kathy Chang, County of L.A. DPW  
George De La O, County of L.A. DPW  
Dave Ellis, City of El Monte  
Kimberly Fung, County of L.A. DPW  
Mary Goytia-Strauss, City of La  
Cañada-Flintridge

Ben Lucha, City of Santa Clarita  
Carolyn Meredith, City of Pasadena  
Phil Moralez, CIWMB  
Howard Morris, City of Pomona  
Isabel Schleip, City of Covina  
Nancy Steele, Air Resources Board  
David Treydie, City of La Mirada  
Steve Uselton, CIWMB  
Cynthia Vant Hul, City of Claremont

**I. CALL TO ORDER**

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

**II. APPROVAL OF MINUTES OF JUNE 19, 2003**

Ms. Betsey Landis stated the "Others Present" section of the minutes should be amended to reflect that Marsha McLean, Mike Miller, and Mike Mohajer are Task Force alternates. Mr. Mike Mohajer stated that Bonnie Bruce from the California Integrated Waste Management Board should be added to the "Others Present" section of the minutes. He also stated that Linda Moulton-Patterson's listing should be amended to "CIWMB Chair." The minutes were unanimously approved as amended.

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

Ms. Nancy Steele from the California Air Resources Board explained that CARB has been working on a series of Rules to reduce health risks from diesel particulate matter. CARB identified diesel particulate matter as a toxic air contaminant in 1998 and adopted a plan to reduce its risks in 2000. This proposed Rule is the first in a series of rules that will reduce particulate matter emissions from vehicles that are currently owned and in use.

Ms. Steele explained a 45-day public comment period was opened for the proposed Rule on June 6, 2003. The proposed Rule was expected to be presented to their Board on July 24, 2003. However, the item has been postponed until the September 2003 Board hearing, which will be held in Diamond Bar. The public comment period has also been extended. Written public comments may be submitted to the CARB's Clerk of the Board until 12 noon on September 24, 2003. Oral testimony may be presented on the day of the Board hearing. The Board hearing may be held on either September 25 or 26, 2003, but the hearing date will not be finalized until the agenda for the hearing is released ten days before the actual hearing date.

The proposed Rule applies both to municipalities that contract for service and collection vehicle owners. The proposed Rule contains a section specifically for municipality responsibility and a section that outlines the compliance requirements that apply directly to municipalities and to vehicle owners. Ms. Steele distributed a summary of the proposed Rule and stated the Scope and Applicability section of the summary describes the vehicles that will be affected by the proposed Rule.

Ms. Steele explained that vehicles with a gross vehicular weight in excess of 14,000 pounds and a model year engine between 1960 and 2006 will be

affected by the proposed Rule. Trucks used for commercial and residential solid waste collection will be affected. This includes trucks used for recycling, but does not include transfer trucks.

Ms. Steele explained that municipalities that have a franchise hauler for which the municipality regulates rates will be required to ensure that their hauler is in compliance, beginning December 31, 2004. CARB is asking municipalities that have rate-regulated haulers submit an initial report to the CARB by August 1, 2004. That initial report should list all of the contractors that a municipality has as of June 30, 2004. The report should describe the costs and funding sources for the cost of compliance for the franchise haulers.

After the initial report, beginning in January 1, 2006, municipalities must submit annual information to the CARB. The information should include a list of contractors and a signed certificate of compliance from the contractor stating they are in compliance.

Ms. Steele explained the proposed Rule requires municipalities to report contractor noncompliance to the CARB within 30 days of noncompliance discovery. If the CARB gives the contractor a notice of noncompliance, the contractor must inform their municipality within seven days.

Ms. Steele stated municipalities are not responsible for enforcing the proposed Rule on private haulers that are not rate-regulated. Haulers that are not rate-regulated are responsible for their own compliance and are also responsible for their own cost of compliance.

Ms. Steele stated the General Compliance Requirements section of the proposed Rule includes the selection of the best available control technology, following the implementation schedule, applying for any extensions (if applicable), and maintaining records. This section focuses on the vehicle owner, but clearly states that compliance is a joint responsibility between the contractor and the municipality that contracts.

