

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

Amended Minutes of February 19, 2004

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

COMMITTEE MEMBERS PRESENT:

Albert Avoian, Business/Commerce Representative
Betsey Landis, Environmental Organization Representative
Joe Massey, Institute of Scrap Recycling Industries
Michael Miller, League of California Cities-Los Angeles Division

COMMITTEE MEMBERS REPRESENTED BY OTHERS:

Margaret Clark, rep. by John McTaggart, League of California Cities-L. A. Division
Director of City of Los Angeles Bureau of Sanitation, represented by Karen Coca
Thomas L. Garthwaite, rep. by Virginia Maloles, County of L.A. Dept. of Health Services
James A. Noyes, rep. by Shari Afshari, County of Los Angeles Dept. of Public Works
David Roberti, represented by Mike Mohajer, General Public Representative
Jim Stahl, rep. by Charles Boehmke, County Sanitation Districts of Los Angeles County
Barry Wallerstein, rep. by Jay Chen, South Coast Air Quality Management District
Ben Wong, rep. by Mary Ann Lutz, League of California Cities-Los Angeles Division

COMMITTEE MEMBERS NOT PRESENT:

Ron Deaton, City of Los Angeles Appointee
Christopher J. Garner, City of Long Beach
David Kim, City of Los Angeles Appointee
Ron Saldana, Los Angeles County Disposal Association

OTHERS PRESENT:

Martins Aiyetiwa, County of Los Angeles Department of Public Works
Paul Alva, County of Los Angeles Department of Public Works
Dennis Chiapetta, Athens Disposal Services
David De Mulle, Organization for Strategic Studies
Caroline Ingram Seitz, Athens Disposal Services
Ben Lucha, City of Santa Clarita
Duane McDonald, Athens Disposal Services
Joe Minasso, City of Claremont
Javier Peraza, City of Diamond Bar
Carlos Ruiz, County of Los Angeles Department of Public Works
Isabel Schleif, City of Covina
Coby Skye, County of Los Angeles Department of Public Works
Steve Uselton, California Integrated Waste Management Board
Jessica Vallerand, City of Santa Clarita
Bob Weger, City of Glendale
Angela Williams, City of Inglewood

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES OF JANUARY 15, 2004

The minutes were unanimously approved.

III. REPORT FROM THE PUBLIC EDUCATION AND INFORMATION SUBCOMMITTEE

Mr. Mike Mohajer provided a summary of the Public Education and Information Subcommittee meeting. Articles were provided by the City of Long Beach regarding past collection and recycling services, the City of South Gate regarding their program of waste tire recycling services, and the City of Inglewood regarding the collection of electronic waste for the Subcommittees newsletter.

Mr. Mohajer stated the Subcommittee would like to include the following articles: an article by Mr. Ron Saldana regarding the merger of GLASWMA and LACDA, an update on electronic waste, an update on the Los Angeles Regional Associations, and an update on newly elected Board Members of the California Integrated Waste Management Board, or the re-appointment of Board Members Steve Jones and Jose Medina.

Mr. Mohajer addressed the issue of SB 332 (Chapter 815, Statutes of 1999) which involves the Department of Conservation's payment per capita to cities and counties for the implementation of programs for beverage container recycling. The Department of Conservation has expanded the application requirements; however, these revisions did not go through the due process. Mr. Mohajer has requested a copy of the guidelines/procedures that the DOC has developed and will provide an update on the revisions. The deadline for the cities and counties to submit their application is May 3, 2004.

IV. REPORT FROM THE ALTERNATIVE TECHNOLOGY ADVISORY SUBCOMMITTEE

Mr. Paul Alva provided a summary of the Alternative Technology Advisory Subcommittee meeting. He began by providing a brief summary on the creation of the Subcommittee, explaining that under the new permitting process of the Puente Hills Landfill, it was required that a study be conducted by November 1, 2004, on the development and implementation of conversion technology for southern California. Since the first Subcommittee meeting in January 2004, members have provided input for the draft scope of work of the

study. The Subcommittee will continue to meet on a weekly basis through teleconference, with the ultimate recommendation that the scope of work be finalized by the end of March 2004.

