

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

Minutes of January 16, 2003

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

COMMITTEE MEMBERS PRESENT:

Margaret Clark, League of California Cities-Los Angeles Division
Clarence Gieck, Greater Los Angeles Solid Waste Management Association
Betsey Landis, Environmental Organization Representative
John McTaggart, League of California Cities-Los Angeles Division
Ben Wong, League of California Cities-Los Angeles Division

COMMITTEE MEMBERS REPRESENTED BY OTHERS:

Ron Deaton, represented by Rafael Prieto, City of Los Angeles Appointee
Christopher Garner, represented 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, represented by Mike Mohajer, County of L.A. Dept. of Public Works
Jim Stahl, represented by Don Nellor, County Sanitation Districts of Los Angeles County
Judith Wilson, represented by Karen Coca, City of Los Angeles Bureau of Sanitation

COMMITTEE MEMBERS NOT PRESENT:

Albert Avoian, Business/Commerce Representative
Ginger Bremberg, General Public Representative
David Kim, City of Los Angeles Appointee
Joe Massey, Institute of Scrap Recycling Industries
Barry Wallerstein, South Coast Air Quality Management District

OTHERS PRESENT:

Paul Alva, County of L.A. DPW
Theresa Dodge, LACSD
George De La O, County of L.A. DPW
Tammy Evans, City of Monrovia
Michael Miller, Alternate Member
Mary Goytia Strauss, City of La Cañada
Flintridge

Chris Ludlum, City of Arcadia
Benjamin Lucha, City of Santa Clarita
Carolyn Meredith, City of Pasadena
Michelle Nicholls, SCS Engineers
Carlos Ruiz, County of L.A. DPW
Ray Ramirez, City of Commerce
Ron Saldana, LACDA

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

The minutes of November 21, 2002, were unanimously approved as presented.

III. MONTHLY STATUS REPORT ON AB 939 REGIONAL AGENCY FORMATION

Ms. Karen Coca from the City of Los Angeles Bureau of Sanitation stated that the City of Los Angeles is scheduled to go to its Council for approval of agreement on January 21, 2003. Once the City of Los Angeles signs the agreement, it will be sent to the California Integrated Waste Management Board (CIWMB) so that the item can be placed on the CIWMB's March 2003 meeting agenda. Ms. Coca stated that 11 other cities have signed the agreement, but more cities may still sign before the end of March 2003, the deadline for enrollment for the first year of the Regional Agency. Ms. Coca explained that a new enrollment period will be established for cities that want to join the Regional Agency after March 2003.

IV. LEGISLATIVE UPDATE

Mr. Paul Alva of the County of Los Angeles Department of Public Works distributed an updated legislative summary table and stated that the 2003-2004 legislative session commenced on December 2, 2002. Mr. Alva explained that Bills can be introduced for the current legislative session until February 21, 2003, and it is likely that more Bills that are of interest to the Task Force will be introduced before that deadline. Currently, four Bills have been introduced that are of interest to the Task Force.

- SB 13- Introduced by Romero

This Bill reintroduced the radioactive waste disposal issue that was introduced by SB 1970 during the last legislative session. The Governor vetoed SB 1970 in 2002 because it was overly broad.

- SB 18- Introduced by Burton, Chesbro, and Ducheny

This Bill would allow the Native American Heritage Commission to pursue legal action to prevent severe or irreparable damage to sacred shrines, ceremonial sites, sanctified cemeteries and places of worship on public property. The Governor vetoed a similar Bill, SB 1828, in 2002, which would have made changes to CEQA for projects that impacted sacred sites.

- SB 20- Introduced by Sher

This Spot Bill would address the electronic waste issue that was addressed by SB 1523 and SB 1619 during the last legislative session. The Governor vetoed SB 1523 and SB 1619 in 2002.

- SB 23- Introduced by Sher and Burton

This Bill would make technical changes to the California Beverage Container Recycling Act. The Governor vetoed a similar Bill, SB 441, introduced by Sher, in 2002.

V. DISPOSAL REPORTING SYSTEM AND ADJUSTMENT METHOD REGULATIONS

Mr. Carlos Ruiz of Public Works stated that in November 2002, the CIWMB released an informal draft text of the proposed regulations for changes to the Disposal Reporting System and adjustment method. The CIWMB conducted two workshops in December and CIWMB staff conducted a presentation at their January 14 Board meeting that summarized the proposed regulation changes and some comments offered by stakeholders at the workshops. Mr. Ruiz distributed copies of the presentation to the Task Force members and stated that Public Works also submitted comments on the informal draft text. Mr. Ruiz distributed a letter containing Public Works' comments to the Task Force members.