While the vehicle owner must take the necessary steps to comply, CARB expects the municipality to have some oversight to ensure the vehicle owner does this. She stated CARB will be doing most of the enforcement and CARB does not expect municipalities to hire enforcement staff as a result of this proposed Rule. However, CARB is expecting that municipalities ensure that their contractors follow the proposed Rule by using their contractual relationship, just as municipalities use their contracts to ensure that their contractors follow other applicable laws.

Ms. Steele explained the cost per household for this proposed Rule is estimated by CARB to be \$17 over 17 years, or between \$0.75 and \$1 per year. This includes CARB's best estimate of the best available control

technology that contractors will use. The three primary mechanisms for the best available control technology are a diesel oxidation catalyst, a diesel particulate filter, or a new engine. The estimate cost calculation does not include the cost of a new vehicle and does not include the cost that municipalities will incur for enforcement or administration.

CARB conducted a survey of municipalities to get additional information about contracts and contract language. CARB received numerous completed surveys, representing roughly one-third of the population of California. This includes surveys from 74 cities, 12 counties, and four military bases. Ms. Steele stated some haulers expressed concern they would not be reimbursed for the cost of compliance with the proposed Rule. However, the survey results indicated most contracts contain room for rate negotiation.

Ms. Steele explained CARB will be releasing a Supplemental Staff Report that will correct errors regarding cost, emission benefits, and overall cost-effectiveness that were discovered in the original Staff Report.

Task Force members expressed concern that the proposed Rule will be an unfunded mandate that will require municipalities to enforce the Rule on private companies. Task Force members stated despite the claim that the CARB will be responsible for enforcement, municipalities must still monitor their contractors and enforce the Rule so their contractors remain in compliance. Task Force members discussed compliance with the proposed Rule will be complex. Small municipalities that do not have staff to monitor the proposed Rule will have difficulty enforcing an unfunded mandate.

Task Force members also expressed concern that the proposed Rule will negatively affect the small, independent haulers that will not be able to endure the cost of complying with the proposed Rule. They further stated the majority of haulers that operate in municipalities are not rate-regulated.

Task Force members suggested CARB should develop a rule that monitors haulers on a State level without involving the municipalities, especially since the current proposed Rule will not ensure all haulers will be affected equally in regards to compliance.

Mr. John McTaggart stated he would like the Task Force to send a comment letter to CARB opposing the proposed Rule. He stated the letter should include comments regarding how the proposed Rule is an unfunded mandate and comments regarding how noncompliance action by the CARB against municipalities cannot be determined without evidence of which specific contractor vehicle operates in a specific municipality.

Ms. Steele stated that she wants to stress that the CARB is a health agency whose goal is to reduce cancer and one way to do that is to reduce the amount of particulate matter emissions, which the proposed Rule will do.

A motion was made to send a letter including comments and concerns expressed by Task Force members in opposition to the proposed Rule. The motion was amended to include sending a copy of the letter and a copy of the CARB survey to every City in the County of Los Angeles. The motion passed unanimously.

#### **IV. STATUS ON PROPOSED CONSTRUCTION AND DEMOLITION DEBRIS REGULATIONS**

Mr. George De La O from the County of Los Angeles Department of Public Works updated the Task Force on the status of the proposed construction and demolition debris regulations. He provided updates on both Phases of the regulations. He explained that Phase I is for the transfer and processing of materials and Phase II is for the disposal operations.

Mr. De La O stated the Waste Board adopted Phase I regulations on April 9, 2003. The Office of Administrative Law approved Phase I regulations July 10, 2003, with a few changes. The most significant change was the determination that the Waste Board does not have the authority to require the local enforcement agencies to attend the California Division of Occupational Safety and Health Training. Therefore, the Office of Administrative Law deleted that section from Phase I regulations. Phase I regulations will become effective August 9, 2003.

Mr. De La O explained the Waste Board's Permitting and Enforcement Committee heard discussion on Phase II regulations on July 7, 2003. The Committee directed their staff to initiate another 15-day comment period between July 9, 2003, and July 24, 2003. Based on received comments, the Waste Board will revise Phase II regulations as necessary. The regulations will then go back to the Committee on August 4, 2003, to request a final 15-day comment period. Mr. De La O stated it is estimated Phase II regulations will be approved by the Waste Board in September 2003.