Mr. Mike Miller asked if research was done on previously completed studies on alternative technology. Mr. Alva informed the Task Force that some research was done and the results were factored into the initial draft of the scope of work. He explained that more research will be done during the process of finalizing the scope of work. Mr. Alva stated the Subcommittee includes the promotion and development of conversion technologies as a whole.

V. REPORT FROM THE FACILITY AND PLAN REVIEW SUBCOMMITTEE

Mr. Al Avoian provided a summary of the Facility and Plan Review Subcommittee meeting. Mr. Avoian stated the Subcommittee is making a recommendation for approval of the Los Angeles County Nondisposal Facility Element to incorporate the Athens Services Materials Recovery Facility. He clarified the concurrence does not include an increase in current maximum daily tonnage of 1,920 tons per day and requires a separate Attachment A for incoming source separated materials.

VI. CONSIDERATION OF AMENDMENT TO THE COUNTY OF LOS ANGELES' NONDISPOSAL FACILITY ELEMENT

A motion was made to concur with the amendment to the County of Los Angeles' Nondisposal Facility Element to include Athens Services MRF with current maximum daily permitted capacity of 1,920 tons per day. The motion passed unanimously.

Discussion ensued regarding the Athens MRF. A representative from Athens Services offered an open invitation to Task Force members to visit the facility to see the operations and indicated that a series of hearings have been held regarding their expansion, where agencies had an opportunity to provide comments.

VII. STATUS REPORT ON CALIFORNIA AIR RESOURCES BOARD'S PROPOSED SOLID WASTE COLLECTION VEHICLE RULE

Mr. Mohajer informed the Task Force the California Air Resources Board (CARB) has yet to release the next draft of the regulations for solid waste collection vehicles. Mr. Mohajer stated the regulations will maintain the penalty in which local jurisdictions can be subject up to \$10,000 per day for failing to provide accurate information. Mr. Mohajer stated that the Executive

Officer of CARB had stated penalties will not apply to cities and counties that are not in the business of waste collection. However, he added that CARB intends to include the penalty in the regulations and they have stated they do not intend to enforce this. Mr. Mohajer informed the Task Force the regulations may be released within the coming weeks.

VIII. STATUS ON SB 20 IMPLEMENTATION

Mr. Mohajer informed the Task Force both he and Mr. Joe Massey attended the workshops in Sacramento regarding SB 20. He stated that originally, SB 20 provided the option of paying the collector of materials directly and paying the recycler of materials who would then in turn pay the collector for items deposited. The regulation is now geared towards paying the recycler directly and then having the recyclers pay the collectors. Mr. Mohajer explained the Waste Board's reasoning for this is that there may be thousands of collectors and thus it would be easier to pay the recyclers alone.

He indicated the issue with this new direction is that some of the collectors are local governments and thus would prefer to have the option to get paid directly by the Waste Board.

Mr. Mohajer indicated that SB 20 will be implemented by both the Waste Board, which will distribute the money collected effective July 1, 2004, and by the Department of Toxic Substances Control (DTSC) which is responsible for permitting and inspection of recycling facilities. On February 6, 2004, the DTSC distributed a form that defines the "authorized recyclers" and classifies them into three classes. Class A is for operations which dismantle cathode ray tubes (CRT) and like materials. Class B includes operations which dismantle materials as in Class A, but also process circuit boards. Class C is for operations that crush all components and recycle the pieces. Mr. Mohajer stated this leads to questions as the Waste Board has deemed they will pay "authorized recyclers," however, according to the DTSC's definitions, the tiers vary drastically.