Mr. Ruiz explained that Public Works' comments covered major areas concerning improved tracking, record keeping, and enforcement. One comment Public Works made was that as long as the CIWMB's Enforcement Policy requires that jurisdictions must demonstrate compliance by implementing all programs in their SRRE as well as by mathematically demonstrating numerical compliance with the 50 percent waste reduction mandate, jurisdictions must have enhanced tracking, record keeping, and reporting of waste disposal quantities.

In addition, Mr. Ruiz stated that Public Works' comments also emphasized the need to include in the Disposal Reporting System operations such as composting facilities, material recovery facilities, and construction and demolition (C&D) recycling facilities that generate residual waste as part of their normal operations, so that that residual waste is allocated to the appropriate jurisdiction. Public Works' comments also stressed that all parties, including self-haulers, should be required to provide waste origin information. Public Works agreed with the proposal of requiring haulers to provide waste origin addresses, considering that jurisdictions are required to demonstrate numerical compliance.

Mr. Ruiz stated that the numerical compliance requirement necessitates enhanced disposal tracking. Task Force members discussed the CIWMB's numerical compliance requirement and concluded that monetary resources used for bean counting could be much better utilized in other aspects of environmental concerns. Ms. Coca stated that she was part of the CIWMB's Alternatives Working Group and the Synthesis Group. She explained that the groups recommended the CIWMB switch to an exclusively program-based system to demonstrate compliance and this recommendation was part of the groups' report until the Final Report. The Final Report was then amended by CIWMB staff and Board members and did not include the groups' recommendation.

The Task Force members recognized that statistics must exist to determine the success of implemented programs, but concluded that numbers and statistics should not be the basis for deciding compliance. A motion was made for the Task Force to send a letter to the CIWMB, stating that numbers and statistics should not be the basis for deciding compliance. The motion passed unanimously.

VI. REPORT FROM THE CIWMB

Mr. Steve Uselton provided an update on the CIWMB's Biennial Reviews of Los Angeles County jurisdictions' Annual Reports and distributed a summary of these. Biennial Reviews have been completed for 80 jurisdictions and of these: 49 applied for a time extension, 29 were approved at or over 50 percent, nine were approved for a good faith effort, and five will work with CIWMB staff to complete a Compliance Order.

Mr. Uselton stated that the 2001 Annual Report is due on January 31, 2003. The Electronic Annual Report is available for use by all jurisdictions. The time extension update sheet is now part of the online system and is available for use by all jurisdictions to update the CIWMB on their SB 1066 Time Extension Plan of Correction progress.

Mr. Uselton explained that the State of California Department of Conservation, Division of Recycling asked the CIWMB to remind all jurisdictions to take advantage of their grant programs and to submit applications. In addition, the Strategic Environmental Project Pipeline Foundation also has project funding available and conducts a project selection process several times during the year.

Mr. Uselton announced that the next CIWMB meeting is scheduled for February 10-11, 2003. Mr. Uselton explained that all CIWMB and committee meetings are now broadcast online.

Mr. Mike Mohajer stated that there are three issues involving the CIWMB that are of interest to the Task Force. The first is the CIWMB revisions to the C&D Phase I regulations. These revised regulations state that in order for facilities to operate under the registration tier instead of being required to obtain a full Solid

Waste Facility Permit, the facilities must handle less than 300 tons per day, with the amount of residual to be less than 30 percent. In addition, material received cannot include more than one percent putrescible waste. Mr. Mohajer stated that the 30 percent residual requirement is difficult to meet and could lead to medium volume facilities being forced to operate under a full Solid Waste Facility Permit, which imposes additional requirements. This could lead to the closure of these facilities. Once these close, the major waste industries could increase the charge to process C&D which needs to be recycled. Mr. Mohajer suggested to the Task Force that it might be worthwhile to send a letter suggesting that the regulation be revised so that the requirements to operate under the registration tier are 300 tons per day with a 50 percent residual.

The second issue that Mr. Mohajer raised was the CIWMB's consideration of revising the Solid Waste Facility Permit for Bradley Landfill. Mr. Mohajer distributed a packet containing several letters, e-mails and two articles to the Task Force members. He stated that the City of Los Angeles Local Enforcement Agency's position on expanding Bradley Landfill is that a Finding of Conformance from the Task Force is not necessary because the expansion is the result of a clerical error, even though the proposed expansion will increase landfill capacity by 9 million cubic yards. The CIWMB has taken the position that State law does not give the authority to the Task Force to go through the Finding of Conformance process. Mr. Mohajer stated that his position is that State law does not limit the authority of the local agency to impose such a requirement and he specifically made references to existing CIWMB regulations for preparation of the Siting Element that demonstrate this.