Mr. De La O stated the importance of the regulation is it will determine which facilities will have their materials count as disposal. The revisions of the regulations included replacement of certain terms and definitions. Also, several revisions were made to the Inert Debris Engineered Fill Operations. The first revision was to allow a lower compaction of the fill depending on the eventual end use of the site. Therefore, less compaction would be needed for sites that are to be used as recreation, open space, or a parking lot. The regulations were revised to allow for differences in end use.

Another change to the regulations is facilities that are built to a higher elevation than their surrounding area must obtain approval from all government agencies that have jurisdiction over the facilities.

A revision was also made regarding facilities that have accepted shredded tires in the past. Those facilities must include in their operation plan a description of how much of the material the facility accepted in the past, including diagrams and an explanation of where the material is located in the facility.

Mr. De La O explained that other revisions were made to the regulations that affected all three tiers of the regulations. These included a provision for unannounced inspections to be conducted at regular intervals, requiring facilities to have scales and to maintain weight records, and for a “three strikes” requirement. Under this requirement, a facility that exceeds its disposal limitation three times or more in a two-year period must apply for the full Solid Waste Facility Permit if the facility does not already belong to the full Solid Waste Facility Permit tier.

Mr. De La O stated another revision provides that facilities submit applications for Registration Permits and full Solid Waste Facility Permits will be required to hold public hearings in the communities to inform the residents of their intentions. The hearings will be conducted by the local enforcement agencies and the cost of those hearings will be reimbursed by the facilities.

**V. DEMONSTRATION OF COUNTY OF LOS ANGELES’ NEW ON-LINE SOLID WASTE DISPOSAL REPORTING SYSTEM**

Kathy Chang and Kimberly Fung from Public Works provided a presentation on Public Works’ new on-line solid waste disposal reporting system. Ms. Fung stated Public Works is responsible in the County for gathering and dispersing origin survey information that is used in the Disposal Reporting System. Currently, solid waste facilities submit completed origin survey forms to Public Works through the mail. Public Works then checks the submitted forms and manually inputs the information into a database. After the data are compiled, Public Works sends disposal data reports to the Waste Board and to jurisdictions.

Ms. Fung explained the new web-based system would streamline this process by allowing solid waste facilities to enter data directly into the database and by allowing the Waste Board and jurisdictions to download reports directly from the system. The web-based system will also enable the public to view information on the locations of disposal facilities and to obtain general information on the Disposal Reporting System.

Ms. Chang stated the web-based system will have three levels of users: public, facility, and jurisdictions/government agency users. Public users are comprised of the general public and will be able to view general information regarding disposal facilities and the Disposal Reporting System. Facility users will login to the system with a unique login ID and password. Facility users will be able to submit disposal reporting data and to view and download a selection of reports. Jurisdictions/government agencies will also login to the system with a unique login ID and password. Jurisdictions/government agencies will be able to view and download a selection of reports that pertain to their jurisdiction or agency.

Ms. Chang and Ms. Fung explained the web-based system is in its final testing stages. Training sessions for facility and jurisdiction users were held in June and July 2003. Facility users may begin submitting origin survey data using the web-based system on August 1, 2003. Jurisdictions will download their quarterly reports beginning January 15, 2004.

**VI. STATUS ON PROPOSED DISPOSAL REPORTING SYSTEM REGULATIONS AND PROPOSED ALTERNATIVE DAILY COVER REGULATIONS**

Mr. Martins Aiyetiwa from Public Works stated the Waste Board released the second draft informal proposed Disposal Reporting System regulations. The Waste Board removed the requirement that would have obligated haulers to provide waste origin address information.

However, the Waste Board introduced new changes that can have an enormous impact on counties' operations, including the County of Los Angeles. The current draft would require Public Works, as the agency responsible for the disposal reports from the County of Los Angeles, to provide hauler information to each city with the quarterly reports. This means Public Works would have to compile a list of everyone that takes waste to the landfill for that quarter, including transfer stations.