Mr. Mohajer stated the Waste Board's position is that when equipment is put out of service and cannot be reused then it is an "authorized recycler." This leads to the question of which "authorized recycler" gets paid by the Waste Board in a case where an item is taken to a Class A facility, is dismantled, then taken to a Class C facility which crushes all the components. Mr. Mohajer stated this further substantiates the need for local governments to be paid as the collectors.

Mr. Mohajer added that at the February 6, 2004, meeting attendees were informed that DTSC determined LCD monitors are also considered hazardous

waste, therefore, all instruments containing LCDs will be subject to the existing requirements. Mr. Mohajer distributed a list from Californians Against Waste that compiled items/electronic devices which would be affected by the consideration of LCD monitors as hazardous waste (see attached).

Mr. Mohajer reported the Waste Board's agenda and staff report emphasize their intent to pay only the "authorized recycler."

A motion was made for the Task Force to forward a letter to the Waste Board requesting the proposed regulation maintain both options: paying the recyclers and paying the collectors directly in instances where the collector is a local government. The motion passed with a vote of seven to three. Two Task Force members abstained from the vote.

Mr. Mike Mohajer provided a follow up to SB 20 and the Universal Waste law. Currently, the Waste Board requires, as part of the Household Hazardous Waste Element, for jurisdiction staff to provide information on Form 303. Mr. Mohajer explained the requirements on Form 303 are more stringent than State regulations. The Waste Board has proposed to revise Form 303 to require more information for CRTs and universal waste. In addition, part of the proposal would be to take the requirement of the data on the forms out of the regulations and leave the data to be required to the discretion of the Waste Board to enable them to make changes in the future. The regulation is subject to the Waste Board's approval and will be released for a 45-day public review period. Mr. Mohajer recommended once released it be reviewed and that the Task Force recommend the format be maintained as part of the regulations, to prevent the Waste Board from continuously changing the form.

IX. REPORT FROM THE CIWMB

Mr. Steve Uselton provided an update on the Annual Report and Time Extension Reports cities have been working on. He stated February 2, 2004, was the deadline for the cities to submit their reports. Mr. Uselton reported jurisdictions in the entire County of Los Angeles have submitted their reports and commended them on their timely submission. Waste Board staff will conduct the review of the Reports and comment within 120 days as required by State law. If additional information is required, the jurisdictions will be contacted through telephone or a preliminary review letter. The letter will give the jurisdictions the preliminary diversion rate, additional information needed from the jurisdiction, and possibly provide a predictor on when that review for the jurisdiction will go before the Waste Board.

Mr. Uselton informed the Task Force they anticipate bringing forward before the Waste Board in July 2004 most of the streamlined Biennial Reviews, for

jurisdictions that have previously achieved the 50 percent diversion rate, or those that were recognized for a good-faith effort.

Mr. Uselton provided an update on the Waste Board's Draft Model Ordinance for Construction and Demolition debris. The Waste Board was directed by SB 1374 to develop this model ordinance. It is not required for local jurisdictions to use the model ordinance developed. Its purpose is to serve as a tool for local jurisdictions. Comments were accepted up to January 31, 2004, and the staff anticipates bringing the item before the Waste Board in March 2004.

Mr. Uselton announced the Fifth Annual Buy Recycled Products Conference scheduled concurrently with the California Resource Recovery Association conference to be held on March 8 through 10, 2004. The Buy Recycled Products Conference will be held March 10 and 11, 2004. The conference is an opportunity for vendors to promote their recycled content products and is free of charge. Registration is available at www.ciwmb.ca.gov under Buy Recycled Program.

X. LEGISLATIVE UPDATE

- AB 734 – Introduced by Montanez

Mr. Alva provided a follow-up for the January 2004 Task Force meeting where members requested an update on AB 734 requiring large venues to install multiple recycling bins. The Bill died in Committee a few weeks prior.