Mr. Mohajer discussed several references to the regulations regarding the preparation of the Siting Element. He demonstrated that even though the CIWMB requires that counties and regional agencies prepare their own regulations and include all information in their Siting Elements, the CIWMB will not enforce the regulations that counties and regional agencies include as part of their Siting Element. Mr. Mohajer stated that if the CIWMB does not want to enforce these regulations, they should change their own regulations and delete the county and regional agency requirements.

In addition, the proposed expansion of Bradley Landfill must be discussed with the community to be affected. The CIWMB has decided at their January 14, 2003, meeting that the CIWMB Permitting and Enforcement Committee will conduct a meeting regarding the expansion in the Sun Valley community. However, the CIWMB has a deadline of January 17, 2003, to make a decision about the permit that was sent by the City of Los Angeles Local Enforcement Agency. As a result, the owner-operator of Bradley Landfill, Waste Management, Inc., agreed to withdraw its application. Mr. Mohajer stated that he is awaiting a reply to his last letter to the CIWMB regarding this matter and the CIWMB decision about the Bradley Landfill might be made at the March 2003 meeting.

The third issue Mr. Mohajer discussed was the conversion technology study Bill, AB 2770. Mr. Mohajer stated that AB 2770 allocated \$1.5 million to the CIWMB to evaluate the environmental and public health impact of conversion technology. Mr. Mohajer explained that he went before the CIWMB and stated that he wants to look at the environmental impact of conversion technology and compare it to the environmental impact of landfills. Mr. Mohajer also requested from the CIWMB that a cost-benefit analysis of conversion technology versus recycling and landfilling be conducted, so that a clear picture of all aspects of the waste management system could be achieved. Mr. Mohajer stated that the CIWMB staff told him that a cost-benefit analysis would not be possible. Mr. Michael Miller suggested writing a letter to legislators, explaining that the CIWMB is not complying with AB 2770. A motion was made to request the CIWMB comply with the requirements of AB 2770. The motion carried unanimously.

VII. AQMD PROPOSED RULE 1133

Mr. George De La O of Public Works stated that the Air Quality Management District (AQMD) staff brought the proposed Rule 1133 to their Board on January 10, 2003, where it was passed. The AQMD staff had been working with industries, businesses, and some residents that were part of their Composting Technical Advisory Committee to develop the Rule. At the public hearing, residents and facility operators gave testimony in support of the Rule, however, some concerns were expressed about the long term impacts on composting operations. The concerns included the cost for complying with the Rule, development of the economic analysis and environmental assessment, and the biofilter's ability to consistently achieve the 80 percent efficiency required.

Mr. De La O stated that there had been some positive changes that were made to the Rule before it went to the Board. These included alternatives for compliance. The AQMD originally considered requiring facilities be enclosed, but now allows facilities to create a Compliance Plan to show how they will meet the emission reduction requirements without enclosure. Also, if the facilities opt to enclose the facility, they can do so with a non-concrete structure. Another change allows the use of easier testing methods by the facilities.

One major concern previously expressed by the Task Force was holding times. There are still holding time restrictions on green waste and chipped materials. However, chipped and ground non-curbside green waste can be stored indefinitely. And, chipped and ground curbside green waste can be stored an extended period of time as long as the moisture content is below 30 percent or can be extended by the number of rainy days or wet weather conditions for up to ten days. Lastly, the AQMD extended the compliance schedule for existing facilities and included a possible three year extension for facilities that have a non-renewable permit. The earliest compliance date is January 1, 2007.

The AQMD is anticipated to begin working on the last portion of Rule 1133 to address composting operations within several months. The Task Force will be kept up to date on this process.

VIII. OPEN DISCUSSION/PUBLIC COMMENT

A member of the audience stated that, given the State's budget crisis, the Task Force should recommend to State legislators the possibility of merging various State Departments, such as the State Department of Conservation with the CIWMB.

Mr. Don Nellor stated that the Puente Hills Landfill has gone through the permitting process and has received a final Land Use Permit for a remaining ten years of operating life at the full tonnage that was requested. In addition, the litigation regarding Mesquite Regional Landfill in Imperial County was settled and the landfill now belongs to the County Sanitation Districts of Los Angeles County, which has plans to develop the site.

Mr. Mohajer stated that Public Works started expanding Household Hazardous Waste collections by accepting e-waste at the collections. As a result, the number of collections was reduced by 25 percent to cover the cost of collecting e-waste. However, the County Sanitation Districts have offered to contribute an additional amount that has enabled the collections to return to the previous schedule of one collection per week, effective immediately.

Ms. Betsey Landis stated that she takes exception to statement made earlier in the meeting that environmentalist groups are against alternatives to landfills. Ms. Landis explained that some environmental organizations are working actively to promote alternatives in conversion technology.

IX. NEXT MEETING DATE

The next meeting date is tentatively scheduled for February 20, 2003, at 1 p.m.

X. ADJOURNMENT

The meeting was adjourned at 2:58 p.m.

Attach.