Mr. Aiyetiwa explained the impact by example, stating the County Sanitation Districts currently provide Public Works with a 12-page report for every facility from which they collect information during a quarter. However, that report would need to be expanded to about 375 pages. Public Works collects information from 19 different facilities, therefore, Public Works would receive approximately thousands of pages of information every quarter. Public Works' system is not set up to process that amount of information. In addition, Public Works currently sends 2-page reports to each city. As currently proposed, each City would receive over 30 pages of reports quarterly.

The Waste Board's proposal would also require that counties analyze any changes that occur between reports for different quarters. Analyzing changes between reports would be very difficult for Public Works to do because the current system is not set up to perform that function. Mr. Aiyetiwa stated that Public Works does not believe that these proposed requirements are necessary to help achieve the AB 939 mandate. He stated Public Works will be submitting comments on the proposed regulation before the comment period ends on July 18, 2003.

Task Force members discussed the proposed second draft regulation. They agreed that the proposed requirements would be an unnecessary burden. They also agreed the proposed requirement reinforces bean-counting and mathematical compliance. A motion was made to submit a comment letter on behalf of the Task Force expressing these opinions. The motion was passed unanimously.

## **VII. COUNTY OF LOS ANGELES SOLID WASTE MANAGEMENT FEE**

Mr. Bob Barker from Public Works provided a presentation on the County of Los Angeles' Solid Waste Management Fee Ordinance which was recently amended by the County of Los Angeles Board of Supervisors. Mr. Barker explained the history of the Fee and how it is used to fund various State-mandated Countywide programs. Some of the uses for the revenue include the preparation and administration of the County Integrated Waste Management Plan, the Task Force, the Disposal Reporting System, and the County's household hazardous waste management program.

Mr. Barker explained the amendment to the Fee Ordinance reduced the penalties for non-payment of the Fee and clarified the Fee to impose it on haulers directly sending waste outside the County. The Fee has always been \$0.86 per ton, \$0.52 per cubic yard, or if tons or cubic yards are not measured, ten percent of gross receipts. The Fee has always been imposed on every ton of waste disposed of in County landfills as well as every ton exported out of the County via transfer stations.

The \$0.86 per ton Fee, which was adopted in 1991, was intended to be applied to all waste 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. It was and still is collected at all in-County landfills and at transfer stations in the County from which waste originating in the County of Los Angeles is exported to facilities located outside the County. In the last year or two, with the closure and reduction in daily tonnage limits at some in-County landfills and the resulting changes in the local disposal market, a small part of

the waste stream is now being exported directly by haulers outside of the County without going first through a transfer station.

Mr. Barker explained that as in-County disposal capacity decreases and becomes insufficient to meet the disposal needs of jurisdictions within the County of Los Angeles, more waste will be directly exported outside of the County by haulers without being processed by a transfer station. Therefore, the Fee Ordinance was amended to clarify the applicability to all waste by closing the unintended loophole that allowed haulers to export waste directly outside of the County and not pay the Fee. A secondary purpose of the amendment was to make the penalty structure less stringent or burdensome. Mr. Barker stated this clarification will prevent a future drain in the major source of funding for all the programs and activities that Public Works is mandated to implement, including this Task Force.

Mr. Barker explained that amending the Fee required passing an ordinance, which required setting a public hearing before the Board of Supervisors, publishing a notice of the public hearing, and conducting the hearing. Public Works collaborated with County Counsel and the Board of Supervisors' Executive Office to comply with these requirements and pass the ordinance. On March 25, 2003, the Board of Supervisors set the hearing date for the Fee Ordinance. The hearing date was advertised and the Board had their hearing on the amendment to the Fee and adopted it at its meeting on April 22, 2003. The implementation date was set for June 1, 2003.

After the Board of Supervisors adopted the Ordinance to amend the Fee, Public Works began preparing letters to all waste haulers with permits issued by County Department of Health Services. Public Works also prepared letters to all solid waste facilities outlining the changes in the Fee Ordinance that might affect them. Public Works sent the letters on May 28, 2003, along with copies of the Fee Ordinance and a phone number to call if there were any questions. On July 8, 2003, the Fiscal Division of Public Works mailed out the first invoices that reflect these changes in the Fee Ordinance. Those invoices were for the month of June 2003. Payment for those invoices will be due to the County by August 8, 2003, which is ten weeks after the letters were mailed.