- AB 1802 – Introduced by Bogh

Mr. Alva provided a handout on AB 1802 regarding illegal dumping (attached). One of the avenues of enforcing illegal dumping is the enforcement of Penal Code 374.3, of which one provision states that if someone is found illegally dumping they will be charged with an infraction, progressively fined depending on the number of offenses. In addition, the law gives the courts discretionary authority to require illegal dumpers to remove the trash they dumped. AB 1802 proposes to increase the existing fines as follows: first offense from \$1,000 to \$3,000, second offense from \$3,000 to \$6,000, and the third offense from \$6,000 to \$25,000, provided that it is business dumping in commercial quantities. In addition it would remove court's discretionary authority and require those committing the infraction to clean up the illegally dumped materials.

Staff recommended the Task Force take a supportive position in the increasing of fines and requiring the violator to conduct clean up as proposed

in AB 1802. A motion was made for the Task Force to send a letter supporting AB 1802 to increase the penalties for illegal dumping. The motion passed unanimously.

XI. STATUS RESPONSE TO REQUESTS FOR INFORMATION ON BRADLEY LANDFILL

Mr. Martins Aiyetiwa provided an update and handout on staff's findings regarding Waste Management, Inc.'s, response to the Task Force's request for additional information. Staff met with Waste Management and they committed to providing the requested information. As of date, there are two items at issue.

The first was regarding the copy of the City of Los Angeles' Zone Variance Case No. ZA 94-0472. Waste Management explained the reference to Case No. 94-0472 in their FOC Supplemental Information dated December 16, 2003, was a typographical error. The correct Zone Variance Case is No. (ZA-94-0792/ZV). Staff found Waste Management's response to be acceptable.

The second item was regarding the site plan showing final grades/contours and the vertical and horizontal limits of the landfill. The site plan provided was illegible and thus staff requested Waste Management pursue authentication of the site plan from the City. As of today's meeting date, the authentication has not been received.

A motion was made to find Waste Management not in conformance for Bradley Landfill. The motion was seconded and discussed. A substitute motion was made to extend the determination of an FOC for Bradley Landfill until the next meeting date, giving Waste Management until that date for submittal of the required information. The motion was seconded. After discussion, an amendment was made to the substitute motion making March 1, 2004, the deadline for Waste Management to submit the required information. The amendment to the substitute motion was accepted. The substitute motion passed with a six to five vote. Ms. Karen Coca was absent from the voting.

Mr. Aiyetiwa addressed item four on the staff's findings summary table regarding Waste Management's response to the Task Force request for information. This item requested a site plan showing all enclosed structures within 1,000 feet of the landfill boundary and specifically identifying the location of all residential structures, indicating which homes and other structures are protected against subsurface landfill gas migration, the type of protection system, and those homes where methane gas has been detected

in excess of applicable standards. Waste Management provided a map that identifies adjacent building structures known to them to contain methane monitoring equipment. Based on information reviewed by staff, including information provided by the City Local Enforcement Agency, staff finds it unlikely that structures in the vicinity of the landfill are equipped with a methane gas protection system. Staff recommended the Task Force accept Waste Management's response.

XII. NOTICE OF CLOSED SESSION – BRADLEY LANDFILL

The closed session regarding potential litigation proceedings against Waste Management, Inc., was not held.

XIII. REPORT ON ACTION TAKEN IN CLOSED SESSION

The closed session was not held.

XIV. DISCUSSION OF NEXT MEETING DATE

The meeting date for March was set for Monday March 29, 2004, at 1:00 p.m., and the June meeting was set for Monday June 21, 2004, at 10:00 a.m. The Facility and Plan Review Subcommittee meeting was set for March 29, 2004, at 11:00 a.m.

XV. OPEN DISCUSSION/PUBLIC COMMENT

Dr. David DeMulle from the Organization for Strategic Studies distributed a booklet on setting up community e-waste roundups, along with a copy of a letter dated February 3, 2004 to Senator Sher regarding SB 20.

XVI. ADJOURNMENT

The meeting was adjourned at 3:35 p.m.