Ms. Cynthia Vant Hul from the City of Claremont stated the City of Claremont does not oppose the Fee, but they do oppose the notification process. She stated she received the letter dated May 28, 2003, on June 8, 2003, even though the amendment went into effect on June 1, 2003. She explained the amendment resulted in \$24,000 in fees for the City of Claremont and the City must adjust their already approved budget to pay the Fee. Ms. Vant Hul stated the invoice requires that payment be made within 30 days, but it will take the City much longer than that to go through the process of adjusting their budget to include the Fee.

Ms. Margaret Clark asked whether the Fee Ordinance was ever on a Task Force agenda. Ms. Shari Afshari from Public Works explained that it was the determination of County Counsel that the Fee Ordinance would not have any real impact on cities as it was intended to apply to haulers who are taking waste directly out of the County.

Mr. Howard Morris from the City of Pomona stated he is not at the meeting to oppose the amount the City of Pomona must pay for the Fee, but is present to oppose the alleged loophole the Fee was amended to close. He stated that the Ordinance is biased against border cities. Mr. Morris explained that he believes the notification process used displayed a total lack of courtesy for public agencies as the notice of the Fee was provided after the City's budget had already been adopted. He stated there is no justification for penalizing waste exported out-of-County since the Puente Hills Landfill stops accepting waste between 9:30 a.m. and 10 a.m., leaving the City no other choice but to take the waste outside of the County. Mr. Morris stated that every transfer station that is close to the City of Pomona is outside of the County. He reiterated he believes the Fee Ordinance was not created to close a loophole, but rather, to unfairly penalize cities that border other counties.

Mr. Mike Mohajer stated the Fee is not anything new and when the Fee was initiated back in 1991, both the City of Claremont and the City of Pomona were paying the Fee. Mr. Mohajer stated when the Spadra Landfill closed, those cities stopped paying the Fee when they began taking their waste out of the County. However, they continued to use the County's household hazardous waste collection services without paying for them.

Ms. Afshari stated that the purpose was not to impact cities. Before the City of Claremont and the City of Pomona called regarding the Fee Ordinance, Public Works was not aware they were taking their waste outside of the County for disposal.

Mr. John Gullidge stated that neither of the Cities is being treated any differently than any other City. He explained that the comments on the notification process are appreciated, but it is not unfair in an overall sense as other cities are paying the Fee through the rates at landfills or transfer stations in the County.

Ms. Betsey Landis stated it would have been better if the Task Force had known about the Fee Ordinance since the Task Force meeting agendas are sent to numerous people. Mr. Albert Avoian stated that all the Task Force can do is say that better notification should be provided in the future. Ms. Landis stated the Task Force should be notified any time the Board of Supervisors takes action with the Solid Waste Management Fee.

Ms. Margaret Clark stated that leniency on the part of the County should be given to the City of Claremont and the City of Pomona on their bills. Ms. Afshari stated that Public Works would be happy to work with the Cities in terms of payment due dates so they can meet with their City Councils and amend their budgets.

#### **VIII. REPORT FROM THE CIWMB**

Mr. Steve Uselton from the Waste Board stated the Waste Board had a meeting on July 16, 2003. The Waste Board discussed time extensions at the meeting. Mr. Uselton explained that the time extensions are straightforward and he does not have any details on these for the Task Force. He stated that the formation of the Los Angeles area Regional Agency item was put on continuance until the next Waste Board meeting. Mr. Uselton stated that the Waste Board will be holding a workshop on August 1, 2003, on the permitting aspects of conversion technology.

#### **IX. LEGISLATIVE UPDATE**

Mr. Paul Alva from Public Works stated there is no legislative update as the State legislature has been focused on resolving the budget crisis.

#### **X OPEN DISCUSSION/PUBLIC COMMENT**

Mr. Mohajer suggested recognizing recently retired Task Force members for their service at the last Task Force meeting, but no official motion was made. A motion was made to recognize recently retired Task Force members Ginger Bremberg and Lois Shade for their service at a reception immediately following the August 21, 2003, Task Force meeting. The motion passed unanimously.

**XI        NEXT MEETING DATE**

The next meeting is tentatively scheduled for August 21, 2003.

**XII        ADJOURNMENT**

The meeting was adjourned at 3:43 p.m.